

CRIME AND
MISCONDUCT
COMMISSION



QUEENSLAND

CODE OF CONDUCT

October 2011

Our vision

That the CMC make a unique contribution to protecting Queenslanders from major crime and to promote a trustworthy public sector.

Our mission

To combat major crime and promote public sector integrity.

We value

- integrity
- accountability
- respect
- excellence and innovation
- collaboration.

CMC Strategic Plan 2011-2015

A model for ethical decision making

Ask yourself these six questions:

1. Is the action legal and consistent with Commission policy?
2. Is it consistent with the Commission's values and code of conduct?
3. Is it the 'right' thing to do? (What is your 'gut-feeling'?)
4. What will the consequences be for –
 - the Commission?
 - your colleagues?
 - others?
 - yourself?
5. Can you provide sound reasons for your decision or action?
6. What would happen if your conduct was subjected to public scrutiny?

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MESSAGE FROM THE CHAIRPERSON

to everyone at the Crime and Misconduct Commission

We work together in a unique organisation that possesses a wide range of functions and responsibilities. The *Crime and Misconduct Act 2001* requires us to act at all times independently, impartially, fairly and in the public interest.

Working at the CMC, we are called upon every day to make decisions. These decisions may vary considerably in complexity and impact, but whatever our work involves we will frequently encounter situations that have an ethical dimension. The purpose of this Code of Conduct is to guide us and help us in dealing with such situations.

A code of conduct is particularly important at the CMC given our role in providing advice and direction to the public sector generally on ethical issues. The community expects us to be above reproach and to adhere to high standards of ethical conduct in carrying out our duties in our working relationships and in our private lives.

The Code cannot sensibly provide a comprehensive set of rules that stipulate how we should behave in every conceivable circumstance. Instead, it provides us with a set of guiding standards, principles and values to determine the right or best course of action and puts responsibility on us to use judgement and common sense in resolving ethical issues in the public interest.

This revised Code of Conduct has the endorsement and commitment of the Commission following a thorough consultative process and has been approved by the Attorney-General as the responsible Minister. I commend it to you and expect your commitment to the ethical principles upon which it is based and the ethical values of respect, integrity, excellence and cooperation which it embodies.

Whilst the Code of Conduct is written in an inclusive tone (i.e. using “we”, “our” wording in many parts), it must be understood that the obligations and standards that it imposes apply to each of us as individuals.

Martin Moynihan

Contents

PART 1	How the Code functions.....	5	PRINCIPLE 2 – PROMOTING THE PUBLIC GOOD	14
	Why we have a Code of Conduct	5	2.1 – Responsible working	14
	Applying the Code	5	2.2 – Responsiveness.....	14
	Public Sector Ethics Act 1994	5	2.3 – Setting an example	14
	The Code applies to everyone.....	5	2.4 – Disclose wrongdoing	15
	Breaches of the Code.....	6	2.5 – After you leave	15
	Reporting suspected breaches	6	PRINCIPLE 3 – COMMITMENT TO THE SYSTEM OF GOVERNMENT	16
	Role of managers and supervisors	7	3.1 — Lawful conduct	16
	Where to go for advice	7	3.2 – Implementing policies.....	16
PART 2	Principles and standards	8	3.3 – Neutrality.....	16
PRINCIPLE 1 – INTEGRITY AND IMPARTIALITY		8	3.4 – Lawful instructions.....	16
1.1 – Official powers.....		8	3.5 – If professional codes conflict	17
1.2 – Conflict of interest.....		8	3.6 – Personal values	17
1.3 – Gifts and benefits		9	PRINCIPLE 4 – ACCOUNTABILITY AND TRANSPARENCY	18
1.4 – Political activities		9	4.1 – Confidentiality and Information security	18
1.5 – Public Comment		10	4.2 – Record keeping	18
1.6 – Factual accuracy		10	4.3 – Self development	19
1.7 – Respect		10	4.4 – Resource management.....	19
1.8 – Respecting diversity		10	4.5 – Information and communication technologies.....	19
1.9 – Sexual harassment and bullying		11	4.6 – Internet and email	20
1.10 – Health and safety		11	4.7 – Copyright and Intellectual Property	20
1.12 – Recruitment and selection		11	4.8 – Secondary employment	20
1.13 – Collaboration		12	4.9 – Work arrangements.....	21
1.14 – Personal standards.....		12	4.10 – Motor vehicles	21
1.15 – Managers and supervisors		12	4.11 – Financial responsibility	21
1.16 – Outside the office		12	GLOSSARY.....	22
1.17 – Drugs and medications		13		
Alcohol.....		13		
Tobacco and smoking.....		13		
Prescription medications.....		13		
Illegal Drugs.....		13		

PART 1 How the Code functions

Why we have a Code of Conduct

The purpose of the Code is to:

- set out the standards of conduct expected of us, consistent with the ethics principles and values outlined in the *Public Sector Ethics Act 1994*
- guide and assist us to identify and resolve ethical dilemmas that may arise in the course of our duties
- foster and maintain an ethical culture within the Commission
- promote public confidence in the Commission.

Applying the Code

We should read the Code in conjunction with the *Crime and Misconduct Act 2001*, the *Public Sector Ethics Act 1994*, as amended and the Commission's policies and procedures.

The CMC has evolved a complex set of policies, guidelines and procedures which govern how we conduct our daily activities. The Code of Conduct does not override policies, but rather seeks to augment them by providing a general summary, coupled with an explanation of the ethical principles underlying them and of the organisational goals and objectives to which they contribute.

The CMC policies, guidelines and procedures provide the details of the standards which this Code summarises and any action or conduct which breaches those standards may equally constitute a breach of the Code and result in disciplinary action.

If you have doubts about a particular course of conduct, you are encouraged to consult the Code of Conduct, the relevant policies, or a manager. Help and advice are always available within the CMC.

Public Sector Ethics Act 1994

The Code is based upon the *Public Sector Ethics Act 1994*, which sets out four ethics principles that are fundamental to good public administration:

- Integrity and impartiality
- Promoting the public good
- Commitment to the system of government
- Accountability and transparency

The principles acknowledge the responsibility of all public sector employees to serve the public interest, which means the best interests of the Queensland community. The principles represent an attempt to encapsulate the standards of conduct expected of us and our obligations to each other, the agencies we deal with and the public.

We have a shared responsibility to create a working environment which is ethical, professional and rewarding.

At the CMC, we hold a special position of trust by virtue of our unique role in society and because our work is funded and resourced from the public purse. The community expects that we will honour the trust which is placed in us.

The Code applies to everyone

The Code covers and is binding upon everyone who works for or at the Commission, whether on a permanent, temporary or casual basis, including:

- the Chairperson
- Commissioners
- all people employed at the Commission (civilian and police)
- anyone engaged by the Commission to provide services, information or advice, either as a contractor or a consultant.

When you agreed to work here, you agreed to be bound by the Code of Conduct.

The Code also applies to students on placements, external members of committees and advisory panels and voluntary workers as this is a condition of their involvement with the Commission.

The Code directly covers our behaviour at all times when we are working for or representing the Commission. It also covers any disgraceful or improper conduct in our private capacity which might be perceived as undermining public confidence in the good name or integrity of the Commission.

If we leave the Commission, we have an ongoing obligation to respect confidentiality of information and ownership of intellectual property to which we had access in the course of our work here.

Breaches of the Code

While the Commission will make every effort to provide information, access and training about the Code, it is your responsibility to be familiar with it and observe its provisions.

If it is alleged or suspected that your conduct may have breached the Code, the matters will be examined and determined in accordance with the CMC *Discipline* policy.

Possible sanctions for breaches of the Code include reprimand, deduction from an employee's salary of an amount not exceeding \$1000, forfeiture or deferment of a salary increment and dismissal.

Breaches that could constitute criminal offences may be referred to the police. Breaches that amount to improper conduct must be referred to the Parliamentary Crime and Misconduct Committee (PCMC). The PCMC may choose to refer matters to the Parliamentary Commissioner, the Queensland Police Service or the CMC for investigation.

Note that where breaches of the code are suppressed or not managed appropriately, vicarious liability may attach to the Commission and to managers who have not fulfilled their duties.

Refer to CMC policies: *Discipline*; *Improper Conduct Complaints against Officers of the CMC*; and *Protocols Governing the Investigation of Improper Conduct Complaints against Officers of the CMC*.

Reporting suspected breaches

If you become aware of, or suspect any breach of this Code, you have an obligation to report the matter without delay. This includes complaints that you may receive from any person either inside or outside the Commission.

You do not need to provide evidence or proof – if you have a suspicion based upon reasonable grounds that a breach of the Code has occurred, you should report it to your manager or Director or any other appropriate senior officer. If the matter may constitute “improper conduct” (see *Glossary* for definition), the report must be passed on to the Director, Integrity Services.

The Commission fosters an open reporting environment and will support you and protect you from any reprisals if you report suspected breaches of the Code or improper conduct in accordance with Commission policy.

Similarly, you have an obligation to report to your Assistant Commissioner or Director any conduct of your own that breaches the standards contained in the Code. For example, you must advise your manager if you are charged with an offence such as drink-driving.

We all have an obligation to cooperate with and assist any investigation into alleged misconduct or other breaches of the Code to the best of our ability. However, this does not limit your rights as a citizen against self-incrimination.

Frivolous, vexatious or knowingly false complaints may result in disciplinary action.

Refer also to section [2.4 Disclose wrongdoing](#).

Role of managers and supervisors

The Commission expects supervisors and managers to go beyond the minimum standards of conduct and to lead by example in setting and encouraging the highest possible standards.

If you are a supervisor or manager, you should closely observe your workplace to ensure appropriate standards of behaviour and provide constructive support at all times. If you become aware of inappropriate conduct, you are required to address the situation.

Refer also to section [1.15 Managers and supervisors](#).

Where to go for advice

Usually your manager or supervisor will be able to help if you have any questions regarding your ethics obligations or the contents of this Code.

If you are unsure whether your own, or someone else's conduct or proposed conduct is in conflict with the Code, seek advice from your supervisor or manager as soon as possible.

If that is not practicable or comfortable for you, contact your Functional Area Human Resource Contact, or the Human Resources Section for advice and assistance.

PART 2 Principles and standards

PRINCIPLE 1 – INTEGRITY AND IMPARTIALITY

The values

In recognition that public office involves a public trust, public service agencies, public sector entities and public officials seek to promote public confidence in the integrity of the public sector and—

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

Public Sector Ethics Act 1994, s.6

These values are expressed in the following standards:

1.1 – Official powers

As holders of public office, we are custodians of public property, powers and resources and occupy a position of trust.

We have an obligation to ensure that our official powers, position, resources or influence are not used improperly or for personal or private advantage. Our actions and decisions are expected to serve the public interest — that is, the overall good of the community as a whole.

1.2 – Conflict of interest

As public officials we are expected to be impartial. In some circumstances, our personal financial or other private interests may have the potential to influence our decisions or our actions in our official capacity. If this occurs, or if there is even the barest possibility that it might be perceived by others as occurring, then we are in a 'conflict of interest' situation. These must be formally declared in writing to your manager and either resolved in favour of the public interest or managed appropriately without delay.

Private interests may include social and professional activities and the interests of individuals or groups with which we are associated, including family and friends, as well as financial interests. A conflict of interest situation most commonly involves potentially gaining an advantage for yourself or your associates, but it can also include avoiding some disadvantage and occasionally, causing a disadvantage or detriment to others.

Conflicts of interest may involve a **direct conflict** between our current duties and responsibilities and existing private interests, or a **potential conflict** where such private interests could conflict with our official duties in the future. It is also important to recognise that a **perceived or apparent** conflict of interest – whether or not it actually exists – can be just as damaging as an actual conflict of interest.

A conflict of interest is not in itself necessarily wrong and the Commission acknowledges that their occurrence is a normal part of life. What is important is that in order to maintain public confidence in the integrity of the CMC, all conflicts of interest must be disclosed and addressed without delay.

You have an ongoing obligation to:

- monitor and assess your private and personal interests and whether such interests may conflict or have the potential to conflict with our official duties
- regularly update your statement of personal particulars and private interests (which is maintained by the Security Manager and stored in your Personal Security File), especially when there is any change in your circumstances

- avoid, where possible, situations that may give rise to a conflict of interest or an apparent conflict of interest
- formally disclose all conflicts of interest according to the CMC's policy: *Personal Disclosures and Conflicts of Interest*
- manage any conflicts of interest effectively and transparently where such conflict of interest cannot be avoided.

Once you have declared a possible conflict of interest, your manager or supervisor will consult with you and determine the most appropriate course of action.

In some instances, your Assistant Commissioner, Director, or Executive General Manager may wish to refer the matter for further consideration. The Chairperson has the final decision on what action is appropriate in these situations.

Commissioners must update their pecuniary interests register and register of personal and political associations annually in accordance with section 238 of the *Crime and Misconduct Act*.

Refer to CMC policy: *Personal Disclosures and Conflicts of Interest*.

1.3 – Gifts and benefits

You cannot solicit or accept the giving of any form of gift or benefit which might be perceived as influencing or affecting the performance of your official duties. Further, you should take all reasonable steps to ensure that your spouse, family and close personal associates also refuse to accept any benefit and never solicit any benefit in any way related to the carrying out of your functions.

A benefit may include money (or anything readily converted into money), gifts, travel, hospitality, entertainment and competition or door-prizes.

Gifts and benefits may sometimes be accepted where they are given openly and where there is no risk that they may be perceived as imposing an obligation relating to the work of the Commission, or where refusal may give unnecessary offence.

A *Gift or benefit notification* form needs to be completed for any gift or benefit received which is other than a token or memento. The gift will then be dealt with according to the CMC *Gifts and Benefits* policy and entered as appropriate in the *Gifts and Benefits Register*. All gifts to employees are the property of the Commission, although gifts of minimal value will normally be permitted to be retained by the receiving officer, unless they are items of cultural or historical significance.

Notwithstanding the above, police officers who are officers of the Commission should act in accordance with the Queensland Police Service Procedural Guidelines (HRM Manual).

Refer to CMC policy: *Gifts and Benefits*.

1.4 – Political activities

Working at the CMC does not limit your normal rights as a citizen to participate in community and party political activities. However, you should take care to ensure that you are perceived as acting solely in your private capacity and not in your professional role.

- Take care not to misrepresent the intent or facts of the Commission
- Avoid saying or doing anything which might raise doubts about your willingness to implement Commission policy objectively and carry out Commission operational activities impartially
- Never participate in private political activities in the work environment, or use Commission resources for non-business purposes
- Be sure to declare in writing any political association that may be perceived as creating a conflict of interest.

Refer also to section 1.2 [Conflict of Interest](#).

1.5 – Public Comment

You must refrain from making any comment in any forum or to the media about the activities or business of the Commission, unless you are specifically authorised to do so. If you receive a request for information from a journalist you should redirect the inquiry to the Media Advisor.

While we retain the normal rights of citizens to have opinions on social and community issues, we need to exercise particular care that our personal opinions are not interpreted as being attributable to the CMC. If you cannot be certain that your personal views will be seen as solely your own, it may be wiser to refrain from public comment.

We should also be mindful that, in some situations, mere attendance at an activity (such as a rally, march or public forum) may be perceived as indicating support for a particular view or standpoint. We must always make it clear that we are acting in our private capacity.

Any public comment which may adversely affect the Commission's reputation or the exercise of its functions and responsibilities could constitute a breach of the Code.

Refer to CMC policies: *Releasing Information to the Media*; and *Communications*

1.6 – Factual accuracy

We share a professional and personal obligation to be honest, factual, impartial, balanced and complete when compiling reports and summaries relating to the work of the Commission. We must not deliberately make false or misleading assessments of the material available to us. This obligation applies across all aspects of our work, including:

- advice given internally or to other units of public administration
- investigation reports
- inquiry and hearing reports
- research papers, reports and publications
- selection and referee reports
- performance reports
- reports provided to the PCMC and the Parliamentary Commissioner.

1.7 – Respect

The Commission is committed to valuing its staff and to demonstrating respect between and for staff at all times. This means that we may expect to be treated with dignity, courtesy, honesty, and fairness, both professionally and personally. Inseparable from this is our obligation to treat our fellow workers and everyone we may come into contact with in the course of our duties with the same respect and dignity we expect to receive.

We share a commitment to the importance of working constructively and with goodwill to resolve both professional and personal differences and tensions. We can best serve the public interest by creating a work environment which is harmonious and satisfying.

1.8 – Respecting diversity

The Commission is committed to creating a working environment which is free from unfair or unlawful discrimination and where all employees are treated with dignity, courtesy and respect. We have an obligation to extend the protection offered by this environment to others, regardless of ethnic, cultural and lifestyle differences.

This includes respecting differing beliefs and opinions. Our view of the truth or moral 'rightness' of others' opinions is not the issue. Freedom of belief is paired with an obligation not to impose our beliefs on others and not to belittle beliefs which do not coincide with our own.

The CMC is a workplace where fairness, openness and diversity are valued. We must strive to eliminate all forms of discrimination which might lead to one person being treated less favourably than another because of a characteristic which is irrelevant in the circumstances.

You must take care to avoid using offensive or discriminatory language.

Refer to legislation: *Anti-Discrimination Act 1991; Human Rights and Equal Opportunity Commission Act 1986* and other Federal legislation relating to age, race and disability discrimination; and CMC policy: *Discrimination in the Workplace*.

1.9 – Sexual harassment and bullying

The Commission is committed to providing a working environment free of intimidation and harassment for all staff. This includes sexual harassment and workplace harassment (bullying).

You have an obligation not to commit harassment and for the protection of everyone, a shared responsibility to help prevent harassment. The Commission encourages reporting of these behaviours and will provide every possible support to officers who report harassment issues. Detailed definitions of these behaviours are given in the Glossary, but they are also identifiable by their effects.

If you experience behaviour which is unwelcome and offensive, or which makes you feel intimidated, uncomfortable or humiliated, it is likely to be a form of harassment. You should not delay in seeking the advice of a suitable manager, Human Resources, or a Peer Support Officer. (A current list of Peer Support Officers is available on the Human Resources/EEO page of the intranet.)

Bear in mind that reasonable management action taken in a reasonable way in connection with a person's employment does not constitute harassment.

Refer to legislation: *Anti-Discrimination Act 1991 - State; Workplace Health and Safety Act 1995 - State; and Sex Discrimination Act 1984 - Commonwealth; and CMC policies: Sexual Harassment; Workplace Harassment*.

1.10 – Health and safety

We have a duty to ourselves and others to maintain the safety, health and welfare of every person in the workplace. You must report any known health and safety risk to Human Resources, a Workplace Health and Safety Representative, or an appropriate manager without delay.

Refer to legislation: *Workplace Health and Safety Act 1995; and CMC policy: Workplace Health and Safety*.

1.11– Natural justice

As part of the CMC's duty to act fairly and equitably, the principles of natural justice (procedural fairness) apply to all staff and processes when decisions are made concerning peoples' actions or future prospects. Procedural fairness (see *Glossary*) requires an absence of bias, the presentation of substantial reliable evidence and the right of the person affected to hear all the material evidence and be given adequate time and a fair and reasonable opportunity to respond.

These principles are particularly important if the decision has negative consequences for the people involved, as in discipline and diminished work performance cases.

1.12 – Recruitment and selection

Selection of people for employment at the Commission must always be in accordance with the Commission's recruitment and selection policy. Merit based selection requires a fair and impartial assessment of each applicant's abilities, aptitude, skills, knowledge, experience, personal qualities, potential for development and qualifications relevant to the requirements of the vacant position.

Refer to CMC policy: *Recruitment and selection*.

1.13 – Collaboration

Commission staff share a mutual commitment to work together collaboratively, providing each other with cooperation and all practicable assistance in the workplace for the optimum performance of our duties.

We have a shared responsibility to regulate and manage our behaviour so as not to interfere with or distract others from the performance of their duties and we may reasonably expect the same courtesy from others.

1.14 – Personal standards

Unless otherwise authorised, we are required to dress in a clean, tidy and inoffensive manner consistent with our position, job requirements, reasonable community expectations and health and safety requirements. While what we choose to wear is generally a matter of personal discretion, our work attire and personal presentation can affect the Commission's reputation.

Cleanliness and personal hygiene in the workplace are important from a health and safety perspective and also for the comfort and wellbeing of our colleagues.

Supervisors have a responsibility to monitor the personal presentation of staff who report to them and to provide advice or issue instructions as appropriate in the circumstances.

1.15 – Managers and supervisors

Managers and supervisors have a particular responsibility to:

- set an example of ethical conduct, treating all staff fairly and equitably, with consistency and respect
- encourage and promote ethical behaviour among their staff
- maintain open, honest and thorough communication with and among staff
- ensure that the demands made on staff are reasonable in the circumstances and that health and safety requirements are always met
- ensure staff understand the performance standards expected of them
- monitor staff performance and provide constructive feedback
- support professional development
- respect divergent thinking, different ideas and working styles
- ensure that staff are recognised and rewarded for ideas or suggestions that improve productivity and performance.

Each of us has a corresponding obligation to accept managerial advice, guidance and direction in a responsive, constructive and cooperative manner.

1.16 – Outside the office

When we attend meetings, conferences, seminars, training sessions, work-related social functions or other outside activities which are connected to our work, we are representing the CMC. We must accordingly maintain appropriate standards of behaviour and personal conduct.

At any social event where we may be perceived by the public as representing the CMC, we must also maintain appropriate standards of behaviour and personal conduct. Functions might include:

- the CMC Social Club Christmas party or other events
- work unit social gatherings such as farewell lunches, drinks to mark the end of a project and work unit Christmas parties
- gatherings of work colleagues for coffee, drinks, sporting activities, meals and the like.

Refer also section 1.17 Drugs and medications below.

1.17 – Drugs and medications

Alcohol

We have an obligation to ensure that our personal use of alcohol does not affect the performance or safety of ourselves or others and that it does not reflect adversely on the good name and reputation of the Commission.

You must not consume alcohol while performing Commission duties. The consumption of alcohol is also discouraged during lunch or other short breaks from duty. You will not be permitted to perform your duties or use Commission equipment if your manager or supervisor considers you are unable to do so diligently and safely.

While there are instances where limited consumption of alcohol may be socially acceptable or an expected courtesy, we must exercise restraint at all times and common sense to protect the Commission's interests, its professional image and our own welfare.

You should be aware that you may be held personally liable for any damage or injury you may incur or cause, consequent upon consuming alcohol.

If you are convicted of driving under the influence of alcohol or drugs at any time, in any motor vehicle (Commission or private), you may in certain circumstances, be subject to disciplinary action for a breach of the Code. For example, if the conviction is considered to compromise the integrity of the Commission. Any such charge or conviction must be reported to your manager without delay.

Tobacco and smoking

Smoking is prohibited in all Commission premises, vehicles and facilities.

Smoking breaks are not recognised. Meal breaks and rest pauses may be used for this purpose in suitable locations and time spent travelling to and from the permitted zones is considered part of the break. Smoking must not interfere with the functioning of the work area.

Prescription medications

If you are taking prescription medications which may affect your behaviour or work performance, you should inform your supervisor so that the condition can be appropriately managed while you are at work.

If you have an allergy or medical condition which may require urgent treatment in the workplace, you should talk to your supervisor and make suitable arrangements to ensure that you and your colleagues are safe and prepared.

Illegal Drugs

It is a criminal offence to possess or use illegal drugs. Unless sanctioned by the Commission for operational purposes, we must abstain from any involvement or contact with illegal drugs whether on or off duty. Any charge or conviction relating to prohibited drugs must be reported to your manager without delay.

PRINCIPLE 2 – PROMOTING THE PUBLIC GOOD

The values

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

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

Public Sector Ethics Act 1994, s.7

These values are expressed in the following standards:

2.1 – Responsible working

We have an obligation to perform our duties competently, responsibly and with proper diligence, care and attention to all facets of our work. We should also aspire to the highest standards of excellence and we must be prepared to take ownership of and responsibility for our actions and decisions.

We should constantly aim to achieve the Commission's goals together with our individual performance objectives and targets. You should discuss any potential barriers or difficulties in achieving these standards with your supervisor as soon as they arise and take action to resolve them.

Whatever our role, we should contribute to the continuous improvement of ourselves, others and our work unit by sharing information and skills, seeking out challenging tasks to attain a wider diversity of experience and exploring a broader range of work and development opportunities.

2.2 – Responsiveness

Our duty to the public interest requires that in performing our official duties we must respond to all requests to the best of our ability in a timely, helpful and courteous manner. We are entitled to ask for and expect the same responsiveness from others in the workplace.

2.3 – Setting an example

Respect for people must be demonstrated in everyday conduct. It is not sufficient to have a policy in place or to claim to be an ethical organisation. We have an obligation towards the other units of public administration and the general public with whom we deal to set an example of ethical and professional conduct.

The Commission is committed to the highest standards of excellence in conduct and teamwork and is continuously subject to public scrutiny. Accordingly, we must be constantly aware of the need to behave in an exemplary fashion.

Any behaviour which may be perceived by the public as undermining the good name and integrity of the Commission, whether or not it is a criminal offence, may be a breach of this Code. Examples might include participation in socially disruptive public behaviour or public nuisance behaviour, domestic violence or public intoxication.

Refer also to sections: [1.16 Outside the office](#); [1.4 Political activities](#); and [1.14 Personal standards](#); and CMC policy: *Improper Conduct Complaints against Officers of the CMC*.

2.4 – Disclose wrongdoing

You have an obligation to disclose any fraud, corruption, maladministration, official misconduct, misconduct, waste of public funds, risk to health and safety, reprisal, or any other breach of the law or this Code of which you become aware.

You do not require concrete evidence of the wrongdoing and should not attempt to collect evidence. If you have a suspicion based upon reasonable grounds, you must make your disclosure to your immediate supervisor, manager or team leader or, if they appear to be implicated, some other senior manager. You may be asked to put your allegations in writing. The disclosure will be referred to the relevant delegate in the policy.

If you choose to make your complaint anonymously, it will still be dealt with to the best of the Commission's ability.

Any supervisor or manager who receives a report of suspected wrongdoing is to ensure that it is responded to confidentially, fairly, quickly and in accordance with established procedures and the provisions of the *Public Interest Disclosure Act 2010*.

The CMC is committed to ensuring that no officer should feel they will suffer any reprisal as a consequence of raising complaints about any unprofessional behaviour in the workplace.

If circumstances warrant, we may make a public interest disclosure to someone outside the CMC and the Commission will support us in this action. Further details can be found in sections 17 and 20 of the *Public Interest Disclosures Act 2010*.

Refer to legislation: *Public Interest Disclosures Act 2010*; and CMC policies: *Protocols Governing the Investigation of Improper Conduct Complaints against Officers of the CMC*; *Management of Internal Public Interest Disclosures*; *Fraud Prevention and Control*.

2.5 – After you leave

Certain obligations to the public and the Commission persist even when you are no longer employed at the Commission. These include:

- maintaining the confidentiality of any information obtained in the course of your employment
- respecting the Commission's intellectual property rights
- not misusing your official powers by attempting to influence people or agencies on the strength of your former position
- providing honest and fair referee reports for former colleagues
- refraining from public comment about Commission business.

Refer to CMC policies: *Resignation*; *Information Security Policy Framework*; *Authorship of CMC Publications*.

PRINCIPLE 3 – COMMITMENT TO THE SYSTEM OF GOVERNMENT

The values

In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public service agencies, public sector entities and public officials—

- (a) accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government; and*
- (b) are committed to effecting official public sector priorities, policies and decisions professionally and impartially; and*
- (c) accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.*

Public Sector Ethics Act 1994, s.8

These values are expressed in the following standards:

3.1 — Lawful conduct

Both in our public and our private lives, we are required to uphold and to conduct ourselves in accordance with all Commonwealth, State and local laws.

In addition to those directly relating to our work, this includes laws such as the *Anti Discrimination Act 1991* and the *Workplace Health and Safety Act 1995*.

In order to do this, we have a responsibility to make every effort to keep our knowledge and understanding of relevant laws as complete and up-to-date as possible.

If you are charged with or convicted of any offence (even if a conviction is not recorded), you must report it without delay to your Director, Executive General Manager or Assistant Commissioner.

3.2 – Implementing policies

We have an obligation to carry out and implement the policies and decisions of the Commission to the best of our ability, regardless of our personal feelings or opinions. Ethical decisions are seldom clear-cut, with many uncertainties and shades of opinion. We should always be aware that we may not have all the relevant information. The decisions of the Commission are binding on us and must be conscientiously implemented.

3.3 – Neutrality

In our work we are required to carry out the obligations of our position independently, impartially and fairly and with regard to the importance of protecting the public interest (as prescribed by section 57 of the *Crime and Misconduct Act*).

We are frequently called upon to make decisions and apply laws that can have a far-reaching impact on the lives of people in Queensland. We must be free and be seen to be free from undue or improper political or ideological considerations in making operational and policy decisions. We must never allow our personal preferences and opinions to influence the discharge of our duties.

We must provide the Commission with professional and impartial advice at all times.

Refer also to section [1.4 Political activities](#) for related information.

3.4 – Lawful instructions

We are required to comply with all reasonable and lawful work instructions. You are always entitled to seek clarification of an instruction and to challenge it if you believe it is either unlawful or unreasonable. Such matters should be addressed promptly with the person issuing the instruction, or through their manager.

However, you should do nothing deliberate to delay or prevent the implementation of a lawful instruction and you will generally be required to carry out the instruction pending the outcome

of your objection unless there is a serious risk to health and safety, the Commission's reputation, or the public interest.

There is a consequent obligation on managers and supervisors to take care that the instructions they give are lawful and reasonable and to be open to constructive questions and suggestions.

3.5 – If professional codes conflict

Many professions have codes of conduct which are specific to them, including lawyers and police officers. Circumstances may occasionally arise where lawful instructions in the workplace are not compatible or conflict with your professional code.

If you find yourself in this position, you should discuss the matter with an appropriate manager and seek a solution which will neither impede the business of the Commission, nor compromise your own integrity. It may be necessary to stand aside from some activities or responsibilities to do so. You have an obligation to respect the Commission's right to determine the course of action.

3.6 – Personal values

We all have personal values and beliefs. If you should ever experience issues of conscience which make it difficult for you to implement Commission decisions or carry out your duties impartially, you should remember your obligation to carry out official decisions faithfully. If you still experience difficulty, you should immediately seek advice from your manager or from the Human Resources section.

Refer also to section [1.2 Conflict of interest](#).

PRINCIPLE 4 – ACCOUNTABILITY AND TRANSPARENCY

The values

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

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

Public Sector Ethics Act 1994, s.9

These values are expressed in the following standards:

4.1 – Confidentiality and Information security

By the nature of our work, we frequently handle information which is sensitive in varying degrees and whose unauthorised release could damage individuals, organisations or the public interest. There is a great public trust placed in us to protect this information against misuse and it is a criminal offence under the *Crime and Misconduct Act 2001* to wilfully disclose Commission information improperly.

We should take particular care not to access, use or release information without an approved official purpose related to the performance of our duties. We must:

- give close attention to the classification of information as in-confidence, protected or highly protected and rigorously uphold the integrity of those classifications
- access only such information as we are specifically authorised to access
- exercise discretion and caution in discussing information with other officers
- ensure no information can be accessed by unauthorised people
- comply with all confidentiality and security procedures of the Commission (including the clean desk policy)
- never use Commission information to further our personal interests, financial or otherwise.

As a general rule, materials which can be released outside the Commission have already been published, either on our website or in some other form. Any request for information that is not already available publicly should be directed to your manager or supervisor for a decision.

When we cease employment with the Commission we have an obligation to maintain confidentiality regarding official information formerly available to us.

Refer to CMC policy: *Information Security Policy Framework.*

4.2 – Record keeping

We must conscientiously protect the accuracy, integrity and confidentiality of Commission information at all times.

This includes a requirement to make and keep full and accurate records of all business transactions and official activities and to ensure that such records are adequately tracked, preserved and made accessible for as long as they are of value.

When giving advice, we should provide written advice or confirmation wherever possible, otherwise we should keep well documented notes about advice we have provided.

Records should be destroyed only when they are of no further value and in a secure manner in accordance with Commission procedures. Before destroying any documents, we must consult with the Records Management section.

Refer to CMC policies: *Recordkeeping; Capturing Records into the Recordkeeping System; and Disposal of Records;* and publication: *Record Retention and Disposal Schedule.*

4.3 – Self development

We should take responsibility for developing our skills and knowledge, keeping up to date with advances and changes within our areas of expertise and taking reasonable initiatives to identify and apply for self development opportunities. Your supervisor or the Human Resources Section will provide assistance and advice as required.

Refer to CMC policies: *Learning and Development; Staff Performance and Development.*

4.4 – Resource management

We all share the responsibility for ensuring that Commission resources are safeguarded and not wasted, abused, or used improperly or extravagantly.

Public resources include intangibles such as skills, knowledge, work time, intellectual property, corporate knowledge and information. All should be used responsibly and with care. In particular:

- all purchasing or tendering activity must be conducted in accordance with State Procurement Policy and the CMC's *Procurement* policy. Probity, accountability and value for money must be an integral part of any purchasing or tendering process
- consumable resources such as office stationery must only be used for official purposes and should be used as economically as possible
- office equipment, furniture and fittings and Commission premises may only be used for official purposes

The Commission's mail and email addresses must not be used for personal or business affairs that are not related to Commission activities (although limited occasional personal use of email is permitted, see section 4.6 below). You may include your private mail for posting by the Commission provided it has the correct postage, but you must not use any office stationery for private mail or post any unauthorised or offensive items using Commission facilities.

Time is our most expensive resource. We should take care to ensure that we manage our time responsibly.

Official assets and resources must never be used for personal business or benefit.

Refer to CMC policy: *Procurement.*

4.5 – Information and communication technologies

The Commission owns and provides a range of information and communication technologies (telephones, faxes, computers, printers, copiers and related devices). These technologies:

- should be used for work related and operational purposes as determined by individual work areas
- may be used in support of approved study (under the Study Assistance Scheme) and professional development activities
- may be used away from work premises on a short-term basis to do official work at home or under an approved teleworking arrangement. In such circumstances, we must ensure that the equipment (and any official information contained in the equipment) is secure
- may be used subject to prior clearance from a Director, Executive General Manager or Assistant Commissioner for activities that are not strictly official but warrant support. For example, Commission social club activities or meetings of professional associations relevant to the Commission

- are vulnerable to external damage and we have an obligation to protect them by not importing or downloading software from any source without the express approval of the Director, Information Management.

Limited and occasional personal use of these technologies is permitted. You must ensure that any personal use happens on your own time and does not affect the performance of your work, incur significant cost, breach any Commission policy or this Code, or damage the reputation of the Commission.

Refer to CMC policy: *Use of Information and Communication Technology Facilities and Devices*.

4.6 – Internet and email

Internet and email facilities are owned and provided by the Commission and should be used for official purposes, although limited and occasional personal use is permitted.

Personal use must not affect the performance of our work, incur significant cost, contravene any law, Commission policy or this Code, or damage the reputation of the Commission. In particular, we must not access or transmit:

- pornography or other offensive material
- computer games or online gambling
- chain letters or spam emails
- auction sites, social networking sites or chat-rooms, or personal web mail (such as Hotmail accounts).

It is important to understand that our use of Internet and email (including web connected mobile phones) will be monitored, logged and inspected by the Information Technology Section and/or the Security Manager. There should be no expectation of privacy in respect of any transaction through these media. To ensure proper accountability, you must never share your passwords.

Excessive or improper use of these technologies may result in restricted access, disciplinary action, or prosecution. Those found to be intentionally accessing, downloading, storing or distributing pornography may be dismissed.

Refer to CMC policies: *Use of Information and Communication Technology Facilities and Devices*; and *Internet and Email Etiquette*.

4.7 – Copyright and Intellectual Property

Reports, notes, research papers, art works, teaching and training materials and similar products do not belong to the creator if they were created in the course of paid employment. The copyright and intellectual property rights belong to the employer and the creator has only a 'moral right' that authorship be fairly attributed. Only the owner of the copyright and intellectual property rights has the power to use, sell or otherwise assign the works.

In accordance with these legal requirements, we must obtain prior permission from our Assistant Commissioner, Executive General Manager or Director before entering into arrangements regarding publication or other use of any articles or materials that we have produced as part of our official duties, or that the Commission otherwise owns.

Unless otherwise authorised, when we cease duty with the Commission, we cannot take any resources such as articles, processes and materials produced as part of the official functions of the Commission or download information or materials to which we have contributed. They are the property of the Commission.

Refer to CMC policy: *Authorship of Commission Publications*.

4.8 – Secondary employment

We are not prohibited from engaging in other employment while we are working at the Commission. However (except in the case of Commissioners), approval must be obtained before engaging in such employment or immediately upon commencing duty in the Commission.

We must take great care to ensure that any secondary employment does not interfere with the performance of our normal duties, give rise to a conflict of interest, or involve any use of Commission time or resources.

A conflict of interest may exist, particularly in relation to private consultancies, in areas in which the Commission is already operating or has indicated that it may be operating in the future.

The granting of approval for secondary employment is not and must not be represented as an indication that the Commission endorses your outside work activities.

Refer to CMC policy: *Outside Employment*; and section [1.2 Conflict of interest](#).

4.9 – Work arrangements

We must conform to the Commission's policies in relation to attendance and absences, working hours, attendance recording, leave applications and leave approval.

Timesheets must furnish an accurate account of the time you actually spent working and the breaks you took. If urgent operational needs require that you skip a break or work abnormal hours, this should be shown on your timesheet and any departure from proper working hours as stipulated in the policy must be approved by your supervisor.

You must not be absent from work without approval. In the event of unscheduled absences (illness, emergency, family emergency) you must make every reasonable effort to notify your supervisor, preferably by telephone. An appropriate leave application **must** be submitted for approval by the delegate for **every** absence from duty as soon as is practicable.

The Commission encourages staff to preserve their health and wellbeing. We should only report for duty when we believe we are fit to perform our functions to a satisfactory standard. If you believe that you are not in a condition to perform your duties (e.g. due to ill health or the effect of prescribed medication), or that you present a risk of spreading illness in the workplace, advise your supervisor and remain absent from duty until fit.

The CMC's Employee Assistance Program or the Peer Support Officer network is freely available where a personal or work related issue may have the potential to affect our health or wellbeing and impact our work performance.

Refer to CMC policies: *Work, family and life balance; Hours of Duty, Overtime and TOIL; Employee Assistance Program*; and policies relating to various types of leave, especially *Sick Leave*.

4.10 – Motor vehicles

Commission vehicles are to be used for official purposes only unless a private use arrangement applies.

Refer to CMC policy: *Use of Motor Vehicles* for more information.

4.11 – Financial responsibility

We may only claim or accept out-of-pocket or other expenses arising out of matters that are directly attributable to Commission business or as provided for in our employment conditions.

Any Frequent Flyer points accrued as a result of official travel are the property of the Commission and must be used for official purposes only. In particular, you should take care to ensure that points accruing from official travel are not credited by the airline to your personal account.

Corporate credit cards are issued on the basis that the card is both a necessary and convenient facility for meeting commitments incurred in the course of our official business. Holders of corporate credit cards have a responsibility to use the card in a proper and appropriate manner and in accordance with the corporate credit card manual. Holders are to account fully for all transactions.

GLOSSARY

In this Code of Conduct unless the context otherwise permits or requires:

the Act	the <i>Crime and Misconduct Act 2001</i> (includes Regulations, Proclamations and Orders in Council made pursuant thereto)
the Commission	the Crime and Misconduct Commission
the Commissioners	members of the Commission, including the Chairperson as defined by the Act
Improper conduct	conduct that: <ul style="list-style-type: none">• is disgraceful or improper conduct in an official capacity; or• is disgraceful or improper conduct in a private capacity that reflects seriously and adversely on the Commission; or• would, if the officer were an officer in a unit of public administration, be official misconduct (Refer section 329 of the Act)
Material evidence	Evidence relating to the allegation which will be a factor in the decision-making process.
Peer Support Officer	A Commission employee, trained to provide advice and support to staff experiencing harassment, conflict, stress or personal difficulties. A current list of Peer Support Officers is available on the Human Resources page of the intranet
Policy	includes any Commission policy, procedure, directive, ruling, protocol, or administrative practice
Procedural fairness (natural justice)	requires that: <ul style="list-style-type: none">• a person whose interests will be adversely affected by a decision should be given adequate time and a fair and reasonable opportunity to be heard and to hear the case made against them (the hearing rule)• the decision maker be unbiased (the bias rule)• the decision be made on findings of fact which are based on logically probative material (the no evidence rule)
Public interest	the overall good of the community as a whole
Sexual Harassment	Any behaviour of a sexual nature that is unwelcome and makes a person feel threatened, angry, offended or humiliated. It may include physical contact, verbal or written comments and non-verbal actions.
Workplace harassment	Repeated behaviour that: <ul style="list-style-type: none">• is unwelcome and unsolicited• is offensive, humiliating or threatening• a reasonable person would consider to be offensive, humiliating or threatening in the circumstances.