

Code of Conduct

A guide for all people working for or on behalf of the
Department of Emergency Services

law • respect • integrity • diligence • economy and efficiency



Foreword from the Minister

It is my pleasure to approve this Code of Conduct and commend it to all Emergency Services people throughout Queensland.

It is a comprehensive guide describing your ethical responsibilities, whether you are working in an operational capacity, in an administrative support capacity or as a volunteer.

A handwritten signature in black ink, appearing to read 'Pat Purcell', written in a cursive style.

Hon Pat Purcell, MP
Minister for Emergency Services

Message from the Director-General and the Executive Management Team

The Department of Emergency Services plays a unique role in the Queensland community and there is a high expectation that we will deliver our services with integrity and great care. To do this, we must be committed to the highest standards of integrity, professionalism and accountability in the provision of our services.

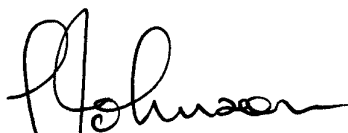
As part of our commitment to providing all our people with the best opportunity to make appropriate and fair minded decisions, a whole of department Code of Conduct has now been approved. It is relevant to all departmental staff and volunteers.

It is the responsibility of all us to familiarise ourselves with the Code of Conduct and to adopt the ethical standards described within it.

We believe that careful adherence to this Code of Conduct will help us to consistently make ethical decisions and thereby, protect and enhance the position of trust we hold in every Queensland community.



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Director-General



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Part One — Introduction

Why we have this code

The Department of Emergency Services (the department or DES) delivers ambulance, fire, search, rescue, counter-disaster and hazardous-materials services to the entire Queensland community.

We have a responsibility to the community, and we also have a responsibility to you — our employees and volunteers.

We are required to treat you with respect and dignity. And you, in turn, also have responsibilities.

You play a unique role in the Queensland community. There are very high expectations on you and your fellow officers to deliver services with integrity, sensitivity, efficiency, respect and great care.

The public expect you to be open and accountable. They expect you to make good decisions by considering all the relevant information available.

The purpose of this Code of Conduct is to identify:

- the values that guide decision-making
- acceptable standards of conduct
- the legal, moral and ethical obligations of employees and volunteers
- the endorsed ethical decision-making model
- the need for all employees and volunteers to be accountable for their decisions and the consequences of those decisions
- how to build trust, open communication and collaboration.

How this code will help you

This code will help you meet your responsibilities and:

- make fair-minded decisions
- identify acceptable behaviour
- develop a positive culture in the department
- help other staff and volunteers improve their decision-making.

Use this code as a reference tool. You will find it useful when you have an important decision to make, as well as using it to make sure that everyday decisions are fair-minded.

We hope you find it a clear and useful guide that will help you to be successful in your work with us.

Who this code is for

This code is for employees, contractors and volunteers (we'll refer to all these groups as officers) working for, or carrying out functions on behalf of the department in the following divisions:

- Queensland Ambulance Service
- Queensland Fire and Rescue Service (including Rural Fire Service)
- Emergency Management Queensland
- Strategic Policy and Executive Services
- Business Support Services.

Volunteers in the divisions include:

- Local Ambulance Committees
- Honorary Ambulance Attendants
- QAS First Responders
- Rural Fire Service volunteers
- Auxiliary Support Officers
- State Emergency Service volunteers
- Emergency Service Unit volunteers
- Response Advice for Chemical Emergencies (RACE) volunteers
- Emergency Services cadets.

There are aspects of this code that will not apply to all officers. If you have any doubts about whether a part of the code applies to an individual officer, you should discuss it with your supervisor/Brigade Secretary/Local Controller.

Support from our leaders

The Executive Management Team (EMT) of the Department of Emergency Services comprises the Director-General; the Commissioner, Queensland Fire and Rescue Service; the Commissioner, Queensland Ambulance Service; and the Executive Directors of Emergency Management Queensland, Strategic Policy and Executive Services, and Business Support Services.

The EMT has been actively involved in shaping and supporting this code. They strongly believe in it as a statement of our shared values, as well as it being a useful and practical guide for all staff and volunteers.

They are leading by example in promoting and complying with this code, and encourage you to use it in all aspects of your decision-making.

Our underlying values

Each division has strongly expressed values statements that reflect their unique culture. This code supports these values by asking all officers to demonstrate:

- visionary and supportive leadership
- high standards of ethical behaviour with a commitment to retaining the respect and regard of the Queensland community

- a shared sense of purpose characterised by trust, respect, and mutual support
- commitment to managing risk, for the safety of employees, volunteers and the Queensland community
- personal responsibility and accountability
- respect for confidentiality, integrity and honesty
- respect for the dignity of others including compassion and sensitivity toward those in need of emergency or disaster management services
- open, respectful and honest communication
- recognition and valuing of equity and diversity
- a professional work ethic
- active teamwork
- self-discipline and the ability to operate in a reliable way when dealing with complex situations
- recognition of and value for the contributions of all
- recognition of and value for the history and diverse cultures of all the emergency services that make up the department
- preparedness to help the community by providing emergency services.

What supports this code?

This code is supported by:

- *Public Sector Ethics Act 1994*
- *Fire and Rescue Service Act 1990*
- *Ambulance Service Act 1991*
- *Disaster Management Act 2003*.

In particular, it is developed around the five ethics principles in the *Public Sector Ethics Act 1994*:

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

This code supersedes all previously published Codes of Conduct operating in the department. It does not replace any other policies, instructions or codes of practice and should be read in conjunction with them.

Terms explained

Any terms you are unsure of are explained in Part Seven.

Policy date

This code was approved in April 2006 and is to be reviewed in April 2009.

Part Two — Your responsibilities

Your obligations

As an officer, you are required to comply with this code. If you have any doubts about whether a part of this code applies to you or another officer, you should discuss it with your supervisor/Brigade Secretary/Local Controller (or equivalent).

You need to make yourself familiar with your obligations as detailed in your departmental Code of Conduct brochure. Having done this, we expect that you will do everything you can to apply the ethics principles to your decision-making.

Extra responsibilities of supervisors and managers

If you supervise or manage the work of others you have extra responsibilities.

You must:

- provide officers with a copy of the Code of Conduct brochure and tell them about their obligations
- give fair and respectful direction to subordinates
- assess and implement appropriate risk management strategies to avoid injury, illness or disease in the workplace
- model appropriate behaviour and manage inappropriate behaviour
- give clear statements of work duties and performance expectations to all officers under your guidance
- provide officers with respectful, accurate feedback on performance and development
- provide officers with opportunities for appropriate and necessary development
- use constructive conflict intervention strategies
- use managerial resolution strategies where appropriate
- give advice to officers about the grievance process when conflict intervention strategies have been unsuccessful (or are considered inappropriate) and help them to lodge a grievance if necessary.

In addition, you need to make sure that:

- work sites have the Code of Conduct posters prominently displayed
- new officers receive a Code of Conduct brochure
- officers who wish to undertake refresher training can use the Code of Conduct self-paced training CD
- officers can readily access the Code of Conduct book
- officers who have questions about the code have their questions answered quickly.

Making fair-minded decisions

You are faced with making decisions all the time. While policies, practices and legislation can help guide your decisions, there is often nothing specific about the particular situation you are faced with. Some decisions you can make fairly quickly, while others need a lot of thought.

For quick, fair-minded decisions we recommend you use the questions on the Code of Conduct wallet card. When you need to analyse the problem more thoroughly, we recommend you use the 'Ethical decision-making model' as described on page 25.

Ethics principles to guide your decisions

Whenever you make decisions you need to remember to be guided by the five ethics principles. You have responsibilities under each principle.

Principle 1: Respect for the law and system of government

Under this principle you must:

- uphold the law, complying with all relevant legislation including the *Fire and Rescue Service Act 1990*, *Ambulance Service Act 1991*, and *Public Service Act 1996*
- respect the right of the elected government (and its departmental officials) to determine policy and constructively contribute to the policy
- accept responsibility and accountability for your behaviour and decision-making
- exercise statutory powers appropriately
- be fair, just and reasonable in exercising authority
- consider the rules of fairness in all decision-making by:
 - being open and honest
 - giving stakeholders the opportunity to be heard before making decisions
 - being objective in exercising authority
- obey lawful and reasonable direction from supervisors and those who have authority over you
- acknowledge the right of others to challenge your decision-making
- provide accurate and timely information in response to queries from authorised bodies and the community
- respect the privacy of others in matters covered by the *Privacy Act 1988*
- make public comment on departmental business according to relevant policy.

Principle 2: Respect for persons

Under this principle you must:

- respect the dignity of others
- communicate with fellow officers and the community with clarity, sensitivity and respect
- comply with departmental policies in the areas of equity and diversity, and contribute to a safe working environment when interacting with fellow officers and the community
- accurately inform others of their rights and their responsibilities
- be tolerant of the views and ideas of others
- model acceptable workplace conduct by:
 - using good manners
 - responding to challenges to your decision-making responsibly
 - resolving conflicts constructively and fairly
- protect youth from any detrimental effects on their physical, psychological or emotional wellbeing while participating in a departmental youth program
- make sure activities with youth are either accompanied or observed by others.

Principle 3: Integrity

Under this principle you must:

- apply the actual code in your dealings with others and identify its intent when your issue is not directly addressed
- be honest, impartial and fair in performing your duties
- consider the interests of the department in all your activities
- use the department's resources (including equipment, intellectual property, and 'insider' information) only for their intended purpose
- apply all correct and relevant financial management practices when dealing with public money
- use your authority for the correct purposes
- report any potential, actual or perceived conflicts of interest
- provide professional advice openly and quickly, without fear or favour
- model positive behaviour that enhances the department's reputation
- report and/or deal appropriately with all alleged inappropriate conduct.

Principle 4: Diligence

Under this principle you must:

- perform all duties with diligence, care and attention to contribute to a safe working environment for all
- attend work in a fit state to correctly carry out your duties by:
 - complying with all policies relating to alcohol and drugs
 - being aware of possible conflicts of interest between your private interests and your duties
- seek to achieve high standards of performance, professionalism and responsiveness in serving the community

- develop and maintain levels of knowledge and skills in line with your responsibilities
- avoid behaviour that reduces the diligence of others
- actively participate in activities that will improve the skills that apply to your position
- respond appropriately to all reasonable directions
- comply with relevant dress standards
- maintain confidentiality on matters that need it.

Principle 5: Economy and efficiency

Under this principle you must:

- use all public resources to achieve the greatest return for the department
- avoid waste
- improve efficiencies
- make sure that assets and equipment are maintained and used economically and only for approved purposes.

Part Three – A to Z of code rules

Alcohol and drugs

Use of illegal drugs is prohibited. Inappropriate use of alcohol or legal drugs can also have a damaging impact on how you carry out your duties. We treat proven cases of alcohol or drug abuse as misconduct.

It is essential that you attend work in a fit condition that allows you to safely and diligently perform your duties.

This includes making sure that:

- you are sufficiently rested and are mentally alert to perform your duties
- your activities do not reduce your ability to perform your duties or affect the ability of other officers to perform their duties.

Driving operational and non-operational vehicles must be consistent with departmental policy and state law.

These key policies are available on the DESPortal:

- Clinical Practice Manual
- DES Motor Vehicle Policy and Procedures
- QFRS Driving Policy
- QAS Driving Policy.

Competency assessments and Registered Training Organisation (RTO) provisions

If you are responsible for delivering and assessing training, you must do so with integrity. If you don't, you could compromise our RTO status by conducting inadequate assessments.

These key policies are available on the DESPortal:

- QAS Conduct of Training and Assessment Obligations
- SES Training Management Policies and Procedures Manual.

Confidentiality

'Confidential' information has some or all of the following characteristics:

- The law defines it as confidential.
- It is by its nature confidential.
- The department designates it as confidential.
- The department may classify information as confidential if the unauthorised disclosure, loss, compromise, modification or misuse of it has the potential to cause detriment.
- The officer knows, or should reasonably know, it is confidential.

Examples of confidential information include:

- medical histories of any nature recorded on our files or databases
- personal information that should not be released without the knowledge and authority of the person concerned, other than by a process of law or policy
- personal information about our officers (home address, personal contact details)
- complaints and allegations under inquiry by our staff (such as the Ethical Standards Unit)
- investigation reports into allegations of misconduct made against our staff
- complaints received from members of the public about our services
- quotes for goods or services provided to us by suppliers
- contractual and tender documentation.

We all have a duty of care not to disclose information that may be sensitive or damaging to the interests of another officer or the department unless authorised by law or policy.

This key policy is available on the DESPortal:

- Information Classification and Protection Policy.

Conflicts of interest

A conflict of interest arises when you have a private or personal interest that could inappropriately influence, or appear to inappropriately influence, how you use your authority or decision-making power.

Conflicts of interest are not in themselves unethical. However, it is important to identify and manage such potential conflicts. You must manage conflicts of interest fairly and transparently.

A conflict of interest would be evident if you possess, directly or indirectly, an interest that:

- conflicts or might be seen to conflict with your public duty
- may have an improper influence on your ability to undertake your duties.

You are responsible for:

- being aware of actual or apparent conflicts of interest
- avoiding, where possible, conflicts of interest
- disclosing conflicts of interest to your work area manager or volunteer supervisor
- cooperating with us in managing and resolving conflicts of interest in a way that upholds the public interest.

Dress standards

You must comply with our dress standards. Dress standards contribute to the sense of our cultural unity and professionalism.

Officers working in office-based, technical and stores areas are expected to dress in a manner consistent with standards generally applicable to these environments, for example collared shirts, covered midriffs, and personal protective dress.

If there is no documented guidance on dress standards, you can dress according to what is accepted in your area. You must still meet the workplace health and safety obligations.

The following dress codes are available on the DESPortal:

- QFRS Uniform Code
- QAS Dress Code
- Emergency Service Unit Dress Code.

Duty of care

You have an obligation to exercise a duty of care to yourself and others. This applies to emergency environments and day-to-day work environments.

You are required to:

- work diligently to avoid unnecessary risks to yourself, fellow officers, clients, and members of the community
- be sensitive toward and respect others adversely affected by emergency and/or disaster situations
- maintain a consistently respectful focus on clients, patients and members of the community
- tell others of their rights and obligations, or refer them to other relevant services
- contribute constructively to a safe working environment free from avoidable injury (including psychological injury), illness or disease and workplace harassment.

Further organisational health policies are available on the DESPortal.

Environmental issues

We are expected to demonstrate the highest regard for minimising adverse impacts on the environment from our actions at emergency and non-emergency incidents.

You must prevent and manage threats to the environment when assessing and treating risk at emergency and non-emergency incidents.

You must comply with standard operating procedures and codes of practice relevant to an operational setting.

Equal employment opportunities

We select personnel on merit and we are committed to equal employment opportunity. All employees engaged in the employment process must:

- promote equal employment opportunity through implementing our policies
- consider formally identified target groups in the recruitment and selection process
- seek to resolve issues that might lead to claims of unlawful discrimination.

These key legislation and policies are available on the DESPortal:

- *Equal Opportunity in Public Employment Act 1992*
- *Anti-Discrimination Act 1991*
- *Recruitment and Selection Directive 01/04.*

Financial inducements

While performing your duties, others may try to influence you improperly. For this reason, we regulate purchasing decisions tightly to minimise risks of incorrect decision-making in this area.

Various policies have been developed to help you exercise your authority without fear or favour. The primary policy document is the Financial Management Practices Manual which provides guidance in many areas. You must make all financial decisions in accordance with this manual.

Gifts and entertainment

Giving or receiving gifts could result in decision-making being, or appearing to be, inappropriately influenced.

You must not:

- accept any gift, hospitality, benefit or concessional travel offered in connection with your duties, except as permitted under our policies
- ask for or accept any remuneration or benefit for doing your duties
- ask for or accept any benefit, advantage or promise of further advantage for yourself, your immediate family or any business concern or trust with which you are associated, from anyone who has a contractual or special relationship with government.

These key policies are available on the DESPortal:

- Whole of Department Policy – Gifts and Benefits
- Whole of Department Gifts and Benefits Procedures
- QFRS Gifts Policy
- QAS Gifts and Benefits Policy.

Harassment

It is unacceptable to harass people in the workplace.

An officer is being harassed if they are subjected to repeated behaviour that:

- is unwelcome and unsolicited
- the officer considers offensive, intimidating, humiliating or threatening, and a 'reasonable person' would also consider offensive, intimidating, humiliating or threatening.

Workplace harassment does not include management taking reasonable action, in a reasonable way, in connection with an officer's employment or volunteer role.

Harassment – discrimination

We are committed to the principles of fair and equitable treatment of others. You have an obligation to interact with fellow officers, clients and the community in a non-discriminatory manner.

It is against the law to discriminate against a person, or someone who associates with a person or group, on the grounds of:

- sex (gender), race, impairment, pregnancy, parental status, political beliefs, trade union activity, religion, age, marital status, lawful sexual activity, or political activity.

These key policies are available on the DESPortal:

- Unlawful Discrimination
- Disability Discrimination Prevention.

Harassment – sexual

It is unacceptable to sexually harass people in the workplace. Sexual harassment is a form of unwanted, unwelcome or uninvited sexual behaviour that is, or might be, offensive, humiliating, intimidating or embarrassing. It can include an unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature.

Sexual harassment can take various forms and be obvious or indirect, physical, verbal or nonverbal. It includes behaviour that creates a sexually hostile or intimidating environment.

It is against the law to:

- make an unsolicited act of physical intimacy toward another person
- make unsolicited demands or requests for sexual favours
- make a remark with sexual connotations relating to the other person
- engage in unwelcome sexual contact with the intention of offending or humiliating the person, or where a 'reasonable person' would have thought that the other person would be offended, humiliated or intimidated by the conduct.

We will treat behaviour that is found to be sexually harassing as misconduct.

These key policies are available on the DES Portal:

- Employment Equity
- Workplace Harassment Prevention.

Information access, use and disclosure

Departmental information is an important resource to help you perform your duties. You are responsible for using that information appropriately.

You can disclose departmental information as part of your duties, but unauthorised disclosure, loss, compromise, modification or misuse of information is inappropriate and unethical.

If you use departmental information inappropriately it could result in:

- an adverse effect on our ability to conduct our business
- damage to our reputation and public confidence
- a potential breach of privacy legislation.

These key policies are available on the DES Portal:

- DES Information Classification and Protection Policy
- DES Information Security and Management
- DES e-Commerce security policy
- QFRS Policy on Information Rights
- DES Privacy Policy
- DES Records Management Policy (soon to be released).

Information technology resources

We have invested significant resources into computer hardware and software systems to help all officers perform their duties effectively and efficiently.

You have a responsibility to ensure that you are fully aware of your obligations when using information technology resources including, but not limited to:

- emergency communications systems
- intranet and Internet services
- email services
- fax services
- telephone services.

You must not use any of these resources inappropriately, and you are also required to report any suspected or identified inappropriate use of, or access to, our IT systems to your supervisor, manager or volunteer supervisor.

You can contact the IT Call Centre on (07) 3247 8555 or the IT Service Centre on ITServiceCentre@emergency.qld.gov.au.

The key policy available on the DESPortal is noted below:

- DES Internet, Intranet and Email Usage Policy

Interactions with the public, suppliers, and contractors

You are required to manage relationships with clients, stakeholders, suppliers and members of the community according to the code, State Purchasing Policy, and the *Financial Management Practices Manual*.

Knowledge management

We always strive to be innovative and improve our business. To do this we need to apply the key principles of knowledge management when making decisions.

Two key principles when making decisions are the need for:

- storing our information effectively and appropriately
- sharing our information usefully and appropriately.

Leadership

Effective leadership is an integral part of an effective code. All supervisors and managers have a responsibility to:

- model ethical leadership and decision-making
- bring conduct issues to the attention of the officer concerned quickly
- help officers to understand what aspect(s) of their conduct may need to be developed further
- help officers to develop decision-making strategies that encourage appropriate conduct in the future.

Media liaison and public comment

The two broad areas in which you, as an officer, may make public comment are:

- in an official capacity as part of your duties
- as a private citizen according to your common-law rights.

As a private citizen, you have a right to make public statements, but you cannot make public statements using official departmental information without authorisation. You must also ensure that you do not give the appearance of formally representing the department or its divisions.

If you are speaking as a workplace representative or official of a trade union or professional association you need to make it clear that your comment is not on behalf of the department.

When making public statements for private purposes, you must ensure that you do not give the appearance of formally representing the department. Senior executives must be particularly careful as there is a heightened risk that any public statement made in a private capacity might be seen as the department's view because senior people are closely identified with the policies and direction of the department.

We have a detailed policy about providing information to the media. These are available on the DESPortal:

- QFRS Media Liaison
- QAS Media Liaison
- QAS Media Release SOP 39
- DES Media Protocol.

Officer management

You must deal with all officers in a respectful manner that preserves the rights of individuals. Under administrative law, you must follow the fundamental principles of procedural fairness before a decision is made against any officer.

Procedural fairness makes sure that an officer has the right to be heard by an unbiased decision-maker before a decision against them is made and put into practice.

Procedural fairness does not entitle an officer to 'get what they want' — it entitles an officer's concerns to be heard in a matter, and to have those concerns considered by the decision-maker before any decision (adverse or otherwise) is made.

Managing performance

You must manage under-performance, inappropriate conduct, misconduct, or official misconduct in a procedurally fair way. You must apply specific, relevant departmental (Brigade or equivalent) processes.

Challenging an official direction

You are required to obey lawful, reasonable directions given by:

- your supervisor (or equivalent if a volunteer)
- your superior officer in a direct reporting line
- any other suitably authorised person (for example, an individual acting in the role of supervisor, a person appointed to manage an emergency situation, or an authorised investigator).

If you believe that a direction is unlawful or unreasonable, you should respectfully discuss this with the person giving the direction.

If, following this discussion, you still believe that the instruction is unlawful or unreasonable, you may lodge a complaint according to the relevant grievance or complaint process.

Unless the direction leads you to feel you are putting yourself or others in physical danger, you are expected to comply with the direction while the matter is being resolved.

See this key policy on the DESPortal:

- DES Grievance Policy.

Overseas business

As we have developed our emergency and disaster management services expertise, we have more opportunities to conduct commercial and professional development activities overseas.

We require you to adhere to this code, to the extent that you can, while conducting business overseas.

Privacy

You must be sure that your actions do not compromise the privacy rights of others. Personal information about another officer must be used only for the purpose for which it was gathered, unless authorised by the officer concerned or by legislative requirements.

Our privacy policy is available on the DESPortal:

- DES Privacy Policy.

Pornography

Pornographic material is an explicit description or exhibition of sexual activity, intended to stimulate erotic rather than aesthetic or emotional feelings.

It is misconduct to access, download, store or distribute pornography at work or when using our resources. Queensland Government policy (Policy and Principles Statement – Information Standard IS38) states that an officer can be dismissed if they are proved to have intentionally downloaded, stored or distributed pornography. Such conduct will probably lead to formal disciplinary action.

To guard against this conduct, make sure you:

- lock your computer when away from your desk
- inform your supervisor if you are aware of this conduct happening
- tell the IT Helpdesk, (07) 3247 8555, if you find inappropriate material on a computer you are using.

Resource use and accounting practices

Intellectual property and copyright

The department usually owns any intellectual property resulting from officers' work, even when the intellectual property is developed within a project or by contracting external people.

Intellectual property is defined as the rights arising from original creative intellectual activity. Copyright, trademarks or patents can protect the right to copy and/or access intellectual property.

We must:

- protect our property covered by copyright
- ensure we do not attract a corporate liability for officers who have breached the copyright of others (for example, by copying software programs).

You must get permission from the department before making any arrangement about the publication, sale or disclosure of intellectual property developed in the course of your duties, or that you have access to because you are an officer.

If a consultant or contractor does some work, you must have a contract that states who owns any associated intellectual property. You should use our contract template for documenting this type of arrangement. The 'Standard Contractor Agreement' includes clauses to suit the requirements of the particular task.

Further information is available on the DESPortal:

- Resource Use and Accounting Practices — Intellectual Property and Copyright.

Using departmental resources

You must be conscientious in how you use our property and services and you should not allow others to misuse our property and services.

Further information is available on the DESPortal:

- Financial Management Procedures Manual
- DES Fraud Policy
- QFRS policy on work on private vehicles.

Disposal of departmental assets

We normally dispose of our assets by tender, public sale, auction, transfer to another division or by giving them to an external organisation, taking into consideration the salvage value of the asset. You must follow the approved process if you are involved in disposing of our assets.

Further information is available on the DESPortal:

- Disposal of DES Assets — Guidelines
- Disposal of DES assets by donation.

Secondary (outside) employment

If you are a full-time, paid employee of the department, secondary (or outside) employment could:

- involve a conflict between your private interests and your duty to us
- impede how you perform your duties (for example, cause undue fatigue)
- cause us to lose confidence that you would operate in our interests when on departmental business.

If any of these circumstances arise because of secondary (outside) employment, we expect you to manage the situation as you would any conflict of interest.

Before engaging in secondary employment, you should decide whether there is a potential conflict of interest. If so, you should discuss it with your supervisor/manager.

Sponsorships

When deciding to use public funds for sponsorship you must meet both these criteria:

- Appropriateness: Is the sponsorship appropriate for your intended purpose?
- Reasonableness: Would the average person consider the cost to be reasonable given the expected benefits?

Using public funds for sponsorship is appropriate only if it is:

- publicly defensible
- primarily for the benefit of a departmental officer or an officer's associate, and is not for private benefit
- comparable in cost with alternatives, or relative to the cost that would otherwise have been incurred
- incurred sensibly with regard to consequences.

Sometimes officers from within the department seek community sponsorship, for example Road Accident and Rescue (RAR) teams. In these circumstances, you must make sure that there is no risk of bringing the department into disrepute.

If you are not sure whether you should spend public funds on sponsorship, ask the Chief Financial Officer to decide.

Further information is available on the DESPortal:

- DES Sponsorship Policy Guidance.

Statutory powers

Officers can be required to use statutory powers on behalf of the Minister, the Director-General, or a Commissioner.

In using these powers, you must:

- ensure you have the delegation to use the power
- understand the purpose and scope of your powers
- use your powers according to policy, procedures and within the law
- use your powers respectfully and ethically
- use your powers in a procedurally fair way ensuring that others have the right to be heard by an unbiased decision-maker without compromise
- document how you made your decisions
- ensure that undue influence did not direct your decision-making.

Trade union, political and professional activities

We are committed to consulting effectively with all the trade unions and professional bodies representing employees or volunteers on all matters of mutual interest.

You have the right to engage in party-political, professional and trade union activities.

Notwithstanding this right, you must ensure that:

- you do not use our resources improperly to assist or promote that activity (other than as approved in awards and agreements)
- there is no conflict of interest with your departmental role and responsibilities
- there is no risk of compromise to your duty of fidelity and good faith to us.

More information is available on the Department of Industrial Relations website, Parts 10–12 of the State Government Departments Certified Agreement 2003.

Treatment of workplace colleagues

We must keep our personal conduct and behaviour in line with the code. This is especially true when considering ‘respect for persons’ in how we interact with fellow officers. The golden rule, ‘treat others as we would like to be treated’ is a good guide.

We are all entitled to good manners and courtesy from fellow officers. We must also display this respect.

When you are dealing with your colleagues, we expect you to be frank, honest and respectful.

These key policies are available on the DESPortal:

- Workplace Harassment Prevention
- Unlawful Discrimination
- Disability Discrimination Prevention.

Youth

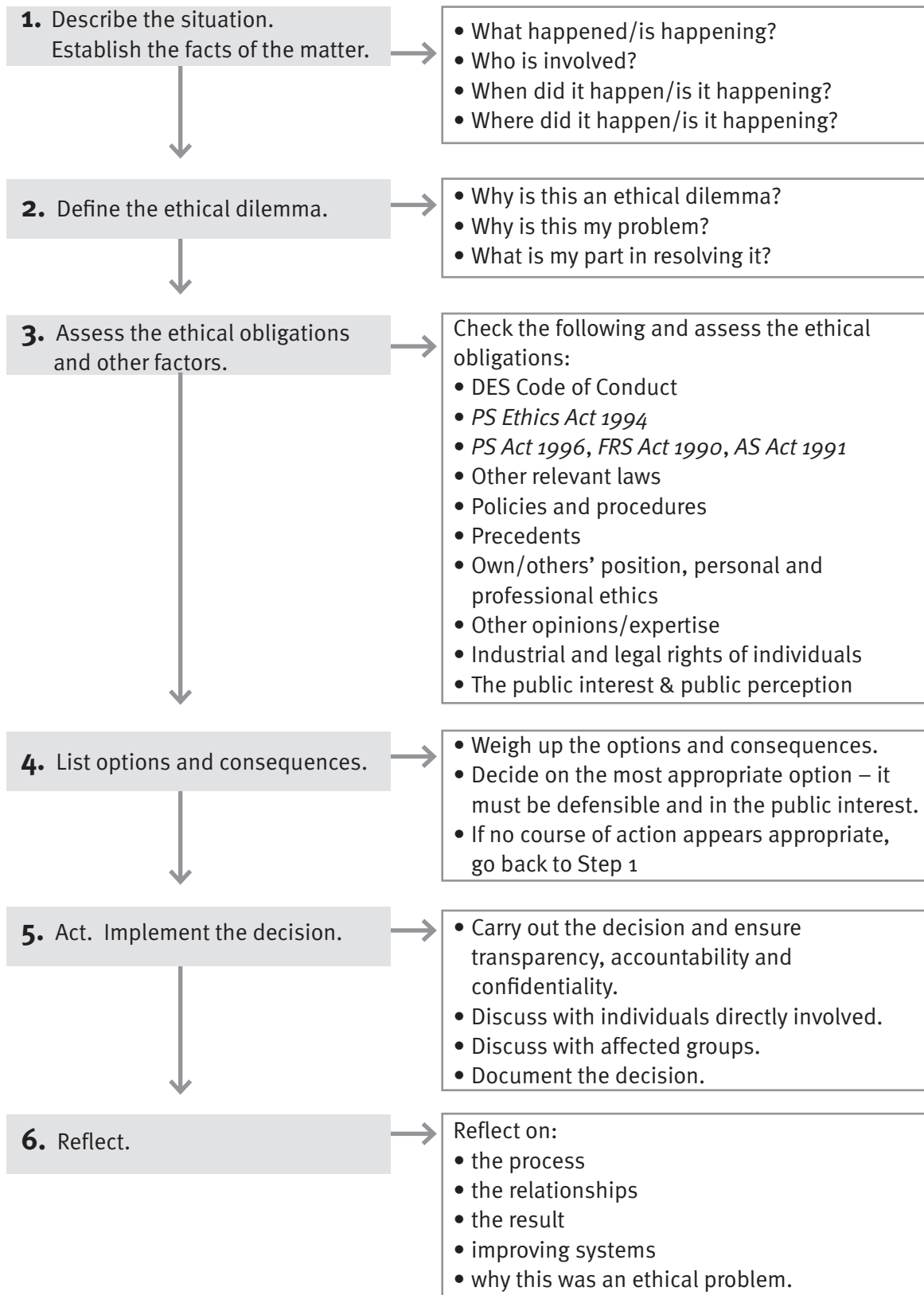
We want our work practices to be child-friendly and youth-friendly. Behaviour that could be harmful to children and young people is unacceptable. Harmful behaviour is behaviour that has a bad effect on a child or young person's physical, psychological or emotional wellbeing.

In our programs and community education activities that are aimed at children and young people, you must ensure that you:

- protect children and young people from any harm arising from their participation in the program
- conduct activities either accompanied by another adult or observable by others
- understand your responsibility under the department's child protection policy
- comply with any employment screening obligations as defined by the Commission for Children and Young People and the *Child Guardian Act 2000*.

Part Four – Tools for decision-making

Ethical decision-making model



Ethical decision-making model checklist

Step 1: Describe the situation. Establish the facts of the matter.

- What happened/is happening?
- Who is involved?
- When did it happen/is it happening?
- Where did it happen/is it happening?
- What is the history of the issue?
- What is the context in which the problem arose?

Step 2: Define the ethical dilemma.

- Why is this an ethical dilemma?
- Why is this my problem?
- What is my part in resolving it?

Step 3: Assess the ethical obligations and other factors.

Respect for law and the system of government

- What do legislation, policy, and guidelines require?
- How will I carry out decisions and policies faithfully and impartially?

Respect for persons

- What constitutes fair, honest and responsive action?

Integrity

- How will community confidence be maintained and enhanced?
- How can I ensure that any conflict of interest is resolved in the public interest?

Diligence

- How can I ensure proper care and attention in resolving this issue?
- How will this contribute to high standards of public administration?

Economy and efficiency

- How can I ensure that resources are not wasted, abused, used improperly or extravagantly?

Check the following and assess the ethical obligations:

- DES Code of Conduct.
- Public Sector Ethics Act 1994*.
- Public Service Act 1996*.
- Other relevant laws, especially those related to my department.
- Policies, procedures, directives, Brigade Constitution, Child Protection Charter.
- Precedents.

- My personal and professional ethics on the issue.
- Thoughts of people with specialist knowledge and other key people.
- The industrial and legal rights of individuals.

How does this relate to the public interest and public perception?

- What would an average person do if faced with the same facts?
- How would the media react if the situation became known?
- What is the interest of the elected government of the day?

Step 4: List options and consequences.

Weigh up the options and consequences. Decide on the most appropriate option – it must be ethically defensible and in the public interest.

- Have all the options been fully explored?
- Is the decision in the public interest?
- Does the decision comply with legislation and other relevant documents?
- Could I adequately defend the solution to my superior/Brigade/Controller?
- What obligations would I be under or what expectations would be raised if I go ahead with this solution?

(If it is not clear that this course of action is best, go back to Step 1.)

Step 5: Act. Implement the decision.

- Have I carried out the decision and ensured appropriate transparency, accountability and confidentiality?
- Have I discussed it with the individuals directly affected?
- Have I discussed it with affected groups?
- Have all the factors on which the decision was based been documented?
- Is the documentation at the right level, for example diary note, or detailed and formal records?

Step 6: Reflect.

Reflect on:

- the process
- the relationships
- the result
- improving systems
- why this was an ethical dilemma and how to prevent it.

Quick problem-solving model

We have developed a quick-decision wallet card to help officers when good decisions might be difficult because time is short, or there is a conflict, or a loyalty, or if a wish to help one officer might compromise the rights of another.

The six questions will help you to look at the problem in a fair and reasonable way:

1. Who will be affected?
2. Am I being fair?
3. Am I operating within the spirit of the code?
4. Did I explore all reasonable options?
5. Can I justify it?
6. Do I want others to read about it in the newspaper?

Responses to breaches – Guidance for supervisors and managers

Nature of matter	Managerial responses					Discipline responses
	Personal development	Career development	Training/ skills development	Professional services	Other	
Misconduct matters where the officer has acknowledged wrongdoing	<ul style="list-style-type: none"> • Correct • Guided correction • Motivational coaching • Coaching • Informal counselling • Formal counselling 	<ul style="list-style-type: none"> • Assign a mentor • Buddy with a high performer • Individual performance development plan • Increased supervision • Diminished performance agreement • Non-disciplinary transfer to other duties • Temporary restriction of duties • Job rotation • Secondment 	<ul style="list-style-type: none"> • Access to additional duties for supervisory experience • Research • Distance education • Computer-based learning packages • Policy/legislation training session • Professional development training • External training courses • Supervisory skills training • Skills re-accreditation 	<ul style="list-style-type: none"> • Lifestyle coaching • Welfare assistance • Chaplaincy support • Personal development counsellor • Conciliation • Mediation • Encourage officer to use the Employee Assistance Scheme program • Psychological assessment • Behaviour modification programs such as anger management 	<ul style="list-style-type: none"> • Review of management practices • Oral/written apology • Changes to policies or procedures • Skills enhancement within the work group • Team-building activities • Agreement from officer that behaviour will change 	<p>Highly likely:</p> <ul style="list-style-type: none"> • if the matter is habitual <p>OR</p> <ul style="list-style-type: none"> • if the misconduct is criminal or could lead to dismissal. <p>NOTE — Any adverse findings or sanctions imposed are subject to appeal by the officer to the Office of Public Sector Merit and Equity, or Industrial Relations Commissioner.</p>

Nature of matter	Managerial responses					Discipline responses
	Personal development	Career development	Training/skills development	Professional services	Other	
Misconduct matters where the officer has not acknowledged wrongdoing	<ul style="list-style-type: none"> • Informal counselling • Formal counselling 	<ul style="list-style-type: none"> • Increased supervision • Individual performance development plan • Diminished performance agreement • Assign a mentor • Buddy with a high performer • Non-disciplinary transfer to other duties • Temporary restriction of duties • Job rotation • Secondment 	<ul style="list-style-type: none"> • Skills re-accreditation • Computer-based learning packages • Policy/legislation training session • Professional development training • External training courses • Supervisory skills training • Access to additional duties for supervisory experience • Research • Distance education 	<ul style="list-style-type: none"> • Lifestyle coaching • Welfare assistance • Chaplaincy support • Personal development counsellor • Conciliation • Mediation • Encourage officer to use the Employee Assistance Scheme program • Psychological assessment • Behaviour modification programs such as anger management 	<ul style="list-style-type: none"> • Review of management practices • Oral/written apology • Changes to policies or procedures • Skills enhancement within the work group • Team-building activities • Dismissal of complaint or grievance as vexatious • Dismissal of complaint or grievance as unsubstantiated 	<p>Highly likely:</p> <ul style="list-style-type: none"> • if based on adequate evidence and if the matter is habitual <p>OR</p> <ul style="list-style-type: none"> • if the misconduct is criminal or could lead to dismissal. <p>NOTE — Any adverse findings or sanctions imposed are subject to appeal by the officer to the Office of Public Sector Merit and Equity.</p>

Nature of matter	Managerial responses					Discipline responses
Official misconduct matters	Personal development	Career development	Training/ skills development	Professional services	Other	
<p>Official misconduct matters (Any criminal matter must be referred to the CMC through the ESU and to the QPS in accordance with the <i>Crime and Misconduct Act 2001</i>.)</p>	<ul style="list-style-type: none"> • Informal counselling • Formal counselling 	<ul style="list-style-type: none"> • Increased supervision • Performance development plan • Assign a mentor • Buddy with a high performer • Non-disciplinary transfer to other duties • Temporary restriction of duties • Job rotation • Secondment 	<ul style="list-style-type: none"> • Skills re-accreditation • Computer-based learning packages • Policy/legislation training session • Professional development training • External training courses • Supervisory skills training • Access to additional duties for supervisory experience • Research • Distance education 	<ul style="list-style-type: none"> • Lifestyle coaching • Welfare assistance • Chaplaincy support • Personal development counsellor • Conciliation • Mediation • Encourage officer to use the Employee Assistance Scheme program • Psychological assessment • Behaviour modification programs such as anger management 	<ul style="list-style-type: none"> • Review of management practices • Oral/written apology • Changes to policies or procedures • Skills enhancement within the work group • Team-building activities • Dismissal of complaint or grievance as vexatious • Dismissal of complaint or grievance as unsubstantiated 	<p>Highly likely:</p> <ul style="list-style-type: none"> • if based on adequate evidence and if the matter is habitual <p>OR</p> <ul style="list-style-type: none"> • if the misconduct is criminal or could lead to dismissal. <p>NOTE — Any adverse findings or sanctions imposed are subject to appeal by the officer to the Office of Public Sector Merit and Equity, or the Industrial Relations Commission.</p>

Key qualities for all officers

There are some key qualities we all need to help us make fair-minded decisions. If we can display these qualities, they will help us to analyse our choices to make sure they are fair and just.

These qualities and their related behaviour will help you to meet your obligations under the code.

Key quality	Related behaviour
Honesty	<ul style="list-style-type: none"> • Willingness to obey the law. • Intent to follow the letter and the spirit of the code, policies, practices, and procedures. • Willingness to disclose actual, potential, or perceived conflicts of interest.
Accountability	<ul style="list-style-type: none"> • Accepting responsibility to record the reasons for decisions. • Willingness to have your actions scrutinised. • Accepting responsibility to keep proper and accessible records to establish evidence of reasons for actions.
Objectivity	<ul style="list-style-type: none"> • Commitment to be fair to all. • Ability to consider only relevant matters. • Commitment to be fully informed. • Ability to assess without fear, favour or deference.
Openness	<ul style="list-style-type: none"> • Willingness to give reasons for decisions. • Commitment to openly explore all reasonable options. • Willingness to provide all relevant information. • Ability to communicate with clarity and sensitivity.
Courageousness	<ul style="list-style-type: none"> • Willingness to give advice fearlessly when required. • Willingness to do the right thing even in adversity. • Willingness to report and deal with wrongdoing. • Ability to act ethically above loyalty to colleagues or supervisors.

Adapted from a publication by the New South Wales Independent Commission Against Corruption (ICAC).

Part Five — Frequently asked questions

Does this code replace previous division-specific codes?

Yes. This code applies to all officers working for or on behalf of the department. It supersedes all other codes of conduct that pre-date this code. The code provides a framework for good conduct; but it does not remove your obligation to comply with legislation, divisional policies, duty statements, behavioural standards, and directives in the course of your work.

The code complements current departmental and divisional legislation, duty statements, acceptable behavioural standards and the supervisory reporting chain of command.

What are the consequences of breaching this code?

Managers are likely to respond to minor breaches of the code. Managerial responses are detailed in the tables 'Responses to breaches – Guidance for supervisors and managers' starting on page 29.

Proven serious misconduct or official misconduct could result in you being asked to show cause why you should not be formally disciplined. Depending on the nature of the matter, we could also refer it to the Crime and Misconduct Commission (CMC) or, for possible criminal matters, to the Queensland Police Service (QPS).

What would happen if I have breached the code?

- Your supervisor gathers the available evidence and assesses whether they should deal with it.
- Your supervisor deals with the matter, preferably at the lowest appropriate level, and ensures that you have an opportunity to be heard.
- You should be told that you can ask for support and advice.
- You should respond by explaining the basis for your conduct.
- If the conduct is judged unacceptable, your supervisor identifies the necessary knowledge, skills or attitudes you need to develop.
- You agree to commit to displaying the necessary conduct and seek whatever reasonable assistance the supervisor can make available.
- In matters involving misconduct or suspected official misconduct, the supervisor will refer it through the chain of command to the Ethical Standards Unit (ESU). In serious cases, you may be asked to show why you should not be formally disciplined.

What support can I get if my conduct has been challenged?

You are always entitled to use your Employee Assistance Scheme on any matter that causes you concern. If you have been accused of breaching the code, your supervisor will determine the known facts and decide whether the matter warrants further action. Your supervisor will ensure that you can speak on the matter before making a decision.

If you acknowledge the inappropriate behaviour and it is of a minor nature, a managerial response is probable (see the tables 'Responses to breaches – Guidance for supervisors and managers', starting on page 29).

Throughout the process, you have access to your Employee Assistance Scheme and you are welcome to bring a support person, union representative or human resource officer to any related meeting with your supervisor.

What can I do if I feel I have been wrongly accused?

If you believe you have been wrongly accused, tell your supervisor (or next in the reporting chain of command) about the facts as you believe them to be. The supervisor will review any conflicting versions of events and determine whether the matter should go further.

Do I have appeal rights?

Yes. The Office of Public Sector Merit and Equity will hear appeals on the finding of a discipline matter and/or the sanction imposed after a discipline process.

Rural Fire Service volunteers can ask officers in their reporting chain of command, as well as the Rural Brigade Management Committee for a review of a decision made by another member of the Service.

How are terms like 'harassment' defined?

You can look at the 'Terms explained' (Part Seven) for definitions, or ask your supervisor/Brigade Secretary/Controller or the ESU.

I am a volunteer – does this code apply to me?

Yes. This code applies to all volunteers working on behalf of the department. The code is intended to guide you in making appropriate and fair-minded decisions rather than dictate an answer for every situation. As a volunteer, you must comply with the spirit of the code. If it has specific application to your role, it directly applies to you. There are aspects of the code that will not apply to you as a volunteer. If you have any doubts, ask your Brigade/Controller (or equivalent).

Members and volunteers of the Rural Fire Service are managed under the Brigade Constitution.

As a volunteer, am I more likely to have legal action taken against me?

No. The department has no record of a volunteer or employee having to pay any of their money to settle a civil claim arising from their involvement in activities on behalf of the department. The code does not expose volunteers or employees to a greater risk of civil or criminal litigation.

The code establishes underlying values and principles that guide acceptable conduct of volunteers and staff. One way it does this is by describing existing legal frameworks applying to people working for and on behalf of the department. It does not create additional legal obligations that increase the risk of a person suing an individual volunteer or employee.

If something goes wrong and someone wants to sue you as a result, it is nearly always the department who is sued and not the individual. This usually occurs as the department is seen to be in a better position to pay out if the court upholds a claim. Occasionally, however, individual officers are named in a discrimination or sexual harassment complaint.

The government has legislation that protects employees and volunteers from being sued. For example, the *Fire and Rescue Service Act 1990*, *Ambulance Service Act 1991*, and the *Disaster Management Act 2003* all protect a person from personal liability. *The Civil Liability Act 2003* protects staff and volunteers from being sued in emergency and operational contexts.

Does this code restrict my personal freedom?

This code does not restrict your personal freedom. We encourage you to freely ask and contribute on matters affecting your employment or volunteer work, or the department generally. However, we expect that matters concerning the department would be initially raised 'in-house' so that we can try to deal with it first. You have the right to discuss personal matters with local government, state government or elected representatives.

Can I get legal support from the department if someone tries to sue me?

Yes. The department will indemnify you if someone sues you and you have acted in good faith, diligently and conscientiously.

In the rare circumstance that you are sued as an individual, you should notify your supervisor/Brigade Secretary/Controller (or equivalent) immediately and write to the Director-General detailing the circumstances and requesting to be indemnified.

I work with emergency service cadets — does this code apply to me?

The code applies to you when you work with Emergency Service Cadets. If you are an officer working with young people you have additional responsibilities to comply with the Child Protection Charter to which the department is a signatory. Further information on the Child Protection Charter is available through the department.

What support will I be given if I report a breach of the code?

You have a responsibility to report what you believe is inappropriate conduct in your workplace. If this is a stressful situation for you, we encourage you to discuss this with your supervisor and to use your Employee Assistance Support program. If you are concerned about repercussions you can advise the Ethical Standards Unit.

What are my obligations as a supervisor for keeping subordinates up to date on the code?

As a supervisor you are required to comply with obligations as detailed in ‘Extra responsibilities of supervisors and managers’.

In addition you are required to:

- respond to officers’ enquiries about applying the code and refer them to someone else if you are unable to answer their query
- provide all officers with a copy of the Code of Conduct brochure as a part of their induction
- ensure all officers have access to the Code of Conduct book at the worksite
- ensure that Code of Conduct posters are prominently displayed in the worksite.

We require all officers to read and comply with their responsibilities as detailed in the Code of Conduct brochure.

If officers breach their obligations under the code, you must manage them in a procedurally fair manner; that is, they must be given the opportunity to be heard by an unbiased decision-maker before any adverse decision is made regarding their alleged inappropriate conduct.

Where can I go for more information about the code?

Your supervisor or manager (or the equivalent for volunteers), your industrial representative or professional association, the ESU, or the DESPortal can give you more information.

Part Six – Administration

Maintaining the code

To maintain the code we will:

- raise officers' awareness of their obligations as detailed in the Code of Conduct brochure
- tell people that the code exists
- report on the operation of the code
- continually check and verify that officers are complying with the code
- develop and continually update standards that we can use to assess performance.

The role of the Ethical Standards Unit (ESU)

The ESU is responsible for:

- developing policy initiatives in relation to workplace conduct
- giving advice on strategies to prevent misconduct
- ensuring there is training and development to support ethical conduct and to prevent misconduct
- being accountable by reporting on the operation of the code
- checking and verifying the code to ensure continued compliance
- developing and continually updating standards against which the performance of the code can be assessed
- managing responses to ministerial and departmental decisions challenged in external review forums
- managing matters involving the CMC, grievances, discipline, criminal charges and convictions, and the Anti-Discrimination Commission Queensland.

The ESU is also responsible for maintaining the code. They will review the code at least every three years.

The Director-General has appointed the Executive Manager ESU as being responsible for managing and reviewing the code.

The manager will:

- continually identify and develop strategies to help prevent misconduct
- continually apply improvement principles to ensure that the code remains relevant and vital to officers' leadership and decision-making.

Awareness and understanding of the code

All officers, during their induction, will be told of their obligations to comply with the code.

You must get to know your ethical obligations detailed in the Code of Conduct brochure. This brochure is available in all departmental worksites throughout Queensland.

You should raise any doubts about your obligations with your supervisor/manager, or volunteer equivalent.

Reporting breaches of the code

All officers are obliged to report alleged breaches of the code to their supervisor/manager, or volunteer equivalent. If the alleged breach involves your supervisor, you should report the matter to the next most senior person.

You can seek guidance on reporting alleged breaches of the code from your supervisor/manager or from the ESU.

The ESU, on behalf of the Director-General, will identify matters to be referred to the CMC according to our obligations under the *Crime and Misconduct Act 2001*.

Consequences of breaching the code

If an officer has been proved to have been involved in conduct that is against the code, the supervisor/manager/Brigade Association/Local Controller will take action. The type of action will be decided by the context in which the breach occurred, and its degree of seriousness.

Several possible interventions for managers are shown in the tables 'Responses to breaches – Guidance for supervisors and managers' starting on page 29. In addition, informal and formal counselling could be used in response to proven inappropriate conduct.

The ESU will coordinate all formal disciplinary matters on behalf of the department.

For employees, if the matter is considered serious enough for formal disciplinary action, the workplace supervisor/manager is to liaise with the ESU. The ESU, in consultation with the relevant division, will decide whether disciplinary action is needed, based on the nature of the conduct and the quality of evidence.

While some matters, by law, will be referred to the CMC or the QPS, generally, appropriate levels of response include:

- a managerial response
- interim re-assigning of duties
- informal counselling or formal counselling
- formal discipline
- suspension from duty until a suitable departmental response is complete
- summary dismissal.

Whistleblowers Protection Policy

The Whistleblowers Protection Policy is based on the *Whistleblowers Protection Act 1994*. The policy and procedures are intended to protect rights of individuals who make a public interest disclosure (PID).

A PID is made by a ‘discloser’ (a whistleblower) who gives information about a person, which raises genuine concerns about their possible serious misbehaviour that is not in the public interest.

A PID relates to:

- conduct that is criminal or dismissible
- wrongful administration affecting people’s interests in a substantial way
- negligent or improper management resulting in, or likely to result in, a substantial waste of public money.

Whistleblowers must give their information to a person or an organisation such as the:

- Director-General
- Commissioner Queensland Fire and Rescue Service
- Commissioner Queensland Ambulance Service
- Executive Director, Emergency Management Queensland
- Executive Director, Business Support Services
- Executive Director, Strategic Policy and Executive Services
- Executive Manager Ethical Standards Unit
- External agency such as CMC or Office of Public Sector Merit and Equity.

The ESU manages this program. Further information is available on the DESPortal.

Commitment to continuous improvement

This code has been written around the Australian Standard AS 8002-2003. We are committed to ensuring that this code reflects the best possible practice in ethical conduct.

We encourage you to contact the ESU if you think there is any aspect of this code that fails to contribute to our objectives, specifically:

- building trust, open communication and collaboration
- promoting ethical decision-making
- establishing a framework for minimum acceptable standards
- setting high goals for all people to aim at
- promoting shared values
- promoting a willingness by all to be responsible and accountable for the quality of their decision-making
- promoting an ethical decision-making model.

Part Seven – Terms Explained

Accountability

Having to account for your actions to others in a position of authority over you. It includes the way you are held accountable for delivering your responsibilities according to authority, and agreed expectations.

Attitudes

‘Inherited’ ways of feeling about or reacting to other people, groups, things or ideas. Attitudes are learned from your family, peer groups and culture.

Behaviour – repeated

Refers to the nature of the behaviour, not the specific form of the behaviour. Repeated, unreasonable behaviour may be a pattern of different incidents, often spread over time; for example, verbal abuse on one occasion, personal property intentionally damaged on another occasion, and unreasonably threatening a subordinate with dismissal.

Behaviour – unreasonable

See ‘Unacceptable workplace behaviour’.

Beliefs

A personal judgment, which you are prepared to defend by reasons or evidence. The accuracy of your belief is not based only on facts that are easy to demonstrate.

Bullying

See ‘Unacceptable workplace behaviour’.

Conduct

The actual behaviour of individuals. It includes decisions to act and decisions not to act.

Confidentiality

An obligation, under law, policy or duty of care, not to give out information that could be sensitive or damaging to the interests of another person.

Confidential information

Information that:

- is defined by law or policy as confidential
- is by its nature confidential
- is designated by the individual as confidential
- the person holding the information knows or ought to know is confidential.

Conflict of interest

A conflict between an officer's public duty and private interests which could improperly influence the performance of their official duties.

Types of conflict include:

- Actual: A direct conflict between an officer's current duties and existing private interests that can directly affect the officer's impartiality or judgement.
- Apparent: Where a reasonable person could see that an officer's private interests could improperly influence the performance of their duties — whether or not this is the case.
- Potential: Where an officer has private interests that could conflict with their duties in the future.

Dilemma

A situation in which a difficult choice has to be made between two equally undesirable options. A moral dilemma is a clash of competing principles or duties. Most situations which seem to be dilemmas can be tackled using problem-solving methods.

Diligence

Conscientiousness in paying proper attention to a task; giving the degree of care required in a given situation; persevering determination to perform a task; carefulness; careful attention — the opposite of negligence.

Economy

Being frugal and avoiding extravagance. The emphasis is on finding ways to use fewer resources while still achieving an acceptable standard.

Efficiency

The relationship between the levels of outputs compared to the cost needed to produce that output. Improved efficiency occurs when the cost of inputs is decreasing but the level of outputs is constant or increasing.

Ethical Standards Unit (ESU)

This unit is part of Human Resource Services within Business Support Services, DES. It gives advice to officers on all issues relating to alleged or proven breaches of this code, and disciplinary implications and procedures for making a public interest disclosure under the *Whistleblowers Protection Act 1994*.

Ethics

The ‘spirit’ of the community, which is the formal cooperative endeavour of a community to define its moral values, the necessary conditions, practical requirements, and protective rules, to ensure the wellbeing of the community and its members.

Ethics principles

Refers to the five ethics principles described in the *Public Sector Ethics Act 1994*:

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

Ethos

The sum of ideals, which define an overall culture in an organisation.

Fraud

Fraud is an act that tries dishonestly to secure a benefit to you or another person. It is a dishonest activity causing actual or potential financial loss to a person or organisation. This includes dishonestly applying to use departmental property, or the property of another department, deliberately falsifying, concealing, destroying or using falsified business documents, or the improper use of information or position.

Gifts and benefits

Refers to money, property, shares, hospitality, entertainment, accommodation, food and beverages, and any other item or service that has a financial value.

Golden rule

Generally expressed as:

- ‘do to others as you would wish that they do to you’
- ‘never do to others what you would not wish them to do to you’.

Good faith

Negotiating in good faith involves approaching negotiations with an open mind and a genuine desire to reach agreement, as opposed to adopting a rigid, predetermined position and not being prepared to shift.

Signs of negotiating in good faith are:

- agreeing to meet at reasonable times proposed by the other person
- attending meetings that you have agreed to attend
- not adding or withdrawing items for negotiation
- complying with negotiation procedures agreed to by all
- giving out relevant information suitable for the negotiations
- negotiating with all people involved.

Signs of negotiating in bad faith are:

- unreasonable delays
- postponing meetings
- rejecting previous commitments
- shifting positions
- failing to cooperate at a mediation
- interjecting new demands
- refusing to sign a written statement
- withholding valuable information
- adopting an obstructive attitude.

Harmful behaviour

Behaviour that has a detrimental effect of a significant nature on an adult, child or young person's physical, psychological or emotional wellbeing.

Integrity

Sound character, or the moral wholeness, of the person, combining the qualities of accountability, consistency, reliability, honesty, objectivity, courage and fairness.

Intellectual property

Rights arising from original, creative intellectual activity. Intellectual property includes an invention, original work, results of scientific research or a product. If intellectual property is developed in the course of an employee's employment, most intellectual property rights belong to the department.

Knowledge

A group of facts or principles that can be substantiated or demonstrated by proof or evidence.

Legal and Legislative Services Unit

This unit is part of Strategic Policy and Executive Services, DES, and gives legal advice to the department.

Misconduct

- Improper conduct in an official capacity.
- Improper conduct in a private capacity that reflects seriously and adversely on the department.

Misconduct — official

The *Crime and Misconduct Commission Act 2001* defines official misconduct. In essence, official misconduct is:

- conduct that is either criminal or a disciplinary breach that could lead to dismissal and the conduct is connected with the officer's duties, such as the performance of their official function or the exercise of their power
- conduct that is found to be:
 - dishonest or not impartial
 - a breach of trust
 - a misuse of information acquired through the officer's position
 - potentially leading to an officer's dismissal.

Morals/morality

Goodness or badness of a person's character or disposition, or their personal conduct. It refers to a person's private standards, values and lifestyle. Stated ethical obligations in the code could be different from a person's morals.

Natural justice

A process in which no decision which affects an individual will be made without the person being given the opportunity to respond. An unbiased decision-maker will make the decision.

Officer(s)

All uniformed and non-uniformed permanent, part-time, auxiliary, temporary and casual employees, contract employees and volunteers (including Fire Wardens) working for or on behalf of the department.

Pornography

Pornographic material is an explicit description or exhibition of sexual activity, intended to stimulate erotic rather than aesthetic or emotional feelings.

Privacy principles

Defined under the *Privacy Act 1998*, privacy principles guide how the department manages personal information gathered in the course of the department's business.

Procedural fairness

Decision-makers must act according to the principles of natural justice — that is, they must preserve the right for officers to be heard by an unbiased decision-maker on matters that affect their rights, interests or expectations, prior to a decision being finalised.

Public comment

Occurs when a person makes comments about official aspects of their work or the department which are likely to reach the community.

Public interest

The public interest is acting according to the law and policy intentions of the elected government, under the direction of the minister, to achieve an outcome of value for the wider community. This outcome is over private, personal or sectional interests and open to public justification.

Public perception

A judgement made by fair-minded people fully aware of the facts.

Reasonable person

An 'ordinary' person who is not a stakeholder in the outcome and who understands all the circumstances of the matter. They could be of equal rank to the people involved, or a person in a higher position.

Respect for persons

The moral principle that says we should respect the rights and dignity of others and encourage them to achieve their full potential for the benefit of all of us.

Respect for law and system of government

Having the attitude to comply with, and respect the law and the system of government.

Rights

Justified legal or moral entitlements, for example, the right to procedural fairness.

Sexual harassment

This is defined in Section 119 of the *Anti-Discrimination Act 1991*. Unwanted, unwelcome or uninvited sexual behaviour that is, or might be offensive, humiliating, intimidating or embarrassing. It can include an unwelcome sexual advance, unwelcome request for sexual favours, or other unwelcome conduct of a sexual nature.

It can take various forms and be obvious or indirect, physical or verbal. It includes behaviour that creates a sexually hostile or intimidating environment.

Examples include:

- unwelcome physical touching
- suggestive sexual comments, jokes or innuendo
- unwelcome requests for sex
- intrusive questions about a person's private life
- displaying sexually explicit material such as posters, pictures, computer 'wallpaper' or screensavers
- unwanted invitations
- staring or leering
- sex-based insults or taunts
- offensive communications, including but not limited to, telephone calls, letters, emails, faxes, text messages.

Sexual harassment does not have to be repeated or continuous to be against the law. One incident, if sufficiently serious, could be considered sexual harassment.

Stakeholders

Stakeholders are all those who have a legitimate, substantial interest in the outcome of a situation.

Trust

The confidence you have in others or the department to behave in a certain way.

Unions, and professional and employee associations

An organisation that represents the rights of officers. Officers may ask for advice and information about their rights and obligations from their union or a professional association or employee organisation.

Unacceptable workplace behaviour (workplace harassment)

A person is subjected to workplace harassment when exposed to repeated behaviour (except sexual harassment), by any person (including the person's employer or a co-worker or group of co-workers), that:

- is unwelcome and unsolicited

- the person considers to be offensive, intimidating, humiliating or threatening
- a reasonable person would consider it to be offensive, humiliating, intimidating or threatening.

Workplace harassment does not include reasonable management action taken by the person's employer in connection with the person's employment when it has been implemented in a reasonable way.

Unacceptable workplace behaviour is not always intentional. Sometimes people do not realise that how they are treating someone can have a bad effect. Such behaviour can occur between:

- two or more people
- managers and employees
- employees and volunteers
- other persons at the workplace (such as temporary staff, students, clients).

Unacceptable behaviour is behaviour that a reasonable person, in the circumstances, could consider as humiliating, intimidating, undermining or threatening. Such behaviour includes:

- verbal abuse
- initiation pranks
- excluding or isolating employees
- giving a person most of an unpleasant or meaningless task
- humiliation through sarcasm, or belittling someone's opinions
- constant criticism or insults
- spreading malicious rumours about a person
- setting impossible deadlines
- deliberately changing work rosters to inconvenience certain employees
- deliberately withholding information or resources that are vital for effective work performance
- displaying writing or pictures that may degrade or offend people
- manipulating the impression of others to split the work group into taking sides.

Values

A person's principles or standards that guides their judgement about what is good and proper conduct.

Whistleblower

The *Whistleblowers Protection Act 1994* protects all officers who 'blow the whistle' (make public knowledge) about alleged inefficiency, corruption or inadequate administration within the department.

Public interest disclosure (PID)

A PID is made by a ‘discloser’ (a whistleblower) who gives out particular information about a person, which raises genuine concerns about their possible serious misbehaviour that is not in the public interest.

Anyone can make a PID regarding unlawful, negligent or improper behaviour that might cause danger to the health or safety of a person with a disability or to the environment. PIDs must be made to certain people or organisations (see page 39), and not unions, media, or external individuals.

Anyone can also make a PID regarding reprisals taken against a person for making a PID. PIDs are about official misconduct. Official misconduct is corrupt or other serious misconduct relating to the officer’s duties.

The conduct must be any of the following:

- dishonesty or lack impartiality
- a breach of trust
- misuse of officially obtained information.

The conduct must also be serious enough to be a criminal offence, or justify dismissal, if proved.

Official misconduct is defined in the *Crime and Misconduct Act 2001*:

- Maladministration: illegal, arbitrary, oppressive or improper public sector administrative action.
- Negligent or improper management involving a substantial waste of public funds by any officer or anyone contracting to supply goods or services to a public sector entity.
- A substantial and specific danger to public health or safety, or the environment.

Youth

Children and young people involved in the department’s youth programs such as Emergency Services Cadets or other programs for children. Examples include Fire Education, Adopt a Fire, Adopt an Ambo.

Notes

Notes