



## Message from the Director-General

One of the many strengths of the Department of Education, Training and the Arts is its employees' commitment to providing excellent education and training to people of all ages, and to arts and cultural development.

The contribution that each employee makes to supporting and delivering these services makes a difference to the future wellbeing of children, young people and adults, the social and economic success of Queensland, and the future of our nation.

We can feel justifiably proud of our collective achievements in creating a high-quality education and training system in our state, and building a strong arts and cultural sector.

Our professionalism and high standards of ethical conduct are shown in all our work activities and are supported in this *Code of Conduct* by a clear statement of what is expected of us and how we should behave and perform our work. Because of the distinctive work of Arts Queensland, this agency within our Department has developed its own *Code of Conduct*.

The Department's *Code of Conduct* also responds to Queensland's Public Service Charter. The charter is a statement of our commitment to the people of Queensland, their elected representatives and our colleagues for the way in which we undertake our responsibilities. The charter outlines:

- **Our commitment to the Government** to provide objective, impartial advice and to carry out their decisions faithfully;
- **Our commitment to the people of Queensland** to engage with them in developing solutions to their issues and make it easier for them to do business with us; and
- **Our commitment to a professional public service** to work as one integrated service and understand that our actions and behaviour foster public trust and confidence in the Queensland Public Service.

This Code of Conduct for education and training staff helps us deliver on these commitments. It provides advice and guidance for employees in making wise and ethical decisions, especially in circumstances where the 'correct' or 'best' course of action may not be clear. I encourage all employees to read this code and to develop a clear understanding of the ethical principles, obligations and standards that support our daily work in the Department.

**Rachel Hunter**

**Director-General of Education, Training and the Arts**



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## Introduction

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### Overview

This *Code of Conduct* is important for everyone associated with the education and training divisions of the Department of Education, Training and the Arts and its activities. As public service employees, we hold a special position of trust. We are employed at public expense for community benefit, as identified and determined by the elected government of the day.

The *Code of Conduct* provides us with a framework of ethical principles, obligations and standards that guide us in how our work is to be performed, our professional standards as public service employees and how we should conduct our relationships with others. The *Public Sector Ethics Act 1994* defines the ethical principles and the obligations arising from those principles that we must all observe.

The *Whistleblowers Protection Act 1994* complements the *Public Sector Ethics Act 1994* by providing legal protection for the reporting of certain wrongdoing that adversely affects the public interest.

Given the diverse range of activities in which each of you are involved on a day-to-day basis, the Code does not attempt to provide a detailed and exhaustive list of what to do in every aspect of your work. Instead, the Code represents a broad framework for ethical conduct.



## Using this Code of Conduct

The code sets out the five principles of public sector ethics that we must observe in the performance of our duties:

- [Respect for the law and system of Government](#)
- [Respect for Persons](#)
- [Integrity](#)
- [Diligence](#)
- [Economy and Efficiency.](#)

These principles are not prioritised, as each is fundamental to good public administration. Each principle creates mandatory obligations for employees. The code expands on these obligations by establishing standards for conduct that are applicable to the departmental context. The code aims to be clear and concise in its standard setting to avoid confusion or misunderstanding about departmental expectations.

The Code places an obligation on all of us to take responsibility for our own conduct. To ensure that we uphold our obligations, the Code also provides the basis for disciplinary action for those who fail to meet their obligations. By upholding our obligations under the Code, we are helping to maintain public trust and confidence in the integrity and professionalism of the Department and ourselves.

The code includes references to relevant policies and documents. Changes to these references will be updated as necessary on the electronic *Code of Conduct* available on the Department's intranet and internet site.

## Who must comply with the code?

This Code applies to and binds all employees of the Department of Education, Training and the Arts, employees of the Australian Agricultural College Corporation, including public service employees seconded to perform work for the Department; people engaged by the Department on a traineeship, work performance or interchange arrangement who exercise authority or control resources on behalf of the department; agents who have actual, implied or ostensible authority to act on behalf of the department including members of boards and committees, delegates and decision-makers; and any constituent member of the department, whether holding office by election or selection.



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While the code is not binding for contractors, consultants, volunteers and any other person working with the Department of Education, Training and the Arts, the continued association with the Department of these persons / organisations depends upon them observing and complying with the code. A condition of a contract between the Department and another individual or organisation requiring compliance with this *Code of Conduct* would be binding.

## When does the code apply?

The requirements of the code apply at all times, when performing your work duties. However, it is important to note that misconduct for the purposes of determining liability for disciplinary action under the [Public Service Act 1996](#) includes disgraceful or improper conduct in a private capacity that reflects seriously and adversely on the public service. While you are on leave or in your own personal time, you have the same rights as other citizens. However, as you are also a public official and perceived as such by the community, you have a responsibility to conduct yourself in a manner that will not undermine public confidence in the integrity of the Department.

School-based employees and those employees with responsibility for supervising or instructing students should note that the code and the Department's [SMS-PR-012: Student Protection Policy](#) also apply while escorting students on camps, excursions, and tours within or outside Australia. A breach of the [Student Protection Policy](#) is a breach of this *Code of Conduct*.

## Ethical dilemmas - deciding the right course of action

Public sector ethics concerns how you should behave as a public official. In most circumstances, the answer should be clear. In situations where the answer is not clear or there is some ethical dilemma refer to 'A guide for ethical decision-making'.

## What happens if I breach the code?

As employees who hold special positions of trust, we must be accountable for our actions. Consequences of inappropriate behaviour and breaches of the code can come from the common law and the disciplinary provisions of Part 6 of the [Public Service Act 1996](#).

A breach of the *Code of Conduct* will not incur a disciplinary penalty if there is a reasonable excuse for the breach. A reasonable excuse is not the same as mitigating circumstances, which may still incur liability for discipline.



If you are a supervisor or manager, you have an obligation to address breaches of the Code as soon after observation or reporting of the incident as practicable. All the facts and circumstances of each case are to be obtained and appropriate action taken including where necessary, reporting serious matters or repeated minor matters where an employee has failed to heed managerial guidance and correction for consideration by the appropriate delegate.

A key principle of public service employment is that employees should be treated fairly and reasonably, and due regard should be given to principles of natural justice. A determination about whether liability for discipline exists from a breach of the code is ultimately determined by an examination of all the circumstances, including the explanation of the employee for the breach.

In the case of public service officers, disciplinary penalties that may apply to proven breaches of the code without reasonable excuse include:

- an official reprimand
- reduction of salary level or deduction from salary of up to two periodic payments
- forfeiture or deferral of salary increment or increases
- reduction in employment classification level
- compulsory transfer
- redeployment
- termination of employment.

All these disciplinary penalties would be in addition to any penalty issued by a Court for a breach of the general law.

## Reporting breaches of the code

Specific instances of either suspected or actual breaches of this code that must be reported to either the Department or another appropriate public sector entity are established in the *Code of Conduct*. The [Public Sector Ethics Act 1994](#), [Whistleblowers Protection Act 1994](#) and the Department's [Student Protection Policy](#) provide further guidance on reporting requirements.

In the case of suspected or actual official misconduct or maladministration, procedural fairness does not mean that the person under investigation is to be presented with the allegations prior to an investigation. The relevant investigating authority will determine the appropriate timeframes for advising the person of the allegations and for their opportunity to respond.



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Official misconduct is to be dealt with in accordance with the Department's obligations under the [Crime and Misconduct Act 2001](#). Breaches of the Code involving conflicts of interest may constitute official misconduct.

## Grievance and appeal rights

If you have challenged an instruction or decision and have not been able to successfully resolve the situation, or you believe that you have not been fairly treated, you may lodge a grievance in accordance with [Grievance Resolution Directive 4/03](#) and departmental guidelines. If you are uncertain about your rights to lodge a grievance, you may seek advice from the relevant human resource management unit for your Department or public sector entity as identified in this Code – Application of the Code. You may also lodge a fair treatment appeal to the Public Service Commissioner, subject to the provisions of the [Public Service Act 1996](#), [Public Service Regulation 1997](#) and any relevant directive.

A public service employee who is dismissed from employment has a right of appeal to the Queensland Industrial Relations Commission in most cases. If you are aggrieved by a decision or action, you are entitled to a full statement of reasons under the [Judicial Review Act 1991](#) which sets out the grounds upon which a decision or action may be challenged in the Supreme Court.

## Obtaining advice

If after reading the Code you are still unsure of how it applies to you, it is important that you discuss this with your supervisor or manager in the first instance. Depending on the nature of particular issues or concerns, advice and support on the *Code of Conduct* and ethical issues may be obtained from your Principal, Institute Director, Manager, Supervisor, or by contacting the Department's Ethical Standards section.

## Training

All employees are required to read this *Code of Conduct*, either before or soon after joining the Department. The [Public Sector Ethics Act 1994](#), the [Whistleblowers Protection Act 1994](#) and other relevant legislation can be found at the website of the [Office of the Queensland Parliamentary Counsel](#). You should be familiar with the departmental policies and procedures [Education Policy and Procedures Register \(EPPR\)](#) and Training's Policy on [Reporting and Investigation of Official Misconduct](#) that apply to their particular work. The Department will provide appropriate education and training about public sector ethics based on the contents of this code.



# Principle 1: Respect for the law and the system of Government

In this section:

- [Obligations](#)
- [Standards](#)
- [Giving and carrying out lawful and reasonable directions](#)
- [Challenging official decisions or directions](#)
- [Employee obligations to report charges and convictions](#)

1.1.1 Our system of Government is a parliamentary democracy consisting of three related components, the legislature, the executive, and the judiciary. Each component (including the public service which is the administrative arm of the executive government) is established and operates in accordance with the rule of law.

1.1.2 As public officials, we are required to faithfully serve the elected Government of the day by:

- implementing Government policy
- providing impartial and accurate advice to the Government of the day
- administering laws passed by the Parliament, and
- providing responsive service to the community in accordance with Government policy.

## 1.2 Obligations

### 1.2.1 Each of us has an obligation to:

- respect the rule of law and our system of parliamentary democracy by upholding:
  - Commonwealth, State and Local laws and regulations including any local area alcohol management plan restrictions such as in remote Indigenous communities
  - applicable professional standards and codes of practice that do not conflict with government or departmental policy
  - Department of Education, Training and the Arts and whole-of-government directives, policies and procedures
  - applicable industrial awards and agreements



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- respond prudently to known breaches of the law, departmental policies, whole-of-government policies and directives, as well as misconduct and maladministration. (Refer to the glossary for definitions of misconduct and maladministration)
- impartially administer legislation on behalf of the Minister for Education, Training and the Arts
- faithfully implement the policies and mandate of the elected government
- provide responsive service to the community and impartial advice to the government of the day
- adhere to caretaker conventions when a Queensland state election is called
- observe the convention of political neutrality in the performance of our duties
- respect the principle of equality before the law and extend due and fair process to individuals and organisations
- comply with lawful and reasonable directions from your supervisor, a delegated authority, or your employing authority
- make decisions and give reasonable and lawful directions within our delegated authority
- strive to create and implement high-quality education services that are consistent with government policy
- advance student learning and the public interest
- be familiar with legislation, regulations, (professional) codes or standards that are relevant to our work role
- provide information and assistance to parliamentary committees or inquiries where required to do so under the *Parliamentary Committees Act 1995*.

1.2.2 These obligations do not detract from our duty to act independently of the government of the day if that independence is required by legislation or government policy, or is a customary feature of our work.

### 1.3 Standards

The following sections outline the standards you must adopt in your daily work for the Department.

#### 1.3.1 Giving and carrying out lawful and reasonable directions

All staff should promptly, conscientiously and effectively comply with all lawful and reasonable decisions and directions from their supervisor, a delegated authority, or employing authority. You shall not knowingly or deliberately by overt or covert acts or omissions impede compliance or implementation of a lawful and reasonable decision or direction.



A supervisor shall make competent decisions, be open to positive and constructive questions about their direction, give guidance and directions to an employee that are fair and reasonable, having regard to their legal and organisational responsibilities and delegations.

### 1.3.2 Challenging official decisions or directions

You are encouraged to be receptive to constructive feedback about how you can better achieve the Department's mission and objectives.

Consistent with this approach, you are entitled to challenge or question a decision or direction if you believe it to be unlawful, unethical, unfair or unreasonable.

Before challenging or questioning a decision or direction (that does not involve misconduct), you should seek to discuss the matter with your supervisor and attempt to understand the basis for the decision or direction. You should only then express the reasons for your concerns or reservations about the decision or direction. Trivial and vexatious objections are unacceptable.

Wherever possible, the person whose decision or direction is challenged or questioned by a staff member should listen to their concerns and reservations, then review their decision or direction in the light of this discussion.

If your concerns remain unresolved after this review, you may communicate your objection to more senior officers in the Department. You may elect to use the Department's grievance procedure, if attempts at informal resolution are unsuccessful or would be inappropriate to use in the circumstances.

If you reasonably believe the instruction or decision involves criminal activity, official misconduct or maladministration, you are to instead notify the Department's Crime and Misconduct Commission (CMC) Liaison Officer or another appropriate authority immediately (e.g. the Crime and Misconduct Commission, the Queensland Police Service, the Ombudsman's Office). The Director, Ethical Standards, is the Department's CMC Liaison Officer and Public Interest Disclosure Contact Officer.

You are obliged to comply with decisions or directions while consideration is given to your objection, except when:

- it involves actions which you reasonably consider to be unlawful or a danger to a person's health and safety
- you have a genuine objection to the instruction or decision (e.g. the direction may involve maladministration or would be unconscionable)
- it appears unreasonable because it goes beyond what is appropriate in the circumstances (e.g. lack of resources, competence to comply or could be achieved significantly more effectively another way), or
- a conflict arises between the Code and a relevant professional code of ethics or code of conduct.



- If an objection involves an issue of conscience, the Department will seek to work cooperatively with you to resolve the conflict.
- If the review finds that the decision or direction is lawful, ethical, fair and reasonable, you must comply with the decision or direction.

### 1.3.3 Employee obligations to report charges and convictions

Under Section 5 of the [Public Service Regulation 2007](#) you are obligated to immediately provide details to the Department if you are **charged with, or convicted of, an indictable offence** (e.g. stealing, assault, sexual offences etc.). The Department will consider whether disciplinary or other action needs to occur because of the charge or conviction. For advice on these matters contact Ethical Standards.

Staff are reminded of their obligations under the [Queensland College of Teachers Act 2005](#) and the [Commission for Children and Young People and Child Guardian Act 2000](#) to notify relevant managers and agencies if there is a “change in an employee’s criminal history”, i.e. an employee is charged with or convicted of an offence.

#### **Example 1: Challenging a decision - Appropriate challenge, response and action**

A teacher disagrees with the decision of their principal to allocate school funds to one project in preference to another. The teacher invites the principal to share her thinking behind the decision. The teacher describes his concerns about the implications if the other project is not funded. The principal listens to the concerns and discusses possible options with the teacher. After further discussion, the principal acknowledges the teacher's concerns, but finds her original decision should stand. The decision is lawful, ethical, fair and reasonable. The teacher complies with the action required to implement the decision.

#### **Example 2: Non-compliance with a lawful and reasonable decision - Inappropriate conduct**

An employee asks his supervisor if he can use their accrued time entitlement next Friday. The supervisor declines to approve the request explaining that some new and unexpected urgent work needs to be completed by the following Monday. The supervisor suggests that the employee take a day off after this deadline. The employee is unhappy with this decision, does not attend for duty on Friday, and claims accrued time on his time sheet. The employee has engaged in misconduct and would be liable for disciplinary action.



## Principle 2: Respect for Persons

In this section:

- [Obligations](#)
- [Standards](#)
- [Respecting the dignity, rights and views of others](#)
- [Protecting students from harm](#)
- [Interactions with parents / caregivers](#)
- [Leadership and supervisory behaviour](#)
- [Aggressive behaviour by others](#)
- [Procedural fairness](#)
- [Personal appearance](#)
- [Workplace and sexual harassment](#)
- [Unlawful discrimination](#)
- [Equal employment opportunity](#)
- [Safety, health and welfare](#)

2.1.1 We all come into contact with a range of people such as students (their parents/guardians), clients, work colleagues, and other members of the general public while performing our work duties. These people have a diverse range of views, aspirations, expectations and behaviour. It is vitally important that we extend and demonstrate respect for others in all our communications and interactions. In turn, we can expect to be treated with respect and dignity by others. The positive relationships we build with others both internal and external to the Department will influence how well we achieve our individual work goals and the Department's mission and objectives.

2.1.2 Our daily interactions with others reflect on the Department and on us as individuals. It is therefore important to our individual and collective reputation that we conduct our relationships in a professional and respectful way. Staff whose work involves communicating with students have a special responsibility in providing an appropriate role model for those students. Modelling effective leadership in our interactions with students can have a profoundly positive influence on a student's personal and social development.



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2.1.3 Demonstrating respect for persons can be achieved by adopting a consultative approach to decision making, informing people of their rights, entitlements and responsibilities, and fulfilling a duty of care to others.

2.1.4 We need to be mindful of the need to respect the privacy and confidentiality of information held about people. The Department maintains a significant amount of information about its public officials and clients in connection with their relationship with the Department (e.g. information relating to medical reports, whistleblower disclosures, and disciplinary action). Further information about privacy requirements can be obtained from [Information Standard and Guidelines](#) on information privacy.

## 2.2 Obligations

### 2.2.1 Each of us has an obligation to:

- treat all people with dignity, courtesy, honesty, fairness and respect at all times
- respect and be sensitive to an individual's cultural and ethnic background
- respond to the reasonable requests of all clients, students (including parents/guardians), work colleagues and members of the general public in a helpful, courteous and timely manner
- be familiar with and uphold the Department's Student Protection Policy
- actively discourage any form of harassment or unlawful discrimination
- ensure decisions that adversely affect the rights or interests of others are procedurally fair, reasonable, honest, and impartial
- seek to ensure that clients, within and outside the Department, are made aware of their rights and proper entitlements
- avoid offensive, abusive and discriminatory language and behaviour, workplace harassment and other forms of intimidation
- maintain confidentiality and adhere to any relevant legislation or policy provisions relating to the treatment of personal information
- access and use personal information only for the purpose for which it was originally gathered
- to take reasonable steps to ensure the safety, health and welfare in the workplace of yourself as well as your co-workers and clients.

## 2.3 Standards

The following sections outline the standards you must adopt in your daily work for the Department in a number of areas.



### 2.3.1 Respecting the dignity, rights and views of others

Employees must respect the dignity, rights and views of others by:

- listening to and seeking to understand different points of view (this does not necessarily mean agreeing with the point of view)
- respecting cultural, ethnic and religious differences
- ensuring our personal appearance and presentation is clean, tidy and appropriate for the work role performed
- recognising that other officials are also bound by obligations in their public duties
- being courteous, sensitive, and honest in communications, and being considerate to the needs of others
- actively managing workplace conflict involving yourself or employees in your supervision to create positive and constructive outcomes
- working cooperatively and collaboratively with others to achieve common goals and a harmonious work environment
- supporting the personal and professional development of others.

Demonstrated failure to respect the dignity, rights and views of others will amount to a breach of this code.

#### Example: Managing conflict resolution - Appropriate response

A new employee with strong views on a number of issues joins a work team. Another employee strongly expresses alternate views. The employees seek to explore and understand the basis for their different viewpoints.

Another employee takes offence at the new employee's views and privately decides to avoid all contact with that employee. This breakdown in communication adversely affects the information sharing process within the work unit.

The supervisor of the work unit identifies the difficulty and strategically designs team building processes that address the impediment to open communication and relationship building.

### 2.3.2 Protecting Students from Harm

All students have a fundamental right to a safe and trusted physical and emotional environment that is free from harm.

- You must read, understand, and comply with the Department's [SMS-PR-012: Student Protection Policy](#).



- You must actively seek to prevent harm to students and support students who have been harmed.
- You must not impose corporal punishment on a student in the course of your professional duties.
- You must not engage in sexual misconduct with a student.

Sexual misconduct is defined as;

- conduct towards any person that would constitute a criminal offence of a sexual nature, or
- conduct that is sexual harassment as defined in section 119 of the [Anti-Discrimination Act 1991](#), or
- any other sexual conduct by a departmental employee directed towards or involving:
  - any student under the age of 18 years where a professional relationship exists; or
  - any student attending the school/s or institute/s where the employee works; or
  - in the case of an employee employed under the Teachers' Award - State, any student under the age of 18 years attending any Queensland state school or Queensland state secondary college; or
  - a student aged 18 years or older which could reasonably be regarded as creating an apparent or actual conflict of interest between the employee's private interests and her/his professional duties.

Sexual conduct is any behaviour that might reasonably be interpreted as being designed or intended to arouse or gratify sexual desires.

A school or institute-based employee is an employee who normally performs some or all of their daily duties within a school/institute or schools/institutes whether on a temporary, permanent or contract basis.

The following behaviour would constitute either misconduct or sexual misconduct:

- unwarranted and inappropriate touching of students
- suggestive remarks or action of a sexual nature
- sexual exhibitionism
- obscene gestures, language, jokes containing sexual references or deliberately exposing students to the sexual behaviour of others in any form, other than in the case of prescribed curriculum material in which sexual themes are contextual.

You must discourage and reject any advances of a sexual nature initiated by a student with whom you have a professional relationship, or where a prohibition on sexual conduct applies.



Your interactions with students must be and be seen to be professional at all times. Staff must not engage in behaviour that raises a reasonable suspicion that they have engaged in, or will engage in, sexual misconduct; or that the standards applying to the professional employee student relationship have or will be breached.

Examples of behaviour that raise a reasonable suspicion that the standards applying to the professional employee student relationship have been or will be breached include:

- flirtatious behaviour directed at a student
- dating a student
- spending significant time alone with a student other than to perform one's professional duties, or without other reasonable explanation
- expressing romantic feelings towards a student in written or other form.

The following scenarios relating to pre-existing relationships are exempt from the general prohibition of sexual misconduct and related behaviour:

- a person who is in a lawful private relationship commences employment with the Department and the continuation of the relationship would contravene this Code of Conduct
- a change of circumstances mean that an employee who was in a lawful private relationship that did not contravene this code is now in a relationship that contravenes this Code of Conduct - for example, their partner begins studying at the school where they work.

These exceptions to the general prohibition are subject to the employee immediately declaring the relationship or the change in circumstances to the Director of Ethical Standards. Failure to make this declaration may create liability for disciplinary action.

Once a confidential declaration is made, the Department will cooperate with you to resolve any apparent or actual conflict of interest to enable the relationship to continue. However, any apparent or actual conflict between your private relationship and the performance of your work duties must be resolved in favour of the public interest.

The Department will respect the privacy of your relationship and maintain the confidentiality of the declaration, within the law. If a person makes an honest complaint or notifies the Department in good faith about suspected sexual misconduct between an employee and a student, the Department is required to advise the complainant/notifier (if known) that it is aware of, and has sanctioned the relationship, because it fell within the exceptional category of a pre-existing relationship.



### **Examples of a Change of Circumstances to a Pre-Existing Private/Sexual Relationship Requiring Confidential Declaration**

- A teacher is in a lawful private/sexual relationship with 17-year-old non-state school student that does not contravene this Code of Conduct. The student then enrolls in a state school.
- A school-based janitor is in a lawful private/sexual relationship with a 16-year-old student that does not contravene this Code of Conduct. The student then enrolls in the school where the janitor works.

An employee who makes a notification of suspected sexual misconduct and is advised by the Department that it is a sanctioned relationship must respect the confidentiality of this advice.

An employee must not cause, or arrange for detriment to be caused to another person because a person has made an honest report or complaint in good faith to an appropriate authority about actual or suspected harm to a student.

An employee must not misuse their professional relationship with a student for improper personal or private gain.

The decisions an employee makes about a student's academic work and/or conduct must be fair and reasonable in the circumstances.

Teachers should strive to establish, build and maintain positive relationships with students that enhance the student's self-esteem and social development.

#### **2.3.3 Interactions with parents/caregivers**

Staff should be responsive to all reasonable requests of parents/guardians in relation to their child's education, and should encourage professional partnerships that create optimal learning environments and opportunities for students.

School-based employees should engage in open and professional communication with parents/caregivers and report on a student's achievements and learning options in a way that promotes successful educational outcomes.

You should avoid or take steps to resolve, any conflict of interest that arises between your private relationship with a student's parent/caregiver and the impartial performance of your work duties.



### 2.3.4 Leadership and supervisory behaviour

You are encouraged to demonstrate leadership in the performance of your work duties. Employees who supervise the work of other employees (or other people, such as student teachers or school volunteers) have further important responsibilities.

Supervisors should:

- set a good example of ethical conduct; encourage and promote behaviour consistent with this code
- treat staff fairly, equitably, with consistency and respect
- ensure that all staff are made aware of their responsibilities under the Code and any legislation and policies relevant to their duties
- ensure that the Department's policy and procedural requirements are met
- ensure that demands placed on staff are reasonable in the circumstances (e.g. staff have sufficient resources, assistance and/or skills to perform the work, and are given appropriate support)
- maintain open, honest and thorough communication with all staff
- ensure all staff understand the standards of performance expected of them
- monitor their own performance as a manager or supervisor to ensure that their performance is making a positive contribution to the organisation and the work environment
- ensure workloads are equitably distributed among staff members.

### 2.3.5 Aggressive behaviour by others

Even though you are expected to provide high standards of client service, the Department views any form of aggressive, threatening or abusive behaviour towards its officials by others as unacceptable. Such behaviour should never be accepted "as part of the job".

At times, a member of the community may act aggressively or in an offensive matter, despite an employee's best efforts to be helpful and understanding. When you are dealing with an individual who is upset, you should make every effort to put the person at ease. If your best efforts to calm the person have failed and/or you believe the situation places you or others in any danger, you are entitled to discontinue your dealings with the person immediately and notify your supervisor or manager. In these circumstances, the employee is entitled to suspend further contact with the person until it can be established there will not be a repetition of the aggressive behaviour.

You must not reciprocate the aggressive behaviour. If a person attempts to physically attack an employee, any staff may use reasonable and necessary force to defend themselves against the attack.



If the situation involves your supervisor/manager, raise the matter immediately with the next level of management in the Department.

Aggressive behaviour by students directed towards staff must be managed in accordance with the relevant behaviour management plan.

### 2.3.6 Procedural fairness

Procedural fairness is a legal safeguard applying to an individual whose rights or interests are or could be affected. Refer to the “Glossary” section for further details.

### 2.3.7 Personal appearance

Dress, personal appearance and hygiene are important elements of professional presentation. You must ensure that your personal appearance and presentation is clean, tidy and appropriate for your work role and environment.

Employees who wear a uniform or other apparel that identifies them as an employee of the Department must ensure that the uniform or apparel is clean, complete and in good order. If you are wearing a departmental uniform, or you are otherwise identifiable as a departmental official while off duty, you are expected to avoid conduct that may adversely affect the image of the Department.

### 2.3.8 Workplace and sexual harassment

All staff, students and anyone else involved with the Department of Education, Training and the Arts have the right to work in an environment that is free from intimidation, threat, humiliation and workplace harassment. For detailed information, refer to the [Department's Workplace Harassment, Bullying and Violence Policy](#).

Sexual harassment is unlawful and will not be condoned within the Department. Employees shall not engage in workplace harassment. (Refer to the glossary for definitions of sexual and workplace harassment.)

Offensive, abusive, bullying, belittling or threatening behaviour towards individuals or groups of people, performed in the course of one's work duties does not demonstrate respect for other people and amounts to a breach of this code.

#### **Example: Workplace harassment and inappropriate supervisory behaviour**

A supervisor is constantly critical in a negative and personal way of an employee's work performance but fails to initiate arrangements to establish a supportive performance improvement plan in cooperation with the employee. The supervisor isolates the employee, allocates menial



duties to them and seeks to have them transferred from the section without consulting the employee.

### 2.3.9 Unlawful discrimination

You must not unlawfully discriminate against any person. Except where exempted by law (refer to the [Anti-Discrimination Act 1991](#)), it is unlawful to directly or indirectly discriminate against a person on the basis of the following attributes:

- sex
- relationship status
- pregnancy
- parental status
- breastfeeding
- age
- race
- impairment
- religious belief or religious activity
- political belief or activity
- trade union activity
- lawful sexual activity
- gender identity
- sexuality
- family responsibilities
- association with, or relation to, a person identified on the basis of any of the above attributes.

#### Example: Unlawful Discrimination

A parent complains that a teacher should not be allowed to teach human relationships education because the teacher is a homosexual. It is not disputed that the teacher performs their duties to a very high standard. The principal withdraws the teacher from this role based on the parent's complaint. The principal's decision to withdraw the teacher in these circumstances amounts to unlawful discrimination.



### 2.3.10 Equal employment opportunity

The Department of Education, Training and the Arts is an equal opportunity employer. All staff must ensure that their involvement in recruitment and selection processes conforms with legal and departmental requirements and is consistent with the Department's equal employment opportunity management plan.

### 2.3.11 Safety, health and welfare

Employers, employees and other persons in a workplace have specific obligations under the [Workplace Health and Safety Act 1995](#). To help you to achieve this, you are expected to familiarise yourself with the workplace health and safety obligations that are applicable to your work role and environment. For information about your obligations, refer to Departmental guidelines.

## Principle 3: Integrity

In this section:

- [Obligations](#)
- [Standards](#)
- [Conflict of interests](#)
- [Identifying conflicts of interest](#)
- [Receiving and giving gifts and benefits](#)
- [Donations and sponsorship](#)
- [Receiving prizes in the course of duties](#)
- [Using and disclosing official information](#)
- [Making public comment](#)
- [Disclosing fraud, corruption, maladministration, official misconduct, misconduct, waste of public funds, or risk to public health or safety](#)
- [Standing for elected political office](#)
- [Use of political and other influences to secure advantage or cause disadvantage](#)
- [Party political, professional and trade union activity](#)
- [Intellectual property \(including copyright\)](#)
- [Secondary Employment](#)
- [Post employment responsibilities](#)
- [Testimonials, referee reports and performance reports](#)
- [Research](#)

### 3.1.1

Upholding the ethical principle of integrity is central to maintaining the probity of our conduct in our dealings with others, in the exercise of public powers, and in the proper use of public resources. Your integrity is highly valued by the Department because it reflects positively on you as a person and the Department as a whole. Observing the ethical principle of integrity supports the reciprocal relationship of trust that must exist between an employer and an employee.



### 3.1.2

As custodians of public powers and resources, we must adhere to the highest standards of integrity if we are to enhance public confidence and trust in the Department and the whole of the public service. We must avoid any conduct that would amount to a breach of trust of the position that each of us holds.

## 3.2 Obligations

Each of us has an obligation to:

- ensure that our official powers, position, resources or influence are not used improperly for personal or other improper advantage
- ensure that any public comment made as a representative of the Department, or where we might reasonably be perceived to be a representative of the Department, is authorised by the Department and accurately reflects the Department's position, regardless of our personal political or ideological preferences
- identify, declare, and avoid any apparent or actual conflict of interests or resolve conflicts in favour of the public interest (refer to the glossary for a definition of conflict of interests)
- disclose fraud, corruption, misconduct, official misconduct and maladministration to an appropriately authorised person
- manage official information and records confidentially and in a manner consistent with the law, information standards and departmental policy
- avoid any conduct which would undermine public confidence in the Department or the employee's ability and willingness to perform their official role in an objective and impartial manner.

## 3.3 Standards

The following sections outline the standards you must adopt in your daily work for the Department in a number of areas.

### 3.3.1 Conflict of interests

You should understand what is meant by an apparent or actual conflict of interests (refer to the definition in the glossary). An undeclared and unresolved apparent or actual conflict of interests can seriously undermine the impartiality of departmental operations and decision-making, and reduce public confidence in the public service.

You should be aware that an apparent or actual conflict of interest may arise between your private financial and business interests, or personal/familial relationships and the impartial and proper performance of your duties.



Senior Officers and members of the Senior Executive Service are able to seek advice from the Integrity Commissioner about conflict of interest. Such requests for advice must be accompanied by an authority signed by the Director-General requesting the advice.

Employees must immediately identify any apparent or actual conflict between their private interests and work duties, and resolve the conflict in favour of the public interest. Refer to the Department's [Directive on Public Service Employees engaging in other employment](#).

### 3.3.2 Identifying conflicts of interest

You may be directed by the Department to resolve the conflict in a particular way. Failure to promptly identify and initiate resolution of the conflict in favour of the public interest is a breach of this code.

You must not use your employment position to pursue private interests to gain an improper private advantage for yourself or others.

#### **Example: Conflict between private interests and public duty/misuse of public resources**

An employee uses his departmental phone number on his private business card, and receives regular private business calls during the employee's work time. The employee spends extended periods of work time responding to his private business interests to the detriment of his work area.

#### **Example: Proper resolution of conflict of interests - Recruitment and selection**

An employee who is a member of a selection panel discovers that his best friend's wife whom he knows very well on a personal and social basis has applied for the vacancy. Because of his close personal association with the applicant, the employee declares the conflict of interests to the other members of the selection panel, withdraws completely from the selection panel, and is replaced by another employee.

### 3.3.3 Receiving and giving gifts and benefits

All staff must comply with the Government wide policy on gifts and benefits issued by the Public Service Commissioner. Refer to the Department's [Gifts and Benefits Policy](#).

The policy states: 'Being a public service employee involves a public trust. This means that duties must be carried out impartially and with integrity. Consequently, it is not appropriate for public service employees to be offered or to accept or to give gifts and benefits that affect or may be likely to affect the performance of their official duties.'



In summary, gifts and benefits are treated in accordance with the table below

Procedures	Gifts or Benefits			Intangible (Hospitality) Gifts		
	Less than \$50	\$50 - \$250	More than \$250	Less than \$50	\$50 - \$250	More than \$250
Principles apply	Yes	Yes	Yes	Yes	Yes	Yes
Decision and information recorded in Register	No	Yes	Yes	No	Yes	Yes
Requirement to purchase	No	No	Yes	No	No	No
Aggregates from same donor noted	No	Yes	Yes	No	Yes	Yes

### 3.3.4 Donations and sponsorship

If you receive an offer of a donation to the Department or your school, you should immediately notify your supervisor. Donations may be accepted on behalf of the Department for departmental use, but must be registered in accordance with the requirements of Part 5, Division 7 of the *Financial Management Standard 1997*. When accepting a donation, you must be certain, and should make it clear to the donor where necessary and appropriate, that acceptance of the donation creates no implicit or explicit obligation upon the Department towards the donor. If the 'gift or donation' is conditional, it should only be accepted if the conditions do not affect or will not be seen to affect the impartial performance of departmental functions.

Acceptance of offers sponsorship from individuals and organisations, and the soliciting of sponsorship for departmental activities must be managed and dealt with in accordance with the Queensland Government Sponsorship Policy.

#### Example 1: Acceptance of a donation for official purposes - Appropriate conduct

An individual offers to donate \$1000.00 on the condition that it is spent only on the purchase of school library books. The donation is accepted and registered in the gift register as the condition does not affect the impartial performance of departmental functions.



### **Example 2: Offer of a donation with unacceptable conditions - Appropriate conduct**

A parent offers to donate \$1000.00 to purchase school sporting equipment if the school guarantees that the parent's son will be selected for the school football team. Selection for the football team is a merit-based selection. The principal declines the offer, advising the parent of the merit-based selection process and the school's policy of providing equal opportunity to students.

### **3.3.5 Receiving prizes and awards in the course of duties (from a non-government source)**

Should you in the course of performing your work duties, receive a prize with a value greater than \$1000.00, you must declare receipt of the prize and forward it to the Department for management.

Should you receive an award for significant contribution or excellence, you must declare receipt of such award to your principal or supervisor. If the award is the result of the employee performing their official duties you will generally be permitted to retain the award as long as there are no conflict of interest issues associated with the retention of the award. Principals, Directors and supervisors must seek advice from the Director Ethical Standards in cases where employees notify them of receiving such awards.

### **Example: Declaration of Receipt of Prizes - Appropriate response**

An employee attends a workshop in the course of performing their work duties and receives a ticket for a lucky door prize. The employee wins the prize, which is a new computer valued at \$2000.00. The employee declares receipt of the prize and forwards the computer to the Department for management.

During the lunch break at the seminar, the employee attends the local casino and wins \$1000.00. The employee keeps the \$1000.00 as the casino visit was not part of their work duties.

### **3.3.6 Using and disclosing official information**

As a public official, you may have access to certain information (both hard copy and electronic) which must be treated as confidential, especially where it concerns the personal affairs of individuals, commercially sensitive business information, and privileged government information (e.g. matters to be considered by Cabinet). The information must be managed in accordance with the privacy principles contained in [Information Standard 42](#), [Information Privacy Guidelines](#). This



requirement continues to apply to persons after they have left the Department's employment. The following standards will guide you in making judgements about disclosing official information:

- You do not need specific permission to disclose information that is already available in the public arena (e.g. legislation, publications, Internet, policies, press releases). Appropriate acknowledgement of the source must be given.
- You have an obligation not to disclose official information to any person, agency or the media unless it is part of your official duty and is consistent with the Code or you are authorised to do so, for example, under legislation or approved by an appropriate authority.
- If you are uncertain about releasing official information, contact your manager or the Department's Freedom of Information (FOI) Co-ordinator.
- Where applications are received for information under FOI, you are to follow the Department's [Administrative Instruction on the Freedom of Information Act](#).
- You must manage the preservation, storage, security and disposal of departmental records in accordance with the [Public Records Act 2002, Information Standard 42](#) and departmental procedures.

#### **Example: Inappropriate release of official information - Breach of privacy**

A principal gives parents' names and addresses to a company marketing a new educational game without the parents' consent in return for a cash 'donation' to the school's sport fund.

The disclosure of information was improper because it did not have the consent of the parents, and the disclosure was not authorised for a purpose, other than the official purpose for collecting the information. The principal's action was also a breach of the donation/gift policy.

### **3.3.7 Making Public Comment**

You must comply with the departmental policy when making a public comment about the department's work. The term "public comment" includes providing information about, or evaluative comment on, government policy or administration. Depending on the content and circumstances, public comment may include: letters to the editor of a newspaper; articles for a professional journal; contributions to a panel discussion on radio or television; public demonstrations; or speeches to interest groups.

As a private citizen, you have the same rights as any member of the community to enter into discussion of community and social issues, but with the following limitations:

- Unless authorised to make public comment as a representative of the Department, you must take all reasonable steps to ensure that any public comment made is clearly seen and understood to be made in a private capacity, representing your personal views as a private citizen.
- You must use the Department's established internal and external communication channels concerning the work of the Department.



**Example: Inappropriate public comment**

An employee writes to their local state member criticising the government's consideration of an unannounced plan to introduce a new equipment levy on parents of students attending Queensland state schools. The employee knows of the plan through the performance of their work duties.

### **3.3.8 Disclosing fraud, corruption, maladministration, official misconduct, misconduct, waste of public funds, or risk to public health or safety (Whistleblowing)**

You must report knowledge of public service fraud, corruption, maladministration, official misconduct, misconduct, reprisal, negligent or improper management resulting in waste of public funds, or danger to persons or the environment in the public interest to an appropriate public sector entity which is authorised to receive that type of information.

You must follow departmental policy and procedure when reporting on suspected official misconduct,

Under the [Crime and Misconduct Act 2001](#), the Director-General has a responsibility to refer all matters involving clear or suspected official misconduct, including allegations received from anonymous sources, to the Crime and Misconduct Commission.

You must not cause, or arrange for detriment to be caused, to another person because an employee has properly reported a matter in accordance with the law, departmental policy, public service directives, or this code.

You must not make a knowingly false or misleading statement concerning an allegation of improper conduct to another employee or authority. You must not make a vexatious complaint about another person.

The [Whistleblowers Protection Act 1994](#) provides information about and examples of matters that can be disclosed by a public service employee to an appropriate public sector entity, and the legal protections that apply to those disclosures.

You must co-operate with an investigation being conducted in connection with the administration, management and operation of the Department.

**Example 1: Reporting suspected official misconduct - Appropriate action taken**

Two Department of Education, Training and the Arts employees attend a workshop interstate, and on their return to duty lodge travel claims for their expenses to be reimbursed. One employee learns that items and expenses claimed by the other were not incurred as reported, and therefore has reason to suspect that a knowingly false claim has been made. The employee reports their



knowledge to their supervisor. The supervisor advises the Department's Crime and Misconduct Commission Liaison Officer of the employee's report.

### **Example 2: Making a Vexatious Complaint - Inappropriate Action Taken**

Darren's behaviour has been the subject of a grievance properly lodged by Julie. Upset at being the subject of a grievance, Darren decides to cause Julie distress by lodging a grievance against her in which he makes allegations of improper conduct without any reasonable basis for complaint.

#### **3.3.9 Standing for elected political office**

Any employee wishing to stand for election to the federal or state parliaments must observe the procedures set out in the whole-of-government policy on [Public Service Employees Contesting State or Federal Elections](#).

Any employee wishing to contest a seat in a local government election should advise their supervisor or manager in this regard and apply for leave at a time when the employee is unable to meet their employment obligations due to a conflict of interests, such as engaging in active campaigning.

#### **3.3.10 Use of political and other influences to secure advantage or cause disadvantage**

You have a duty not to influence, or use the influence of, any person to improperly obtain any advantage or disadvantage either personally or on behalf of another, or to interfere with the proper outcome of any procedure established under legislation or government policy.

#### **3.3.11 Party political, professional and trade union activity**

Party-political, professional group and trade union activity may give rise to real or apparent conflicts of interest, particularly if you are identifiable by the community as a public official. In a private capacity, you have a legitimate right to pursue party-political, professional group or trade union activity. This must be achieved without breaching your obligation to avoid real or apparent conflicts of interest.

If you are an elected workplace representative, a trade union official/delegate or a professional associate, you do not need the Department's permission to express your views as a representative, but you are to ensure that any comment will be understood as representing the views of the union or association.



**Example: Inappropriate response to a conflict of interest with trade union activity**

An employee who is a workplace delegate of an industrial union receives confidential information in the course of their work duties about a confidential government policy proposal that they know would be opposed by their industrial representatives. The employee leaks this information to the union.

**3.3.12 Intellectual property (including copyright)**

Government information, which you generate as part of your official duties, whether produced in work or personal time, is deemed to be produced in the course of your employment. As such, this information is regarded as the State's intellectual property. The State is the owner of the property unless there is an agreement stating otherwise. You have an obligation therefore not to use the State's intellectual property for private purposes.

When using the State's intellectual property, including computer software and other technologies, you are to do so in accordance with the [Copyright Act 1968 \(Cth\)](#), [Copyright Amendment \(Digital Agenda\) Act 2000 \(Cth\)](#) the Code and the relevant Queensland Government's [Information Standards and Guidelines](#).

IT policies are to be followed when using the Department's computer systems. The Models are helpful as a reference for other related policies and administrative instructions.

The Department may have discretion to use state intellectual property for commercial purposes. When deciding who may benefit from the commercial use of state intellectual property, you are to consider the circumstances in which it was conceived, researched and developed. Consider also the question of whether commercial or private use of the state's intellectual property may involve a conflict of interest.

If you are seeking to enter into an agreement regarding the publication or disclosure of any articles or materials which have been produced by the Department, or as part of your official duties, you are to first obtain the approval of the Director-General or delegate. Refer to the Standards shown earlier in this section for details.

**Example: Seeking consent for use of intellectual property - Appropriate conduct**

A state school teacher is writing a textbook based upon teaching materials developed in the course of their work duties. The teaching materials are the intellectual property of the Department of Education, Training and the Arts. The teacher seeks the Department's consent to include the materials in the textbook.



### 3.3.13 Secondary Employment

It is important that you recognise that concurrent employment in both the public and private sector may give rise to a real or apparent conflict of interest. This is particularly the case when the private work is in areas related to your official duties (e.g. working for a competing service provider, consultancy work). Depending on the circumstances, your ability to perform your duties efficiently and the Department's credibility may be adversely affected.

The Department does not prohibit concurrent employment. However, you have an obligation to comply with the provisions of the Code, particularly those that relate to conflicts of interest and use of official information and resources. You are to ensure that any concurrent employment does not adversely impact on your public duties with your primary employer or compromise the integrity of the Department.

Employees must not engage another employee, or allow themselves to be separately engaged by the Department to provide goods or services that they could reasonably be expected to provide as part of their standard paid employment.

Section 89 of the Criminal Code states 'Any person who, being employed in the public service, knowingly acquires or holds, directly or indirectly' ... 'a private interest in any contract or agreement which is made on account of the public service with respect to any matter concerning the Department of the service in which the person is employed, is guilty of a misdemeanour, and is liable to imprisonment for 3 years, and to be fined at the discretion of the court'.

#### **Example: Secondary employment - Inappropriate action and appropriate response**

In addition to performing full-time employment for the Department, an employee worked the 10.00pm to 6.00am taxi shift on three week-nights. The employee was observed seemingly asleep at various times during the workday.

The employee explained that he was experiencing significant financial difficulties. The supervisor assisted the employee to contact a financial counsellor and agreement was reached that he would only drive a taxi on Friday and Saturday nights.

### 3.3.14 Post employment responsibilities

When you cease employment with the Department, you have an obligation to maintain the confidentiality of official information formerly available to you as a public official, and to return any property belonging to the Department.



### **3.3.15 Testimonials, referee reports and performance reports**

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

You may provide testimonial and referee reports using official stationery only when you are acting in an official capacity (i.e. commenting on the work performance of a current or former Queensland public sector employee with whose work you are familiar).

### **3.3.16 Research**

Employees whose work duties involve conducting research within or for the Department should comply with ethical standards for research equivalent to those applied to staff of Australian Universities in their respective faculties. For further information, refer to the National Statement on Ethical Conduct in Research Involving Humans.

## Principle 4: Diligence

In this section:

- [Obligations](#)
- [Standards](#)
- [Performing your duties](#)
- [Self-development](#)
- [Fitness for duty - alcohol, drugs and medication](#)
- [Smoking](#)
- [Personal conduct](#)

### 4.1.1

The ethical principle of diligence requires us to perform our work duties to the best of our ability and provide a "fair day's work for a fair day's pay".

### 4.1.2

We are expected to:

- exercise proper application, care, and attention when carrying out our work duties
- act responsibly and be accountable for our official decisions and actions
- exercise a duty of care to those we have contact with in the course of our work duties, or who may reasonably be affected by the work we do.

## 4.2 Obligations

All of us have an obligation to maintain high standards of behaviour and apply ourselves industriously to our official duties. This includes:

- refrain from using alcohol, legal drugs or other substances in a way that could have an adverse effect on your work performance, your behaviour, or reputation
- helping the Department to achieve its goals
- being familiar with and following all the legislation, directives, guidelines, standards, policies, and procedures etc. which are relevant to the performance of your duties



- making all reasonable efforts to provide high standards of service to students and clients
- adhering to any relevant professional standards of conduct that are consistent with your official duties and professional capacity
- exercising your obligations in relation to the health and safety of yourself and others
- taking responsibility for any actions or decisions for which you are accountable as part of your official duties
- not allowing your own conduct to distract or prevent other officials from performing their duties diligently.

### 4.3 Standards

The following sections outline the standards you must adopt in the administration and stewardship of your duties.

#### 4.3.1 Performing your duties

You must perform your work duties competently and responsively.

You have a responsibility to maintain the accuracy, integrity and appropriate confidentiality of all departmental information.

You are expected to adhere to departmental arrangements and industrial agreements/awards regarding attendance at work and leave (e.g. not being absent without authority, accurate recording of work and leave periods).

You must only take leave of absence from your work duties when authorised to do so. When you are unable to attend your place of work all reasonable efforts must be made to make contact with your supervisor or other appropriate departmental staff. For example, in the case of a natural disaster, employees must comply with their school's critical incident plan and perform duties assigned to them unless directed to leave by their supervisor.

Staff who supervise students in the instruction of the Department must take reasonable steps to protect them from foreseeable injury and harm.

#### 4.3.2 Self-development

You have an obligation to develop your knowledge and skills, and to keep up-to-date with the latest changes related to your official duties. To achieve this, you are to take reasonable steps to identify and apply for development opportunities.

Supervisors must provide fair and equitable access to training for staff and assist the Department to fulfil identified and agreed training goals and objectives.



### 4.3.3 Fitness for duty - alcohol, drugs and medication

If you are using medication that may affect your work performance you should notify your supervisor or manager.

If you are a supervisor or manager, you will need to consider the options available for assisting public officials who are required to take legally prescribed drugs and whose level of performance has been impaired.

Should you be suffering from a drug or alcohol problem that adversely affects your work performance you must actively seek professional assistance to correct the problem.

### 4.3.4 Smoking

Smoking is prohibited in government buildings, vehicles and facilities. Employees are reminded that smoking in many public places is illegal and on the spot fines can be issued (see policy [HLS-PR-001: Creating Smoke Free Environments](#)).

Smokers must ensure that this activity does not adversely interfere with the service delivery of their work area (for more information, refer to the [Queensland Government Smoking Policy](#)).

### 4.3.5 Personal conduct

You are reminded of your obligation under Section 25(h) of the *Public Service Act 1996*: 'In recognition that public service employment involves a public trust, a public service employee's work performance and personal conduct must be directed towards — (among other things) ensuring that the employee's personal conduct does not reflect adversely on the reputation of the public service'.

Conduct that is disgraceful or improper and reflects seriously and adversely on the public service is grounds for disciplinary action under Section 87 of the *Public Service Act 1996*.



## Principle 5: Economy and Efficiency

In this section:

- [Obligations](#)
- [Standards](#)
- [Efficient resource management](#)
- [Using equipment and consumable resources](#)
- [Using the departmental Internet, intranet, and electronic mail](#)
- [Motor Vehicles](#)
- [Commercial Use of Departmental Resources](#)
- [Provision of alcohol at Official Functions and Residential Workshops](#)

**5.1.1** The ethical principle of economy and efficiency in public administration seeks to obtain value for every public dollar spent by the Department. We possess stewardship of a range of valuable financial resources and public assets that are used to provide high-quality educational services to the Queensland community.

**5.1.2** Public resources include not only material and financial resources, but also people skills and knowledge, work time, intellectual property, and official information. Intangible assets such as corporate learning, public support, positive staff morale, and professional commitment are also regarded as valuable assets.

The misuse or wasteful use of public resources is considered to be a serious matter and may involve official misconduct or maladministration.

### 5.2 Obligations

Each of us has an obligation to:

- ensure that all departmental resources are used for official purposes (or approved limited exceptions) and not wasted or used extravagantly
- ensure that any claims for expense payments are made in accordance with whole-of-government and departmental policy and procedures, and only for costs incurred to conduct departmental business
- ensure that all electronic communication systems are used appropriately in accordance with government and departmental policy



- follow departmental policies and procedures in respect to approved asset management and user charging policy where departmental resources have been approved for use by the community or non-government entities.

### 5.3 Standards

The following sections outline the standards you must adopt in your daily work for the Department in a number of areas.

#### 5.3.1 Efficient resource management

Employees responsible for purchasing, using and disposing of any departmental resource should comply with the requirements of:

- the Government's [State Purchasing Policy](#)
- the [Financial Administration and Audit Act 1977](#) and [Financial Management Standard 1997](#)
- the departmental policies on [FNM-PR-014: Purchasing Procedures](#) and [ESM-PR-002: Equipment Management](#) accessible from the [Education Policy and Procedures Register \(EPPR\)](#).

#### 5.3.2 Using equipment and consumable resources

You must ensure that all departmental equipment, resources, and consumable items are used only for the work and business of the Department. The following limited and occasional private use of Department equipment and resources may occur providing it does not adversely affect the performance of your work duties, or the work duties of others, or the reputation of the Department (**see below for vitally important information regarding employees being dismissed for certain activities involving use of ICT facilities and devices**):

- limited, occasional and brief private telephone calls and faxes
- limited and occasional use of a photocopier
- limited and occasional use of the departmental email and Internet system subject to the government policy on use of the Internet and electronic mail (see below for details)
- limited and occasional use of computers
- limited and occasional use of meeting rooms.

You must ensure that departmental equipment is maintained and used in accordance with the manufacturer's requirements, and that all use is both safe and legal.

You must have approval to use departmental equipment and resources off site for work purposes, and must ensure they are safely stored and secured.



You must ensure you do not breach copyright law or licensing arrangements when copying any departmental property, such as software, library and reference materials, or copying other property for departmental use.

All principals, managers, and other officers in charge must observe the Department's asset management policy.

You must ensure that correct and ethical procedures are followed in relation to scrapping or disposal of government assets (refer to CMC guidelines).

### 5.3.3 Using the departmental Internet, intranet, and electronic mail

In accordance with the [Queensland Government Information Standard 38](#) — The Use of ICT Facilities and Devices; **you are advised that you will be dismissed if you are found intentionally downloading, storing or distributing pornography using Government owned information and communication technology facilities and devices.**

You must comply with the government's [principles and policy statement](#) which advises that you will be disciplined or dismissed for the misuse of the internet or electronic mail in respect of material which is offensive or unlawful, although not pornographic. A pattern of behaviour (for example, repeated use), is a factor for consideration in determining disciplinary measures (including dismissal).

You must also comply with the departmental policy *ICT- PR-004: Using the Department's Corporate IT Network*.

Except for official purposes, it is a breach of this code to use the departmental Internet or electronic mail system to access, store, or transmit words or images that are sexually explicit, violent or contain other offensive material. Material shall be deemed to be offensive if it shows a lack of respect for persons and a reasonable person finds the material offensive.

Networks such as the Intranet and its connections to the Internet represent a potential risk to the integrity of the Department and the security of its computer systems. For example, unauthorised access and use of confidential information can severely damage the reputation of the Department and its officials, undermine personal privacy and expose the Department to costly litigation.

Limited personal use of communication and information devices is permissible, in keeping with the Queensland government's commitment to the development of a responsive and flexible public sector in which there is recognition of family and community responsibilities and their impact on work.



The following principles apply to the use of communication and information networks and devices within the Department:

- The Department will not tolerate computers being used deliberately for sending, receiving, and/or copying inappropriate material.
- You may only transmit information via communication and information networks and devices if you are authorised to do so and in accordance with the relevant departmental protocols.
- You may not share your password/s with another person, share another person's password/s, or record password/s where they may be found by others.
- Electronic messages, telephone and facsimile bills, and electronic files are subject to record keeping, archiving, freedom-of-information (FOI) requests, and audit requirements.
- The Department monitors the use of these networks and devices, and you may be called upon to explain your use of them.

When using the Department's computer systems, you must not deliberately access, store or forward communication where doing so might result in a breach of the *Copyright Act 1968* (Cth), Queensland Government [Information Standards and Guidelines](#), this Code, or the Department's policies contained in the IT Policies, Standards and Reference Architecture Models.

#### **Example: Inappropriate employee use of departmental email and publication**

An employee who alleges that he is the subject of workplace bullying by his supervisor details the allegations in a departmental email and forwards it to numerous people that he knows in and outside the Department who have no authority to respond or intervene in the matter. The employee's action has left him vulnerable to legitimate complaint by his supervisor.

The appropriate course of action would have been for the employee to communicate this information to sources that are authorised to receive it, such as a departmental employee advisor, the employee's industrial association, or to use the Department's grievance resolution process.

#### **5.3.4 Motor Vehicles**

Departmental motor vehicles must always be acquired, maintained and used in accordance with the Department's [FLM-PR-001: Vehicle Management Policy \(AM-04\)](#).

#### **5.3.5 Commercial Use of Departmental Resources**

Departmental resources, such as school and institute facilities, grounds and sporting equipment, can be made available for community and commercial use in accordance with the relevant departmental Code of Practice.



### 5.3.6 Provision of alcohol at official functions and residential workshops

As a general rule alcohol will not be provided at departmental expense at official functions and/or residential workshops unless the Director-General has provided prior approval.

Staff may however choose to purchase alcohol at their own expense where activities are being conducted outside their usual working hours.

### A guide for ethical decision-making

The guide below is in the form of a series of questions, which you may consider in light of your obligations under the Code. It will not make the decision for you, but it will help you to analyse all the relevant facts and circumstances of a situation to reach a decision.

#### Step 1. Identify and assess the situation.

- What do I want to do?
- What are the facts and circumstances of the situation?
- Does it break the rules, the law, or is it inconsistent with Government policy?
- Is this consistent with my obligations under the Code?
- What ethical principle or principles does it relate to and why?
- Who is affected and are people's entitlements or obligations involved?

#### Step 2. Look at the situation from a public sector standpoint.

- What is my duty as a public official?
- What legislation, policies, procedures or guidelines are relevant?
- Who else should I consult?

#### Step 3. Would my actions or decisions withstand public scrutiny?

- Would a reasonable person consider that I was in a position to improperly use my powers or position?
- Would the public perceive my action or decision as honest and impartial?
- Is there a conflict of interest?



#### **Step 4. Identify and consider the options.**

- Get advice from your supervisor, manager, specialists in the Department, and any person who is able to provide authoritative advice.
- What are the options and the consequences that would result from each option?
- What, if any, are the costs and long-term consequences?
- Are the options and consequences you have identified consistent with the five ethics principles and obligations?
- How would the public view a particular option?

#### **Step 5. Choose your course of action.**

Make sure the course of action you have chosen:

- is within your position's authority and is consistent with the relevant legislation, directives and policies, including the Code
- is procedurally fair and can be justified to your manager, the Director-General, the Minister, Parliament and the public
- is documented if it is likely that a person will require a statement of reasons
- supports the Department's mission, goals and values
- involves specialists within the Department where appropriate.

## Glossary of Terms

### **Administrative action**

An act or omission of an administrative character done, or made by, in, or for a public sector entity. It includes, for example, a decision or failure to decide, and a formulation of a proposal or intention.

### **Agent**

A person who has actual, implied or ostensible authority to act on behalf of the Department, including members of boards and committees, delegates and decision makers.

### **Benefit**

Includes gifts, hospitality, travel, gratuity, remuneration (other than salary), allowances, fees, subsidies, consideration, free service, privilege and entertainment or any gift of valuable property, whether of a personal nature or otherwise including money, display items, furniture, jewellery, and personal items containing precious metals and stones.

### **Confidential information**

Information of a sensitive, personal, commercial or political nature made available to you in connection with your role as a public official that could cause harm to individuals or the State if disclosed other than in accordance with its intended purpose or target audience.

### **Conflict of interest**

Refers to a conflict between a private interest and official duty. For example, being in a position to use public office, knowledge, access to resources or influence for improper purposes or private interests.

A real (or actual) conflict of interest exists when a reasonable person, in possession of the relevant facts, would conclude that the official's private interests interfere, or are likely to interfere, with the proper performance of his or her official duties. Some examples may be:

- you are in a position to authorise contracts for services when you have a direct or indirect interest in the contracted company;



- providing private sector consultancy services in a field of work which is the same or in direct competition with your public sector role;
- allowing your personal beliefs to interfere with the impartial implementation of government policy.

An apparent conflict of interest exists when there is an appearance that an official's private interests may interfere with the proper performance of his or her official duties although, in reality, this may not be the case. The old saying "justice must not only be done, but it must also be seen to be done" applies here. One example may be where you are on a selection panel to impartially consider the merits of job applicants, one of whom is a very close friend of yours. Even if you are confident of not being affected by personal bias, there may be a strong perception by other applicants that you will give your friend preferential treatment.

### **Corruption**

Criminal behaviour that may involve fraud, theft, the misuse of position or authority or other acts that are unacceptable to an organisation and which may cause loss to the organisation, its clients or the general community. It may also include other elements such as breaches of trust and confidentiality. For more information you may refer to "[Facing the facts – A CMC guide for dealing with suspected official misconduct in Queensland public sector agencies](#)".

### **Crime and Misconduct Commission (CMC)**

Under the terms of the [Crime and Misconduct Act 2001](#), the CMC has the duty to combat and reduce the incidence of major crime, to improve the integrity of the public sector and to reduce the incidence of misconduct in the public sector.

### **Delegate**

A person who has been delegated the authority to make decisions affecting staff and financial resources.

### **Department**

Refers to the Department of Education, Training and the Arts

### **Diligence**

To work industriously or with persistence and attentiveness.

### **Directive**

A ruling issued by the Public Service Commissioner or the industrial relations Minister. A directive is issued by gazette notice and is binding on the employees to whom the directive applies.



**Disciplinary action**

Action taken as a result of the disciplinary process and is always the outcome of a substantiated allegation or assessment which involves a penalty.

**Discrimination**

When a person is treated more or less favourably than another person would be in substantially the same circumstances. Discrimination is unlawful when it is on the basis of an attribute described in the [Anti-Discrimination Act 1991](#) (i.e. sex, marital status, pregnancy, parental status, breastfeeding, age, race, impairment, religion, political belief or activity, trade union activity, lawful sexual activity; or association with, or relation to, a person identified on the basis of any of the above attributes).

**Due care**

The degree of care that a reasonable person can be expected to exercise to avoid harm in the circumstances, or alternatively, the absence of negligence.

**Duty of Care**

A duty to do everything reasonably practicable to protect others from harm.

**Employee**

In this code means permanent, temporary, casual or contract employees of the Department.

**Equal employment opportunity (EEO)**

The creation of conditions that all persons have an equal chance to seek and obtain employment and promotion. EEO requires that people are selected, promoted and treated on the basis of their individual talents and capabilities. Refer to the [Equal Opportunity in Public Employment Act 1992](#) and the [Anti-Discrimination Act 1991](#) for details.

**Equity**

A broad concept that encompasses principles of fairness, consistency, and non-discrimination. In practice, it denotes impartiality and consideration of the individual circumstances of each case.

**Fraud**

The intentional use of false representations or deception to avoid an obligation, gain unjust advantage or, in the context of public administration, commonly referred to as 'roting the system'.



**Impartiality**

In the context of public administration, impartiality means implementing the law and government policies and serving the community without bias or favour, regardless of which political party forms the government.

**Integrity**

In the context of public administration, integrity means public officials are to act honestly and be seen to be acting honestly.

**Intellectual property**

An invention, original work, the results of scientific research or a product development, which can be protected under legislation and common law depending on the type of intellectual property involved. Examples include: computer software, illustrations, written documentation.

**Gift**

Includes entertainment, hospitality, travel or other benefit or an item of property, whether of a personal nature or otherwise, including, for example, ornate and precision display items, clocks, furniture, figurines, works of art, jewellery, personal items containing precious metals or stones and fine art work.

**Harm to a Student**

Any detrimental effect of a significant nature on the student's physical, psychological or emotional wellbeing by any cause, other than confirmed accidental harm not involving negligence or misconduct. Harm to a student includes minor harm that is cumulative in nature that would result in a detrimental effect of a significant nature to the student if allowed to continue. Harm can be caused by amongst other things:

- physical, psychological or emotional abuse or neglect
- sexual abuse or exploitation
- domestic or family violence
- student bullying
- self-harm
- female genital mutilation.



**Queensland  
Government**

Department of  
Education, Training  
and the Arts

**Intellectual Property**

Includes documents, publications, manuscripts, audio-visual presentations, inventions, original research, products, and any other materials recorded in any form that are developed for departmental or government use in the course of your work duties.

Interchange Arrangement Refer to section 82 of the *Public Service Act 1996*.

**Interest**

Used in relation to declaring personal interests or conflicts of interest, the term “interest” means direct or indirect personal interests of the public official. Interests may be pecuniary (i.e. financial or economic forms of advantage) or non-pecuniary (i.e. non-financial forms of advantage).

**Lawful**

Warranted or authorised by the law, or alternatively, neither contrary to nor forbidden by the law.

**Maladministration**

An administrative action that is unlawful, arbitrary, unjust, oppressive, improperly discriminatory, or taken for an improper purpose.

**Manager**

A general term meaning a person with supervisory or resource management responsibilities at whatever level.

**Misconduct**

Disgraceful or improper conduct in an official capacity; or disgraceful or improper conduct in a private capacity that reflects seriously and adversely on the public service.

**Official Information**

Information contained within departmental records, or imparted in an official capacity.

**Official Misconduct**

Official misconduct means conduct that could, if proved, be a criminal offence, or a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.



Conduct may still be official misconduct irrespective of where or when it occurred or whether the person is still employed in the public sector (Human Resource Management Policy on [Reporting and Investigation of Official Misconduct and Maladministration and making a Public Interest Disclosure](#)).

### **Personal ethics**

An individual's personal standards of conduct which may or may not be consistent with public sector ethics

### **Pornography**

The explicit description or exhibition of obscene literature, art or photography, generally intended to stimulate erotic rather than aesthetic or emotional feelings.

### **Prize**

Something that is won in a raffle or the like.

### **Procedural fairness (natural justice)**

A process that ensures that a fair decision is reached by an objective decision-maker. Decisions affecting the rights of individuals are to be reached only after the individuals have been made aware of the specific allegation/s made against them, or of decisions which are adverse to their interests, and they have had the opportunity to present their claims in relation to the allegation/s and the decisions proposed to be taken affecting them.

The decision-maker must not have a personal interest in the matter that would render him or her not impartial. Care should be exercised to exclude real or perceived bias from the process.

In cases of suspected or actual official misconduct or maladministration, it is the investigating authority (e.g. Crime and Misconduct Commission, Ombudsman) that will decide when it is appropriate to make allegations known to individuals.

### **Professional ethics**

Standards of conduct established by organisations representing professions that apply to individuals in their professional capacity.

### **Professional relationship**

A fiduciary relationship in which trust and confidence are necessarily reposed by one party, investing in the other party a corresponding amount of power. A fiduciary relationship exists



where, as a result of one person's relationship to another, the former is bound to exercise rights and powers in good faith and for the benefit of the latter.

### **Proprietary Knowledge**

Information held by the Department, that is not publicly available, not official information, and not intellectual property.

### **Public interest**

For a public official, acting in the public interest means acting lawfully and/or in accordance with government policy under the direction of the Minister. In the absence of legal or policy frameworks, it means acting for the common good of the community.

### **Public sector ethics**

Those principles and standards governing correct conduct by government officials. They provide guidance in situations where there are no specific rules or where matters are unclear but where the ultimate objective is to serve the public interest.

The relevant public sector ethics principles are described in the [Public Sector Ethics Act 1994](#) and the Department's Code.

### **Responsive**

To respond readily and comprehensively, appropriate to the circumstances.

### **Reprisal**

Occurs when a person causes, attempts or conspires to cause, detriment to another person because of a belief that anybody has made, or may make, a public interest disclosure. Every person, even if the person did not make the public interest disclosure, is protected from reprisal. Reprisal is unlawful under both civil and criminal law.

### **School Based Employee**

An employee who normally performs some or all of their daily duties within a school or schools whether on a temporary, permanent or contract basis.

### **Sexual Harassment**

Happens if a person:

- subjects another person to an unsolicited act of physical intimacy; or



- makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person; or
- makes a remark with sexual connotations relating to the other person; or
- engages in any other unwelcome conduct of a sexual nature in relation to the other person;
- and the person engaging in the conduct described in paragraphs (a), (b), (c) or (d) does so -
- with the intention of offending, humiliating or intimidating the other person; or
- in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

### Sexual Misconduct

Includes the following conduct:

- conduct towards any person that would constitute a criminal offence of a sexual nature; or
- conduct that is sexual harassment as defined in section 119 of the [Anti-Discrimination Act 1991](#);
- any other sexual conduct by a school-based employee directed towards or involving:
- any student under the age of 18 years where a professional relationship exists; or
- any student attending the school/s where the employee works; or
- in the case of employees employed under the Teachers' Award - State, any student under the age of 18 years attending any Queensland state school or Queensland state secondary college; or
- a student aged 18 years or older which could reasonably be regarded as creating an apparent or actual conflict of interest between the employee's private interests and her/his professional duties

Sexual conduct is any behaviour that might reasonably be interpreted as being designed or intended to arouse or gratify sexual desires.

### The Act

Refers to the [Public Sector Ethics Act 1994](#).

### The Code

Refers to the Code of Conduct for the Department of Education, Training and the Arts



**Vexatious Complaint**

A written or verbal report of alleged improper conduct made to an authority intending the report to be acted upon, where there is a demonstrable absence of reasonable grounds for suspecting the improper conduct, and the report is made to cause distress.

**Work Performance Arrangement**

Refer to the definition in section 82 of the [Public Service Act 1996](#).

**Workplace Harassment**

Is repeated behaviour by an employee, other than behaviour that is sexual harassment, that:

- is directed at an individual worker or group of workers; and
- is offensive, intimidating, humiliating or threatening; and
- is unwelcome and unsolicited; and
- a reasonable person would consider to be offensive, intimidating, humiliating or threatening for the individual worker or group of workers in all the circumstances.

**Workplace health and safety obligations**

These obligations refer to your workplace health and safety responsibilities, which are prescribed in the [Workplace Health and Safety Act 1995](#).

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