



ANTI DISCRIMINATION
COMMISSION QUEENSLAND

CODE OF CONDUCT

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COMMISSIONER'S MESSAGE

The Anti-Discrimination Commission Queensland has developed a *Code of Conduct* in accordance with the requirements of the *Public Sector Ethics Act 1994*.

The *Code of Conduct* provides guidance on the way we behave in the workplace, and how we represent the Commission outside the workplace. It clearly explains the standard of conduct expected of all employees.

The Code challenges each one of us to understand and implement principles representing acceptable conduct for public officers. It outlines our responsibilities as public officials and provides guidance when faced with ethics-related issues.

The Code applies to every person employed by the Commission and is an official Commission policy and we are all required to abide by the standards of conduct outlined within it.

Breaches of the Code may be subject to appropriate disciplinary action as outlined in the *Public Service Act 1996*.

I encourage you to read this Code and gain a clear understanding of its principles and objectives.

SUSAN BOOTH
Anti-Discrimination Commissioner

INTRODUCTION

The Anti-Discrimination Commission Queensland (ADCQ) is an independent statutory body responsible for administering the *Anti-Discrimination Act 1991*, which promotes equality of opportunity for everyone by protecting them from unlawful discrimination in certain areas of public life and from sexual harassment, victimisation and vilification.

The Commission delivers its services throughout the State and has offices in Brisbane, Rockhampton, Townsville and Cairns. The Anti-Discrimination Tribunal Queensland (ADTQ) is located in Brisbane. The Tribunal conducts public hearings on matters referred from the Commission.

Our vision

A society that embraces individual and cultural diversity and equality of opportunity for all.

Our mission

To promote and uphold human rights through the *Anti-Discrimination Act 1991*.

Our values

- Treating everyone with respect and dignity for all acknowledging their fundamental human rights.
- Fairness, justice and impartiality.
- Independence of the Anti-Discrimination Commission Queensland (ADCQ) and the Anti-Discrimination Tribunal Queensland (ADTQ) from all other organisations, including each other.
- A workplace culture that encourages diversity and innovative work practices and delivers safe, equitable and rewarding workplace conditions.
- The rule of law.

Objectives

The *Code of Conduct* outlines our responsibilities and obligations as employees of the Anti-Discrimination Commission Queensland and as public sector employees under the Public Sector Ethics Act 1994.

The Code assists us to understand our responsibilities and obligations, and provides guidance when we are faced with an ethical dilemma or conflict of interest.

The Anti-Discrimination Commission Queensland is committed to high standards of integrity, professionalism and accountability, and the Code reflects this commitment.

Authority

- *Public Sector Ethics Act 1994*
- *Whistleblowers Protection Act 1994*

Responsibilities

The Code applies to every person employed by the Anti-Discrimination Commission Queensland on a permanent, casual or temporary basis, as well as to those undertaking unpaid work for the Commission.

BACKGROUND

Queensland is one of the few jurisdictions in the world to have enacted specific legislation for ethical conduct in public management. The *Public Sector Ethics Act 1994* and its companion legislation, the *Whistleblowers Protection Act 1994* are Australia's first examples of specific ethics legislation. They aim to ensure high professional standards in the public sector by requiring Chief Executives to:

- develop codes;
- have them accessible to staff and to the public;
- institute training; and
- include an implementation statement in the agencies annual report.

The *Public Sector Ethics Act 1994* explicitly articulates a set of principles, professional obligations and expectations. The legislation clearly acknowledges the necessity for public management to be ethical, professional and accountable. This Code of Conduct is based on the five principles and their consequent obligations prescribed in the *Public Sector Ethics Act 1994*.

What is Ethics?

Ethics is the practice of making a principled choice between right and wrong. Ethics is about ordinary moral reasoning and is value driven. Ethics ensures that an action that is designed to achieve a certain objective will do so without violating a value or a principle.

There is much overlap between ethics and the law since much of the law embodies ethical principles - respect for basic rights to life and property. Nevertheless, legal and ethical compliance may be different. An action might be legal but may be unethical, eg using legal tactics to delay proceedings and wear down adversaries. Professional practice is more than simply acting to the letter of the law.

Purpose of the Code

This Code does not attempt to provide a detailed and exhaustive list of what to do in every aspect of our work. Instead, the Code represents a broad framework for ethical conduct. Its aim is to help us clarify and resolve questions before they deteriorate into real problems. Only human conduct can give the Code life. The words in the Code can only serve as a prompt to exercise sound judgement.

The role of a public official

Employees of the ADCQ are public officials. How public officials in the ADCQ use their official positions, their powers and the resources available to them is the central concern of this Code of Conduct. Public officials are employed at public expense for the benefit of the community. In performing official duties, public officials are expected to act in 'the public interest'.

Public employment involves a position of trust. Public officials at all levels take action and make decisions that can have significant effects on the lives of ordinary citizens. People generally expect to be able to take on trust that the powers exercised by those officials are used properly.

In general, to act in 'the public interest' means to act in accordance with the law and the policy objectives of the elected government, under the direction of the responsible minister of the Crown. In exceptional circumstances, the public interest may be served by not complying with the

requirements of a law that is in conflict with another law, or where compliance would result in consequences adverse to the public interest. In such exceptional circumstances, discuss with your manager and/or the Deputy Commissioner any proposed failure to comply with a law, to ensure that the Commission will support your proposed course of action.

Five Ethics Principles

The five principles of the *Public Sector Ethics Act 1994* are:

- Respect for the law and the system of government;
- Respect for people;
- Integrity;
- Diligence; and
- Economy and efficiency.

ETHICS OBLIGATIONS

From these principles the Act derives the ethics obligations, which form the basis of this Code. Ethics obligations apply to all public officials and represent broad guidelines for applying ethics principles in our roles as employees of the ADCQ. The ethics obligations are described fully in the following sections.

Competing obligations and the need for judgment

The ethics obligations are not prioritised by the Act. Each is fundamental to good public administration. The Act recognises that there may be circumstances in which, for example, compliance with the 'Integrity' principle may be more consistent with the public interest than observance of the 'Respect for Persons' obligation. The weight to be accorded to an ethics obligation under the Act will always depend on the facts and the circumstances of the particular case.

Judgement will often be required in balancing competing values and obligations. If you are faced with making a difficult ethical decision, the flowchart at the end of this introduction may assist to base that decision on relevant factual evidence and logical decision-making processes.

Application of the Code

This Code applies to all staff of the ADCQ. The Code also applies in an employee's regular workplace, alternative workplace and during overnight stays away from the workplace on Commission business.

For example, the Code applies when employees work in the evenings, attend work related functions, including training and educational activities, or stay overnight on official business in accommodation provided or paid for by the Commission.

Conflict between professional codes and this code

The Commission recognises that codes of 'professional ethics' exist for many established professions. It is acknowledged that a real or perceived conflict may arise between the existing traditional professional standards and those contained in this Code.

If you believe there is a conflict between this Code and the ethics of your profession, you should discuss the conflict with your supervisor. After this discussion, you may wish to seek the opinion of your professional body or request that your professional body discuss this issue with the Commission on your behalf.

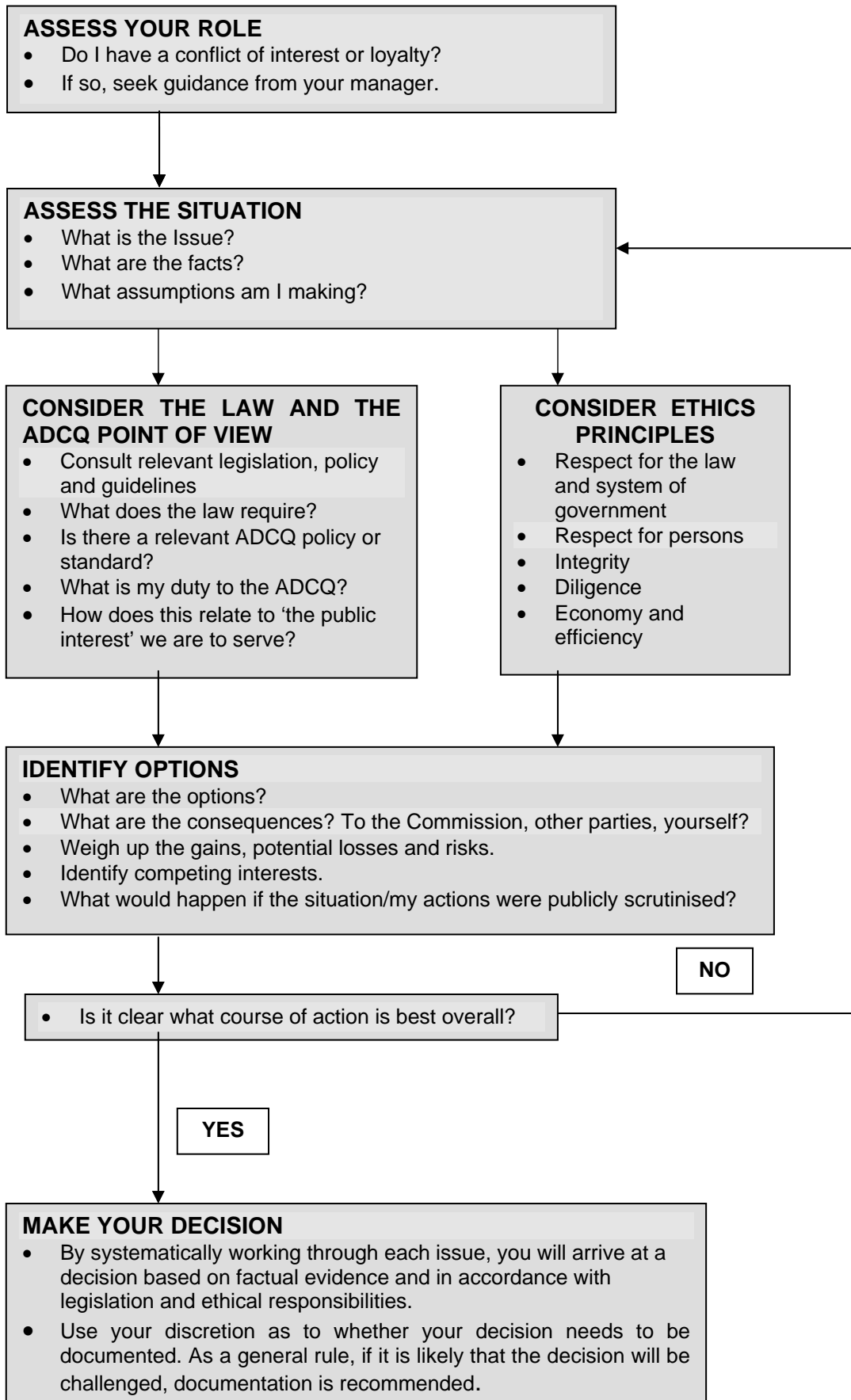
Breaches of the Code

Although the main purpose of this Code is not as a disciplinary tool, staff should be aware that if they breach the provisions of this Code, disciplinary action could eventuate.

Where to go for further help

If you have any questions regarding your ethics obligations or the contents of the Code, in many cases your Manager will be able to help. In more difficult cases the Deputy Commissioner will provide ethics advice.

A MODEL FOR ETHICAL DECISION MAKING



OBLIGATION 1: RESPECT FOR THE LAW AND THE SYSTEM OF GOVERNMENT

The principle of respect for the law and system of Government obligates employees of the Anti-Discrimination Commission Queensland to:

- uphold the laws of the State and Commonwealth; and
- carry out official public sector decisions and policies faithfully and impartially.

This principle supports the system of responsible parliamentary government, the convention of ministerial responsibility, and the rule of law.

We are expected to give a professional commitment to the government, not to the political party or parties to whom the members of government belong.

As employees of the Anti-Discrimination Commission Queensland we have an obligation to:

- act in good faith and in accordance with both the spirit and the letter of the law;
- provide advice in a comprehensive, accurate and impartial manner;
- carry out lawful instructions;
- act in the public interest;
- provide information and assistance to a parliamentary committee or commission of inquiry, after notifying the Commissioner or delegated officer; and
- comply with the requirements of this Code of Conduct.

At the same time, public officials, including ADCQ officers, Judges, Royal Commissioners and the Ombudsman etc, have a duty to act independently of the government if required to do so by legislation, government policy, or as a customary feature of their work.

Understanding the law

We should ensure that we have a good working knowledge of the legislation, delegations, policies and procedures related to our role. Our actions and decisions must be consistent with the legislation governing our work. Particular care must be applied when exercising statutory powers.

Lawful instructions

While at work we are expected to carry out all reasonable and lawful instructions. We may question an instruction if we believe:

- the instruction goes beyond what is **reasonable** in all the circumstances, eg you do not have the resources or competence to comply;
- carrying out the instruction would involve aspects of 'maladministration' as defined in the *Whistleblowers Protection Act 1994*;
- an objection on the basis of religious belief and/or an issue of conscience exists;
- the instruction has the potential to pose a risk to the health or safety of yourself or others; and/or
- there is an apparent clash with a professional code of ethics.

Concerns about instructions

If you have concerns that an instruction you are given is **unreasonable**, the following guidelines may assist:

- make every effort to ensure you fully understand the instructions;
- discuss your concerns with the person giving the direction and/or your manager, and provide them with an opportunity to respond.

If you are still not convinced of the reasonableness of the direction, you may raise the issue at a higher level in the organisation, eg. the Deputy Commissioner. If the matter is still not resolved, you may raise the issue through the Commission's grievance procedure (refer *ADCQ Grievance Resolution Policy*).

If the matter is a health or safety issue, discuss your concerns with your workplace health and safety representative. In the interim, you must follow the direction, provided it is lawful and not a health or safety risk.

Please note that where the situation is urgent you may need to seek immediate advice from senior management and/or use your professional judgement.

Where an instruction involves actions that you reasonably consider are **unlawful**, you should take the following steps:

- immediately advise the person giving the direction of your concern (if appropriate) and provide them with an opportunity to respond;
- if you cannot accept that the direction is lawful, request written confirmation of the instruction or document all the circumstances and attach a copy of the document to the relevant file;
- if the instruction remains in place and you are still certain it is unlawful, you must decline to comply with it and raise the issue with senior management; and
- if the matter is not resolved after such action, you may lodge a grievance according to the Commission's grievance procedure.

Again, where the situation is urgent you may need to seek immediate advice from senior management and/or use your professional judgement.

If you consider an instruction breaches your professional code, refer to the section on 'Conflict between Professional Codes & this Code'.

If you consider that criminal conduct, official misconduct or danger to a person's health or safety is involved, you must immediately notify the Commissioner (refer *ADCQ Disciplinary Action Policy*).

Examples

- A manager returns a file to an officer for filing and requests the officer remove a letter from the file as the complaint was groundless. The officer subsequently informs the manager that the letter has not been removed as this would contravene the *Libraries and Archives Act 1988*. The manager accepts this and prepares a file note on the telephone conversation which had clarified and ended the matter.
- A manager requests an officer to destroy part of a personnel file in relation to the management of diminished performance. The officer questions the legality of this direction. The manager explains that where a performance improvement process was satisfactorily concluded, public sector guidelines require the relevant documentation to be destroyed after three years.

Assisting Parliamentary Committees and Commissions of Inquiry

You should notify the Commissioner if you are called upon to provide information to a parliamentary committee or commission of inquiry. You must comply with a request to provide information to a parliamentary commission or commission of inquiry.

Charges and convictions

If you have been charged with an indictable offence or convicted by a court of any offence, you must advise the Commissioner immediately in writing (refer Section 13 of the *Public Service Regulation 1997*).

Failure to notify the Commission of a charge or conviction may result in disciplinary action.

OBLIGATION 2: RESPECT FOR PEOPLE

Employees of the ADCQ should treat members of the public and other employees honestly and fairly, and with proper regard for their rights and obligations. We are expected to be responsive to the reasonable demands of the public and other officials in performing our official duties.

Respecting the dignity, rights, views and privacy of others

Employees must respect the rights and dignity of all members of the public, colleagues and other officials. This means treating them fairly and without discrimination. It means we should be tolerant of views which may differ from our own.

We should ensure that our clients are aware of their entitlements particularly if they are uncertain of what to ask for, or are unaware of the appropriate procedures to be followed. Ultimately, we must not allow personal feelings to adversely influence our professional judgement on work-related issues.

People's rights to privacy regarding the solicitation, collection, accuracy, use, disclosure access, storage and alteration of personal information should also be respected (refer *ADCQ Privacy Policy*).

Being courteous, helpful and sensitive

People who come into contact with the Commission and the Tribunal are sometimes anxious, upset and unfamiliar with our procedures. These stresses can be minimised by being courteous, helpful and sensitive to their needs.

People waiting at counters should be approached to ensure they are being attended to. If they are not being attended to assistance should be provided immediately.

We should ensure that our relationships with clients and other colleagues are professional and respectful of their rights and dignity. This includes seeking approval from all officers within hearing distance, if you wish to play a radio.

Abusive behaviour or threats by the public

Members of the public will on occasion be abusive, offensive or threatening despite our best efforts to be helpful and understanding. This behaviour may occur through telephone contact or in person. If we are confronted by such behaviour we are entitled to suspend our dealings with the person, after quietly informing the person of our intention to do so. We are not to reciprocate the abuse.

In case of any subsequent complaint, notes of any episode of this nature should be taken as soon as possible after the event. Advise your manager immediately.

More information is available from the *ADCQ Security Protocol*.

Abuse of other staff

Abuse of other staff will not be tolerated and may result in disciplinary action. The Commission will not countenance offensive, abusive, belittling, harassing or intimidating behaviour, threats, or unsubstantiated derogatory allegations against colleagues.

Such behaviour is often termed bullying (or workplace harassment) and can range from the subtle to the more obvious. *Workplace Bullying – a Workers Guide*, produced by the Division of Workplace Health & Safety provides the following examples.

- overwork, unnecessary pressure, impossible deadlines
- underwork, creating a feeling of uselessness
- undermining work performance, deliberately withholding work-related information or resources, or supplying incorrect information
- unexplained job changes, meaningless tasks, tasks beyond your skills, failure to give credit where due
- tampering with your personal effects or work equipment
- teasing or regularly being made the brunt of pranks/practical jokes
- displaying written or pictorial material which degrades or offends you
- unreasonable "administrative sanctions" eg undue delay in processing applications for training, leave or payment of wages
- yelling, screaming, abuse, offensive language, insults, inappropriate comments about your appearance, personal life or lifestyle, slandering you or your family
- belittling opinions or constant criticism
- isolating workers from normal work interaction, training and development or career opportunities

Any form of bullying (or workplace harassment) is unacceptable.

Officers whose performance, productivity, job satisfaction and/or well-being is being affected by work or personal problems can access the Employee Assistance Program (EAP). The EAP offers confidential counselling and referral services.

Concern for safety and welfare

The *Workplace Health and Safety Act 1995* imposes obligations on people at workplaces to ensure workplace health and safety. The obligations apply whenever employees are participating in any work, work related activities and overnight stays concerning work.

Officers are to take all reasonable steps to ensure the safety, health and welfare of themselves and others, whether colleagues or clients, in the workplace. We should do this by following the *ADCQ Health and Safety Policy Guidelines* and instructions for the workplace, as well as using common sense in addressing any health and safety issue.

Officers must report any workplace injury, illness, incident, or risk to employees, clients or members of the public to their manager or Workplace Health & Safety Representative.

When employees work or attend work functions outside office hours or are away overnight on Commission business, the same standard of conduct that is appropriate for the usual place of work

must be observed. Employees must take particular care not to consume alcohol in excess as this might place themselves or others at risk or result in improper conduct towards others including sexual harassment or abuse.

Dress standards

Appearance and grooming heavily impact on people's perception of a person and reflect on the Commission. The ADCQ specifies dress standards to the extent that personal presentation in the workplace must be neat, clean and appropriate to:

- the function performed, particularly if you have contact with the public;
- occupational health and safety requirements;
- EEO and anti-discrimination principles;
- cultural diversity;
- climate; and
- local community standards.

Within these parameters, managers may request employees to improve their dress standards. The Commissioner is the final decision-maker about acceptable dress standards. Employees who attend courtrooms must comply with any direction of the presiding judicial officer on appropriate dress.

Equal Employment Opportunity

Equal employment opportunity (EEO) requires managers to ensure that all employees have equitable access to resources, training and development opportunities, promotion, relieving opportunities and consultative processes. For further assistance refer to an Equity Contact Officer.

Sexual harassment and discrimination

Sexual harassment is any unwanted, uninvited and unreciprocated sexual advance or other conduct of a sexual nature. This not only includes the more obvious physical advance but also behaviour which has unwanted sexual connotations, such as the displaying of sexually explicit posters, screen savers emails etc. Equity Contact Officers can give advice with regard to options for dealing with harassment.

Discrimination occurs when people are excluded from a benefit or opportunity because of some personal characteristic that is irrelevant to the situation, eg. race, sex, impairment, etc. If you believe that discrimination exists in your workplace, you should first discuss it with your manager. Alternatively contact the Deputy Commissioner or an Equity Contact Officer.

Vilification is, publicly inciting hatred of, serious contempt for or severe ridicule of a person or group of people because of their race, religion, sexuality or gender identity and is unacceptable to the Commission.

Victimisation of a person as a result of making or intending to make a complaint is also unacceptable.

Procedural fairness and natural justice

When in the position of conciliating and/or making decisions that affect other people, you should follow the principles of procedural fairness and natural justice at all stages of the process.

In making a decision, you should:

- ensure that you do not have a direct or personal interest in the outcome of the decision (if you do, advise your manager so that someone else can be appointed the task of making the decision);
- provide people with an opportunity to put their case to the decision-maker;
- hear all parties and consider all arguments and competing interests;
- act fairly and without bias;
- inform the person affected of relevant factors prior to the decision or action being taken;
- if requested, be able to provide a statement of reasons for the decision;
- in notifying a decision, inform the client of any rights of appeal or action that can be taken, as well as the limitations of that action.

Ultimately, we must ensure that where any discretionary power is used, our decisions can be justified to our clients, manager and anybody else affected by the decision.

OBLIGATION 3: INTEGRITY

In recognition that public office involves a public trust, all employees should seek to maintain and enhance public confidence in the integrity of public administration, and seek to advance the common good of the community.

This obligation requires employees to:

- fully examine all issues and options available to them and provide appropriate impartial advice which accurately reflects the Commission's policies and procedures;
- declare private interests where they might present a conflict of interest with public duties;
- resolve any conflicts of interest between personal interests and official duties in favour of the public interest;
- refrain from seeking or accepting gifts/benefits for private gain in connection with official duties;
- respect intellectual property /copyright provisions;
- use official powers, influence, resources and information properly, avoiding using them for personal or other improper advantage, or allowing them to be used improperly;
- maintain proper confidentiality of official information;
- be truthful when preparing testimonials, referee, selection and/or performance reports; and
- disclose fraud, corruption, misconduct and mal-administration of which the official becomes aware consistent with the provisions of the *Crime and Misconduct Act 2001* and the *Whistleblowers Protection Act 1994*.

Impartiality

You are expected to be impartial in all your dealings, particularly when making decisions and exercising power.

Impartial decisions should be made on the basis of merit, consideration of all the relevant information and must reflect Commission policy. This not only assists in fair and equitable decision-making, but also promotes consistency in the attainment of organisational goals.

Safeguarding your ability to make independent and fair assessments

In your position you may have to make decisions which may affect the lives of citizens. You should safeguard your ability to make independent and fair judgements by avoiding financial, social or political relationships or activities that may compromise, or give the appearance of compromising, your impartiality and integrity.

Be aware that the following examples breach this Code of Conduct.

Examples:

- Securing any gift or benefit for yourself, a family member or any other person for services performed in connection with your official duties.
- Improperly engaging in financial arrangements with another individual or organisation to obtain personal benefit for yourself or any other person.
- Improperly securing an appointment, promotion, advancement or transfer for you, a family member or any other person.

Conflicts of interest

From time to time you may have private interests that conflict with your roles in the Commission. 'Private interests' are our own financial and personal interests as well as the known interests of your immediate family.

An **actual** conflict of interest exists when a reasonable bystander, in possession of the relevant facts, would conclude that a public official's private interests are likely to interfere with the proper performance of his or her official duties.

A **potential** or **apparent** conflict of interest exists when it appears that an official's private interests might interfere with the proper performance of his or her official duties.

Declaring a conflict of interest, be it actual or potential, is essential for maintaining the integrity of, and community confidence in, the public sector.

Conflicts of interest must be resolved in favour of the public interest rather than in favour of an employee's private interests. Conflicts of interest are not always clear. You have a responsibility to be alert to any actual or potential conflicts of interest and, if unsure, discuss the matter with your manager before taking steps to avoid the conflict. The Commissioner is the ultimate decision-maker with respect to conflict of interest matters. (Refer *ADCQ Conflict of Interest Policy*).

Examples

Situations that have potential to present a conflict of interest include:

- Where you are in a position to seek tenders for contracts and one of the tenderers is a close friend or relative of yours or of your family or a company/organisation in which you or your family has a private interest.
- Involvement as an office-bearer or active member in a community organisation whose purposes are relevant to the functions of the Commission.
- Gifts, sponsored hospitality and travel.
- Income earned in a private capacity for services you currently provide in your official capacity.
- Where you are involved in any form of legal proceeding for the Commission, or you are conducting legal proceedings on behalf of the Commission, and you or your family has a private interest in one of the parties to the matter, or in the outcome of the proceedings, you should immediately declare that interest to your manager and withdraw yourself from involvement in the matter.
- Participating in a decision to employ a person who is either related to you or a close personal friend is deemed to be a conflict of interest.

Registering personal interests

If you are in a position of particular authority (eg. significant pecuniary or decision-making authority), you may be required to register all pecuniary and other interests which could give rise to an actual or apparent conflict of interest.

The Commissioner will be provided, when requested, with a statement of your private interests and those of your immediate family (ie, partner and dependent children). The Commissioner may direct that you register your personal interests. This may include interests in partnerships, trusts and companies, both public and private. The register will be held by the Commissioner.

Refer OPSME Directive No: 8/96 - *Declaration of Interests: Public Service Employees (other than Chief Executives)*.

Information Privacy Principles (IPP) limits disclosure of personal information contained in the register to third parties, other than regulatory or investigative bodies.

Like most government documents, the register is subject to Freedom of Information (FOI). If any FOI application is made requesting your information, you will be consulted.

Private employment

Generally, we are able to undertake private employment outside of our normal working hours, providing there is no actual or potential conflict of interest between our private employment and our official duties, and that our private employment has no adverse effect on our performance as an employee of the Commission. Private employment includes operating your own business, paid consultancy services, part-time partnerships and directorships.

If you think that others may perceive a conflict of interest, you should discuss the matter with your manager and, if necessary, seek written consent from the Commissioner before undertaking the proposed work. Commission resources may not be used in relation to any private income-generating activity.

Political activity in the workplace

We have a democratic right to participate in political activity, including standing for parliament. In pursuing such activity, we should be careful to ensure that it does not result in an apparent or actual conflict of interest, and that we remain politically non-partisan in performing official duties.

Duties performed in a biased or inequitable manner may lead to public concern about impartiality of dealings in other official matters.

It is therefore unacceptable to promote our personal political views in the workplace or allow those political views to influence the performance of our official duties.

Examples

- Wearing party-political material while on official duty;
- Displaying party-political material in the office; or
- Publicly commenting on party-political issues.

You may apply for election leave without pay in order to participate in State election campaigns. You should seek advice from the Manager, Support Services, regarding employment obligations before, during and after elections and regarding participating in federal or local government elections.

Industrial participation

If you are elected as a workplace representative, trade union official or made a member of a staff or professional association (eg. Welfare Committee), you do not need to seek permission before publicising views on behalf of the union or association you represent.

You must restrict your comments to matters directly impacting on the conditions of service of members of the union or association you represent. You should ensure that when you make public comment, it is clear that you represent your union or association and not the Commission.

Ultimately, you should ensure that your industrial activities do not affect your work performance or the performance of your colleagues. Refer to the Economy and Efficiency principle regarding the use of office equipment/resources.

Accepting gifts and benefits

The *Policy and Procedure for the Giving and Receipt of Gifts and Benefits by employees of the Queensland Public Service* has been developed by the Office the Public Service Merit and Equity (OPSME). This policy establishes uniform guidelines for the acceptance and giving of gifts and benefits in the public service and details the required disclosure procedures. All staff are required to comply with this policy.

This policy also provides that it is not appropriate for public service employees to offer or accept gifts and benefits that may affect or may be likely to affect the performance of their official duties. The Anti-Discrimination Commissioner should be advised of any offer of a gift or benefit that you feel is an attempt to induce favoured treatment.

Intellectual property

The term 'intellectual property' covers a range of rights which can protect the result of original and creative effort.

Copyright is one form of intellectual property which automatically protects an author's original work which has been expressed in material form. For example, an instruction manual, which is a literary work, is automatically protected by copyright. Copyright provides the owner of the copyright with a range of rights such as the right to reproduce the work and the right to communicate the work to the public. Copyright infringement will occur when a person, without the consent of the owner of the copyright, substantially reproduces the work, or for another example, makes the work available to the public on-line.

Although you may have authored the original work in the course of your employment, by virtue of the *Copyright Act 1968*, your employer, not you, will own the copyright in the work.

So, if you are going to substantially reproduce, or use, works authored by third parties, other than your fellow employees, you will generally need the permission of the copyright owner beforehand. If you are reproducing material on-line, or extracting it to include in Commission publications you will generally require the copyright owner's permission. Check with the Manager, Support Services, if you have any questions.

You should also bear in mind that an author has certain 'moral rights' in addition to copyright. These include the right to be named as the author of a work and the right to prevent their work from being subjected to 'derogatory treatment'. Moral rights are personal rights and can only be owned by an individual. Moral rights cannot be transferred. So, at any one time, the individual who actually authored the work will own the moral rights, even if the copyright in the same work is owned by someone else.

To avoid infringing an author's moral rights, if you are using the work of a third party, it is important to ascertain what measures are in place to avoid infringement of the author's moral rights. This may include ascertaining if a valid consent has been obtained from the relevant third party to any potentially infringing acts or omissions. Check with the Manager, Support Services, if you have any questions.

Conduct outside the hours of duty

While it is generally not intended to place restrictions on our activities outside hours of duty, we do have an obligation to be mindful of our actions where there is potential for those actions to impact on our roles as public sector employees, and in particular, the integrity of this Commission.

You should ensure that your conduct outside the workplace does not affect public confidence in the integrity of the Commission and in your ability and willingness to carry out your official function; or your ability to perform official duties.

Disclosure of official and personal information

In your role as an employee of the Commission, you may have access to information that is unavailable to the general public. This may include information on policy or program development, information of commercial sensitivity or significance, or information of a personal nature about other public officials, clients or other members of the public.

When dealing with such information, you need to be mindful of the Queensland Public Sector's Information Privacy Principles and remember that it is unlawful for you to disclose any sensitive or confidential information you have gained through your official duties. You have a duty to keep such information confidential, even when you have ceased employment as a public official.

In addition to these principles, section 220 of the *Anti-Discrimination Act 1991* creates an offence of 'improper communication of official information'. The maximum penalty in the case of an individual is 85 penalty units or imprisonment for 12 months. Section 220 states:

220 Improper communication of official information

(1) A person—

(a) who is or has been—

(i) the commissioner; or

(ii) a member of the tribunal; or

(iii) the registrar; or

(iv) a member of the staff of the commission or the tribunal; or

(v) a person acting under the direction or authority of the commissioner or a member of the tribunal; or

(vi) a person acting under a delegation under section 244;15 and

(b) who, in that capacity, acquired information about a person's affairs or has custody of, or access to, a document about a person's affairs;

must not—

(c) make a record of the information; or

(d) communicate the information or produce the document to another person.

Maximum penalty—

(a) in the case of an individual—85 penalty units or imprisonment for 12 months;

(b) in the case of a corporation—170 penalty units.

(2) Subsection (1) does not apply to making a record of information, communicating information or producing a document if—

(a) that is required for the performance of a function in connection with this Act; or

(b) that is required or permitted by another Act (whether of the Commonwealth or a State).

(3) Subsection (1) does not apply to communicating information or producing a document to a person in accordance with an arrangement under part 3 of chapter 9 (Commonwealth / State arrangement).

(4) In this section—
“produce” includes permit access to.

Unauthorised disclosure of information could result in legal proceedings against the Commission, embarrassment and disadvantage to others, or disciplinary action against the official concerned.

You must not disclose such information to any person except where:

- there is lawful authority for the disclosure, ie court evidence, duties under legislation, or under freedom of information requirements;
- the information is officially available as a matter of public record, eg public registers; or
- the information was supplied to the Commission for a purpose, which permits its disclosure.

In these instances, you must disclose only facts and should not express opinion on official policy or practice.

There are mechanisms in place through which members of the public can obtain information, in particular, through the *Freedom of Information Act 1992*. Requests for information not normally available to the public should be referred to the FOI Co-ordinator.

Examples:

- details relating to contracts/ agreements developed between the Commission and external providers; and
- confidential information gained directly or incidentally through employment in the Commission, except where disclosure is authorised by a requirement of a court or tribunal.

Public comment in an official capacity

Media comment is made by the Commissioner, or other officer as authorised by the Commissioner (refer *ADCQ Media Protocol*).

If you have been given authorisation to make public comment in an official capacity, for example for community education purposes, you should:

- first consider carefully the potential effects of the comments you make;
- not misrepresent the facts and purpose of government policy or programs, or the source of the comment, deliberately or otherwise;
- not give your personal views on matters of government policy or administration, and in particular not comment on the correctness or otherwise of government policies or programs;
- take considerable care to ensure that your comments are not misunderstood;
- provide only information which is necessary to explain government policy or to provide pertinent, factual, explanatory or background material; and
- respect the rights of the government and any individuals concerned to confidentiality (do not disclose official information which you have a duty to keep private).

Private comment

Private comment refers to those occasions, outside normal working hours and the workplace, when we may wish to discuss or comment on government policies or actions in an unofficial capacity.

We have the same rights as any member of the public to enter into discussion of community and social issues in a private capacity. When making private comments publicly we should:

- indicate clearly that the comments and views expressed are entirely our own and not necessarily those of the government or the Commission;
- consider that we may be seen to be speaking about government policies or actions from a privileged position, even if claiming to speak in a personal rather than official capacity, especially if we comment on matters which fall within our area of official responsibility;
- not create doubt about our ability or willingness to implement the policies and programs of the Commission;
- respect rights to confidentiality (do not disclose official information which you have a duty to keep secret); and
- not misrepresent the facts or source, deliberately or otherwise.

Examples

- As a private citizen, you could write a letter to the newspaper commenting on the state of the roads in your neighbourhood. As a Commission employee, you should not make public comment to critique a policy of the Commission.
- As a private citizen, you may be concerned about legal action taken by the Commission but as a Commission employee, you should not make public comment critical of the proceedings.

Communication with ministers and other members of Parliament

As private citizens, we have the right to communicate directly with any member of parliament on any issue affecting us as members of society. When in an official capacity, however, we must follow the correct channels and procedures laid down for communicating with the Minister.

References

It is not appropriate for you to solicit references from external clients, particularly those clients with whom you have a continuing business relationship.

Referee reports on the work of a subordinate or peer may be made by a manager, including a former manager, provided they are based on an official working relationship and the content is factual. These reports may be supplied on paper containing the Commission logo or letterhead.

When preparing referee or performance reports, you are to take care not to make false or derogatory statements about an individual, or make assessments that cannot be substantiated, including exaggerating an individual's level of competence.

If you are asked to be a referee and you feel that you could not be honest without detracting from the employee's chance of success, you should discuss with the employee the limits within which you are prepared to comment.

Use of Commission letterhead

While use of paper containing the ADCQ logo or letterhead is permitted for references, it is not ethical to use it for anything other than Commission business.

Reporting unethical behaviour

If you become aware of unethical behaviour within the Commission, you should first raise your concerns with your manager, particularly if you are unsure if there has been a breach of this Code, legislation or Commission policy.

If you feel unable to do this (eg. if your manager is implicated in the wrongdoing) or if dissatisfied with the outcome, then you should approach a more senior manager.

Whistleblowing

Whistleblowing is a term used to describe making 'public interest disclosures'. Generally, reports are about serious wrongdoings, such as official misconduct, fraud, corruption, maladministration, improper or negligent management of public funds etc. Anonymous public interest disclosures will be accepted although the Commission does not encourage it because anonymous complaints may be difficult to pursue if more information is needed.

The *Whistleblowers Protection Act 1994* protects public sector employees who make public interest disclosures from civil liability and disciplinary action, and makes reprisal action against them a criminal offence. Employees making disclosures may also take civil action for damages against any person taking reprisal action against them. Employees may also seek relocation from the Public Service Commissioner if they suffer from, or risk, reprisal.

To ensure protection under the Act, any disclosures you make must be in accordance with established procedures. The Act does not protect in the case of a disclosure through the media. If you are unsure about the existence of serious wrongdoing, you should first discuss the matter with your manager or the Manager, Support Services, for detailed and accurate advice.

If this is unsatisfactory you should discuss your concerns with the Crime and Misconduct Commission, Auditor-General, Ombudsman or other relevant authority.

Examples

- Details relating to contracts/agreements developed between the Commission and external providers
- Information supplied during the tendering process.
- Information obtained during conciliation or hearing.

OBLIGATION 4: DILIGENCE

In performing our official duties as employees of the ADCQ we should:

- **exercise proper diligence, care and attention; and**
- **seek to achieve high standards of public administration.**

It is the aim of the ADCQ to provide services at the very highest level to the community. Every employee should strive for continuous improvement in the level of service. An essential element of this is the exercise of diligence.

A fair day's work

This entails constant and earnest effort to achieve work goals. We should always perform our duties to the best of our ability, in a manner which bears public scrutiny, and meets all legislative, regulatory, Commission and government standards.

When you cannot give your best

There may be times when, for physical or emotional reasons, you feel that you cannot achieve the performance standards expected of you. In these instances, it may be necessary to seek further assistance from your manager, a trained external counsellor (eg. via the Employee Assistance Program). Remember that help is always available.

If your performance is affected by any personal objections you may have relating to your work or workplace, refer to 'Concerns about Instructions' in "Respect for the Law and system of Government" section.

Being absent from work

If you are unable to attend work, you should contact your manager to inform him/her of your absence. This should be done at the first possible opportunity – preferably before 9.00am.

Disciplinary action can be taken if you fail to report your absence appropriately. A medical certificate must be produced for absences of 3 or more days (in cases of ill health) but can be requested by your manager for shorter periods.

Alcohol and drugs misuse

The consumption of alcohol, restricted or prescribed drugs can adversely affect your work performance or official conduct.

Alcohol may not be consumed in any ADCQ workplace without authorisation from the Commissioner. We must be careful to adhere to standards and prohibitions set for the workplace.

We have a duty to ensure that the consumption of legal drugs or alcohol does not:

- adversely affect or restrict the performance of our duties;
- endanger our health and safety, or that of our colleagues or members of the public eg through the use of vehicles or operating machinery;
- adversely affect public perception and the reputation of the Commission, the public sector or its officials.

You should recognise that even small amounts of alcohol consumed during lunch breaks may affect your work performance.

Those who neglect this responsibility may have disciplinary action taken against them. Continued abuse may provide grounds for diminished performance assessment and management.

Those with alcohol or drug misuse problems are encouraged to seek assistance from the Employee Assistance Program which provides confidential counselling.

Note: Any member of the Commission found in possession of an illegal drug should be reported to the Police Service immediately.

Ensuring accuracy

When providing advice and information to members of the public and public officials, we should always exercise reasonable care and skill to ensure that the information is accurate and appropriate.

When making decisions, we should take all reasonable steps to ensure that the information we take into consideration is accurate and sufficient.

When maintaining records, we should always check our work to ensure it is accurate, up-to-date and unambiguous.

When documenting decisions, we should include all facts, evidence and relevant reasons, as well as any other considerations that were taken into account.

Note: Under the Freedom of Information Act 1992, individuals have the right to access information about themselves on official documents and files. In addition, under the Information Privacy Principles, individuals have rights regarding the manner, purpose, solicitation, storage, security, recording, use, disclosure, access and alteration of records containing personal information. People aggrieved by certain decisions have the right to request a statement of reasons for the decision under the Judicial Review Act 1991.

Duty of care

Officers have a duty to:

- exercise care in relation to the health and safety of clients and other officers in the workplace;
- give accurate and timely advice to clients and other officers; and
- act in accordance with the Code of Conduct.

Self-development obligations

All staff have an obligation to ensure they continue to develop their knowledge, skills and abilities, keep up-to-date with advances and changes within their areas of expertise in the interest of continually improving their work performance (refer *ADCQ Study & Research Assistance Scheme Policy*).

Managers will assist you to identify learning/development needs and opportunities and it is their role to support personal initiative in identifying your career objectives and opportunities within the work environment (refer *ADCQ Performance Planning & Review Policy*).

Providing advice to Ministers

If you are asked to provide expert advice and assistance to a minister or ministerial staff, you must take all reasonable steps to ensure that you provide information which is factual, relevant, accurate, comprehensive, and within specified time-frames. All recommendations made should be impartial. Advice should be forwarded through the Commissioner.

OBLIGATION 5: ECONOMY AND EFFICIENCY

The ADCQ is publicly funded to provide a service to the people of Queensland. Because of this, you have an obligation to ensure that the resources entrusted to you are treated with care, used for the purposes for which they are intended and not wasted.

Prohibited non-official use of resources

Staff must not use Commission resources in connection with any private work or private income-generating activity such as consulting services or the sale of private goods. (see 'Private Employment' in the "Integrity" section.)

This includes Commission vehicles, equipment and human resources.

Examples:

- The use of office equipment for private business purposes is prohibited.
- The use of pagers, message banks/voice mail and modems for private use is prohibited.

Commission resources may not be used for private or non-official purposes unless approved under this Code of Conduct.

Using Commission resources to download, store, access or distribute pornography is strictly prohibited. Pornography is defined by the Australian *Concise Oxford Dictionary* as 'the explicit description or exhibition of sexual activity...intended to stimulate erotic rather than aesthetic or emotional feelings.'

It is the policy of the Queensland Government that any employee found to have used a government-owned communication or information device to download, store, access or distribute pornography will be dismissed.

Approved non-official use of resources

All staff are required to comply with the following policies:

- Telecommunications Policy
- Internet and Email Policy

While public resources should generally only be used for official purposes, there are some exceptions, provided that the use:

- involves minimum additional expense to the Commission;
- is performed during non-work hours,
- is infrequent;
- does not interfere with the operation of the Commission; and
- does not violate this Code of Conduct, the *Public Service Act 1996* or related legislation and regulations.

Private Telephone Calls:

- You may have limited use of Commission telephones for local calls for domestic purposes.
- STD calls or calls made on Commission mobile telephones are permissible in emergency situations provided you reimburse the Commission for the cost of the call.
- Calls to 0055 numbers are not permitted.
- Calls to private mobile phones are only permitted in emergencies.

Job Applications /Study Purposes:

- You may have reasonable use of office computers, photocopiers and facsimile machines outside of work hours for study purposes or the preparation of job applications. Facsimiles may be used for local calls only.

Mail:

- You may add your mail to that of the Commission for posting if the stamp is provided and a special mail trip is not required.

Other Activities:

- If you are a workplace representative, trade union official, work social club representative or member of a work-related professional association, eg. Qld Law Society you may have reasonable use of office telephones, facsimile machines, computers, photocopies for work in connection with these associations.

Permission to use any Commission resource for non-official use must be obtained from the Commissioner.

Purchasing goods and services

If you are authorised to approve the purchase of goods and services or to enter into contracts on behalf of the ADCQ, you should ensure that:

- the product/service is necessary to achieve organisational goals;
- you are obtaining value for money while achieving effective and efficient service delivery (consider all available internal and external options);
- your actions in all contracting and purchasing activities are defensible;
- you comply with your purchasing responsibilities as outlined in the *State Purchasing Policy* while maintaining your obligations under this Code.

Note: *The Queensland Criminal Code legislates that making false claims, misappropriation, appropriation of property, public officers' interest in a contract, receipt or solicitation of secret commissions by an agent, forgery, obtaining goods or credit by false pretence or wilful promise and stealing are criminal offences.*

Safeguarding public resources against theft and misuse

We should be aware that any money or other resources supplied or used by the Commission is funded by taxpayers. Because of this, we should treat these resources with due care and guard them from misuse. Managers must ensure that assets (ie cash, receivables, investments, and inventories) are managed and reported according to the *Financial Management Standards 1997*.

Note: *The substantial misuse of public resources (monetary and otherwise) is a serious offence and any public official involved in such activity is likely to face criminal and misconduct charges.*

Because misuse of public resources is considered official misconduct, you have an obligation to report it or any suspected misuse to the appropriate authority as outlined in 'Reporting Unethical Behaviour' in the Integrity section.

Internet and Electronic Mail

The Internet and electronic mail (e-mail) systems are provided for official use. While employees may use the Internet and e-mail for personal, family or community responsibilities, use should be infrequent and brief – limits are set at four hours in a month outside work time.

Use of the Internet and e-mail systems must be able to survive public scrutiny and/or disclosure. All electronic files, including email messages, are the property of the Commission. E-mail messages are official documents and subject to the same laws as any other form of correspondence. This means that messages, including personal messages, may be required for, or used as evidence, or subject to FOI applications.

You must take care not to purposely engage in or support any illegal, obscene or inappropriate activities. Obscene activities are defined as the violation of generally accepted social standards for use of a publicly owned and operated communications system.

Examples of inappropriate activities would be:

- viewing or searching for pornographic or racist material;
- stealing data or intellectual property;
- distributing chain letters;
- wasting computer resources;
- accessing unauthorised networks;
- downloading and distributing games, music or electronic greeting cards
- gambling or fraud;
- conducting any business or activity for commercial purposes or financial gain;
- transmit or cause to be transmitted any communications that may be construed as harassment, defamation, abuse or otherwise offensive material; and
- breach of copyright, such as unlicensed copying of a computer program.

For further guidelines about usage refer to the *ADCQ Email and Internet Policy*.

If you receive an inappropriate message, you should not delete it, but immediately contact the IT Administrator.

Avoid sending sensitive or highly confidential material through e-mail, as it is not considered a secure system.

Use of the Internet is monitored and logged. Internet e-mails are subject to scanning, filtering and blocking processes.

Managing and maintaining physical assets

We have a duty to ensure that all plant, equipment, land and buildings (physical assets) are used correctly, economically and for approved purposes.

In addition, we have an obligation to ensure that any new purchases, disposals and transfers of assets:

- comply with Commission policy and procedure; and
- are reported to the Manager, Support Services, who has overall responsibility for asset management within the ADCQ.

Any losses of assets or equipment must be reported immediately to your manager, the Manager, Support Services, and if necessary, the Police Service.

Motor vehicles

You must only use Commission vehicles for official purposes, unless authorised by the Commissioner. You also have a responsibility to use, take care of and maintain the vehicle according to ADCQ guidelines (contact the Administration Officer, Support Services, for more information).

Working at home

If you are taking home office equipment (such as laptop computers) to carry out official work at home, you should first obtain approval from your manager. Managers should maintain a register to record details of all equipment borrowed.

While you have such equipment in your possession, you should make every attempt to secure it against theft, loss and unauthorised access. Remember that any equipment taken home should be used for official purposes only.

These obligations also apply where documents are being taken home. Managers may restrict the removal of sensitive or confidential documents (refer 'Disclosure of Official and Personal Information' in the "Integrity" section).

Petty cash

If you are responsible for petty cash, you must administer it scrupulously and according to ADCQ standards.

You should also be aware that when such cash is in your control, you are personally accountable and should therefore secure it against theft.

If you are unsure of your responsibilities in administering petty cash, contact the Manager, Support Services.

Note: *You must never borrow or lend money from petty cash, even for official purposes. Private use of petty cash funds is an offence that should be reported to the Crime and Misconduct Commission.*

MANAGEMENT RESPONSIBILITIES

Managers have additional responsibilities regarding the application of this Code of Conduct.

Obligation 1: Respect for the law and the system of government

In relation to the issue 'Understanding the Law', managers should ensure that officers in their areas know how to access up-to-date copies of relevant legislation, delegations, associated policies and administrative procedures, this Code of Conduct and other relevant guidelines.

Note, that in exceptional circumstances, the public interest may be served by non-compliance with the requirements of an Act eg. an Act may be in conflict with another Act, or compliance with the letter of the law may result in consequences contrary to the public interest. In these circumstances, you should discuss the matter with a senior officer.

With respect to the issue 'Concerns about Instructions', managers should encourage open and constructive questioning of workplace practices, decisions or instructions by their staff and be open to reviewing an instruction or seeking a second opinion. In considering objections raised by staff on the above grounds, managers should consider the implications of the instruction and be satisfied that they have properly considered these implications before insisting on the instruction.

Obligation 2: Respect for people

Because of the potential to influence others, those who manage or supervise other staff have special obligations regarding their behaviour.

Under these obligations you are required to:

- set good examples for staff through your own behaviour;
- provide optimum working conditions for staff within existing resources;
- manage staff with proper regard for their privacy, (in particular, the security of information), rights and aspirations;
- maintain open, honest and thorough communication with all staff;
- treat staff fairly, equitably and consistently. Decisions should be based on a proper assessment of merit and ensure an adequate opportunity for staff development;
- provide appropriate training and performance management so that staff can successfully meet performance standards expected of them, and ensure that their performance is objectively assessed against these standards, using the Commission's Performance Planning and Review policy and practices;
- deal with all grievances and appeals efficiently and fairly in accordance with the Commission's human resource management policies and administration instructions;
- ensure the welfare of your staff – in particular, recommend staff seek assistance from the Employee Assistance Program or external counselling where you consider it warranted; and
- ensure that adequate administrative procedures are in place to enable the principles of procedural fairness to be met.

Regarding the issue of 'Equal Employment Opportunity', managers have a responsibility to ensure that there are neither discriminatory practices nor harassment within the work area. If a staff member complains of harassment, bullying or discrimination, you must take steps to investigate and rectify the situation. If the discriminatory or harassing behaviour continues, you must refer it to senior management. Refer to ADCQ Equity Contact Officers' Handbook for further information and assistance.

Those who manage other staff and those involved in staff recruitment and selection must ensure the following EEO principles are observed:

- **Merit principle** – that is, to consider individuals on the basis of the abilities, aptitudes, skills, qualifications, knowledge, experience and personal qualities relevant to carrying out the duties of the position;
- **Equity principle** – that is, to ensure that individuals are not the subject of any unjustified discriminatory practices, procedures or policy in the workplace, and have equal access to resources, staff training and development programs, promotion and relieving opportunities and consultative processes.

These principles ensure that ADCQ staff are recruited and selected through a process which is open, fair, independent, competitive and equitable and is based on criteria which are objective and job specific.

With reference to 'Sexual Harassment and Discrimination', assistance to prevent and resolve harassment issues can be obtained from ADCQ's *Guide to Harassment in the Workplace*.

Workplace Health & Safety Representatives have additional responsibilities in accordance with current workplace health and safety legislation and are required to understand and fulfil these responsibilities.

Obligation 3: Integrity

Regarding 'Conflicts of Interest', managers have a responsibility to:

- be alert to any actual or potential conflicts of interest; and
- take immediate action to remove the conflict, where a conflict of interest is found to exist, by rearranging your staff member's duties, transferring the public official concerned to an equivalent position where there is no potential or actual conflict of interest or requesting that the official divest him or herself of the interests in question. You may also authorise the official to continue his or her usual duties if you feel no actual or potential conflict of interest exists.

Those involved in staff selection and recruitment may ask applicants about potential conflicts of interest as part of the selection process. Applicants may be advised to abandon or divest themselves of private interests that could potentially conflict with their duties as a public official.

Obligation 4: Diligence

As a manager seeking to maintain high standards of administration, it is your responsibility to:

- implement programs promptly, effectively and with due care;
- continually evaluate the services carried out by your work unit, so that they meet client needs and expectations;
- maintain high standards of public administration within your work unit (procedures should be established, implemented and regularly reviewed);
- communicate clear and realistic performance goals to your staff; and
- take action to address performance issues in a timely manner.

Obligation 5: Economy and efficiency

Managers have additional responsibilities concerning the proper management, care and efficient and effective use of human resources.

These responsibilities are to:

- apply the standards and provisions of the *Public Service Act 1996* ensuring efficient and effective use and deployment of human resources.
- ensure your staff have a clear understanding of their obligations within the Commission and the performance requirements of their position.
- ensure that the training and development needs of your staff are identified and adequate training and opportunities for self-development are provided to develop or enhance these skills;
- ensure your staff are engaged in activities which are consistent with achieving program goals;
- ensure staff workloads and hours worked are consistent with existing Award conditions.

Example

- Provide new staff with adequate induction and instruction to ensure they understand the goals and purpose of the Commission, the work unit and their position, expected standards of performance and their obligations under this Code of Conduct.

Regarding the issue of 'Approved Non-Official Use of Resources', managers, when considering a request for non-official use of resources, should:

- ensure that the use of the required resources will not disrupt the official duties of the person concerned or his/her co-workers;
- consider if the non-official activity deserves the support of the Anti-Discrimination Commission Queensland (ie. is it beneficial to the Commission, its staff or the public and not solely in the interest of private gain);
- ensure that the proposed use of resources will not conflict with the interests of the Commission;
- ensure there is no legal liability which may result from non-official use; and
- ensure that the Commission or the government does not incur any cost other than the incidental costs associated with the regular use of office equipment.

In relation to 'Managing and Maintaining Physical Assets', managers have certain responsibilities, including:

- ensuring that when an asset is purchased, upgraded, transferred, lost, damaged, stolen, declared surplus, written off or undergoes any other significant change, an Asset Control Form is promptly completed and forwarded to the Manager, Support Services;
- ensuring that all assets are protected from theft, loss, damage or undue deterioration;
- ensuring that all assets are maintained in good working order and that provision is made in the annual budget for funds for the on-going maintenance and repair of the asset;
- ensuring that all capitalised assets and portable and attractive items are identified by allocation of an asset number; and
- ensuring that all other assets are branded, etched or indelibly marked to identify them as the property of the Commission.

RELEVANT QUEENSLAND LEGISLATION

- *Anti-Discrimination Act 1991*
- *Crime and Misconduct Act 2001*
- *Criminal Code Act 1899 (The Criminal Code)*
- *Freedom of Information Act 1992*
- *Judicial Review Act 1991*
- *Libraries and Archives Act 1988*
- *Public Sector Ethics Act 1994*
- *Public Service Act 1996*
- *Public Service Regulation 1997*
- *Whistleblowers Protection Act 1994*

GOVERNMENT POLICIES

- Financial Management Standard 1997
- Information Privacy Principles
- OPSME & DIR Directives
- State Purchasing Policy

ADCQ POLICIES

- Conflict of Interest Policy
- Internet and Email Policy
- Equity Contact Officer's Handbook
- FOI Policy
- Grievance Resolution Policy
- Harassment in the Workplace
- Workplace Health and Safety Policy
- Media Protocol
- Disciplinary Action Policy
- Performance Planning & Review Policy
- Privacy Policy
- Study & Research Assistance Scheme Policy
- Telecommunications Policy
- Security Protocol