CODE OF CONDUCT POLICY

Human Resources
YASC POL 01 – V8

2026

YARRABAH ABORIGINAL SHIRE COUNCIL
56 Sawmill Rd Yarrabah, QLD 4871

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1. LEGISLATION AND AUTHORITY

The Local Government Act 2009 (Qld);
Local Government Regulation 2012 (Qld);
Public Sector Ethics Act 1994 (Qld);
Integrity Act 2009 (Qld);
Information and Privacy Act 2009 (Qld);
Copyright Act 1968 (Commonwealth);
Environmental Protection Act 1994 (Qld);
Right to Information Act 2009 (Qld);
Public Interest Disclosure Act 2010 (Qld);
Crime and Misconduct Act 2001 (Qld);
Human Rights Act 2019 (Qld)
Working with Children (Risk Management and Screening) Act 2000
Working with Children (Risk Management and Screening) Regulation 2020
YASC Drug and Alcohol Policy;
YASC Anti-Discrimination and EEO Policy;
YASC Dress Policy;
YASC Performance and Misconduct Policy and Disciplinary Procedures;
YASC Conflict of Interest Policy;
YASC Delegated Authority Register;
YASC Contact with Media Policy;
YASC Personal Grievance Policy;
YASC Procurement Policy.

2. COUNCIL'S STATEMENT

The aim of the Code of Conduct is to outline standards of behaviour expected of all Yarrabah Aboriginal Shire Council employees and contractors, so that we can foster and promote a positive workplace culture.

Everyone working for Yarrabah Aboriginal Shire Council must read and understand our commitment to the code and obligations on each employee to serve the interest of the public. In the same way, everyone working for Yarrabah Aboriginal Shire Council deserves to be treated with fairness, dignity and respect.

The Yarrabah Aboriginal Shire Council's guiding principles are at the core of this Code of Conduct.

Serious Breaches of the Code will not be tolerated.

Council conducts its business with integrity, honesty and fairness. All employees are expected to work within the rules and actions of council will comply with all relevant laws, regulations, codes and corporate standards.

Everyone representing Council must reflect the highest standards of behaviour. Our relationships are critical to the ongoing success of our organisation. Our leaders have responsibility for fostering a culture where ethical conduct is recognised, valued and applied at all levels.

Council actively supports learning and applied knowledge, we encourage all employees to work safely, be customer focused, use technology and Council assets effectively, adapt to changes, improve their own capabilities.

We are committed to Council's Community, Corporate and Operational Plans.

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3. CEO STATEMENT

All representatives working for Yarrabah Aboriginal Shire Council ("Council") are expected to demonstrate awareness and understanding of our commitment to serving our community and representing the public interest.

In the same way, everyone working for "Council" deserves to be treated with respect and feel valued at work. YASC operates on a basis where leadership and integrity are front and centre. The Code of Conduct is now alive and each of us has a responsibility to act as leaders in its implementation.

A Code is only as good as the action it generates.

The "Council's" Guiding Principles – Vision, Values, Goals and Mission are at the core of this Code of Conduct. The Code provides standards of behaviour expected of all employees within Yarrabah Aboriginal Shire Council so that we can build a positive workplace culture. It is not intended to be, and must not be, used to intimidate or threaten employees.

The Code sets very high standards. Positive behaviours will be strongly promoted and supported. However, serious breaches of the Code including bullying and harassment will not be tolerated. The implementation of the Code in our workplace is the responsibility of **all** "Council" employees.

Managers and Supervisors have the added responsibility of ensuring that the Code is understood by all employees. "Council" as an organisation is responsible for making this Code a positive and useful document.

I expect everyone to read and act in accordance with this Code, for the benefit of yourselves, your colleagues and the public we all serve.

Council conducts its business with integrity, honesty and fairness and complies with all relevant laws, regulations, codes and corporate standards.

All employees must endeavour to apply the highest standards of behaviour when engaging customers and interacting with each other. Our leaders must encourage a culture where ethical conduct is recognised, valued and followed at all levels.

Council actively supports, encourages and offers training for all its employees to:

- work safely,
- be customer focused,
- use technology and Council assets effectively,
- adapt to changes;
- improve their own capabilities and
- contribute to Council's strategic aspirations (as contained in the Community, Corporate and Operational Plans).

Richard Wright

CEO

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4. THE OBJECTIVE

A Code of Conduct is a set of standards and behaviours related to '*the way we do our work'*. It puts a responsibility on each of us to use sound judgement in the daily conduct of our work.

It aims to deliver best practice by ensuring those standards are clear and guided by sound ethics. By consistently applying these standards, we aim to enhance public trust and confidence in our ability to serve. Nothing in this Code interferes with your rights as a private citizen.

The Code does not cover every situation. However, the values, ethics, standards and behaviours it outlines are a reference point to help make decisions in situations it does not cover. If you act in good faith, apply ethical decisions and fulfil your duties the spirit of the Code, you can expect to be supported by your colleagues, your team leader/supervisor/manager and by Council.

A 'Guide for ethical decision-making' is included at ***Appendix B*** to help you in situations not covered by the Code.

5. COMMENCEMENT OF POLICY

This Policy replaces all other code of conduct policies of YASC (whether written or not).

6. LEGISLATIVE PRINCIPLES & CORPORATE VALUES

The *Public Sector Ethics Act 1994* (Qld) identifies four ethics principles fundamental to good public administration that guide our behaviour as Public Officials and form the basis for a local government Code of Conduct. The four principles are:

(a) integrity and impartiality;
(b) promoting the public good;
(c) commitment to the system of government; and
(d) accountability and transparency.

The *Local Government Act 2009* (Qld) sets out the way in which a local government is constituted and the nature and extent of its responsibilities and powers. The Act requires Council's actions are consistent with the following local government principles:

(a) transparent and effective processes, and decision-making in the public interest; and
(b) sustainable development and management of assets and infrastructure, and delivery of effective services; and
(c) democratic representation, social inclusion and meaningful community engagement; and
(d) good governance of, and by, local government; and
(e) ethical and legal behaviour of councillors and local government employees.

These legislated principles, together with Council's corporate values, form the basis of this Code of Conduct. They apply to all employees and guide our thinking, actions and decision-making.

The values we share as employees of Council are:

(a) passion for Yarrabah – *Paradise by the Sea;*
(b) responsive customer service;
(c) respect for people;
(d) courage to make a difference;
(e) working together;
(f) getting things done;
(g) value for money.

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7. TO WHOM DOES THE 'CODE' APPLY?

All Council employees (regardless of their employment status, role or position – e.g. permanent, temporary, casual or part-time employees, managers, supervisors, team leaders, team members or individuals), contractors and volunteers **must** be familiar with and follow the spirit and content of the Code of Conduct.

8. WHEN DOES THE 'CODE' APPLY?

The Code is concerned with our conduct as Public Officials and behaviour as individuals whilst at work and outside the workplace where particular behaviour may be directly related to our employment, during Council sponsored/promoted activities and in other circumstances where our actions may impact upon the reputation of Council.

9. ETHICAL PRINCIPLES, VALUES AND CONDUCT

9.1 The First Principle – Integrity and Impartiality

Public Sector Ethics Act 1994 (Qld) section 6 states:

"In recognition that public office involves a public trust, public service agencies, public sector entities and Public Officials seek to promote public confidence in the integrity of the public sector and: -

(a) are committed to the highest ethical standards; and
(b) accept and value their duty to provide advice which is objective, independent, apolitical and impartial; and
(c) show respect towards all persons, including employees' clients and the general public; and
(d) acknowledge the primacy of the public interest and undertake that any Conflict of Interest issue will be resolved or appropriately managed in favour of the public interest; and
(e) are committed to honest, fair and respectful engagement with the community."

9.1.2 Operationally, for you this requires the following standards of behaviour:

(a) Conflicts of Interest

When making decisions, you must declare any conflicts of interest that could affect your objectivity in carrying out your duties.

A Conflict of Interest involves a conflict between your official duties and responsibilities in serving the public interest and your private interests. A Conflict of Interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise. This includes advantages to relatives and friends.

If you believe you have a Conflict of Interest, whether real, potential or perceived, you must tell your team leader/supervisor/manager promptly. Your team leader/supervisor/manager will then provide further direction on how to resolve the matter giving rise to the Conflict of Interest.

Until the matter is resolved, you must make sure you are not part of any decision-making processes related to the matter.

If you feel you have a Conflict of Interest between professional and corporate values, discuss it with your team leader/supervisor/manager. You should also refer to Council's Conflict of Interest Policy POL 21 on how to report and manage a Conflict of Interest.

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Where required by Chapter 8, Part 5 of the Local Government Regulation 2012 (Qld) you may be required to supply details of interests to the CEO or Mayor to be included in a Register of Interests and ensure particulars contained in a Register of Interests remain correct.

(b) Influences on decision-making

You must not influence any person in an improper way with the aim to obtain personal advantage or favours.

All decisions need to be, and be seen to be, fair and transparent. This can be achieved in a number of ways, including clear record-keeping and showing how decisions were made.

You must not in any way misrepresent your qualifications, experience or expertise in any recruitment and selection process.

Appendix B has more information about how to undertake ethical decision making: see 'A guide to ethical decision-making'.

You must ensure that any contact with lobbyists complies with any Policy of Council and the requirements of the Integrity Act 2009 (Qld) (as outlined at Appendix C).

(c) Accepting Gifts and Benefits

Occasionally you may be offered gifts or benefits from people with whom you do business.

Pursuant to the Local Government Act 2009 (Qld) s199, it is an offence for an employee to ask for, or accept, a fee or other benefit for doing something as a local government employee. However, this does not apply to remuneration paid by Council or a benefit that has only a nominal value.

The acceptance of Gifts or Benefits of a nominal value may be permitted in limited circumstances, however as a rule you must not accept any gifts or benefits if there is a possibility that in doing so, you could create a real, potential or perceived Conflict of Interest or be seen to be receiving a bribe.

The test to apply is whether you could be (not whether you are) influenced by your private interests in carrying out your official duties, or whether people are likely to believe that you could be influenced.

For example, ask yourself if accepting the gift or benefit could suggest that the giver may or would receive favourable treatment.

Where required by Chapter 8, Part 5 of the Local Government Regulation 2012 (Qld) senior staff (including the CEO and Councillors) must ensure that gifts are recorded in their Register of Interests.

(d) Employment outside Council

It is not Council's intention to stop people from holding secondary employment over and above your official duties as a Council employee. Approval for secondary employment is automatically granted for you to undertake private employment outside of your normal working hours as long as the following requirements are met:

- That no Conflict of Interest exists or develops, between private employment and your official duties.
- That your private employment has no effect on the performance of your official duties. This includes effects from a safety/fatigue management perspective.
- That your private employment does not involve use of Council resources (physical, technological or intellectual); and
- You must ensure that your work outside Council continues to meet the requirements at (a); (b) and (c); and

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- Pursuant to the Local Government Act 2009 (Qld) s198, where you seek to be employed by more than 1 local government at the same time, approval of each of the local governments is required prior to you being appointed to the second position.
- Although you do not need written approval, if you undertake voluntary work or a hobby you also need to ensure that these activities meet the above requirements. If you are unsure, you should discuss this with your team leader/supervisor/manager.

(e) Public Comments on Council Business

As a general rule, Councillors comment publicly on Council business. Council business can be topical, sensitive and controversial and there is a process to be followed when making public comments.

If you are asked to comment on any Council matter via the media or other public relations firms, you should first refer to Council's Media Policy POL 19 and/or talk to your supervisor/manager.

You must also ensure that to the extent you collect, handle or give access to personal information, you comply with the Privacy Principles outlined under the Information Privacy Act 2009 (Qld). A copy of the Privacy Principles as applying to Council is outlined at Appendix D.

(f) Advice given to Elected Officials

Councillors may, from time to time, ask local government employees for advice for the purpose of assisting the Councillor carry out their responsibilities under the Local Government Act 2009 (Qld). Where requests for advice are made, these must be consistent with the 'acceptable requests guidelines' which has been adopted by resolution of Council. Council employees have a responsibility to provide such relevant advice as requested by a Councillor and in doing so must ensure that such advice is thorough, responsive, objective, independent, apolitical and impartial.

Where an employee believes that a request for advice by a Councillor is not in accordance with Council's adopted 'acceptable requests guidelines', you must discuss this with your team leader/supervisor/manager.

(g) External Activities

Council supports and is committed to ensuring all staff are free to engage in trade union, party-political, professional, interest group or charity activities of their choosing. However, you must make sure that your participation in such activities does not cause either a Conflict of Interest, and/or unduly restricts the performance of your official duties with Council.

You must not allow your involvement in any external organisation to intrude upon your duty, as a Council employee, which includes Council's confidence in you to give sound advice to Council that is objective, independent, apolitical and impartial.

You are not to take part in political affairs whilst on duty. Council's IT systems, including internet access and email, Council newsletters and workplaces must not be used for political messages or circulating defamatory or disparaging remarks against individuals, groups or Council itself.

If you comment publicly in connection with external activities, you must make a clear distinction between your opinion as a member of the external organisation, and your opinion as a Council employee.

You must not use your role in Council, Council information, or information gained in the course of your official duties as a Council employee, to advance your position or standing within an external organisation, nor for the benefit or promotion of an external organisation. You must not provide

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Council information to members of other groups or related persons, except where this information is publicly available.

As a member of an external organisation you need to be aware that participating in activities in the public arena, where you may be identified as a Council employee, can give rise to a perception of Conflict of Interest in some circumstances. Where such a situation arises, you must declare and manage the conflict in accordance with this Code of Conduct and any other relevant policy adopted by Council.

(h) Behaviour Towards Each Other

We must all treat others with trust, respect, honesty, fairness, sensitivity and dignity. Employees who supervise or manage other employees have a special responsibility to model this kind of behaviour, and to ensure that the people they supervise understand the standard of performance and behaviour that is expected of them at work and when dealing with each other and the public generally.

Council values diversity, and expects all its employees, contractors or volunteers to accommodate and respect different opinions and perspectives, and to manage interpersonal disagreements by rational debate. You must not behave towards any other person in a way that could be perceived as intimidating, overbearing or bullying, or that may constitute unwelcome conduct of a sexual nature.

Effective teamwork is an essential part of a productive workplace culture. Each team member needs to work co-operatively with fellow employees and actively and willingly take part in team activities (e.g. meetings).

(i) Non-discriminatory workplace

Council is an equal opportunity employer and as such is proactive in ensuring that its practices do not discriminate based on an attribute, or based on a person's association with another person who maintains an attribute relating to: -

- race/ethnicity;
- gender;
- national origin;
- marital status;
- sexual preference/lawful sexual activity;
- age;
- disability/impairment, including infectious disease;
- industrial/employment activity;
- physical features;
- pregnancy;
- family responsibilities;
- religious beliefs;
- political conviction;
- breast feeding; or
- gender identity.

As an employee of Council you have a shared responsibility to ensure that discrimination is not part of our workplace or our practices in dealing with the public generally. If you witness discriminatory behaviour you have a positive obligation to report such actions to your supervisor or manager, or if such action involves your supervisor or manager, the Director - Human Resources. Found cases of unlawful discrimination may lead to disciplinary action taken against offending staff.

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(j) Sexual and other forms of Workplace Harassment

Council is also committed to the prevention of any form of sexual harassment, victimisation or other forms of bullying in the workplace, or at any place where work-related activities are performed, including at social functions. This commitment applies to all employees in their relationships with each other, to applicants for employment at Council and to persons who have dealings with Council.

As an employee of Council it is expected that you proactively contribute to building a workplace that is free from sexual harassment; victimisation and bullying. You have a responsibility to respect the rights of fellow employees, by not taking part in any action that may constitute harassment of any form, and in doing so supporting and promoting the achievement of equal employment opportunity.

Some examples of behaviour which may constitute either sexual harassment or workplace bullying includes: -

- Acting towards, or speaking to a person in a manner which threatens or vilifies that person;
- Deliberately excluding a particular individual from relevant work related activities or functions;
- Making jokes, suggestive comments or offensive gestures related to a person's race, appearance, colour, ethnic origin, disability, gender, sexual characteristics, or a personal appearance;
- Distribution or display of sexually explicit material (including through email or mobile phone) which may be offensive, including posters, pictures or MPEGs, racist or sexist jokes or cartoons;
- Persistent questions about a person's private life;
- Personal comments about appearance, size, clothing;
- Demands for sexual favours, either directly or by implication;
- Unwanted and deliberate physical contact;
- Indecent assault, rape and other criminal offences.

For further information, relating to clauses (h), (i) and (j) refer to Council's Anti-Discrimination and EEO Policy (POL 08)

(k) Working with Children – Code of Conduct

In accordance with the Working with Children (Risk Management and Screening) Act 2000 and the subordinate legislation of the Working with Children (Risk Management and Screening) Regulation 2020, Yarrabah Aboriginal Shire Council is required to have a Code of Conduct for working with children and young people. This Code outlines appropriate standards of behaviour for adults towards children. It serves to protect children and reduce any opportunities for abuse or harm to occur. The Code also assists Councillors, employees and volunteers by providing guidance on how to best support children, and avoid or better manage difficult situations.

Council aims to be a child-safe organisation and create an environment where everyone feels safe, respected and valued. Council promotes and protects the rights, interests and wellbeing of children and young people in the Shire, particularly those most vulnerable. Council supports the rights of children and young people and will act without hesitation to ensure a safe and caring environment is maintained at all times. Council also supports the rights and well-being of our workers and encourages active participation in maintaining a secure environment for all participants.

Yarrabah Aboriginal Shire Council Councillors and employees will:

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- follow organisational policy and guidelines for the safety of children, as outlined in our Code of Conduct and these working with children guidelines, as well as all relevant local, state and national laws pertaining to working with children and young people
- treat everyone with respect and honesty (this includes employees, volunteers, students, children, young people and parents)
- be respectful of children's rights, background, culture, religion, politics and beliefs
- set clear boundaries about appropriate behaviour to children in the organisation and community
- always have another adult present or in sight when working with, or in proximity to, children
- conduct themselves in a manner consistent with their position as a positive role model to children, and as a representative of Yarrabah Aboriginal Shire Council. report and act on any breaches of these standards of behaviour
- where a child discloses harm to an employee, or where an employee has a suspicion of harm, the employee must report this to the CEO.

Yarrabah Aboriginal Shire Council employees will not:

- become involved in inappropriate conversations of a sexual nature, make sexually suggestive comments or expose children and young people to the sexual behaviour of others
- initiate unnecessary physical conduct with children or do things of a personal nature that children can do for themselves
- personally correspond (including email and/or mobile phone) with a child or young person in respect of personal feelings for a child or young person
- spend inappropriate time with a child or young person or show special favours.

All employees who have contact with children and youth must abide by this Code of Conduct.

Suspected breaches of this Code will be treated individually and all relevant circumstances will be taken into account. Depending on the severity of the breach, formal disciplinary proceedings might be taken. Suspected official misconduct will be referred to the Crime and Corruption Commission for investigation.

9.2 The Second Principle – Promoting the Public Good

Public Sector Ethics Act 1994 (Qld) section 7 states:

"In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, public service agencies, public sector entities and Public officials –

(a) accept and value their duty to be responsive to both the requirements of government and to the public interest; and
(b) accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions; and
(c) accept and value their duty to manage public resources effectively, efficiently and economically; and
(d) value and seek to achieve excellence in service delivery; and
(e) value and seek to achieve enhanced integration of services to better service clients."

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9.2.1 Operationally, for you this requires the following standards of behaviour:

(a) Customer Service

As a Council employee it is expected that you will strive to provide excellent customer service. You must treat members of the public equitably and with honesty, fairness, sensitivity and dignity.

All Council employees serve the Yarrabah Shire community directly or indirectly. If your role in Council involves regular contact with the public, it is important to know how to deal comfortably and calmly with difficult situations and difficult people.

You are expected to treat complaints from customers and the community or fellow employees seriously and respond to constructive feedback as an opportunity for improvement.

Customers have a right to complain or criticise Council. Council expects its employees to show respect towards complainants. While you must make all reasonable efforts to help customers lodge complaints, if you think a situation is threatening or intimidating, you are entitled to withdraw. If in doubt, ask for help from a more experienced colleague, or a team leader/supervisor/manager. Council will support any employee who believes they are under threat from a member of the public.

Council's image can be impacted by the presentation of staff. Council requires its office-based employees to appear neat and tidy and maintain a professional business standard of dress. If you are unsure about what constitutes appropriate dress, please discuss this with your manager or refer to Council's Dress Policy POL 03. Where you have been provided with Council uniforms, you are required to wear all components of the uniform without alteration (other than alterations designed to ensure a proper fit) and ensure that uniforms are clean and tidy. If you are a manager, you are expected to ensure that staff are appropriately presented at all times.

(b) Fairness to suppliers

Council's contracting activities are regulated pursuant to the Local Government Act 2009 (Qld) s104. Further, Council has established procedures and delegations of authority for various stages of procurement of goods and services which reflect sound contracting principles as defined pursuant to the Local Government Act 2009 (Qld) s104 (3). You must ensure you comply with the sound contracting principles as defined by the Local Government Act 2009 (Qld) s104(3) and follow all Council procedures when seeking suppliers for goods or services.

If you have been approved to be involved in offering contracts or buying goods and services from outside Council, you must be sure you have taken reasonable, fair and consistent steps to allow all potential suppliers to bid for work.

You also need to ensure that you do not incur any liability or enter into any contract on behalf of Council, or alter the terms or conditions of any contract which Council has already entered, unless you are authorised to do so.

(c) Public money

You must maintain high standards of accountability if you collect and use public money. All procedures for handling cash or accounts must conform with Council procedures.

You are not to borrow or use Council money for private purposes. This also applies to items such as taxi vouchers or other vouchers.

Officers using Council monies for the purpose of entertainment and/or hospitality expenditure on Council's behalf must do so strictly in accordance with Councils Procurement Policy.

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(d) Intellectual property

Council expects its employees to ensure that their actions do not breach or infringe the Copyright Act 1968 (Cth), by unlawfully using the intellectual property of any individual or organisation.

You must respect the copyrights, trademarks and patents of suppliers and other organisations outside Council and which includes that you do not reproduce or quote suppliers' material unless your license specifically allows it. Similarly, you must not store or copy audio, video or image files, printed media and software on Council assets without an appropriate license or approval. Where this is unclear you must seek written approval before arranging to publish, disclose or reproduce any articles or materials as part of your official duties.

Any original work, invention or product you have contributed to in association with your official duties as a Council employee remains the property of Council. Similarly, you must not publish or disclose any matters relating to Council's intellectual property without appropriate authority. This does not stop you from sharing with other organisations information relating to your official duties. However, if you do, and if you are unaware of whether such action may breach this Code, you must first seek clarification from your supervisor/manager.

(e) Concern for the environment

We all share the responsibility to protect our natural environment, creating healthy surroundings for our community, and for managing the impacts of air, water, land and noise pollution. This includes individual responsibility for our own actions (e.g. taking care in disposing of waste and using and storing chemicals, reducing energy consumption and waste in our work spaces where we can and applying high standards of environmental protection across the region).

In performing your duties at Council, you must ensure that you comply with your general environmental duty and where applicable, your duty to notify of environmental harm: Refer to Chapter 7, Part 1 of the Environmental Protection Act 1994 (Qld).

9.3 The Third Principle – Commitment to the system of government

Public Sector Ethics Act 1994 (Qld) section 8 states:

(1) In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public service agencies, public sector entities and Public officials -
   (i) accept and value their duty to uphold the system of government and the laws of the state, the Commonwealth and local government; and
   (ii) are committed to effecting official public sector priorities, policies and decisions professionally and impartially; and
   (iii) accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.

(2) Subsection (1) does not limit the responsibility of a public service agency, public sector entity or Public official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy, or is a customary feature of the work of the agency, entity or official.

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9.3.1 Operationally, for you this requires the following standards of behaviour:

(a) Acting within the law

As an employee of Council, you are expected to comply with applicable legislation, awards, certified agreements, Council policies and local laws.

You have the right and responsibility to respectfully question how you do your work, particularly if you think there is an imminent risk to the safety of yourself or others, or there is a better way of doing something, or if you think that a direction may be in breach of the law. When you have recorded your suggestion or concern you are required to work as directed by your team leader/supervisor/manager, except where there is an imminent risk to safety. If the matter cannot be resolved within the workgroup, it should be immediately referred to your manager.

If you are charged with having committed any indictable offence, are subject to an indictable offence conviction, or are subject to a summary conviction, you should immediately report the circumstances to your manager. Such disclosure shall be treated as confidential.

(b) Acting in accordance with delegations and signing documents on behalf of Council

If you are requested to undertake an action on behalf of the Chief Executive Officer or Council, prior to exercising any power on behalf of the Chief Executive Officer you must ensure there exists an appropriate delegation pursuant to State or Federal legislation that allows you to exercise the power. Refer to Council's Delegated Authority Register.

The Delegated Authority Register determines the only persons who may sign a document on behalf of Council.

(c) Raising concerns

You have the right to comment on or raise concerns with your team leader/supervisor/ manager about Council policies, practices or priorities where they impact on your employment. However, you must do this in a reasonable and constructive way and take responsibility for your comments and views. Further, you must accept that Council has the right to determine its policy, practices and priorities and that you must comply with all reasonable and lawful instructions, whether or not you personally agree with a given policy direction.

When raising complaints or grievances, employees are expected to act with honesty and in good faith. Complaints that are considered vexatious or frivolous will not be progressed, and such complaints may be managed as acts of misconduct in accordance with the Council's Performance and Misconduct and/or Disciplinary Policy POL 05.

(d) Privacy

Council maintains information about individuals, businesses and commercial issues which is private and sensitive and which could be harmful to a person's interest if released. Employees should only access personal information and records they require to perform their official Council duties.

Employees must ensure that the collection, storage and use of personal information is done so in accordance with the Privacy Principles outlined pursuant to the Information Privacy Act 2009 (Qld). A copy of the Privacy Principles is outlined at Appendix D.

As a general rule you can maintain privacy by:

- not discussing work matters with persons not entitled to know such information; and
- taking responsibility to safeguard confidential files and information; and

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- ensuring collected information is only used in a manner consistent with the purpose for which it was originally collected; and
- ensuring that you are complying with Council policy in relation to maintaining privacy of personal information.

It may be appropriate to share information based on your personal and professional experience (e.g. in seminars or training programs). However, in sharing your experiences, you must ensure that where personal information is involved, you don't breach Council's privacy obligations. You may breach this obligation even if comments are made or personal information other than your own is shared in your personal life, including via social media outlets such as 'Face Book', 'Twitter' or 'Instagram'.

In addition to the Information Privacy Act 2009 (Qld), the Local Government Act 2009 (Qld) s200 (5) makes it an offence for a person who is, or has been, a Council employee to release information that the person knows, or should reasonably know, is information that: -

- Is confidential to Council; and
- Council wishes to keep confidential.

Personal and other information may on occasion be sought from Council by an employee or other members of the public pursuant to the Right to Information Act 2009 (Qld). If such a request is made of you, you must ensure that you refer such requests to your manager/supervisor or relevant nominated right to information officer to be properly considered.

9.4 The Fourth Principle – Accountability and Transparency

Public Sector Ethics Act 1994 (Qld) section 9 states:

In recognition that public trust in public office requires high standard of public administration, public service agencies, public sector entities and public officials -

(a) are committed to exercising proper diligence, care and attention; and
(b) are committed to using public resources in an effective and accountable way; and
(c) are committed to managing information as openly as practicable within the legal framework; and
(d) value and seek to achieve high standards of public administration; and
(e) value and seek to innovate and continuously improve performance; and
(f) value and seek to operate within a framework of mutual obligation and shared responsibility between public services agencies, public sector entities and Public Officials.

9.4.1 Operationally, for you this requires the following standards of behaviour:

(a) Using Council assets

Council's assets include property, plant, equipment, information systems, computing resources, goods, products and/or valuables (this includes surplus material, waste material and off-cuts). All employees share the responsibility for looking after them.

If you are in charge of assets you must take good care of them while they are in your possession or use, and ensure they are used economically and efficiently. It is an offence to misuse or allow anyone else to misuse Council assets. You must make sure assets are secured against theft and properly stored, maintained and repaired.

You must ensure that you use Council assets only for official Council business, unless written approval has been granted by your manager.

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You must not store personal files on Council's IT assets. Any files stored on, or information accessed using Council assets, are discoverable by Council.

You can use telephones on a limited basis for local calls that you cannot make conveniently outside working hours.

If you use Council vehicles or a Council issued mobile telephone for non-official purposes, you must ensure that your use is in accordance with Council policy.

Council allows limited personal use of electronic mail and World Wide Web browsing, subject to and in accordance with Council Policy. Limited personal use means use that is infrequent and brief, and is performed during your non-paid time, that is, before and after work or during meal breaks. Please refer to the definition of Limited Personal Use (Electronic Mail and World Wide Web) for more information on what is allowed.

Upon your employment terminating with Council, you must return all Council property and work-related documents immediately.

(b) Diligence, care and attention

Council aims to conduct its business with integrity, honesty and fairness and to achieve the highest standards in service delivery. You contribute to this aim by carrying out your duties honestly, responsibly, in a conscientious manner and to the best of your ability. This includes:

- maintaining punctuality and not being absent from your work station/location during work time without reason;
- giving priority to official duties over personal activities during work time;
- ensuring you do not undertake personal work during work time;
- not wasting time chatting about personal matters and interrupting other staff;
- helping Council achieve its mission and goals by acting to improve systems and practices;
- conducting yourself in a way so others gain confidence and trust in the way Council does business;
- not allowing your conduct to distract or prevent others from working;
- not exposing Council to a judgment for damages against it, as a result of your negligence or breach of any law or policy.

If you are responsible for managing or supervising others, you must also ensure that:

- you model the values and principles outlined in this Code and ensure that employees within your area of responsibility understand and comply with the Code;
- you do not come under a financial obligation to any employee you supervise or manage;
- your work and the work of those you supervise contribute to the achievement of Council's goals;
- employee performance is monitored and individuals are given constructive and regular feedback on their performance in line with procedures;
- where practicable, employees are given training opportunities to assist them in developing their careers;
- employees are provided with information that is vital for effective work performance;
- the opinions of employees are respected and considered;
- workloads are fairly distributed;
- resourcing for a work team is neither excessive nor inadequate for the job;
- employees who collect, handle or disburse public money are properly supervised;
- employee work times, overtime, allowances and absences are correctly recorded on time sheets and pay summary reports;

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- appropriate action is taken if breaches of the Code occurs.

(c) Attendance at and absence from duty

You are expected to follow Council employment and working arrangements, agreements and rulings on attendance at work and leave. This includes not being absent without approval and accurately and truthfully recording work and leave periods.

Council's operational efficiency depends on your punctuality and attendance at your work station/location. If you are unavoidably detained, you are required to advise your team leader/supervisor/manager as soon as reasonably possible before your expected start time.

Absence without approval and without reasonable excuse can create concerns for your safety and lead to unproductive time for others. All employees have an obligation to ensure that they promptly notify Council as soon as practicable upon becoming aware that they are going to be absent from work. Failure to promptly notify Council may result in the non-payment of salary/wages for the period of absence and/or may result in Council taking disciplinary action.

(d) Self-development

All Local Government employees have an obligation to be proactive in the continual improvement of all aspects of their work performance: refer to Local Government Act 2009 (Qld) s13. You should aim to maintain and improve your work performance and that of your work unit in the delivery of customer service. You have a continuing responsibility to maintain and enhance your skills and expertise and keep up to date the knowledge associated with your area of work.

Council will assist you by providing equitable access to training and development opportunities. This may include accessing the study assistance program, learning new work duties, participating in project work or undertaking internal or external training.

(e) Workplace health and safety

As Council employees we are all committed to zero harm in the way we conduct our business and Council activities. The Safety Circle program is council's vehicle for delivering safety messaging in the organisation.

Council will endeavour to ensure that persons are free from: -

- death, injury or illness caused by the workplace, relevant workplace area, work activities, or plant or substances for use at work; and
- the risk of death, injury or illness caused by the workplace, relevant workplace area, work activities, or plant or substances for use at work.
- You must take reasonable steps to ensure your own safety, health and welfare in the workplace. You also have a duty of care to both fellow employees and members of the public.

As a worker you have the following obligations at the workplace: -

- to comply with the instructions given for workplace health and safety at the workplace by Council;
- to use personal protective equipment provided by Council for your use if you have been properly instructed in its use;
- not to wilfully or recklessly interfere with or misuse anything provided for workplace health and safety at the workplace;
- not to wilfully place at risk the workplace health and safety of any person at the workplace;
- not to wilfully injure yourself.

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You also have a duty to:

- identify hazards and manage risks to health and safety;
- perform all work safely and follow safe work practices;
- report any incidents or hazards immediately and support investigations;
- take corrective action to 'make safe' the workplace, relevant workplace area or work activities and implement improvements;
- participate in staff safety meetings/briefings;
- participate in rehabilitation and return to work programs if required.

We must keep our workplace drug and alcohol free if we are to maintain the trust and confidence of the broader public, and ensure the health and safety of all employees. The use of drugs or alcohol can adversely affect productivity, attendance and on-the-job safety.

As such you must not:

- use, possess or be impaired by the effects of illegal drugs whilst on duty;
- come to work impaired by the effects of alcohol or drugs;
- consume alcohol while on duty or in the workplace other than strictly in accordance with Council Policy;
- gamble or bet on Council premises or during worktime (except for authorised sweeps and tipping competitions);
- undermine Council's service to customers by leaving your work station/location in order to smoke. Smoking is only permissible during meal breaks;
- smoke anywhere within Council's buildings, in Council vehicles, in any enclosed spaces whilst on site or within 4m of any part of an entrance to an enclosed place.

For more information, refer to Council's Drug and Alcohol Policy POL 20 and No-Smoking Policy POL 04.

10. BREACHES OF THE CODE

Council expects all employees whilst engaged in official duties, to ensure they demonstrate the basic standards of acceptable conduct as enshrined in this Code. All employees have the responsibility to comply with this Code of Conduct and all other policies which Council implements and/or varies from time to time.

A breach of the Code of Conduct damages business effectiveness, public perception of Council and interpersonal work relationships. Any act or lack of action by an employee of Council that contravenes this Code may result in Council taking disciplinary action against that employee, and which may include dismissal. All suspected breaches will be dealt with on a case by case basis.

Suspected Official Misconduct must be referred to Council's Chief Executive Officer, and the Chief Executive Officer has a duty to notify the Crime and Misconduct Commission of the suspected Official Misconduct.

In cases where a suspected breach of this Code is under investigation, and if the Chief Executive Officer deems it appropriate and believes disciplinary action in some form will occur, any employee suspected of a breach of this Code may be suspended from duty on full pay until such time as the investigation has been completed.

All disciplinary action taken by Council against an employee for suspected breaches of this Code will be in accordance with Council's Performance and Misconduct Policy and Disciplinary Procedures POL-5 and in compliance with Council's obligations pursuant to Part 3 of Chapter 8 of the Local Government Regulation 2012 (Qld).

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11. IF YOU HAVE A CONCERN

The Public Interest Disclosure Act 2010 (Qld) and the Public Sector Ethics Act 1994 (Qld) aim to create a work environment where public sector and local government employees understand and maintain appropriate standards of conduct.

Where you honestly believe on reasonable grounds that you possess information about another Council Officer's conduct that relates to:

- Official Misconduct; or
- maladministration that adversely affects a person's interests; or
- a substantial misuse of public resources, other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure; or
- a substantial and specific danger to public health or safety; or
- a substantial and specific danger to the environment.

You have the right to make a Public Interest Disclosure to a proper authority subject to, and in accordance with, the Public Interest Disclosure Act 2010 (Qld).

Should you wish to make such a disclosure please contact:

- internal channels (CEO or Director - Human Resources, Risk & Regulation or Director – Policy & Governance)
- other external channels (e.g. Crime and Corruption Commission, Human Rights Commission etc.).

12. PUBLICATION

In accordance with the requirements of section 20 of the Public Sector Ethics Act 1994, the Chief Executive Officer will keep a printed copy of the Code available for inspection in the Executive Office and Council will publish the Code on council's website for general access. All employees will be supplied an electronic copy via email.

13. TRAINING

Education and training about public sector ethics will be offered at induction and as frequently as the Chief Executive Officer determines.

14. AUTHORITY

In accordance with Section 16 of the Public Sector Ethics Act 1994, the following consultation process was followed in development of this Code with Council employees:

- by sending email communications;
- providing hard copies of the policy;
- discussions at meetings; and
- by posting details on notice boards inviting comments.

This Code was approved by the Chief Executive Officer in accordance with Section 17 of the Public Sector Ethics Act 1994.

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15. FURTHER ASSISTANCE

If you read the Code and are still unsure of how it applies to you, it is important that you discuss this with your manager, team leader or divisional manager. In most cases, they will be able to answer your enquiries.

16. VARIATIONS

Council reserves the right to vary, replace or terminate this policy from time to time.

17. DOCUMENT CONTROL

Amended Date:	31 January 2020	Resolution No.: 03:30/01/2020	Version No.: 3
Amended Date:	17 February 2021	Resolution No.: 05:17/02/2021	Version No.: 4
Amended Date:	18 May 2022	Resolution No.: 09:18/05/2022	Version No.: 5
Amended Date:	29 June 2023	Resolution No.: 11:29/06/2023	Version No.: 6
Reviewed Date:	26 July 2024	Resolution No.: 12:26/07/2024	Version No.: 7
Reviewed Date:	18 August 2026	Resolution No. 28:19/08/2026	Version No.:8
Next Review Date:	2027		
Responsible Officer:	Chief Executive Officer (CEO)		

Richard Wright
Chief Executive Officer

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APPENDIX A - DEFINITIONS

Benefit – means something that is similar to a Gift in that it is of value to the recipient, but it is less tangible in nature (e.g. a new job or promotion, preferential treatment, or access to confidential information).

Conflict of Interest – means a conflict between a Council employee's work responsibilities and their personal or private interests. A Conflict of Interest can arise from either gaining a personal advantage or avoiding a personal loss. Conflicts of interest can be real (actual) or perceived (apparent).

- **A real Conflict of Interest** is a conflict between the employee's duties and their private interests.
  (For example Ron is on a recruitment and selection panel and his sister is applying for a position to be decided by that panel);

- **A perceived Conflict of Interest** arises where a person is likely to believe an employee's private interests could improperly influence them at work. Such a perception is judged having regard to what a fair and reasonable member of the public could be expected to believe.
  (For example Frida works for Council as a community grants funding program manager. On the weekend she plays tennis with the director of a community organisation applying for funding through the funding program Frida is managing. A reasonable person is likely to believe that Frida could be improperly influenced by the relationship she has developed with the director at tennis).

Types of interests – interests can be financial, non-financial, personal, private, family or business.

- A financial interest is when the employee could gain a personal financial benefit including having shares, receiving gifts, benefits or bribes or receiving hospitality or travel. For example Kim's partner owns a company which is tendering for work with Council;
- Some examples of non-financial interests are below;
  (a) You work in the strategic procurement area and one of your regular fishing friends asks you to keep an eye on his tender application.
  (b) You work in the funding application area and you are also president of a local group applying for funding from Council.
  (c) You work in the development applications area and your children's school will be affected by a new development and the development proposal has been submitted to Council for approval.

Gift – means an item of value – money, voucher, entertainment, hospitality, travel, commodity, property – that one person gives to another. Gifts may be offered as an expression of gratitude with no obligation to repay, or given to create a feeling of obligation.

Impaired by the effects of alcohol or drugs means:

- for employees operating/driving heavy vehicles and buses, a blood alcohol content greater than 0.00% (consistent with Queensland Transport Regulations);
- for employees driving light vehicles or operating mechanical tools or equipment, a blood alcohol content greater than 0.00% (consistent with YASC Drug & Alcohol Policy POL 20);
- for all employees – a positive drug test result in excess of the cut-off levels specified in Australian Standard AS 4308 (urine testing) and/or Australian Standard AS4760 (saliva testing); and/or physical or mental condition and/or behaviour which limits the employee's ability to undertake work in a safe and effective manner.

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Indictable offence – means a crime or misdemeanour for which an offender cannot, unless otherwise expressly allowed, be prosecuted or convicted except upon indictment.

Indictable offence conviction – means a finding of guilt, and the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded, in relation to an indictable offence.

Limited Personal Use (Electronic Mail and World Wide Web) – means the following:

- Use that is infrequent and brief and is performed during the employee's non-paid time. That is, before and after work or during meal breaks;
- Use that does not breach this Code of Conduct, Council policy, Public Sector Ethics Act 1994 (Qld), Local Government Act 2009 (including Regulations) (Qld), Crime and Misconduct Act 2001 (Qld) or related State and Federal legislation and regulations;
- Personal use is activity conducted for purposes other than undertaking official business, professional duties, and/or professional development;
- Personal use refers to personal related activities which do not interfere with the operations of the Council;
- Examples of permitted limited personal use of the internet include:
  (a) internet access that is incidental to employment or personal business transactions such as accessing government information sites and online banking and bill paying;
  (b) participation in approved online training or personal development programs;
  (c) sending or receiving infrequent personal messages by email, providing the content of the message does not breach Council's Code of Conduct or Corporate Policies.
- Examples of limited personal use of the internet that is NOT permitted (not an exhaustive list) include:
  (a) gambling (including gaming, online betting, bookmaker odds, lottery pages, bingo, football tipping);
  (b) games (including traditional board games, card games and role-playing games, for example, Solitaire and World of Warcraft);
  (c) participation in online auctions (including eBay);
  (d) dating (including the use of online dating services);
  (e) downloading and storage of music, video files and pictures (including the use of YouTube, iTunes and similar sites/programs);
  (f) accessing social networking sites (including Facebook, Twitter, Instagram and similar sites) unless the use is directly connected with your duties, is for the purpose of communicating approved Council publications and/or media releases and has been approved by your team leader/supervisor/manager;
  (g) accessing, downloading, storing or sending racially and/or sexually offensive, obscene and/or other threatening, belligerent or libellous electronic communications.

Official Misconduct – means wrongdoing by a public sector official (including police) in carrying out their official duties or exercising their powers. It must involve one of the following:

- dishonesty or lack of impartiality;
- a breach of the trust put in a person by virtue of their position; or
- a misuse of officially obtained information.

It must also be a criminal offence or serious enough to justify dismissal of the person from their position.

Public official – means an employee of Council.

Summary conviction – means a summary conviction of an Indictable offence by a Magistrates Court.

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APPENDIX B - A GUIDE TO ETHICAL DECISION-MAKING

The following guide is designed to help you reach an ethical decision based on the relevant facts and circumstances of a situation.

Step 1: assess the situation.

- What is your aim?
- What are the facts and circumstances?
- Does it break the law or go against Council policy?
- Is it in line with the Code's principles?
- What principles does it relate to? Why?
- Who is affected? What rights do they have?
- What are your obligations or responsibilities?

Step 2: look at the situation from Council's viewpoint.

- As a Public official, what should you do?
- What are the relevant laws, rules and guidelines?
- Who else should you consult?

Step 3: how would others see your actions?

- Would a reasonable person think you used your powers or position improperly?
- Would the public see your action or decision as honest and impartial?
- Do you face a Conflict of Interest?
- Will your decision or action stand up to public scrutiny?

Step 4: consider the options.

- Ask your team leader/supervisor/manager, or any person who is able to give sound, relevant advice;
- What options and consequences are consistent with Council's values, the five local government principles, the four ethics principles fundamental to good public administration and your obligations?
- What are the costs and long-term consequences of each option?
- How would the public view each option?
- What will be the outcome for Council, your colleagues, others and you?

Step 5: choose your course of action.

Make sure your actions are:

- within your power to take, legal and in line with policy and this Code;
- fair and able to be justified to your manager and the public;
- documented so a statement of reasons can be supplied;
- consistent with Council's mission, goals and values; and
- backed by advice from Council specialists, if this is appropriate.

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APPENDIX C – CONTACT WITH LOBBYISTS

The following guide is designed to help you deal with lobbyists appropriately and in compliance with provisions of the Integrity Act 2009.

1. Contact by Registered Lobbyists

Councillors and Council employees who receive contact from a lobbyist must establish whether the lobbyist is registered. The Lobbyist Register may be viewed at:

http://lobbyists.integrity.qld.gov.au/who-is-on-the-register.aspx

Councillors and Council employees who receive contact by a registered lobbyist must create a record of that contact and forward the following core information to the Chief Executive Officer:

- Date of Contact;
- Name and title of Councillors and Council employees present;
- Name and title of Lobbyist/s present;
- Name and title of Lobbyist's clients/s present;
- Method of contact (e.g. telephone call);
- Purpose of contact (e.g. follow up of progress with application);
- Brief description of issue;
- Outcome of contact.

2. Contact by Unregistered Lobbyists

Councillors and Council employees must not engage in lobbying activity with unregistered lobbyists. If you reasonably believe someone is an unregistered lobbyist and undertaking a lobbying activity, please follow the below steps:

- Advise the person (in a professional manner) that you believe that:-
  (a) This contact may be a "lobbying activity" under the Integrity Act 2009;
  (b) You are required under that Act to seek some clarification as to the person's standing as a unregistered lobbyist under the Integrity Act 2009;
  (c) You can no longer discuss with this person any lobbying activity matters, but you can assist with any "unrelated lobbying activity" discussions.
- Make a note of the person's details and circumstances of the lobbying activity (i.e. time, date and place of incident, who were the people involved in the incident and how you believe this was a "lobbying activity");
- Report the matter (including a copy of your notes of the incident) to the Director - Governance and Policy; and
- Discontinue contact with the person on any "lobbying activity", until the matter is resolved. This does not mean you cannot assist the person with other "unrelated lobbying activity" matters.

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APPENDIX D – INFORMATION PRIVACY PRINCIPLES

IPP 1 - Collection of personal information (lawful and fair)

(1) An agency must not collect personal information for inclusion in a document or generally available publication unless--
   (a) the information is collected for a lawful purpose directly related to a function or activity of the agency; and
   (b) the collection of the information is necessary to fulfil the purpose or is directly related to fulfilling the purpose.
(2) An agency must not collect personal information in a way that is unfair or unlawful.

IPP 2--Collection of personal information (requested from individual)

(1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.
(2) However, this section applies only if the agency asks the individual the subject of the personal information for either--
   (a) the personal information; or
   (b) information of a type that would include the personal information.
(3) The agency must take all reasonable steps to ensure that the individual is generally aware of-
   (a) the purpose of the collection; and
   (b) if the collection of the personal information is authorised or required under a law—
      (i) the fact that the collection of the information is authorised or required under a law; and
      (ii) the law authorising or requiring the collection; and
   (c) if it is the agency's usual practice to disclose personal information of the type collected to any entity (the first entity) -- the identity of the first entity; and
   (d) if the agency is aware that it is the usual practice of the first entity to pass on information of the type collected to another entity (the second entity) -- the identity of the second entity.
(4) The agency must take the reasonable steps required under subsection (3)--
   (a) if practicable--before the personal information is collected; or
   (b) otherwise--as soon as practicable after the personal information is collected.
(5) However, the agency is not required to act under subsection (3) if--
   (a) the personal information is collected in the context of the delivery of an emergency service; and
      Example--personal information collected during a triple 0 emergency call or during the giving of treatment or assistance to a person in need of an emergency service
   (b) the agency reasonably believes there would be little practical benefit to the individual in complying with subsection (3) in the circumstances; and
   (c) the individual would not reasonably expect to be made aware of the matters mentioned in subsection (3).

IPP 3--Collection of personal information (relevance etc.)

(1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.
(2) However, this section applies to personal information only if the agency asks for the personal information from any person.
(3) The agency must take all reasonable steps to ensure that--
   (a) the personal information collected is--
      (i) relevant to the purpose for which it is collected; and

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(ii) complete and up to date; and

(b) the extent to which personal information is collected from the individual the subject of it, and the way personal information is collected, are not an unreasonable intrusion into the personal affairs of the individual.

IPP 4--Storage and security of personal information

(1) An agency having control of a document containing personal information must ensure that--

(a) the document is protected against--

(i) loss; and

(ii) unauthorised access, use, modification or disclosure; and

(iii) any other misuse; and

(b) if it is necessary for the document to be given to a person in connection with the provision of a service to the agency, the agency takes all reasonable steps to prevent unauthorised use or disclosure of the personal information by the person.

(2) Protection under subsection (1) must include the security safeguards adequate to provide the level of protection that can reasonably be expected to be provided.

IPP 5--Providing information about documents containing personal information

(1) An agency having control of documents containing personal information must take all reasonable steps to ensure that a person can find out--

(a) whether the agency has control of any documents containing personal information; and

(b) the type of personal information contained in the documents; and

(c) the main purposes for which personal information included in the documents is used; and

(d) what an individual should do to obtain access to a document containing personal information about the individual.

(2) An agency is not required to give a person information under subsection (1) if, under an access law, the agency is authorised or required to refuse to give that information to the person.

IPP 6--Access to documents containing personal information

(1) An agency having control of a document containing personal information must give an individual the subject of the personal information access to the document if the individual asks for access.

(2) An agency is not required to give an individual access to a document under subsection (1) if--

(a) the agency is authorised or required under an access law to refuse to give the access to the individual; or

(b) the document is expressly excluded from the operation of an access law.

IPP 7--Amendment of documents containing personal information

(1) An agency having control of a document containing personal information must take all reasonable steps, including by the making of an appropriate amendment, to ensure the personal information--

(a) is accurate; and

(b) having regard to the purpose for which it was collected or is to be used and to any purpose directly related to fulfilling the purpose, is relevant, complete, up to date and not misleading.

(2) Subsection (1) applies subject to any limitation in a law of the State providing for the amendment of personal information held by the agency.

(3) Subsection (4) applies if--

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(a) an agency considers it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information; and
(b) no decision or recommendation to the effect that the document should be amended wholly or partly in the way asked for has been made under a law mentioned in subsection (2).

(4) The agency must, if the individual asks, take all reasonable steps to attach to the document any statement provided by the individual of the amendment asked for.

IPP 8--Checking of accuracy etc. of personal information before use by agency

Before an agency uses personal information contained in a document under its control, the agency must take all reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, complete and up to date.

IPP 9--Use of personal information only for relevant purpose

(1) This section applies if an agency having control of a document containing personal information proposes to use the information for a particular purpose.
(2) The agency must use only the parts of the personal information that are directly relevant to fulfilling the particular purpose.

IPP 10--Limits on use of personal information

(1) An agency having control of a document containing personal information that was obtained for a particular purpose must not use the information for another purpose unless--
(a) the individual the subject of the personal information has expressly or impliedly agreed to the use of the information for the other purpose; or
(b) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
(c) use of the information for the other purpose is authorised or required under a law; or
(d) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary for 1 or more of the following by or for a law enforcement agency--
(i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
(ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
(iii) the protection of the public revenue;
(iv) the prevention, detection, investigation or remedying of seriously improper conduct;
(v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or
(e) the other purpose is directly related to the purpose for which the information was obtained; or

Examples for paragraph (e)—
(i) An agency collects personal information for staff administration purposes. A new system of staff administration is introduced into the agency, with much greater functionality. Under this paragraph, it would be appropriate to transfer the personal information into the new system.
(ii) An agency uses personal information, obtained for the purposes of operating core services, for the purposes of planning and delivering improvements to the core services.

(f) all of the following apply--

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(i) the use is necessary for research, or the compilation or analysis of statistics, in the public interest;
(ii) the use does not involve the publication of all or any of the personal information in a form that identifies any particular individual the subject of the personal information;
(iii) it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the use.

(2) If the agency uses the personal information under subsection (1)(d), the agency must include with the document a note of the use.

IPP 11--Limits on disclosure

(1) An agency having control of a document containing an individual's personal information must not disclose the personal information to an entity (the relevant entity), other than the individual the subject of the personal information, unless--
(a) the individual is reasonably likely to have been aware, or to have been made aware, under IPP 2 or under a policy or other arrangement in operation before the commencement of this schedule, that it is the agency's usual practice to disclose that type of personal information to the relevant entity; or
(b) the individual has expressly or impliedly agreed to the disclosure; or
(c) the agency is satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
(d) the disclosure is authorised or required under a law; or
(e) the agency is satisfied on reasonable grounds that the disclosure of the information is necessary for 1 or more of the following by or for a law enforcement agency—
(i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
(ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
(iii) the protection of the public revenue;
(iv) the prevention, detection, investigation or remedying of seriously improper conduct;
(v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or
(f) all of the following apply--
(i) the disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;
(ii) the disclosure does not involve the publication of all or any of the personal information in a form that identifies the individual;
(iii) it is not practicable to obtain the express or implied agreement of the individual before the disclosure;
(iv) the agency is satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.

(2) If the agency discloses the personal information under subsection (1)(e), the agency must include with the document a note of the disclosure.

(3) If the agency discloses personal information under subsection (1), it must take all reasonable steps to ensure that the relevant entity will not use or disclose the information for a purpose other than the purpose for which the information was disclosed to the agency.

(4) The agency may disclose the personal information under subsection (1) if the information may be used for a commercial purpose involving the relevant entity's marketing of anything to the individual only if, without limiting subsection (3), the agency is satisfied on reasonable grounds that--

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(a) it is impracticable for the relevant entity to seek the consent of the individual before the personal information is used for the purposes of the marketing; and
(b) the relevant entity will not charge the individual for giving effect to a request from the individual to the entity that the individual not receive any marketing communications; and
(c) the individual has not made a request mentioned in paragraph (b); and
(d) in each marketing communication with the individual, the relevant entity will draw to the individual's attention, or prominently display a notice, that the individual may ask not to receive any further marketing communications; and
(e) each written marketing communication from the relevant entity to the individual, up to and including the communication that involves the use, will state the relevant entity's business address and telephone number and, if the communication with the individual is made by fax, or other electronic means, a number or address at which the relevant entity can be directly contacted electronically.

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