

**CODE OF CONDUCT
OPPOSITION STAFF MEMBERS**

11 December 2014

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Message from the Leader

As a staff member employed within the Office of the Leader of the Opposition you occupy a unique position within the Queensland public sector. The key role that you play in providing advice and administrative support to the Leader of the Opposition places you in a position without parallel elsewhere in the public sector. You are employed to assist the alternative government fulfil its role as Opposition.

It is also a position which is legitimately open to public scrutiny. Your conduct will reflect directly upon the Leader of the Opposition and is a matter of legitimate concern by Parliament, government, other public sector employees, and the community.

The *Code of Conduct Opposition Staff Members* forms part of the accountability framework and provides direction to you on a range of ethical issues that you may confront in your day-to-day work. This Office is committed to complying with all applicable laws and standards, promoting a culture of fair and ethical behaviour and encouraging the reporting of corrupt practices, breaches of the law and matters detrimental to the Office or its reputation.

As Leader I fully support the principles espoused by the *Code of Conduct Opposition Staff Members* and I am committed to encouraging a safe, supportive and productive work environment. This can only happen when everyone cooperates and agrees to suitable standards of conduct.

Introduction

From time to time, in our roles, we come across situations where we are uncertain what behaviour is appropriate under the circumstances. To help us determine what is appropriate in our role, the *Code of Conduct Opposition Staff Members* (the Code) has been developed.

The purpose of the Code is to provide you with a clear understanding of the standards of conduct expected when performing your duties as an opposition staff member.

Framework for ethical conduct

The Code does not attempt to provide an exhaustive list of what to do in all situations, instead the Code represents a broad framework of ethical conduct that you have an obligation to uphold.

The Code also provides the basis for disciplinary action for those who fail to meet their obligations.

The standards of conduct in the Code are based on the six principles contained in the *Ministerial and Other Office Holder Staff Act 2010*. The principles which an opposition staff member's work performance and personal conduct must be directed to are:

1. acting honestly, fairly and in the public interest
2. ensuring the effective, efficient and appropriate use of public resources
3. interacting with public service employees respectfully, collaboratively and with integrity
4. observing all laws relevant to the staff member's employment
5. ensuring the staff member's personal conduct does not reflect adversely on the reputation of his or her employing member
6. complying with any code of conduct that applies to a staff member.

Opposition staff members must also comply with ethics values, which are based on the ethics principles in the *Public Sector Ethics Act 1994* to the extent they are relevant. For instance, the ethics values about providing advice, or acting in relation to policies, priorities and decisions apply to opposition staff members to the extent they may reasonably be expected to honestly and properly carry out their functions assisting the Leader.

The ethics principles are:

- integrity and impartiality
- promoting the public good
- commitment to the system of government
- accountability and transparency.

About the Code

What will this Code do for me?

This Code will:

- inform you of the standards of conduct expected from you.
- promote positive behaviours in accordance with the expectations of high ethical standards in the Queensland Public Sector.
- provide a guide to identify and resolve situations that could result in:
 - misconduct
 - corrupt conduct
 - unauthorised release of information obtained in the course of your work
 - conflicts of interest.
- ensure that embarrassment is not brought upon the Leader because of a lack of understanding of the opposition standards of conduct.
- assist you to act in ways that enhance the positive public perception of and confidence in the Opposition office.

At all times under the provisions of the Code, you are expected to conduct yourself in a manner that does not discredit:

- individual opposition staff members, having regard to their official position in the opposition office
- the reputation of the opposition.

It is your responsibility as an opposition staff member to familiarise yourself with the Code and observe its provisions.

Who must comply with the Code?

All opposition staff members must comply with the principles of the *Ministerial and Other Office Holder Staff Act 2010* and the ethics values of the *Public Sector Ethics Act 1994* and standards of conduct of this Code.

When does the Code apply to me?

The Code applies continuously throughout the entire period of your engagement in the Opposition office, including periods of leave and off-duty times.

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 Model for ethical decision making”.

A Model for ethical decision making

Ask yourself these six questions:

1. Is the action legal and consistent with Office policy?
2. Is it consistent with the Code of Conduct Opposition Staff Members?
3. Is it the ‘right’ thing to do? (What is your ‘gut feeling’)
4. What will the consequences be for –
 - the Leader
 - 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?

What happens when I leave the Opposition Office?

If you leave your position to work elsewhere, you have a legal obligation to respect confidentiality of information and ownership of intellectual property to which you had access in the course of your work here. Unless otherwise authorised, when you cease duty with the Opposition office, you cannot take any resources such as articles, processes and materials produced as part of the official functions of your employment or download information. These are the property of Ministerial Services, Department of the Premier and Cabinet.

What happens if I breach the Code?

Situations may arise where your conduct or that of others appears to be inconsistent with the Code. This may be as a result of a genuine mistake or a deliberate action. You will not be adversely treated where your conduct reflects a genuine attempt to meet the spirit of the Code.

Breaches of the standards of conduct contained in the Code may be addressed under the provisions of your employment contract.

Breaches that could constitute criminal offences and/or corrupt conduct may be referred to the police and the Crime and Corruption Commission (CCC).

Corrupt conduct is conduct that could, if proved, amount to a criminal offence or a disciplinary breach providing reasonable grounds for termination of employment. Such breaches must be referred to the Director-General, Department of the Premier and Cabinet.

Under certain circumstances, breaches may be reported to the Queensland Ombudsman.

Should I report a breach of the Code?

Yes. If you become aware of, or suspect an opposition staff member has breached the Code, you must report the matter. This includes any complaint against another opposition staff member that you may have received from any person inside or outside the Opposition Office. You will not suffer discrimination for reporting suspected misconduct.

Similarly, you have an obligation to report to your Chief of Staff or any other appropriate senior staff member, any conduct by yourself that breaches the standards contained in the Code.

The *Public Interest Disclosure Act 2010* (PID Act) offers some protection for opposition staff members who make public interest disclosures, from reprisal. The PID Act imposes penalties on anyone who takes detrimental action against a person making a public interest disclosure.

Refer also to Principle 6 – Complying with any code of conduct that applies to an opposition staff member

The role of the Leader and senior opposition staff members

As senior leaders, the Leader and Chief of Staff have a responsibility to demonstrate their conscious commitment to ethics by communicating the importance of ethical decision making in the workplace and promoting ethical behaviour in day-to-day actions.

As the Chief of Staff, 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.

Where can I go for advice?

Usually your Chief of Staff will be able to help if you have any questions regarding the principles and values or the contents of this Code.

If you are unsure whether your conduct or proposed conduct, or conduct of another opposition staff member, is in conflict with the Code, you should seek advice from the Chief of Staff before allowing that conduct to continue. If this is not practical or comfortable for you, you may also wish to contact the HR Manager, Ministerial Services Branch for interpretation of possible breaches of conduct under the Code.

Who decides if a breach of the Code has occurred?

The Director-General, Department of the Premier and Cabinet or his/her delegate will assess whether an opposition staff member's conduct, while on or off duty, is right and proper in terms of this Code.

Within this framework, appropriateness of conduct is determined with reference to the expectations of the opposition office, the wider community and the provisions of the Code.

It is expected that opposition staff members will not only meet the minimum standards of conduct required in fulfilling their obligations under this Code, but will strive to achieve, and encourage others to achieve, the highest standards of conduct possible.

Principles and Values

Principle 1 – Acting honestly, fairly and in the public interest

Ethics Values (Integrity)

An opposition staff member:

- is committed to the highest ethical standards
- shall 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
- shall demonstrate respect for all persons, including towards other staff members, clients and the general public
- shall seek to achieve excellence in service delivery
- shall exercise proper diligence, care and attention
- is committed to honest, fair and respectful engagement with the community
- shall act responsibly in performing official duties.

Required standards of conduct

- Act honestly and with integrity in the course of your employment.
- Exercise proper diligence, care and attention in the performance of your duties.
- Treat with respect and courtesy all those with whom you have contact in the course of your employment and recognise that others have the right to hold views which may differ from your own.
- Ensure your conduct reflects our commitment to a workplace that is inclusive and free from harassment.
- Actively discourage any form of harassment or unlawful discrimination

Refer to: [Anti-Discrimination Act 1991](#) and Federal Human Rights legislation and the Opposition *Discrimination and Harassment in the Workplace* policy.

- Avoid offensive, abusive and discriminatory language and behaviour.
- 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.
- Treat all people equitably and consistently and demonstrate the principles of procedural fairness and natural justice when making decisions.
- Avoid bias, favouritism and discrimination in policy formulation and implementation.
- Ensure that personal, religious or professional interests do not improperly affect your official capacity.
- Base your decisions and other actions on thorough and dispassionate analyses.
- Deliver services that are fair, courteous and effective.

- Disclose, and take reasonable steps to avoid any conflict of interests (real or apparent) in connection with your employment, noting that you are required to provide the Leader with a **Declaration of Interests**. The [Ministerial and Other Office Holder Staff Act 2010](#) and the [Declaration of Interests](#) directive outline your obligations in this regard.

Conflicts of interest can cover the full spectrum of interests and are not restricted to pecuniary interests. Many conflicts of interests are criminal offences.

Conflicts of interest which are criminal offences, include:

- **Bribery** - the acceptance of money by an opposition staff member for special favours;
- **Influence peddling** – attempts by an opposition staff member to influence decisions in favour of a third party in order to secure financial gain;
- **Improper use of official information** – provision of inside information for personal advantage; and
- **Insider trading with official financial transactions** – where opposition staff members may stand to make personal gain if they make certain decisions.

Refer to: [s 3.3.2 of the Queensland Opposition Handbook](#)- Interactive Gambling (Player Protection – disqualified Persons) Amendment Regulation (No 1) 2000

- Actively participate with your Leader in developing and implementing resolution strategies for any conflict of interest.
- Ensure that any conflict of interest is resolved in the public interest.
- Observe the procedures set out in the Public Service Commission Information Sheet on [Public Sector Employees Contesting Elections](#) if standing for elected political office.
- Recognise the importance to opposition staff members of personal and family commitments and obligations outside the workplace.
- Demonstrate leadership in the performance of your duties. The position of Chief of Staff manages the work of other opposition staff members and has additional important responsibilities –
 - set an example of ethical conduct, treating all staff fairly and equitably, with consistency and respect.
 - encourage and promote ethical behaviour among opposition staff members.
 - maintain open, honest and thorough communication with and among staff members.
 - ensure that the demands made on staff members are reasonable in the circumstances, and that health and safety requirements are always met.
 - ensure opposition staff members understand the performance standards expected of them.

- support staff member's professional development.
- respect divergent thinking, different ideas and working styles.
- Take reasonable steps to ensure the safety, health and welfare in the workplace of yourself as well as your co-workers and clients.

Refer to: [Work Health and Safety Act 2011](#).

- Provide testimonial and referee reports using official stationary only when you are acting in an official capacity (i.e. commenting on the work performance of a current or former opposition staff member with whose work you are familiar). Testimonial and referee reports concerning personal friends or family members are provided in a private capacity only.

Principle 2 – Ensuring the effective, efficient and appropriate use of public resources

Ethics Values (Accountability and transparency)

In performing official duties, an opposition staff member shall:

- use public resources in an effective and accountable manner
- accept and value their duty to manage public resources effectively, efficiently and economically
- ensure that resources are not wasted, abused, or used improperly or extravagantly
- seek to achieve high standards of public administration
- continuously improve performance
- manage information as openly as practicable within the legal framework.

Required standards of conduct

- Use Queensland Government resources for the effective conduct of public business in a proper manner. Queensland Government resources are not to be subject to wasteful or extravagant use, and due economy is to be observed at all times.
- Be scrupulous in ensuring the legitimacy and accuracy of any claim for entitlements.
- Not use official resources for party political purposes. Avoid anything which might reasonably lead to the criticism that people paid from public funds are being used for party political purposes.
- Aspire to the highest standards of excellence and be prepared to take ownership of and responsibility for your actions and decisions.
- Maintain and develop professional skills and knowledge.
- Ensure your personal use of Government email, internet and telecommunications systems (includes mobile phones, blackberrys, iPhones, iPods and iPads) is limited and occasional.
- Not misuse the opposition electronic communication systems to access, create, store, copy, retrieve or distribute offensive material.

- Ensure proper use of official information. The release of information obtained through the course of work in the Office is subject to the discretion of the Leader.
- Not misuse personal information and ensure the lawful collection and handling of personal information in accordance with the *Information Privacy Act 2009*.
- Treat official information with care and use it only for the purpose for which it was collected.
- Store official information securely and limit access to those persons requiring it for legitimate purposes.
- Responsibly utilise human assets such as corporate knowledge and intellectual property, as public resources.

Principle 3 – Interacting with public service employees respectfully, collaboratively and with integrity

Ethics Value (Commitment to the system of government)

An opposition staff member shall accept and value their duty to operate within the framework of opposition responsibility to the Leader, the Parliament and the community.

Required standards of conduct

- Not knowingly or intentionally encourage or induce a public official by your decisions, directions or conduct to breach the law, parliamentary obligations, official standards, policies or procedures or guidelines or fail to comply with an applicable code of conduct.

Principle 4 – Observing all laws relevant to the staff member’s employment

Ethics Value (Commitment to the system of government)

An opposition staff member:

- shall accept and value their duty to uphold the system of government and the laws of the state, commonwealth and local governments
- shall observe the conventions of Cabinet government and Queensland’s Westminster system

Required standards of conduct

- Comply with any authorised and reasonable direction received in the course of your employment.

You are always entitled to seek clarification of a lawful direction and to challenge it if you believe it is either unlawful or unreasonable. Such matters should be addressed promptly with the person issuing the direction, or through their manager.

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 or to the public interest.

- Comply with all applicable Australian laws.
- Observe the caretaker conventions when a Queensland state election is called.
- Declare to the Leader in writing, all hospitality, gifts and sponsored travel received in association with your employment. All hospitality is to be declared upon receipt of any invitation. Gifts and sponsored travel received in association with your employment shall be declared within a reasonable time.
- Manage gifts, benefits and/or hospitality in accordance with the Queensland Opposition Handbook.

Refer to: s3.5 “Gifts - received” and s4.8 “Hospitality and Official Functions” of the [Queensland Opposition Handbook](#).

- Have no involvement in outside paid employment or in the daily work of any business, or retain a directorship of a company, without the written agreement of the Leader.

Principle 5 – Ensuring the staff member’s personal conduct does not reflect adversely on the reputation of his or her employing member

Ethics Values (Integrity)

An opposition staff member:

- shall not engage in behaviour or make comment that adversely affects or tends to adversely affect the Leader’s reputation
- shall ensure their individual actions or conduct are consistent with maintaining and enhancing public confidence in the integrity of the Opposition office
- shall not engage in behaviour that is improper, disgraceful or unbecoming or that shows unfitness to continue as an opposition staff member.

Required standards of conduct

- Maintain appropriate confidentiality about your dealings with the Leader, other shadow ministers, Members of Parliament, other opposition staff members, and Queensland public sector and Parliamentary Service employees.
- Continue to respect the confidentiality of official information when you leave opposition employment.
- Not knowingly or intentionally provide false or misleading information in response to a request for information that is made for official purposes in connection with your employment.
- Not make improper use of your position or access information to gain or seek to gain a benefit or advantage for yourself or any other person.
- Not ask for or encourage the offer of any gift or benefit in connection with the performance of your official duties.
- Be aware of the provisions of the [Criminal Code and the Crime and Corruption Act 2001](#) in relation to secret commissions (“kickbacks” and “gifts”) and corrupt conduct. Asking for and/or accepting money, gifts or other benefits may amount to criminal conduct where you compromise your official position.

- Not allow the consumption of alcohol or other drugs to adversely affect your work performance or official conduct and abstain from the use of illegal drugs whether on duty or not.
- Ensure your standard of attire is clean, tidy and appropriate to your work role and environment.
- Be aware of the importance of your personal hygiene in the workplace and its impact on colleagues and clients.

Principle 6 – Complying with any code of conduct that applies to a staff member

Ethics Value (Commitment to the system of government)

An opposition staff member shall accept and value their duty to uphold desired standards of ethical conduct in the workplace.

Required standards of conduct

- Be familiar with this code upon commencement of your employment.
- Ensure the Code's provisions are observed during the course of your employment.
- Comply with all applicable codes of conduct, policies and directives relevant to your employment as an opposition staff member.
- Make yourself aware of the Codes of Conduct which bind Queensland Public Sector employees.

GLOSSARY

TERM	DESCRIPTION
Conflict of Interest	involves a conflict between a public officials duties and responsibilities in serving the public interest, and the public official's private interests. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage – whether Conflicts of interest may be actual, or be perceived to exist, or potentially exist at some time in the future.
Actual conflict of interest	involves a direct conflict between a public official's current duties and responsibilities and existing private interests.
Perceived or apparent conflict of interest	can exist where it could be perceived, or appears, that a public official's private interests could improperly influence the performance of their duties – whether or not this is in fact the case.
Potential conflict of interest	arises where a public official has private interests that could conflict with their official duties in the future.
Pecuniary Interests	means interests involving an actual or potential financial gain or loss.
Non-Pecuniary Interests	means interests that do not have a financial component but may arise from personal or family relationships, or involvement in sporting, social or cultural activities. They include any tendency toward favour or prejudice resulting from friendship, animosity or other personal involvement that could bias your judgement or decisions.
Divest	The selling or relinquishing of interests to ensure there is no conflict with your public duty. It is not appropriate to sell or relinquish interests to a spouse, partner, close family member or dependents.
Gifts and benefits	(a) the transfer of property or other benefit - (i) without recompense; or (ii) for a consideration substantially less than full consideration; or (b) a loan of property made on a permanent, or an indefinite, basis; received or given by an official when they are acting in their official capacity. Gifts and/or benefits include tangible items of lasting value and intangible items of no lasting value (including hospitality).

Workplace Harassment

repeated behaviour, other than behaviour amounting to sexual harassment, by a staff member of the Opposition Office that –

- is unwelcome and unsolicited; and the person considers to be offensive, intimidating, humiliating or threatening; and
- a reasonable person would consider to be offensive, intimidating, humiliating or threatening; and
- is not reasonable management action taken in a reasonable way in connection with the person's employment.

Sexual Harassment

any behaviour where a person –

- subjects another person to an unsolicited act of physical intimacy;
- makes unsolicited demands or requests for sexual favours;
- makes a remark with sexual connotations relating to the other person; or
- engages in any other conduct of a sexual nature in relation to the other person,

where the conduct is done –

- with the intention of offending, humiliating or intimidating the other person; or
- where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Procedural Fairness
(natural justice)

Requires that:

- 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 decisions be made on findings of fact which are based on logically probative material (the no evidence rule);

Public Resources

includes government premises, money, credit cards, goods, services, vehicles, office equipment, official records (including electronic records), and telecommunications and information technology applications.

My name is _____. I hereby certify that I have read and understand my obligations under the Code of Conduct Opposition Staff Members.

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Please forward to
The HR Manager
Ministerial Services
Department of the Premier and Cabinet
Level 1, Executive Building
100 George Street