

# The Queensland Opposition Handbook

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## Foreword

All holders of political office and their staff are required to maintain high standards in public administration, management and accountability.

This Handbook provides information relating to financial, administrative, information technology and human resource management policies and procedures and the support services which are available to assist the Leader of the Opposition and his/her staff in the efficient and effective administration and management of their Office.

We seek the cooperation of all staff in ensuring the professional management and administration of the Office of the Leader of the Opposition.

ANNA BLIGH MP  
PREMIER OF QUEENSLAND

Lawrence Springborg, MP  
Leader of the Opposition

Ken Smith  
Director-General  
Department of the Premier and  
Cabinet

## Introduction

The Opposition Handbook has been developed to assist the Leader of the Opposition and staff in the running of the Office and is designed to act as a single, simple and user friendly reference.

The Handbook sets out the common policies, practices and procedures to be adopted in the Leader's Office with respect to financial management, human resource management, provision of accommodation, assets, entertainment, travel, information technology security, and other policy issues relating to the functioning of the Office. Ministerial Services will issue amendments and an updated index, to ensure that the Handbook remains current.

The Handbook will also apply to other Non-Government offices that may be established from time to time pursuant to the approval of the Premier. The Handbook does not affect the operations of Electorate Offices or alter any of the Parliamentary entitlements of Members of the Legislative Assembly as provided for in the "Members' Entitlements Handbook" and should be read in conjunction with the Members' Handbook. Where a conflict arises, Ministerial Services should be contacted.

The Opposition Handbook does not modify or affect the application of the Criminal Law or the application and requirements of the *Financial Administration and Audit Act 1977*.

The Leader of the Opposition and staff operate in an environment of rigorous accountability and their actions and expenditure are likely to come under close public scrutiny. Further, the public expects and demands the highest standards of ethical behaviour and propriety from all holders of political office and their staff.

Ministerial Services, Department of the Premier and Cabinet acts on behalf of the Director General, as the Accountable Officer, to define predetermined standards, to examine documentation and to seek additional information or explanation where necessary to ensure the highest standards of probity are maintained.

Correspondence relating to The Opposition Handbook should be addressed to:

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*Amendments*

Date	Amendment	Initial
October 1998	Original Issue	
December 1999	Contact Officers Dept. Support for the Office of the Leader Employee Assistance Service Motor Vehicles - Staff Travel Attachment 1 - Allowances	
March 2002	Complete update	
February 2003	Telephone reimbursement - staff	
November 2003	Motor Vehicles - Leader and Deputy Leader	
	Workplace Health and Safety	
	Appendix 18	
May 2004	Overseas Travel Motor Vehicles	
January 2006	Human Resource Management Information Management Gifts Received Gifts Made Advertising Hospitality and Official Functions Working Meals Office Equipment Shadow Cabinet Advertising Telecommunications Travel Brochures and Newsletters Bereavements Credit Cards Stamps Ministerial Services	

Date	Amendment	Initial
January 2006	Appendix 1 - Allowances-Travel Appendix 2 - Review of Monthly Reports Appendix 4 - Gifts Made Appendix 5 - Gifts Received Appendix 7 - Hospitality Certification Appendix 18 - Incident Report Form	
February 2007	Gifts - Received	
June 2007	Office Staff Study and Research Assistance Scheme Workplace Behaviour Workplace Health and Safety Electronic Mail Information Security Internet Policy Opposition Records Accountability and budget process Gifts - received Pecuniary Interests Declaration Public Report of Office Expenses Hospitality Provided Working Meals Telecommunications Motor Vehicles Domestic Travel Frequent Flyer Points Credit Cards - policy Entitlements - Other staff Entitlements - Leaders Ministerial Services - role Appendix 1 - Allowances - travel Appendix 14 - Administrative Delegations Appendix 19 - Resolution Process for Workplace Behaviour Appendix 20 - Leaver's Checklist	
June 2007	Partner's expenses Travel to and from the Electorate	

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## 1.0 Human Resource Management

### 1.1 Employee Assistance Service

The Employee Assistance Service (EAS) is a regular on-site program of care and counselling on personal and work-related issues which is easily accessible to all employees and their immediate families.

The EAS can help staff deal with issues such as:

- a. work related problems
- b. emotional stress
- c. marital/family conflicts
- d. alcohol and other drug problems
- e. financial worries
- f. gambling difficulties
- g. grief
- h. trauma

Davidson Trahaire has been contracted to provide these services to Opposition staff. The counsellors are all qualified and experienced professionals.

All counselling is strictly confidential and no details can be passed on to anyone without the written permission of the person involved. Counsellors are ethically and legally required to maintain confidentiality.

The EAS program is provided free of charge to staff.

**Contact:**

Davidson Trahaire Corpsych  
Phone: 1300 360 364

### 1.2 Office staff

#### Office of the Leader of the Opposition

The Leader is entitled to staff and resources to assist in the performance of official duties. The Office of the Leader of the Opposition consists of the Leader, Deputy Leader and all Opposition staff, including staff employed on a contract or consulting basis, who directly support the Leader in carrying out his/her official role.

#### Staff management principles

Staff provide support to the Leader in fulfilling his/her official responsibilities. It is therefore essential that the Leader communicates clearly to staff:

- a. their roles and responsibilities; and

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- b. the scope and sensitivities attached to the Office of the Leader of the Opposition.

**Ministerial Services**

Ministerial Services manages the personnel function associated with staff and assists the Leader in making appointments to his/her Office.

Ministerial Services are responsible for liaising with the Leader in relation to staff administration which includes the recruitment, appointment and termination processes for all positions within the Office.

The human resource management functions of Ministerial Services include:

- a. maintaining a Register of Position Descriptions;
- b. advertising vacancies;
- c. assisting the Leader in determining salary levels;
- d. processing the appointments of all staff;
- e. payment of salaries to staff including processing salary variations;
- f. maintaining all leave, personnel and establishment records; and
- g. monitoring conditions of employment and
- h. assisting the Leader as required in developing proposals for staffing establishment changes above the approved establishment level.

**Staff entitlement**

The following table represents the range of positions in the Office.

Position	Classification Range
Chief of Staff	A08 - S01
Senior Advisor	A08 - S01
Advisor	A06 - A07
Assistant Advisor	A04 - A05
Office Manager/Personal Secretary	A04 - A05
Office Manager	A04 - A05
Personal Secretary	A04 - A05
Correspondence Co-ordinator	A03 - A04
Administrative Officer	A01 - A03
Chauffeur/Assistant	003

The level of remuneration within the range shown is subject to qualifications and experience and determined by the Leader.

Staff are not to be based in electorate offices. Electorate based staff are provided by the Parliamentary Service.

Recommendations regarding the required staffing entitlement should be made in writing and be signed by the Leader and

forwarded to the Director, Ministerial Services. The Director, Ministerial Services will then submit the required documentation for the Premier's approval.

Overall staffing numbers will be determined by the Premier.

### **Basis of employment**

#### **Staff drawn from the Queensland Public Service**

All staff drawn from the Queensland Public Service to work in the Opposition Office are to be granted leave without pay from their substantive positions.

The basis of their engagement in the Leader's Office is by way of a temporary appointment made pursuant to Section 112 of the *Public Service Act 1996* and in accordance with arrangements approved by the Premier.

The terms and conditions of the temporary engagement are detailed in their appointment letter.

Public Servants engaged in this manner retain their rights and privileges under the *Public Service Act 1996* and therefore are provided with terms and conditions of employment equivalent to those contained in Directives issued by the Minister for Industrial Relations.

At the completion of the period of temporary appointment (or at any time where either the appointee, or the Director-General upon the recommendation of the Leader, determines that the appointment should cease) the officer shall return to the Department from which the leave without pay took place, at the classification level to which they were appointed prior to their temporary engagement in the Leader's Office.

All paid leave taken subsequent to the completion of the temporary appointment will be paid at the officer's substantive departmental salary level.

#### **Staff engaged from outside the Queensland Public Service**

Non-public servants who are engaged in the Leader's Office are employed under a Contract of Employment pursuant to Section 112 of the *Public Service Act 1996* and therefore shall not become officers of the Public Service.

A summary of the benefits and conditions of employment under the Contract of Employment are set out below:

- a. Employment in the Leader's office shall be subject to the terms and conditions as prescribed in Directives issued by the Minister for Industrial Relations and any relevant applicable industrial award or agreement as if the Appointee were a Public Service officer.
- b. Recognition of service for sick leave, long service leave and salary purposes may be given for previous service that is

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- recognisable under the Department of Industrial Relations Directive 2/03. This could include service with Members of Parliament, Ministers and Senators in the Commonwealth and other State/Territory Governments.
- c. The hours of work shall be those ordinarily worked by public servants.
  - d. The Government shall meet all expenses necessarily incurred in the discharge of official duties in accordance with Queensland Government policy as determined by policies approved by the Premier.
  - e. All Senior Policy Advisors and Senior Media Advisors shall be reimbursed in full, service and equipment charges of a telephone installed in their private residence as well as a percentage of calls as agreed between them and the Leader.
  - f. Chauffeurs shall be reimbursed in full, home telephone service and equipment charges plus 280 local calls per calendar year (see ENTITLEMENTS - Staff).
  - g. A declaration of pecuniary interests must be provided to the Leader prior to or upon taking up engagement (see APPENDIX 9 – Statement of pecuniary interests).
  - h. Queensland Public Service leave provisions and other benefits shall apply.
  - i. If the Engagement is terminated for other than a breach of contract the following severance conditions apply:

Where the appointee has less than one (1) year of service at the date of termination Four (4) weeks' salary

Where the appointee has one (1) year or more but less than two (2) years of service at the date of termination Six (6) weeks' salary

Where the appointee has two (2) years or more but less than three (3) years of service at the date of termination Eight (8) weeks' salary

Where the appointee has three (3) years or more but less than four (4) years of service at the date of termination Ten (10) weeks' salary

Where the appointee has four (4) years or more but less than five (5) years of service at the date of termination Eleven (11) weeks' salary

Where the appointee has five (5) years or more but less than seven (7) years of service at the date of termination Twelve (12) weeks' salary

Where the appointee has seven (7) years or more of service at the date of termination

Twelve (12) weeks' salary plus an additional two (2) weeks' salary for every completed year of service in excess of six years, up to a maximum of fifty-two weeks' salary

#### **Approval for the appointment of permanent staff**

Ministerial Services is to be contacted before any action is taken to appoint staff to the Office.

All recommendations for the appointment of permanent staff are to be made in writing and be signed by the Leader or Chief of Staff and be forwarded to the Director, Ministerial Services. These recommendations are to include proposed salary levels and commencement dates.

Provided that the recommendations are within the staffing entitlements currently approved by the Premier, Ministerial Services will forward an employment contract (non public servants) or temporary engagement documents (public servants) to the relevant staff members.

If the Leader's recommendation is in excess of the staffing entitlements already approved by the Premier (numbers of staff or classification levels), the Director Ministerial Services will submit the required appointment documentation for the Premier's approval. In this instance no salary will be paid to any employee until the Premier's approval is received. Employment documents will be forwarded to the relevant staff members subsequent to the Premier's approval.

#### **Process for filling vacant positions**

Vacant positions in the Leader's Office may be filled with or without advertisement, based upon the recommendation of the Leader or Chief of Staff.

Where a vacancy is to be filled by advertisement:

- a. the Leader or Chief of Staff is to liaise with Ministerial Services concerning position requirements and updating of the position description (if necessary);
- b. Ministerial Services places the advertisement/s, answers inquiries, distributes position descriptions and receives and registers applications;
- c. an interview panel is convened to conduct short listing, and arrange interviews;
- d. the interview panel makes a selection; and
- e. Ministerial Services ensures the appointment is in accordance with appropriate legislation, and the provisions of this Handbook.

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All unsuccessful applicants will be notified by Ministerial Services.

A direct translation of staff from the Office of the Leader of the Opposition to Government Minister's Offices following a change of Government will occur.

#### **Qualifications for Appointment**

There are no mandatory tertiary qualifications required for appointment in the Leader's Office. However, the enhanced work performance derived from the expanded knowledge base and skills attained through formal tertiary training is valued.

It is acknowledged however that such enhanced work performance can be achieved through other learning experiences including, on the job training, structured professional development or life experiences.

An applicant's skills, knowledge and abilities will be assessed against the selection criteria of the position description without prejudice regarding the origin of those skills, knowledge and abilities.

#### **Appointment expenses**

Officers appointed to the Leader's Office and who are currently based in another centre may be entitled to claim for expenses involved in taking up their appointment. Appointment expenses incurred are to be reasonable and subject to the approval of the Leader. Ministerial Services are to be consulted prior to the refund of appointment expenses. All expenses are subject to the approval of the Chief Delegated Officer.

These entitlements may include:

- a. transport for the officer and their family to the new location;
- b. temporary accommodation assistance whilst waiting to secure a residence at the new centre;
- c. transport of furniture and effects;
- d. storage of furniture and effects;
- e. cartage of motor vehicles, boats and caravans; and
- f. leave for unpacking.

Detailed guidelines regarding this policy are available on the Opposition Intranet site or from Ministerial Services.

#### **Relief staff**

Relief staff may be required to cover the absence of staff on leave or to provide assistance when the workload of the Office has temporarily increased beyond its normal capacity.

The Leader may recommend a suitable replacement or request Ministerial Services to advertise the temporary vacancy.

Recommendations for all relief staff, must be made in writing, be signed by the Leader or Chief of Staff and forwarded to the Director, Ministerial Services.



Provided that the recommendations are within the staffing entitlements currently approved by the Premier, Ministerial Services will forward written confirmation of the relief arrangements to the employee.

If the recommendation will increase staffing entitlements for a period in excess of two weeks, the Director, Ministerial Services will submit the required documentation for the Premier's approval.

In these instances Ministerial Services will not pay any salary, allowances or debit notes until the Premier's approval is received.

#### **Temporary agency staff**

Employment agency staff may be used for short term temporary arrangements.

Invoices are to be forwarded to Ministerial Services for payment.

When engaging staff from employment agencies it should be noted that the Department of the Premier and Cabinet utilises the Whole of Government standing offer arrangement for the employment of agency staff (SOA 200). A group of preferred suppliers has been established under this arrangement. Further details may be obtained by contacting Ministerial Services.

#### **Salary level reviews**

The salary levels for staff may be reviewed at any time by the Leader subject to budgetary constraints.

In order to assist with this process, Ministerial Services will forward a reminder to the Leader after an officer has been on the same salary level for twelve months, requesting whether the Leader would like to review the performance of that officer and recommend an increment to the next pay point of the classification band for that officer. For officers who have already reached the top of their classification level, ie. AO3(4), no reminders will be forwarded by Ministerial Services. It is at the discretion of the Leader as to when or if the salary levels for these officers is reviewed. Reviews must also be within the classification ranges for positions.

All recommendations for salary level adjustments must be returned to Ministerial Services. Provided that the recommendations are within the staffing entitlements currently approved by the Premier, Ministerial Services will forward written confirmation of the salary adjustment to the employee. If the Leader's recommendation is in excess of the staffing entitlements already approved by the Premier, Ministerial Services will submit the recommendation for the approval of the Premier. No salary levels will be adjusted until the Premier has approved the increase. Written confirmation of the salary adjustment will be provided to the employee upon receipt of Premier's approval.

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**Public Servants**

Public Servants employed in the Leader's Office maintain their substantive salary and are paid an allowance up to their Opposition office salary level. The Leader will be forwarded a reminder as per the above process to review the officer's Opposition office salary.

**Administrative processing**

All Salary, Leave and associated matters for Opposition staff are processed by Ministerial Services. Such matters could include:

- a. Overtime and Meal allowance claims
- b. Deductions including Social Club contributions
- c. Health Fund contributions
- d. Resignations
- e. Leave Applications
- f. Superannuation changes
- g. Changes to Bank Account Details
- h. Employment Declaration Forms

The appropriate forms can be obtained from Ministerial Services. Completed forms should be forwarded to Ministerial Services.

**Higher duties allowances**

Department of Industrial Relations Directive 2/05 outlines the general conditions applying to higher duties allowance. Claims for the payment of extra remuneration should be submitted to the Human Resource Consultant, Ministerial Services.

**Termination of employment**

**Contract staff**

Employment in the Opposition Office may be terminated by:

- a. the person engaged, by giving 2 weeks' notice in writing; or
- b. The Director-General, Department of the Premier and Cabinet by giving two (2) weeks' notice in writing or by payment of two weeks' salary in lieu of notice either
  - (i) in the event of a breach of this Agreement by the Appointee; or
  - (ii) upon receipt of a notice in writing from the Leader that the services of the Appointee are to be terminated; or
  - (iii) based on the operational requirements of the Office of the Leader.

Ministerial Services should be contacted before any action is taken to terminate the employment of staff.

The office manager is required to complete a Leaver's Checklist when any staff member ceases duty. The Leaver's Checklist assists

in ensuring all official equipment is returned and official access is disabled.

Checklists are to be forwarded to Ministerial Services within 7 days of a person leaving the office. Leaver's checklists are available from Ministerial Services or the Opposition Intranet. See Appendix 20.

#### **Public Servants employed in the Leader's Office**

The temporary appointment of Public Servants to Opposition Office positions may be terminated at any time where either the appointee or the Director-General, Department of the Premier and Cabinet, upon the recommendation of the Leader, determines that the appointment should cease.

The officer concerned shall return to the Department from which they had taken leave without pay, and any allowance being paid or salary sacrifice arrangements in place whilst in the Opposition office position will cease.

Ministerial Services should be notified before any action is taken to terminate the temporary appointment of a Public Servant in the Leader's Office.

The office manager is required to complete a Leaver's Checklist when any staff member ceases duty. The Leaver's Checklist assists in ensuring all official equipment is returned and official access is disabled.

Checklists are to be forwarded to Ministerial Services within 7 days of a person leaving the office. Leaver's checklists are available from Ministerial Services or the Opposition Intranet. See Appendix 20.

#### **Cessation of Leader's Appointment**

When a Leader ceases to hold that position, the following consequences will flow:

- a. All temporary appointments of public servants in the Leader's Office automatically terminate, unless otherwise determined, and officers will return to their respective Departments at the classification they held immediately prior to their engagement in the Leader's Office.
- b. Contracts of employment will remain in force pending advice to the Director-General, Department of the Premier and Cabinet, to terminate employment. If employment is terminated, severance conditions as detailed in the Contract of Employment will apply.

#### **Change of Government**

##### **Termination of existing arrangements**

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When it is known that there is to be a change of government, written notification signed by the Leader of the Opposition must be forwarded to the Director-General, Department of the Premier and Cabinet, advising which staff will continue employment under the incoming Government.

Written advice signed by the Leader of the Opposition is also required to terminate the employment of those staff who will not be employed under the incoming government.

**Interim staff arrangements for incoming Ministers**

In the case of a change of government, interim staffing lists signed by the incoming Minister, which include salary levels and commencement dates, must be forwarded to the Premier, as soon as practicable.

The Premier's Office will contact the Ministerial office and Ministerial Services in regards to a decision.

No salary will be payable under the interim arrangements until the Premier's approval is received.

All interim staffing arrangements will be on a temporary basis pending the finalisation of Ministerial staffing arrangements.

**Translation of staff**

Following a change of Government, staff who were formerly employed within the Office of the Leader of the Opposition may be directly translated into positions within Ministerial Offices.

Similarly, staff who were employed within Ministerial Offices may be directly translated into the Office of the Leader of the Opposition following a change of Government.

**1.3 Personal Injury**

Should an officer be involved in an accident either at work, or on the way to or from work, an 'Application for Compensation' form should be completed. This form is available from Ministerial Services.

Information sought from the injured officer at this time will include the following details:

- a. details of the injury including the day, time and location;
- b. employee's name and address;
- c. employer's name and address;
- d. employment particulars; and
- e. who the injury was reported to.

The full names and addresses of any witnesses are required as an aid in confirmation of the injury and in respect of possible future litigation.

An 'Employers Report' will also need to be completed by the Opposition office. This form is available from Ministerial Services.

Once the forms are completed by the injured worker and the Opposition Office, these forms and any other supporting documentation such as leave forms, medical certificates and hospital bills should be forwarded to Ministerial Services. The forms will then be forwarded to WorkCover Queensland for processing.

There are three different categories under which an officer may wish to submit a claim form.

- a. **Record Purposes Only Claim:** in this case where no medical expenses are required and there is no time taken off from work, an officer should submit the claim form as a report of the incident only. This form will be forwarded to WorkCover Queensland and held on file in the event that there may be some future repercussions or complications arising from a simple injury or accident.
- b. **Time Lost Claims:** this claim exists when a medical certificate indicates that the worker is incapacitated for work as a consequence of a work related injury. This claim may also involve payment of medical or hospital expenses. It may be necessary to include an employment declaration form with this claim as Workcover may be required to pay wages directly to the injured officer.
- c. **Medical Expenses Only Claim:** this type of claim occurs when an officer is injured but is able to return to duty immediately resulting in no time off work. Medical expenses eg. Doctor's consultation fees or physiotherapy may be covered by WorkCover Queensland.

Any further enquiries regarding this matter may be directed to Ministerial Services.

#### 1.4

### Study and Research Assistance Scheme

#### Policy

The Study and Research Assistance Scheme (SARAS) provides financial and leave assistance to employees undertaking courses of study or research projects.

All assistance provided is to be funded from the Opposition Office budget.

Full SARAS assistance (financial and leave) is available to all permanent and temporary staff who have been employed for a period of at least 12 months. Employees who have been employed for less than 12 months may be granted examination leave and/or study leave.

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To be eligible for SARAS, a course of study or research, (full-time, part-time, or external), is usually undertaken with a recognised tertiary institution and would normally result in the gaining of a qualification, eg. certificate, diploma or degree.

Two levels of assistance are available. The categories of assistance include highly desirable and desirable. Different levels of assistance are attached to each category. The determination of eligibility and the level of assistance is at the discretion of the Leader. When determining the level of assistance, consideration should be given to office convenience, budget constraints and equity.

If SARAS assistance is being considered, full details of the SARAS provisions should be obtained from Ministerial Services prior to commencing the course of study. The policy on SARAS is available on the Opposition Intranet site or from Ministerial Services.

## **1.5 Workplace Behaviour**

### **1.5.1 Workplace Bullying**

#### **1.5.1.1 Policy**

The Department of the Premier and Cabinet has a policy in relation to workplace bullying which applies to all Opposition staff.

The Department considers workplace bullying unacceptable and will not tolerate it under any circumstances.

Workplace bullying is a clear breach of the Code of Conduct for Opposition staff and is covered by Ethics Obligation 2: "Respect for Persons". The Code of Conduct is derived from the *Public Sector Ethics Act 1994*.

Any reports of workplace bullying will be treated seriously and investigated promptly, confidentially and impartially.

#### **1.5.1.2 Definitions**

Workplace bullying is the 'repeated less favourable treatment of a person by another or others, which may be considered unreasonable and inappropriate workplace practice.' Workplace bullying is behaviour that can intimidate, offend, degrade or humiliate an employee.

Bullying can occur between:

- A senior staff member or supervisor and another staff member
- Co-workers
- An Opposition staff member and another person in the workplace eg a public servant.

Behaviours that may constitute bullying include (but are not limited to):

- Assault, pushing or unwanted physical contact
- Yelling, screaming, swearing or abuse
- Personal insults or threats
- Inappropriate comments about appearance or slandering family members or friends.
- Offensive jokes, spreading malicious rumours or practical jokes
- Tampering with personal effects or work equipment
- Public reprimands or belittling
- Constant criticism or trivial fault-finding
- Ostracising and isolating an employee
- Deliberately over-working or under-working an employee
- Deliberately withholding work related information
- Excessive supervision
- Singling out and treating one employee differently from other employees
- Inappropriately threatening the loss of employment or a cut back in work hours

#### 1.5.1.3 Discrimination and Sexual Harassment

If it is considered that the bullying behaviour involves acts of discrimination or sexual harassment, refer to the relevant specific policies on these issues in The Opposition Handbook.

#### 1.5.1.4 Effects of workplace bullying on the workplace and individuals

Workplace bullying has detrimental effects on the workplace and on individuals.

Workplace bullying may cause:

- The loss of highly skilled, experienced and talented staff;
- Increased costs associated with staff turnover and absenteeism;
- Increased costs of recruitment and training new staff;
- Service delivery problems;
- Reduced efficiency and productivity;
- Poor morale, erosion of employee loyalty and commitment;
- An unsafe working environment; and
- Legal risks and legal costs for the Department.

Individuals being bullied can become stressed, anxious, depressed, physically ill, sleep deprived, withdrawn, aggressive and vengeful or can lose self-confidence and self-esteem. The detrimental effects on work output are seldom limited to one person and can often spread across an office or work unit.

#### 1.5.1.5 Behaviours that do not constitute workplace bullying

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Constructive feedback or counselling on work performance or work related behaviour is appropriate and reasonable. Critical comments indicating performance deficiencies do not constitute workplace bullying. Constructively delivered feedback or counselling is intended to assist employees to improve their work performance or standard of behaviour.

#### **1.5.1.6 Responsibility of Leaders and Staff**

All staff have a responsibility to ensure that all employees are able to work in an environment free of bullying.

Leaders, senior staff and supervisors must ensure that staff are not bullied. They are required to personally demonstrate appropriate behaviour, promote the anti-workplace bullying policy, treat complaints seriously and ensure that where an employee makes or is witness to a complaint, they are not victimised.

#### **1.5.1.7 Referral officers**

Ministerial Services has access to Referral Officers whose role it is to:

- a. provide confidential advice and support to complainants subjected to bullying;
- b. advise staff about the nature of bullying, its effects and complaint resolution mechanisms.

#### **1.5.1.8 Role of the Unions**

An employee is entitled to contact their union at any time in regard to a complaint of bullying. This is true for both employees who report a complaint and those employees who have a complaint made against them. It is not the role of managers and supervisors to contact the union on behalf of a staff member.

Unions are available to provide support and advice to their members and may act on their behalf in respect of complaints of bullying.

#### **1.5.1.9 Employee assistance service**

The employee assistance service is available to all staff for counselling on personal and work-related issues. Refer to Section 1.1 of this Handbook for further information on this service.

#### **1.5.1.10 Dealing with bullying**

An employee who is being bullied in the workplace has several options. These options include both informal and formal processes and can be discussed with a referral officer, union delegate or supervisor. These options are outlined below. A flowchart outlining the process for resolving workplace behaviour issues is provided at Appendix 19.



If the bullying is persistent or ongoing, it may be useful to maintain a diary about the behaviour including times, places and the details of any witnesses.

#### **Informal methods of resolution**

- Speaking to the person directly
- Requesting the assistance of the manager/supervisor
- Participating in mediation

#### **Formal methods of resolution**

- Making a formal complaint
- Making an external complaint

#### **1.5.1.11 Informal methods of resolution**

##### **Speaking to the person directly:**

This option involves advising the alleged offender that their behaviour is unreasonable and unacceptable workplace behaviour. The complainant needs to be specific about the behaviour that has given offence so that no doubt is left in the other person's mind as to what is being objected to and how to avoid re-offending.

If staff elect to deal with the matter themselves, they should be careful to ensure that any discussions with the alleged offender are not overheard by any other parties.

If this option is pursued, the complainant and the alleged offender should deal with the matter in strict confidence and with respect for each other's rights.

##### **Requesting the assistance of the manager/supervisor**

The complainant may request the assistance of their manager/supervisor in resolving the complaint. As part of the informal process the manager/supervisor should attempt to resolve the matter at the local level. The manager/supervisor would need to talk frankly and honestly about the complaint with the alleged offender.

When assisting in the informal process, the manager should seek to achieve a resolution between the parties, whereby there is agreement about what constitutes appropriate behaviour in the workplace and that any inappropriate behaviour that has occurred in the past will cease.

The manager/supervisor who resolves a situation locally should be aware of the need to monitor the workplace following the incident to ensure that workplace behaviour is appropriate and that the complainant is not being victimised.

##### **Participating in mediation**

Mediation between a complainant and the individual causing offence is an effective way of dealing with complaints informally

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and confidentially. Independent mediation can be arranged through Ministerial Services.

**1.5.1.12 Formal methods of resolution**

**Making a formal complaint - Internal process**

Formal mechanisms may be appropriate where informal measures fail, the nature of the situation requires a more formal approach or the complainant chooses not to resolve the matter informally.

It is generally recommended that every effort be made to resolve the complaint within the Office. Failing this, or where this is not a viable course of action it is appropriate to refer the matter to the Director-General, Department of the Premier and Cabinet.

The following two step process has been established to deal with formal complaints of bullying relating to Opposition staff. All stages of this process will be dealt with in a completely confidential manner and only those with a genuine need to know will be given any information about an individual enquiry. The complainant may involve the union at any stage of this process and where it is appropriate may move straight to Step 2 of the process.

**Step 1**

The employee informs the Chief of Staff verbally or in writing of the existence of the complaint. If the Chief of Staff is the alleged offender or appears to condone the behaviour, the employee should take the grievance to the Leader or lodge it directly with the Director-General, Department of the Premier and Cabinet. This may also be appropriate where the complainant has reason to prefer to lodge their complaint directly with the Director-General eg. where there is fear of repercussions within the Office.

The Chief of Staff or other person approached in relation to the complaint should inform the Leader. The Leader determines whether or not he/she wishes to attempt to resolve the matter. The person responsible for resolving the matter must attempt to do so within 10 calendar days. If the matter remains unresolved after 10 calendar days, the parties to the complaint will be provided with information about the status of the complaint and the planned finalisation date.

If the matter remains unresolved after 21 calendar days of advising the Chief of Staff, the complaint may proceed to Step 2 unless otherwise agreed between the employee and the Chief of Staff.

**Step 2**

If the complaint is not resolved at Step 1, the complainant may submit the complaint in writing to the Director-General, Department of the Premier and Cabinet.

As with Step 1, if the complaint remains unresolved after 10 calendar days, the parties to the complaint must be provided with

information about the status of the complaint and the proposed finalisation date.

The Director-General will ensure that the complainant has the opportunity to present all aspects of the grievance and that the grievance is investigated in a thorough, fair and impartial manner within 21 calendar days, unless otherwise negotiated. Union representation is also permitted at this level.

Following receipt of the investigating officer's report, the Director-General will make the final decision on any action to be taken and will advise the complainant and the alleged offender accordingly.

Where Step 2 remains unfinalised, and/or the complainant remains aggrieved after 21 days, he or she may make a fair treatment appeal to the Public Service Commissioner. For details on this appeal process contact Ministerial Services or a referral officer.

#### **Making a formal complaint - external process**

This option is available for serious charges of a particular nature. Physical assault or threats of physical assault should be reported immediately to the Manager/Supervisor, to the Police and the Division of Workplace Health and Safety.

Where a worker is dismissed or forced to resign as a result of workplace bullying the worker may be entitled to make a claim under the unfair dismissal provisions of the *Queensland Industrial Relations Act 1999*.

#### **1.5.1.13 Witnessing or becoming aware of workplace bullying**

All staff who experience or witness workplace bullying are encouraged to report it to the Chief of Staff, Leader, Director-General Department of the Premier and Cabinet, Ministerial Services or a referral officer as appropriate to the circumstances.

### **1.5.2 Discrimination**

#### **1.5.2.1 Policy**

The Department of the Premier and Cabinet is committed to the prevention of discrimination in the workplace. Discrimination in the workplace will not be tolerated and will be dealt with seriously.

The Department of the Premier and Cabinet has a policy for preventing and resolving discrimination in the workplace that applies to all employees of the Department which includes staff employed in the Opposition Office.

#### **1.5.2.2 Definitions**

Discrimination includes both direct and indirect discrimination based on one of the following attributes:

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- Sex
- Parental status
- Impairment
- Trade union activity
- Family responsibilities
- Gender identity
- Age
- Religious belief or religious activity
- Association with, or relation to, a person identified by any of the above attributes.
- Relationship status
- Breastfeeding
- Political belief and activity
- Lawful sexual activity
- Race
- Pregnancy
- Sexuality

“family responsibilities”, of a person, means the person’s responsibilities to care for or support-

- (a) a dependant child of the person; or
- (b) any other member of the person’s immediate family who is in need of care or support.

“gender identity”, in relation to a person, means that the person-

- (a) identifies, or has identified, as a member of the opposite sex by living or seeking to live as a member of that sex, or
- (b) is of indeterminate sex and seeks to live as a member of a particular sex.

“lawful sexual activity” means a person’s status as a lawfully employed sex worker, whether or not self-employed.

“religious activity” means engaging in, not engaging in or refusing to engage in a lawful religious activity.

“religious belief” means holding or not holding a religious belief.

“sexuality” means heterosexuality, homosexuality or bisexuality.

“relationship status” includes same sex relationships.

Direct Discrimination occurs when a person treats, or proposes to treat, a person with one of the above attributes less favourably than another person without the attribute, in circumstances that are the same or not materially different.

Indirect Discrimination occurs if a person imposes, or proposes to impose, a term (such as a condition, requirement or practice) -

- a. with which a person with one of the above attributes does not or is not able to comply; and
- b. with which a higher proportion of people without the attribute comply or are able to comply; and
- c. that is not reasonable.

It is not necessary that the person imposing, or proposing to impose, the term is aware of the indirect discrimination.

### 1.5.2.3 Areas of Discrimination

Unlike sexual harassment, which is against the law in all circumstances, discrimination is only against the law if it is based on one of the grounds listed above and occurs in any of the following areas:-

- Work and work related areas
- Education
- Goods and Services
- Accommodation
- Insurance
- Disposition of land
- Club Membership and affairs
- Local Government
- Superannuation
- Administration of state laws and programs

### 1.5.2.4 Discrimination in the Workplace

#### Pre- Work Area

A person must not discriminate in the pre-work area in terms of offering work or the terms of work that is offered.

#### Work Area

A person must not discriminate-

- a. In any variation of the terms of work; or
- b. In denying or limiting access to opportunities for promotion, transfer, training or other benefit to a worker; or
- c. In dismissing a worker; or
- d. By denying access to a guidance program, an apprenticeship training program or other occupational training or retraining program; or
- e. In developing the scope or range of such a program; or
- f. By treating a worker unfavourably in any way in connection with work.

### 1.5.2.5 Referral Officers

Ministerial Services has access to Referral Officers (ROs) whose role it is to:

- a. provide confidential advice and support to complainants subjected to discrimination;
- b. advise staff about the nature of discrimination, its effects and complaint resolution mechanisms.

### 1.5.2.6 Vicarious liability

Vicarious liability is a legal doctrine which holds a person or organisation responsible for the wrongful actions of another. It means that employers are legally responsible for the discriminatory acts of their employees.

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Section 133 of the *Anti-Discrimination Act 1991* provides that if an employer's workers or agents contravene the Act in the course of work or while acting as agent, both the person and the worker or agent, as the case may be, are jointly and severally liable for the contravention, and a proceeding under the Act may be taken against either or both.

An employer's defence is that it took reasonable steps to prevent discrimination. It is no defence for the employer to say that they did not know the discrimination was occurring.

**1.5.2.7 Responsibility of Ministerial Services**

Ministerial Services is responsible for facilitating the implementation of the Department's policy. This responsibility includes:

- a. dealing with complaints promptly and seriously
- b. disseminating information and providing training to staff with the aim of preventing incidents of discrimination.

The objective of the following information is to outline the responsibilities of the Leader and Opposition staff, the role of the unions and the procedures for the resolution of complaints.

**1.5.2.8 Responsibility of Leaders and staff**

All staff have a responsibility to ensure that discrimination does not occur in the workplace.

Leaders and Senior staff have the responsibility to:

- a. clarify and set standards of appropriate workplace behaviour;
- b. monitor the work environment for inappropriate behaviour;
- c. address inappropriate behaviour;
- d. be conversant with the policy on discrimination;
- e. ensure all complaints of discrimination are treated seriously, confidentially and expeditiously;
- f. monitor the workplace and ensure that all staff fulfil their responsibilities in relation to this policy;
- g. ensure the relevant parties are not victimised; and
- h. act as role models for other staff.

**1.5.2.9 Role of the Unions**

An employee is entitled to contact their union at any time in regard to discrimination. This is true for both employees who report a complaint and those employees who have complaints made against them. It is not the role of managers and supervisors to contact the union on behalf of a staff member.

Unions are available to provide support and advice to their members and may act on their behalf in respect of complaints of discrimination at any stage.

#### **1.5.2.10 Procedures for resolution**

There are two paths for the resolution of discrimination - an internal path and an external path.

#### **1.5.2.11 Internal resolution**

A number of options exist under the internal path which include both an Informal Process or a Formal Process. These are detailed below. A flowchart outlining the process for resolving workplace behaviour issues is provided at Appendix 19.

#### **1.5.2.12 The Informal Process**

The use of informal measures to resolve complaints promotes a range of benefits including:

- a. the least organisational disruption with the individuals concerned continuing to work together;
- b. allowing the individuals concerned to take positive action to resolve the situation;
- c. focusing on improving future working relationships by clarifying what is regarded as acceptable behaviour for staff; and
- d. to safeguard against the escalation of the matter.

This informal process may be initiated by the individual complainant or following a discussion of the situation with a manager or supervisor, a union or the RO.

Responsibility and control is taken by the individual.

To assist in identifying which informal option a complainant should pursue, they should work out what outcomes they seek and choose the option that is most likely to produce the desired outcome.

It may be helpful at this stage to discuss options with the RO.

The options available under the Informal Process are as follows:

- Speaking to the person directly
- Requesting Assistance from your Manager/Supervisor
- Mediation
- Seeking assistance from the Referral Officer or Ministerial Services

These options are outlined in more detail below:-

#### **Speaking to the person directly**

This option involves the complainant advising the alleged offender that they find their behaviour offensive. The complainant needs to

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be specific about the behaviour that has given offence so that no doubt is left in the other person's mind as to what is being objected to and how to avoid offending again. The complainant may also wish to point out that the behaviour may be unlawful under the *Anti-Discrimination Act 1991*.

If staff elect to deal with the matter themselves, they should be careful to ensure that the communication to the alleged offender is not overheard or intercepted by any other parties.

If this option is pursued, the complainant and the alleged offender should deal with the matter in strict confidence and with respect for each other's rights.

Care should be taken not to place either party in a threatening or intimidating situation or to embarrass or humiliate the alleged offender by making a public accusation.

Equally, the alleged offender should not respond to the complainant in a way that may humiliate, intimidate or embarrass them. Victimisation of the complainant is also an offence under the *Anti-Discrimination Act 1991*.

**Requesting the assistance of the manager/supervisor**

The complainant may request the assistance of their manager/supervisor in resolving the complaint. As part of the informal process the manager/supervisor should attempt to resolve the matter at the local level. The manager/supervisor would need to talk frankly and honestly about the complaint with the alleged offender.

When assisting in the informal process, the manager should seek to achieve a resolution between the parties, whereby there is agreement about what constitutes appropriate behaviour in the workplace and that any inappropriate behaviour that has occurred in the past will cease.

The manager/supervisor who resolves a situation locally should be aware of the need to monitor the workplace following the incident to ensure that workplace behaviour is appropriate and that the complainant is not being victimised.

**Participating in mediation**

Mediation between a complainant and the individual causing offence is an effective way of dealing with complaints informally and confidentially. Independent mediation can be arranged through Ministerial Services.

**Requesting the assistance of the Referral Officer**

Complainants can seek assistance from a Referral Officer (RO) who is available to listen, provide support and advise about complaint resolution options.



ROs are also available to provide advice to manager/supervisors on the general issues involved in a complaint of discrimination and complaint resolution options.

The RO's role is an advisory one only and ROs will not investigate or attempt to resolve complaints of discrimination. The obligation and authority for resolving complaints remains with management.

#### **1.5.2.13 The Formal Process**

Formal mechanisms may be appropriate where informal measures fail, the nature of the situation requires a more formal approach or the complainant chooses not to resolve the matter informally.

It is generally recommended that every effort be made to resolve the complaint within the Office. Failing this, or where this is not a viable course of action it is appropriate to refer the matter to the Director-General, Department of the Premier and Cabinet who is legally responsible for ensuring adherence to the provisions of the anti-discrimination legislation as it relates to Opposition staff.

The following two step process has been established to deal with formal complaints of discrimination relating to Opposition staff. All stages of this process will be dealt with in a completely confidential manner and only those with a genuine need to know will be given any information about an individual enquiry. The complainant may involve the union at any stage of this process and where it is appropriate may move straight to Step 2 of the process.

##### Step 1

The employee informs the Chief of Staff verbally or in writing of the existence of the complaint. If the Chief of Staff is the alleged offender or appears to condone the behaviour, the employee should take the complaint to the Leader or lodge it directly with the Director-General, Department of the Premier and Cabinet. This may also be appropriate where the complainant has reason to prefer to lodge their complaint directly with the Director-General eg. where there is fear of repercussions within the Office.

The Chief of Staff or other person approached in relation to the complaint should inform the Leader. The Leader determines whether or not he/she wishes to attempt to resolve the matter. The person responsible for resolving the matter must attempt to do so within 10 calendar days. If the matter remains unresolved after 10 calendar days, the parties to the complaint will be provided with information about the status of the complaint and the planned finalisation date.

If the matter remains unresolved after 21 calendar days of advising the Chief of Staff, the complainant may proceed to Step 2 unless otherwise agreed between the employee and the Chief of Staff.

##### Step 2

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If the complaint is not resolved at Step 1, the complainant may submit the complaint in writing to the Director-General, Department of the Premier and Cabinet.

As with Step 1, if the complaint remains unresolved after 10 calendar days, the parties to the complaint must be provided with information about the status of the complaint and the proposed finalisation date.

The Director-General will ensure that the complainant has the opportunity to present all aspects of the complaint and that the grievance is investigated in a thorough, fair and impartial manner within 21 calendar days, unless otherwise negotiated. Union representation is also permitted at this level.

The Director-General will ensure that the complainant has the opportunity to present all aspects of the complaint and that the complaint is investigated in a thorough, fair and impartial manner. Union representation is also permitted at this level.

Following receipt of the investigating officer's report, the Director-General will make the final decision on any action to be taken and will advise the complainant and the alleged offender accordingly.

Where Step 2 remains unfinalised, and/or the complainant remains aggrieved after 21 days, he or she may make a fair treatment appeal to the Public Service Commissioner. For details on this appeal process contact a Ministerial Services or a Referral Officer.

#### **1.5.2.14 External resolution**

External options available to Opposition staff are:

- Anti-Discrimination Commission (Queensland); or the
- Crime and Misconduct Commission.

#### **Anti-Discrimination Commission (Queensland)**

Staff may seek advice from the Anti-Discrimination Commission (Queensland) at any stage, about making a complaint under the *Anti-Discrimination Act 1991*.

If an employee wishes to make a complaint to the Commission, it will need to be put in writing before action can be taken.

Commission staff will provide advice as to whether a complaint falls within its jurisdiction and if so, how the Commission may be able to assist.

Complaints are investigated and settled primarily through conciliation. Conciliation is a way of settling conflict by bringing the disputing parties together to reach a voluntary agreement that suits everyone involved.

The disputing parties are helped in this by a conciliator who is an officer of the Commission. Conciliators are neutral parties and

everything discussed with a conciliator is confidential. There is no charge for having a complaint investigated and conciliated.

If the parties cannot settle the matter through conciliation, the complaint may be referred for hearing to the Anti-Discrimination Tribunal.

### **Crime and Misconduct Commission**

Individuals may also complain to the Complaints Section of the Crime and Misconduct Commission about discrimination where the behaviour is perceived to be official misconduct.

## **1.5.3 Sexual harassment**

### **1.5.3.1 Policy**

The Department of the Premier and Cabinet is committed to the prevention of sexual harassment in the workplace. Sexual harassment in the workplace will not be tolerated and will be dealt with seriously.

The Department of the Premier and Cabinet has a policy for preventing and resolving sexual harassment in the workplace that applies to all employees of the Department of the Premier and Cabinet which includes staff employed in the Office of the Leader of the Opposition.

### **1.5.3.2 Definitions**

Sexual harassment is defined in the *Anti-Discrimination Act 1991* as happening when a person: -

- a. subjects another person to an unsolicited act of physical intimacy (eg. physical contact such as patting, pinching or touching in a sexual way or other unnecessary familiarity such as deliberately brushing against a person); or
- b. makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person (eg. sexual propositions); or
- c. makes a remark with sexual connotations relating to the other person (eg. unwelcome or uncalled for remarks or insinuations about a person's sex or private life or suggestive comments about a person's appearance or body); or
- d. engages in any other unwelcome conduct of a sexual nature in relation to the other person (eg. offensive phone calls, e-mails, screen savers, indecent exposure or stalking);

and the person engaging in the conduct described above does so:

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

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**1.5.3.3 Referral officers**

Ministerial Services has access to Referral Officers (ROs) whose role is to:

- a. provide confidential advice and support to complainants subjected to sexual harassment;
- b. advise staff about the nature of sexual harassment, its effects and complaint resolution mechanisms.

**1.5.3.4 Vicarious liability**

Vicarious liability is a legal doctrine, which holds a person or organisation responsible for the wrongful actions of another. It means that employers are legally responsible for the discriminatory acts of their employees.

Section 133 of the *Anti-Discrimination Act 1991* provides that if an employer's workers or agents contravene the Act in the course of work or while acting as agent, both the person and the worker or agent, as the case may be, are jointly and severally liable for the contravention, and a proceeding under the Act may be taken against either or both.

An employer's defence is that it took reasonable steps to prevent harassment. It is no defence for the employer to say that they did not know the harassment was occurring.

**1.5.3.5 Responsibility of Ministerial Services**

Ministerial Services is responsible for facilitating the implementation of the Department's policy. This responsibility includes:

- a. dealing with complaints promptly and seriously;
- b. disseminating information and providing training to staff with the aim of preventing incidents of sexual harassment

The objective of the following information is to outline the responsibilities of the Leader and staff, the role of the unions and the procedures for the resolution of complaints.

**1.5.3.6 Responsibility of Leaders and staff**

All staff have a responsibility to ensure that sexual harassment does not occur in the workplace.

Leaders and senior staff have the responsibility to:

- a. clarify and set standards of appropriate workplace behaviour;
- b. monitor the work environment for inappropriate behaviour;
- c. address inappropriate behaviour;
- d. be conversant with the policy on sexual harassment;

- e. ensure all complaints of sexual harassment are treated seriously, confidentially and expeditiously;
- f. monitor the workplace and ensure that all staff fulfil their responsibilities in relation to this policy;
- g. ensure the relevant parties are not victimised; and
- h. act as role models for other staff.

#### 1.5.3.7 Role of the Unions

An employee is entitled to contact their union at any time in regard to sexual harassment matters. This is true for both employees who report harassment and those employees who have complaints made against them. It is not the role of managers and supervisors to contact the union on behalf of a staff member.

Unions are available to provide support and advice to their members and may act on their behalf in respect of complaints of sexual harassment at any stage.

#### 1.5.3.8 Procedures for resolution

There are two paths for the resolution of sexual harassment - an internal path and an external path.

#### 1.5.3.9 Internal resolution

A number of options exist under the internal path including an Informal Process or a Formal Process. These options are detailed below. A flowchart outlining the process for resolving workplace behaviour issues is provided at Appendix 19.

#### 1.5.3.10 The Informal Process

The use of informal measures to resolve harassment promote a range of benefits including:

- a. the least organisational disruption with the individuals concerned continuing to work together;
- b. allowing the individuals concerned to take positive action to resolve the situation;
- c. focusing on improving future working relationships by clarifying what is regarded as acceptable behaviour for staff and;
- d. to safeguard against the escalation of the matter.

This informal process may be initiated by the individual complainant or following a discussion of the situation with a manager or supervisor, a union or the RO. Responsibility and control is taken by the individual.

To assist in identifying which informal option a complainant should pursue, they should work out what outcomes they seek and choose the option that is most likely to produce the desired outcome.

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It may be helpful at this stage to discuss options with the RO.

The options for the complainant are as follows:

- Speaking to the person directly
- Requesting the assistance of the manager/supervisor
- Mediation
- Seeking assistance from the RO or Ministerial Services.

These options are outlined in more detail below:-

**Speaking to the person directly:**

This option involves the complainant advising the alleged harasser that they find their behaviour offensive. The complainant needs to be specific about the behaviour that has given offence so that no doubt is left in the other person's mind as to what is being objected to and how to avoid offending again. The complainant may also wish to point out that the behaviour may be unlawful under the *Anti-Discrimination Act 1991*.

If staff elect to deal with the matter themselves, they should ensure that the communication to the alleged harasser is not overheard or intercepted by any other parties.

If this option is pursued, the complainant and the alleged harasser should deal with the matter in strict confidence and with respect for each other's rights.

Care should be taken not to place either party in a threatening or intimidating situation or to embarrass or humiliate the alleged harasser by making a public accusation.

Equally, the alleged harasser should not respond to the complainant in a way, which may humiliate, intimidate or embarrass them. Victimisation of the complainant is also an offence under the *Anti-Discrimination Act 1991*.

**Requesting the assistance of the manager/supervisor**

The complainant may request the assistance of their manager/supervisor in resolving the complaint. As part of the informal process the manager/supervisor should attempt to resolve the matter at the local level. The manager/supervisor would need to talk frankly and honestly about the complaint with the alleged harasser.

When assisting in the informal process, the manager should seek to achieve a resolution between the parties, whereby there is agreement about what constitutes appropriate behaviour in the workplace and that any inappropriate behaviour, which has occurred in the past, will cease.

The manager/supervisor who resolves a situation locally should be aware of the need to monitor the workplace following the incident to ensure that workplace behaviour is appropriate and that the complainant is not being victimised.

### **Participating In mediation**

Mediation between a complainant and the individual causing offence is an effective way of dealing with complaints informally and confidentially. Independent mediation can be arranged through Ministerial Services.

### **Requesting the assistance of the Referral Officer**

Complainants can seek assistance from a Referral Officer (RO) who is available to listen, provide support and advise about complaint resolution options.

ROs are also available to provide advice to manager/supervisors on the general issues involved in a complaint of sexual harassment and complaint resolution options.

The RO's role is an advisory one only and ROs will not investigate or attempt to resolve complaints of sexual harassment. The obligation and authority for resolving complaints remains with management.

#### **1.5.3.11 The Formal Process**

Formal mechanisms may be appropriate where informal measures fail, the nature of the situation requires a more formal approach or the complainant chooses not to resolve the matter informally.

It is generally recommended that every effort be made to resolve the complaint within the Office. Failing this, or where this is not a viable course of action it is appropriate to refer the matter to the Director-General, Department of the Premier and Cabinet who is legally responsible for ensuring adherence to the provisions of the anti-discrimination legislation as it relates to Opposition staff.

The following two step process has been established to deal with formal complaints of sexual harassment relating to Opposition staff. All stages of this process will be dealt with in a completely confidential manner and only those with a genuine need to know will be given any information about an individual enquiry. The complainant may involve the union at any stage of this process and where it is appropriate may move straight to Step 2 of the process.

#### **Step 1**

The employee informs the Chief of Staff verbally or in writing of the existence of the complaint. If the Chief of Staff is the alleged offender or appears to condone the behaviour, the employee should take the complaint to the Leader or lodge it directly with the Director-General, Department of the Premier and Cabinet. This may also be appropriate where the complainant has reason to prefer to lodge their complaint directly with the Director-General eg. where there is fear of repercussions within the Office.

The Chief of Staff or other person approached in relation to the complaint should inform the Leader. The Leader determines whether or not he/she wishes to attempt to resolve the matter. The

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person responsible for resolving the matter must attempt to do so within 10 calendar days. If the matter remains unresolved after 10 calendar days, the parties to the complaint will be provided with information about the status of the complaint and the planned finalisation date.

If the matter remains unresolved after 21 calendar days of advising the Chief of Staff, the complainant may proceed to Step 2 unless otherwise agreed between the employee and the Chief of Staff.

Step 2

If the complaint is not resolved at Step 1, the complainant may submit the complaint in writing to the Director-General, Department of the Premier and Cabinet.

As with Step 1, if the complaint remains unresolved after 10 calendar days, the parties to the complaint must be provided with information about the status of the complaint and the proposed finalisation date.

The Director-General will ensure that the complainant has the opportunity to present all aspects of the complaint and that the grievance is investigated in a thorough, fair and impartial manner within 21 calendar days, unless otherwise negotiated. Union representation is also permitted at this level.

The Director-General will ensure that the complainant has the opportunity to present all aspects of the complaint and that the complaint is investigated in a thorough, fair and impartial manner. Union representation is also permitted at this level.

Following receipt of the investigating officer's report, the Director-General will make the final decision on any action to be taken and will advise the complainant and the alleged offender accordingly.

Where Step 2 remains unfinalised, and/or the complainant remains aggrieved after 21 days, he or she may make a fair treatment appeal to the Public Service Commissioner. For details on this appeal process contact a Ministerial Services or a Referral Officer.

**1.5.3.12 External resolution**

External options available to Opposition staff are:

- Anti-Discrimination Commission (Queensland);
- Queensland Police Service; or the
- Crime and Misconduct Commission.

**Anti-Discrimination Commission (Queensland)**

Staff may seek advice from the Anti-Discrimination Commission (Queensland) at any stage, about making a complaint under the *Anti-Discrimination Act 1991*.



If an employee wishes to make a complaint to the Commission, it will need to be put in writing before action can be taken.

Commission staff will advise complainants if their grievance falls within its jurisdiction and if so, how the Commission may be able to assist.

Complaints are investigated and settled primarily through conciliation. Conciliation is a way of settling conflict by bringing the disputing parties together to reach a voluntary agreement that suits everyone involved.

The disputing parties are helped in this by a conciliator who is an officer of the Commission. Conciliators are neutral parties and everything discussed with a conciliator is confidential. There is no charge for having a complaint investigated and conciliated.

If the parties cannot settle the matter through conciliation, the complaint may be referred for hearing to the Anti-Discrimination Tribunal.

#### **Police/Crime and Misconduct Commission**

Complainants may take serious assaults involving criminal conduct to the police for investigation. Individuals may also complain to the Complaints Section of the Crime and Misconduct Commission about sexual harassment where the behaviour is perceived to be official misconduct.

### **1.5.4 Code of Conduct**

Staff employed within the Office of the Leader of the Opposition are public sector employees within the meaning of the *Public Sector Ethics Act 1994*. Accordingly, all staff are required to comply with the ethical principles and obligations specified in the *Public Sector Ethics Act 1994*.

A Code of Conduct has been developed pursuant to the Act for staff employed within the Office of the Leader of the Opposition. All staff are required to be familiar with and comply with this Code of Conduct.

Copies of the Code of Conduct are to be maintained in the Opposition Office and are available from Ministerial Services.

Staff should also be aware that there are provisions in the *Public Service Act 1996*, the *Criminal Code Act 1899*, and the *Crime and Misconduct Act 2001* that relate to conduct by public sector employees.

## 1.6 Workplace health and safety

The *Workplace Health and Safety Act 1995* and Regulations seek to promote and secure the health and safety of everyone at the workplace. By focusing on the management of health and safety at work and emphasising accident prevention, the Act requires employers, employees and others to take appropriate measures to ensure a healthy and safe workplace.

Workplace health and safety can generally be managed by:

- a. identifying hazards;
- b. assessing these hazards to determine the possible risk of injury;
- c. deciding upon and implementing control measures to remove or minimise the risk level of injury; and
- d. monitoring and reviewing the effectiveness of these control measures.

### Employer's responsibilities

An employer has an obligation to ensure the workplace health and safety of each of the workers at work.

The employer also has an obligation to ensure that their workplace health and safety and the health and safety of others is not affected by the way in which the employer conducts their business.

### Employee's responsibilities

An employee or anyone else at the workplace has the following obligations:

- a. to comply with the instructions given for workplace health and safety at the workplace by the employer;
- b. to use personal protective equipment if the equipment is provided by the employer and the employee is properly instructed in its use;
- c. not to wilfully or recklessly interfere with or misuse anything provided for workplace health and safety at the workplace;
- d. not to wilfully place at risk the workplace health and safety of any person at the workplace; and
- e. not to wilfully injure himself or herself.

### Contact Officer

Manager, Human Resources, Ministerial Services Ph: 3224 4255.

### Identification of hazards

Employees are encouraged to participate in the development and maintenance of workplace health and safety in the office.

Employees are in the best position to identify health and safety hazards in the workplace. Examples of hazards that might be observed include:

- Blocked corridors and walkways;

- Uneven or wet and slippery walking surfaces;
- Access to fire fighting appliances obstructed;
- Access to emergency exits obstructed;
- Excessive use of power boards and extension leads;
- Computer and or electrical leads across the floor or hanging behind desks or from the ceiling etc;
- Sharp objects or edges exposed;
- The possibility of hands, hair or clothes etc getting caught in office machinery;
- Chemical hazards.

Employees are not only in the best position to identify problems in the workplace, in most instances they are also most capable of identifying appropriate control measures such as:

- Elimination- this is the most effective control measure.
- Substitution- this involves replacing the hazardous material or process with a safer one;
- Redesign- Work processes and equipment can often be redesigned to reduce or eliminate risk;
- Separation- Control by separation involves isolating the hazard from the person, or the person from the hazard.
- Administrative- involves limiting the duration or conditions of the exposure. (eg. organise job rotations etc).

Any employee who has a concern with the health and safety of the workplace or any workplace activities is responsible for raising the concern with the Manager, Human Resources, Ministerial Services.

#### **Procedures**

All accidents/incidents, workplace injuries, work caused illnesses are to be notified immediately to the Manager, Human Resources, Ministerial Services using the incident report form. See APPENDIX 18 Workplace Health and Safety Report.

## 2.0 Information Management

### 2.1 Electronic mail

Email is an essential tool in a modern workplace. The capacity to use email to communicate not only with fellow staff, but also with anyone on the internet carries with it certain responsibilities. Incorrect or inappropriate use of email can have serious consequences. The intent of the following policy and guidelines is to clarify the responsibilities regarding use of email and to establish professional and ethical conduct of good email usage.

Email will be provided for business purposes. The system will have both an internal and internet email facility. Controls will be put in place to maintain the confidentiality, integrity and availability of the system.

#### Policy

##### Email System

The use of an external, non-supported email system can pose a security risk to office information.

A centrally provided email system will be used within the Opposition network that incorporates appropriate access controls for each user. No other email systems, including those offered by Internet Service Providers (ISPs) or external web-based mail systems should be used for official purposes for security reasons.

##### Inappropriate Use

Email usage must be able to withstand public scrutiny and/or disclosure.

Unauthorised accessing, transmitting or storing of material that might bring the public service into disrepute is not permitted.

Email must not be used to:

- a) defame, harass, abuse or otherwise offend other internet and email users, individuals or organisations;
- b) refer to people in a manner that could reasonably be taken by them as being offensive;
- c) download, store or distribute offensive material (eg pictures and literature) or contrary to law material or material containing defamatory comments;
- d) attempt to obscure the origin of any message or download material under an assumed internet address or otherwise disguise user identity;
- e) knowingly obtain unauthorised access to information or damage, delete, insert or otherwise alter such information with malicious intent;

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- f) circumvent copyright provisions;
- g) maintain or support a personal or private business;
- h) disrupt communication and information by placing an unnecessary burden on an agency or Opposition resources;
- or
- i) perform unsolicited mass marketing on the internet (spamming).

When writing email, staff should assume that the message can be retrieved from backup at any time in the future, even if deleted by the user. The potential exists for litigation discovery requests to include disclosure from this source.

Inappropriate use of email can lead to disciplinary action and/or the revocation or suspension of email access.

#### **Personal use of email**

Cabinet has endorsed an Email policy and principles statement which requires that email access be provided for officially approved purposes only.

Officially approved purposes includes limited personal use. Limited personal use of email is permitted where it:

- a. generally takes place during the employee's non-work time;
- b. incurs minimal additional expense to the Government;
- c. is infrequent and brief;
- d. is not used to support a personal private business;
- e. does not interfere with the operation of the Government;
- f. does not compromise the security of systems; and
- g. does not violate any State/agency policy or related State/Federal legislation and regulation.

The privilege of using Government devices for limited personal use may be revoked or limited at any time.

Examples of limited personal use include:

- a. sending an email home to advise what time you will arrive;
- b. responding to an email from a friend; or
- c. submitting an assignment to an educational institution.

#### **Records**

Information that meets the definition of a record must meet whole-of-government and legislative requirements for records management.

Email systems are not records management systems and tape backup systems do not adequately archive data.

A printed copy of email or calendar information may be required for use in the Opposition records management system.

Only email that is necessary to demonstrate a significant decision making process should be kept.

Refer to the Records Management Guidelines for more information.

#### **Storage space**

Email systems can become unstable for all users when large amounts of data are stored. The duration of backups and the time to restore from a failure is directly related to the storage space used.

Storage space is to be limited to an allowance of 40mb per user account unless otherwise agreed between the office and Ministerial Services.

#### **Message size**

Large attachments can decrease system performance and potentially cause system outages.

The size of an individual email message traversing networks of different bandwidth, such as the Internet, is currently limited to 10mb unless otherwise agreed between the office and Ministerial Services.

#### **Viruses**

Email is one of the most common entry point for viruses and malicious code.

The Opposition Network will use anti-virus software and will be configured to protect against viruses. Anti-virus software will automatically scan all messages and attachments at the internet gateway, email server and at all workstations.

An addition to anti-virus software, the email system will proactively block executable content from entering the network, such as ".exe", and other similar file types.

#### **Spam**

A corporate email system can be the target of large volumes of unwanted email (Spam). All email is filtered to prevent Spam messages from entering the Ministerial Network, however no filter will capture all Spam. This filter is monitored and maintained centrally. Exceptions or additions to the Spam filter can be requested via the Ministerial Service Desk. All identified Spam messages are quarantined and are reviewable by the office via the service desk.

#### **Use of distribution lists**

Unnecessary email broadcasts can reduce the usability of the email system.

Distribution lists are to be used for official purposes only and are not to be used for personal messages.

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**Monitoring**

All internet email is subject to a filtering process. All email is backed up, including personal email and is recoverable.

**Forwarding email after resignation or secondment**

Automatic forwarding of a user's email to an external account can pose a security risk to the confidentiality of that message.

Email will not be forwarded to another address without the approval of the Leader.

**Email disclaimer**

The whole-of-government security standard recommends the use of an email disclaimer on outbound internet messages.

An email disclaimer will be automatically inserted into the footer on all outgoing Opposition internet messages. The text of the current approved disclaimer is below:

This email, together with any attachments, is intended for the named recipient(s) only; and may contain privileged and confidential information. If received in error, you are asked to inform the sender as quickly as possible and delete this email and any copies of this from your computer system network.

If not an intended recipient of this email, you must not copy, distribute or take any action(s) that relies on it; any form of disclosure, modification, distribution and/or publication of this email is also prohibited.

Unless stated otherwise, this email represents only the views of the sender and not the views of the Opposition.

**Sensitive Information**

Sensitive information can be easily disclosed via email.

Never send or keep email that you would be worried about seeing on the evening news, quoted, printed or forwarded onto others.

Never communicate sensitive or confidential information via electronic means unless the information is encrypted or secured in a way endorsed by the Director, Ministerial Services. Do not forward sensitive email to external email addresses, including home or web mail systems.

**Email etiquette**

Without face to face communications your comments in e-mail may be viewed as criticism.

Be polite, professional and careful about what you say, especially about others (the informality of email can trick the unwary).

Always include a signature block (name, position, office and internet address, including mobile number if appropriate) at the

bottom of email messages when communicating with people who may not know you personally or when broadcasting to a dynamic group of subscribers. For example:

*John Smith*  
*Senior Advisor*  
*Office of X*  
*Telephone: +61 7 322 4xxxx*  
*Fax: +61 7 322 5xxxx*  
*Email: John.Smith@ministerial.qld.gov.au*

### **Email and calendar permissions**

It is easy for a user to inadvertently provide access to their email and calendar to unauthorised staff.

It is your responsibility to ensure that you regularly check who has access to your email and calendar. Permissions to these systems are set by users and cannot be centrally controlled. If in doubt, contact the Service Desk (46358) to double-check all settings.

## **2.2 Information security**

### **Policy**

This policy sets out the basic security requirements to which you need to be aware and must comply. Detailed IT security policies and procedures are in place in Department of the Premier and Cabinet and apply to the Opposition network except where they conflict with policies and procedures detailed in the Opposition Handbook.

Due to the nature of work carried out in the Office of the Leader of the Opposition, a great deal of information is of a confidential nature. This confidentiality requires that all staff using the Opposition computer network must maintain awareness of, and agree to, all information security policies detailed below.

### **Policy principles:**

- a. IT systems are provided for officially approved purposes only.
- b. Your use of IT systems must be able to survive public scrutiny and/or disclosure, and comply with applicable laws, regulations and agency policies.
- c. You have a responsibility to be ethical and efficient in your use of IT systems. You may be called upon to explain your use of IT systems. Use of the IT systems will be monitored in accordance with lawful authority. Access logs will only be provided at the request of the Leader of the Opposition or for official investigators (eg. Crime and Misconduct Commission).
- d. All staff must complete an "Information Security Document - Condition of Use for Account Creation" form, on



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- commencing employment (see APPENDIX 8). This will be a prerequisite to obtaining access to the Opposition computer network.
- e. Passwords are required for network access and must be specific to the individual and are not to be shared.
  - f. Generic accounts are not to be used with the exception for temporary staff hired for periods of time not exceeding two weeks. Use of generic accounts within the Office must be maintained in a register within the office.
  - g. Ministerial Services must be advised of any suspected security breaches or potential security problems within the Office in so far as they relate to the Opposition computer network.

**Security Practices**

- a. A monthly password change cycle will be implemented.
- b. Passwords must be at least 6 characters in length.
- c. Passwords must not be written down.
- d. Physical access to servers and network equipment including patch panels, hubs and routers is to be restricted to authorised personnel only.
- e. After 10 minutes of inactivity a password-protected screen saver will be enforced unless otherwise agreed.
- f. On cessation of employment of a staff member in the Office, the facilities manager shall be notified by the Office Manager or Ministerial Services and shall terminate all access privileges for the employee.
- g. Remote access to the network must use SecurID two-factor security.
- h. Daily backups of all data are stored centrally. Weekly, monthly and yearly backup tapes are retained in a secure locked location off-site for disaster recovery purposes in accordance with backup procedures.
- i. Service staff who require access to the Opposition computer network or machinery attached to the Opposition computer network should be vetted prior to their being granted access. (eg. Check the identification of service personnel - all service companies should require their authorised access is attempted or the authenticity of the person is in doubt, contact Ministerial Services immediately.)
- j. All computer equipment must be disposed of through the facilities manager or Ministerial Services. This equipment may house confidential information and disposal by any other means may put sensitive information at risk. (Computers often save information to temporary files that users may not be aware existed.)
- k. The use of floppy disks, Cds, DVDs, and other portable storage devices such as memory sticks should be undertaken with caution:
  - i. These disk drives are easy to misplace, therefore they must be carefully managed by the user. Disk

- drives should be encrypted or password protected if possible.
- ii. Neither Ministerial Services or Facilities Management can be held responsible for data stored on these devices.
  - iii. Manual backups of these devices should be performed regularly by the Office as it is not possible to back up these media during standard system backups.
- I. The use of non-standard software requires the approval of the Director, Ministerial Services.

### Remote Access

A secure remote access facility is provided for Leaders and staff. Remote access must use two factor authentication tokens in order to protect against the increased risk of unauthorised access.

Remote access (such as Webmail or Citrix via the Internet) may be via a non-ministerial asset. The Service Desk will normally provide limited support only (general advice) for Citrix or Webmail issues related to home or external computers.

### Personal Digital Assistants

The current Standard of Personal Digital Assistant supported on the network is the Blackberry. The support of any other device connected to the network must be approved by the Director Ministerial Services.

Blackberries can contain sensitive information. Data security for Blackberries is commensurate with network security. Passwords and inactivity timeouts will apply to these devices. A lost Blackberry must be reported immediately to the service desk where the device can be remotely disabled and securely erased.

## 2.3 Internet Policy

### Purpose

Internet access is an essential tool in a modern workplace. The capacity to use the internet carries with it certain responsibilities. Incorrect or inappropriate use of the internet can have serious consequences for the office. The intent of the following policy and guidelines is to clarify the responsibilities of staff use of the internet and to establish professional and ethical conduct of good internet usage.

Internet access is a valuable tool that is available to all users of the Opposition network. Staff are encouraged to use the internet as an information resource and to become familiar with how to use the facilities it offers.

Due to the risk of security threats from the internet, access will be controlled and monitored. Unauthorised accessing, transmitting or

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storing of material that might bring the office into disrepute is strictly prohibited.

**Inappropriate Use**

Internet usage must be able to withstand public scrutiny and/or disclosure.

Unauthorised accessing, transmitting or storing of material that might bring the office into disrepute is not permitted.

The internet must not be used to:

- a. Defame, harass, abuse or otherwise offend other internet users, individuals, organisations, or departments;
- b. Knowingly download, store or distribute offensive material (eg. pictures and literature) or contrary to law material containing defamatory comments;
- c. Attempt to obscure the origin of any message or download material under an assumed internet address or otherwise disguise user identity.
- d. Knowingly obtain unauthorised access to information or damage, delete, insert or otherwise alter such information with malicious intent;
- e. Circumvent copyright provisions;
- f. Maintain or support a personal private business;
- g. Disrupt communication and information by placing an unnecessary burden on agency resources; or
- h. Perform unsolicited mass marketing on the internet (spamming).

Inappropriate use of the internet can lead to disciplinary action and/or the revocation or suspension of internet access. Any employee found to have used a government-owned communication or information device to download, store or distribute pornography will be dismissed.

**Personal use of the Internet**

Cabinet has endorsed an internet policy and principles statement which requires that internet access be provided for officially approved purposes only.

Officially approved purposes includes limited personal use. Limited personal use of the internet is permitted where it:

- a. Generally takes place during the employee's non-work time;
- b. Incurs minimal additional expense to the Government;
- c. Is infrequent and brief;
- d. Is not used to support a personal private business;
- e. Does not interfere with the operation of the Government or the office;
- f. Does not compromise the security of the Opposition systems; and
- g. Does not violate any State/agency policy or related State/Federal legislation and regulation.

Examples of limited personal use include:

- a. Accessing non-work related sites during a lunch break;
- b. Briefly accessing a non-work related site during office hours, similar to making a brief personal phone call; and
- c. Accessing an educational institution's web site to download assignments or course notes.

Any personal internet access is at the user's risk. The Government is not liable for any loss or damage caused by the Opposition Internet access system.

The privilege of using Government devices for limited personal use may be revoked or limited at any time. All internet access including personal access will be monitored.

#### **Who can access the internet**

Use of the Opposition network internet link by unauthorised users can pose a security risk and bring the Government or the office into disrepute.

Internet access is provided to authorised persons only. Sharing of passwords or logging on to provide access for unauthorised persons is prohibited.

#### **Viruses and other internet attacks**

The internet is one of the most common entry points for viruses, malicious code, and "hacker" attacks.

The Opposition IT systems will use anti-virus software and will be configured to protect against viruses. Anti-virus software will automatically scan all traffic at the internet gateway and at all workstations. In addition to anti-virus software, the internet system will proactively block executable content from entering the network, such as ".exe", and other similar file types.

A firewall will be used to reduce the risk of attacks from the internet and limit the damage any attack may cause to departmental systems.

#### **Monitoring**

All use of the internet will be monitored in accordance with lawful authority. Access to logs will only be provided at the request of the Leader of the Opposition or official investigators (eg. Crime and Misconduct Commission).

All internet access will be logged. For each site accessed, an audit log of username, site address, and date and time will be automatically recorded and archived.

Access to the audit logs will be controlled and used only for official purposes.

#### **Internet system**

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The use of an external, non-supported internet link can pose a security risk to government information.

A centrally provided internet link will be used within the Opposition network that incorporates appropriate security systems.

**Communication on the Internet**

If staff are participating in any communication on the Internet such as newsgroups, email or chat, ensure that any representation on behalf of the office is appropriately authorised. If the officer does not have the authority to speak on behalf of the Leader in a public forum, they should represent themselves on the Internet as a private individual, not as an Opposition representative.

**Policy awareness and acknowledgement**

All users must sign a form stating that they are aware of and agree to adhere to this policy. The induction for new staff and the QuickStart training course which is recommended for all new staff, will also inform users of this policy.

See Electronic Mail  
Information Security

**2.4 Opposition records**

**Policy**

The *Public Records Act 2002* provides that records which are deemed to be public records may only be disposed of in accordance with the Disposal Authority issued by Queensland State Archives.

Public Records do not include electorate, party political or personal records. Furthermore, records of Members of Parliament or Parliamentary records are outside the scope of the *Public Records Act 2002*.

State Archives has advised that in the case of records held by the Office of the Leader of the Opposition, the records which would be deemed public records are those which are created in the provision of financial and personnel services by Ministerial Services.

As such, Ministerial Services already holds those public records which should be retained for accountability and administrative purposes, for the appropriate retention periods, as described in the Financial Management Standard or the General Retention and Disposal Schedule for Administrative Records.

Ministers, Ministerial staff and public servants (other than the Director-General, Department of the Premier and Cabinet) will not be granted access to records of the Office of the Leader of the Opposition held in Ministerial Services except to the extent that such access is required for audit purposes or other official investigations (eg. requests for information in writing from the

Crime and Misconduct Commission, Police, the Courts, or Commissions of Enquiry).

The following procedures apply to the management and disposal of Records.

### **Procedures**

#### **Records held in Ministerial Services**

The Leader will be advised prior to release of information in all instances except for routine audit examination by the Department of the Premier and Cabinet Audit and Evaluation Unit or the Queensland Audit Office or access by the Director-General, Department of the Premier and Cabinet.

This is similar to access procedures in place for Ministerial records held in Ministerial Services.

#### **Management of Records**

Public Records should be managed in accordance with the attached Disposal Authority issued by Queensland State Archives. It should be noted that there is no requirement to forward any records to State Archives.

Personal and Political Records may be managed at the discretion of the Leader.

#### **Electronic Data**

Copies of electronic records may be stored outside the official network on home-use computers of Leaders and their staff, however the original record must be retained within the official network.

Back-ups of data stored on the network should be carried out on a daily, weekly, monthly and yearly basis.

As a security measure, Opposition Office backup tapes will be stored off-site.

#### **Disposal of Records**

##### **During the term of a current serving Leader**

Records should be disposed of in accordance with the attached Disposal Authority.

##### **In the event of a Leader ceasing to hold the role of Leader**

Records should be disposed of in accordance with the attached Disposal Authority.

##### **In the event of a Change of Government**

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Records should be disposed of in accordance with the attached Disposal Authority.

In the case of electronic records, the back-up tapes held off-site will be returned to the facilities manager within 48 hours of the election result and/or prior to the new Opposition staff taking up duty.

All electronic data, with the exception of back-up tapes and diskettes, stored in the network will be deleted by Ministerial Services or its agent within a period of 48 hours after the election result and/or prior to the new Opposition staff taking up duty.

A tape back-up of file servers will be made prior to deletion. The full network back-up will be forwarded to the outgoing Leader.

If an electronic record is not deleted through an error or is subsequently recovered from the network, that record will be deemed to be the property of the Office of the Leader, under whose administration the records were created.

RTI RELEASED

**Responsible Agency :** OFFICE OF THE LEADER OF THE OPPOSITION, LEADER OF NON -GOVERNMENT PARTIES AND INDEPENDENT MEMBERS

**Queensland Disposal Authority Number (QDAN) :** 524 **Version:** 1

**Date of approval :** 12 January 2001

**Approved by State Archivist :** Original Signed by State Archivist

**QSA File Reference :** F388

**Scope of disposal authority:** This disposal authority applies to records held in the OFFICES OF THE LEADER OF THE OPPOSITION, LEADER OF NON-GOVERNMENT PARTIES AND INDEPENDENT MEMBERS relating to the function of financial and personnel support provided by the Ministerial Services Branch, Department of Premier and Cabinet. It applies to records irrespective of format.

The financial and personnel records required to be kept for accountability purposes are held by the Ministerial Services Branch and are subject to disposal requirements described in the *Financial Management Standard* and the *General Retention and Disposal Schedule for Administrative Records*.

This schedule does not apply to personal, party political, members' or parliamentary records which are outside the scope of the *Public Records Act 2002*.

**Revocation of previously issued disposal authorities:** Any disposal authority issued previously, which applied to disposal classes described in this authority, is revoked. The agency responsible should take measures to withdraw revoked disposal authorities from circulation.

**Disposal actions:** Records of permanent status are not to be transferred automatically to Queensland State Archives. Agencies are required to submit a transfer proposal containing details of the records under consideration for transfer and a comprehensive list. The transfer proposal will be assessed by Queensland State Archives before formal approval to transfer is issued. The State Archivist reserves the right to revise any previous decisions made with regard to the appraisal and transfer of records. Contact the Transfers Officer at Queensland State Archives on (07) 3875 8755 for further details.

**Conditions:** Authorisation for the disposal of public records is given under and subject to the provisions of Section 13 of the *Public Records Act 2002*. Public records must not be disposed of if disposal would amount to a



contravention of Section 13. Particular care should be taken before disposing of public records of a Court or a Commission within the meaning of the *Commissions of Inquiry Act 1950*.

Public records must not be disposed of if they are required:

- (i) for any civil or criminal court action which involves the State of Queensland or an agency of the State; or
- (ii) because the public records may be obtained by a party to litigation under the relevant Rules of Court, whether or not the State is a party to that litigation; or
- (iii) pursuant to the *Evidence Act 1977*, or
- (iv) for any other purpose required by law.

This list is not exhaustive.

Documents which deal with the financial, legal or proprietary rights of the State of Queensland or a State related Body or Agency viz a-viz another legal entity and any document which relates to the financial, legal or proprietary rights of a party other than the State are potentially within the category of public records to which particular care should be given prior to disposal.

If in doubt about the legality or probity of the disposal of any document which may fall within these categories you should obtain legal advice.

Reference	Series Description	Status	Disposal Action
1.	Records held in the OFFICES OF THE LEADER OF THE OPPOSITION, LEADER OF NON-GOVERNMENT PARTIES AND INDEPENDENT MEMBERS of transactions relating to the function of financial and personnel support provided by the Ministerial Services Branch, Department of Premier and Cabinet.  <b>Note:</b> The public records required for accountability purposes are held by the Ministerial Services Branch and are subject to disposal requirements described in the <i>Financial Management Standard</i> and the <i>General Retention and Disposal Schedule for Administrative Records</i> .	Temporary	Retain until administrative use ceases or destroy on change of Government.

## 3.0 Accountability and Ethics

### 3.1 Accountability and budget process

The overarching documents relating to accountability in the Office of the Leader of the Opposition are the *Financial Administration and Audit Act 1977*, Financial Management Standard 1997 and this Handbook.

Leaders and their staff operate in an environment of rigorous accountability and their actions and expenditure are likely to come under close public scrutiny.

The Leader's Office for accountability purposes, falls under the responsibility of the Director-General, Department of the Premier and Cabinet, who is charged with being the Accountable Officer under the *Financial Administration and Audit Act 1977*.

Notwithstanding this, the Leader still remains responsible for the proper management and control of all financial transactions of the Office.

The *Freedom of Information Act 1992* applies to the operations of the Office of the Leader of the Opposition.

The budget for the Office is included in the appropriations of the Department of the Premier and Cabinet. As such, similar external reporting requirements apply to the Office as to other functional areas of the Department. These include:

- a. scrutiny by Parliamentary Estimates Committees;
- b. audit by the Queensland Audit Office;
- c. internal audit by the Department of the Premier and Cabinet audit and evaluation unit; and
- d. published information in budget documentation tabled in the House and annual financial statements.

In addition a six monthly Public Report of Office expenses is required to be tabled in Parliament. The report following the end of the financial year is audited by the Queensland Audit Office.

To enable accountability requirements to be met, Ministerial Services will maintain necessary accounting systems that ensure compliance with the requirements of this Handbook and facilitate the correct categorisation and charging of expenditure. These systems may be separate from and independent of other Departmental accounting systems.

The primary internal controls that apply to the Leader's Office are:

- **Monthly budget and expenditure reporting.** Ministerial Services will provide the Office with detailed transaction reports of all monthly expenditure incurred and a report comparing monthly and yearly expenditure to budget

*Accountability and Ethics*

forecasts. The Office is required to examine the reports, certify the reports, and return the certification to Ministerial Services.

- **Adequate documentation.** Expenditure is unable to be processed without the following adequate supporting documentation:
  - original source documents, eg. original receipts, vouchers;
  - appropriate authorisation; and
  - an official order or other legal document, for all contracts/commitments.
- **Ministerial Services checking.** Ministerial Services provides assistance to the Director-General in meeting the obligations of the Accountable Officer through examination of documentation and seeking, where necessary, additional information or explanation on expenditure claims. This also includes reconciliations of such items as petty cash, overseas cash advances, and credit facilities (eg. credit cards, travel accounts).
- **Stocktakes of assets and gifts on display.** The register of gifts valued at over the reporting threshold is tabled annually.
- **Independent authorisation of expenditure.** With the exception of the Chief Delegated Officer, staff are not able to authorise their own expenditure.
- **Public reporting of expenditure.** Six monthly reports on office expenditure are tabled in Parliament. The report for the end of the financial year is audited by the Queensland Audit Office.

### **Procedures**

Submissions for variations to the budget, new services or entitlements require the approval of the Premier.

Generally, any requests for enhancements should include an appropriate business case. A copy of the request should be provided to Ministerial Services.

Travel or other costs for the Leader that are in excess of Entitlements set out in the Members' Entitlements Handbook may be referred by Ministerial Services to the Premier for approval.

## **3.2 Gifts - received**

### **Policy**

This schedule applies to Leaders and their staff.

Leaders are also required to ensure that gifts received by Shadow Ministers that meet the reporting threshold in this section are notified to Ministerial Services for inclusion in the gifts register.

This section should be read in conjunction with the requirements of the Members' Pecuniary Interest Register and the Code of Conduct for staff of the Office of the Leader of the Opposition.

The *Public Sector Ethics Act 1994* sets out the ethical obligations for public officials and requires they be included in Codes of Conduct. It also sets out the functions of the Integrity Commissioner which include providing advice (upon request) about conflict of interest issues.

Gifts are tangible items that have a lasting value and can include (but are not limited to) items that have been presented or donated, transfers of money other than as part of an approved assistance program, virtual or concealed gifts such as permanent loans of money or property, sales at sums significantly below proper valuations or shares. They do not include intangible benefits such as hospitality where there is no enduring value (These items are covered separately under section 4.8 Hospitality)

Inducements such as preferential treatment, access to information or the promise of a job at a future date must be considered in line with codes of conduct and codes of ethics.

Leaders need not disclose items which can be regarded as mementos and take the form of company badged gifts, cuff-links, ties, scarves, stationery and the like, the manufacturer's wholesale value of which did not exceed \$300 in the country of origin unless:

- a. the gift was one (1) of two (2) or more gifts made by the same person at any time during the same trip; and
- b. the wholesale value of those two (2) or more gifts exceeds, in aggregate \$300.

(Note: If doubt exists as to the value of the gift, the gift should be disclosed to Ministerial Services).

The definition of "gifts" does not extend to include those gifts retained by the Leader, their staff, or members of their immediate family which are received from family members or personal friends in a purely personal capacity.

For all gifts received and estimated at more than \$300 wholesale value, the Leader or staff member shall complete a 'Declaration of Gifts Received' form within 21 days of receiving the gift (or 21 days from the date of return to Australia if the gift was received overseas).

Staff must seek the approval of the Leader prior to accepting or retaining a gift of any value. The approval for gifts with a wholesale value above \$300 must be included on the 'Declaration of Gifts Received' form.

See APPENDIX 5 - Declaration of gifts received.

The following acceptance and non acceptance principles apply to all gifts as defined above:

#### Acceptance Principles

A gift may be accepted if it complies with all of the following principles:

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- a. Refusal would offend; or
- b. it conforms to international practice or other cultural practices of the giver; and
- c. it does not influence a Leader or staff member in such a way as to compromise impartiality or create a conflict of interest; and
- d. it is received in the course of duty in respect of official responsibilities or representing the State.

The State of Queensland will have first call to retain any gifts deemed to be of historical or cultural significance (eg. artworks) regardless of value.

**Non-Acceptance Principles**

A gift may not be accepted if any of the following principles apply:

- a. it is intended, or is likely to cause the recipient to act in a partial manner in the course of their duties; or
- b. it is a concealed gift; or
- c. it is an offer of money

Leaders or staff members of their immediate families (ie. partner and dependent children), should not accept gifts which could give the appearance of a conflict of interest past, present or future with a Leader's duties, or staff member, or shall not in any circumstances accept gifts involving transfer of moneys, regardless of value, (eg. by cash or loan) other than as part of an approved assistance program.

Promotional schemes offered in conjunction with official activities, such as instant scratch-its for free overseas flights or lucky door prizes won at official functions should not be accepted as they will not meet the principles as stated in this policy.

Importation of gifts, etc. through Diplomatic Mail Bags is not permitted under any circumstances.

**Procedures**

The Declaration and the gift shall be forwarded to Ministerial Services, who will be responsible for valuation.

Ministerial Services shall establish and maintain a register of gifts received.

The gift may be purchased by the Leader only if the gift is deemed not to be of State or national significance. The purchase price will be the wholesale value in excess of \$300.

If not purchased, the Leader may choose to display the gift. However, it will remain the property of Ministerial Services.

The Premier will annually table the details of all gifts noted on the gifts register which have a wholesale value of more than \$300.

The Director, Ministerial Services may dispose of gifts not on display subject to the approval of the Leader and in accordance with the policies of the Department of the Premier and Cabinet.

### 3.3 Gifts - made

#### Policy

This schedule applies to Leaders and their staff.

In certain circumstances it may be appropriate for Leaders to provide gifts to persons on behalf of the Opposition of the State of Queensland. This is a normal custom when Leaders travel overseas, but circumstances may occur domestically when it would also be appropriate to provide gifts to persons on behalf of the Opposition of the State of Queensland, (for example a reciprocal gift to an official overseas visitor to Queensland).

Leaders should have regard to economy and appropriateness when selecting gifts (ie. expensive gifts will not always be necessary).

The Leader may be provided with gifts (badged with the Queensland Government logo) up to the value of \$1,000 per annum to assist in promoting Queensland. Badged gifts are to be used for official purposes at the discretion of the Leader.

A Leader may authorise a staff member to give a gift on their behalf.

#### Procedures

- a. Gifts made need only be registered if the gift has a wholesale value of over \$300 or, where two or more gifts are given to the same person during the same trip, the combined value of the gifts is over \$300 wholesale.
- b. Where a gift that is valued at \$300 is made by a Leader (or provided on behalf of the Leader), Ministerial Services is to be advised in writing, by the Leader as soon as practical but within 21 days of giving the gift or returning to Australia (see APPENDIX 4 – Declaration of gifts made).
- c. Ministerial Services shall maintain a register of gifts made.
- d. Where the gift is to be made on behalf of the Opposition of the State, it should normally be selected from the gift range maintained by Protocol Queensland in the Department of the Premier and Cabinet.
- e. Applications for badged gifts are to be made each year and should be directed to Protocol Queensland where appropriate items (eg. ties, cufflinks, scarves, etc.) are

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maintained in their gift range. Applications are to include a purchase order from Ministerial Services. Costs will be a charge to the Office of the Leader of the Opposition.

### **3.4 Members' code of ethical Standards**

Leaders, in undertaking their duties must comply with the principles set out in the 'Code of Ethical Standards of the Legislative Assembly of Queensland'.

### **3.5 Memberships of boards, committees or councils**

Leaders who may be requested to perform duties or services on boards, committees or councils should note the following provisions which apply to all Members of the Legislative Assembly:

Members who perform duties or services for government bodies (eg. boards, committees, or councils) may receive 'reasonable expenses' actually incurred by or for the Member in the course of performing such additional duties or services.

The *Legislative Assembly Act 1867* and the *Officials in Parliament Act 1896* limit 'reasonable expenses' to the following categories of expenses only:

- a. accommodation
- b. meals
- c. domestic air travel
- d. taxi fares or public transport charges
- e. motor vehicle hire

Members who receive any fee or reward associated with the performance of duties or services for government bodies in excess of what is reasonable or for categories of expenses outside those listed above are liable to loss of their seat pursuant to the office of profit provisions of the *Legislative Assembly Act 1867* and the *Officials in Parliament Act 1896*.

Members must also, as soon as practicable upon becoming aware of such entitlement, undertake the following:

- a. irrevocably waive for all legal purposes any entitlement to fee or reward, beyond the reasonable expenses described above, which are associated with additional benefits associated with the performance of such duties or services (eg. meeting fees);
- b. make the waiver in writing;
- c. present the waiver to the relevant paying authority for the government body concerned; and
- d. provide a copy of the waiver to the Speaker.

Further details about this issue are available from the Legislative Assembly Offices.

Additional information is also available in the Governing Queensland Suite of Handbooks - Welcome Aboard - A guide for Members of Queensland Government Boards, Committees and Statutory Authorities.

### **3.6 Office of the Leader – role and function**

The Office of the Leader refers to the administrative unit established to support the Leader in the performance of the Leader's duties. The Office consists of Leaders and all Opposition staff, including staff employed on a contract or consulting basis, who directly support the Leaders in the carrying out of his/her functions as a Leader of the Opposition.

The Office of the Leader is to:

- a. provide effective advice to the Leader;
- b. assist the Leader in the administration of the Leaders's duties;
- c. assist the Leader in the preparation of Opposition policy; and
- d. assist the Leader to disseminate policy and other information to the general public.

### **3.7 Pecuniary Interests Declaration**

#### **3.7.1 Leader**

It is a requirement of every Member of the Legislative Assembly, including Leaders, to make a declaration of their pecuniary interests within one month of making and subscribing an oath or affirmation as a Member. These statements form the Public Register of Members' Interests maintained by the Clerk of the Parliament. A statement of the interests of related persons is also to be made, such statements being maintained in a private register by the Clerk.

In addition every Member, including Leaders, must notify the Clerk in writing of any change in the details contained in the last statement of interests within one month of becoming aware of the change or, where there are no changes a "no change" of interests return no later than 30 June each year.

#### **3.7.2 Office staff**

Staff employed within the Office of the Leader of the Opposition are required to ensure that their private interests do not conflict with, or are not seen to be in conflict with, the discharge of their official duties.

To assist in avoiding potential conflicts, officers employed within the Opposition Office are required to lodge a statement of their pecuniary interests with their Leader when they join the office or on a change of Leader, and on an annual basis no later than 30 June



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each year. When pecuniary interests details are updated in June of each year, it may be that the interests declared are unaltered. In this instance, staff may elect to re-sign and date the previous year's declaration.

The "Statement of Pecuniary Interests" provides details of the officer's interests together with the interests (as known to the officer) of the officer's partner and any dependents.

Leaders should sign and date all pecuniary interest declarations upon lodgement following the staff member's appointment and annually thereafter or upon a change of Leader.

#### **Notification of alteration of interests**

Officers must notify the Leader of any alteration to their interests as detailed in their "Statement of Pecuniary Interests" within 28 days of becoming aware of the change.

#### **Penalty provisions**

Officers who knowingly fail to provide a "Statement of Pecuniary Interests" or a "Notification of Alteration of Interests" by the due date or knowingly provide false or misleading information to the Leader, may have their employment terminated by the Director-General, Department of the Premier and Cabinet forthwith.

#### **Disposal of register**

Disposal of details of pecuniary interests shall be undertaken in accordance with the current guidelines for disposal of Opposition records.

#### **New Leader**

Upon a new Leader taking up the position, fresh details of pecuniary interests shall be provided by officers.

See APPENDIX 9 – Statement of Pecuniary Interests; and  
APPENDIX 10 – Notification of Alteration of Interests

### **3.7.3 Guidelines for the completion of the Pecuniary Interests Declaration**

#### **Categories of disclosure**

To ensure consistency and comparability of information regarding pecuniary interests, broad categories for the declaration of interest have been adopted.

In summary, interests will be categorised under:

- a. shareholdings in public and private companies
- b. family and business trusts and nominee companies
- c. real estate
- d. registered directorships of companies
- e. partnerships
- f. liabilities

- g. bonds, debentures, and like investments
- h. savings or investment accounts
- i. other assets
- j. other substantial sources of income
- k. membership of any organisation
- l. other interests

The following paragraphs provide more detail regarding the composition of each category and the information required to be disclosed.

#### **Shareholdings in public and private companies**

Opposition staff are required to declare any interests in any shares including equitable as well as legal interest, whether held directly or indirectly, which enables the staff member, or his/her partner or dependents to exercise control over the right to vote or dispose of those shares. It is not necessary to notify shareholdings held as an executor or trustee of a deceased estate where the staff member or his/her partner or dependents are not beneficiaries of that estate.

Where interests are held in a private holding company (i.e. a proprietary company formed for the purpose of investing in subsidiary companies) all such private companies, and any subsidiary companies should be named.

#### **Family and business trusts and nominee companies**

Staff are required to declare interests in family and business trusts and nominee companies:

- a. in which a beneficial interest is held, indicating the name of the trust, the nature of its operation and beneficial interest; and
- b. in which the staff member or his/her partner, or other person who is wholly or mainly dependent for support, is a trustee (but not including a trustee of an estate in which no beneficial interest is held), indicating the name of the trust, the nature of its operation and the beneficiary of the trust.

Note that both beneficial interests and trustee responsibilities (except as trustee of a deceased estate where neither the staff member nor his/her partner or dependents are beneficiaries of the estate) should be specified.

#### **Real estate**

Staff are required to disclose details of any real estate holdings other than real estate held as an executor or trustee of a deceased estate where they or their partner or dependants are not beneficiaries of that estate.

#### **Registered directorships of companies**

Staff generally should declare directorships held by themselves, their partner and dependants on the boards of any companies. Details pertaining to the companies (i.e. activities etc) should also be provided.

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**Partnerships**

Staff are required to disclose details of any involvement in partnerships, including their interest in the partnership and the activities of the partnership.

**Liabilities**

Staff are required to disclose details of all liabilities including mortgages, hire purchase arrangements, personal loans and overdrafts other than:

- a. Department Store credit accounts; and
- b. Credit Card accounts\*

\*Note: Cash advances amounting to \$5000 or more obtained on a credit card and unrecouped for more than 60 days must be declared.

**Bonds, debentures and like investments**

This category includes any investment involving the placement of money for a specified period which attracts interest. Staff are required to declare details of all of these investment holdings.

**Savings and investment accounts**

Staff are required to disclose details of savings and investment accounts with banks, building societies and like organisations other than ordinary non-interest bearing cheque accounts.

**Other assets**

Staff are required to disclose all asset holdings, valued at over \$5000 per item with the exception of the following:

- a. personal use motor vehicles
- b. collections (eg. stamp collections)
- c. household and personal effects

Items under \$5000 should be disclosed, if the nature of the item indicates a sensitivity to a conflict of interest.

**Other substantial sources of income**

Staff are required to disclose income from employment (other than as an employee of the Crown), business undertakings or investments of the staff member and his/her partner and dependants. As a general rule income of less than \$1000 per annum need not be disclosed. Family allowance payments are also not required to be included.

**Membership of any organisation**

Staff are required to disclose Membership of all organisations.

**Other interests**

Staff are required to disclose any other interests which may result in or be seen to result in a conflict of interest.

Indirect pecuniary interests and contingent pecuniary interests must also be declared in this category.

**Interactive Gambling (Player Protection - disqualified Persons) Amendment Regulation (No 1) 2000**

Opposition Staff are prohibited from holding or acquiring an interest in any holder of an interactive gaming licence issued in Queensland. If staff currently possess any prohibited shares or become aware in the future that they possess prohibited shares, then the shares must be divested within a period of 14 days, at no profit. If not divested within this period, then the shares are forfeited to the State and a penalty may be imposed (maximum penalty \$1500).

An exemption is made to the above restriction in the case of membership of a professionally managed investment or superannuation fund whereby staff are deemed to exercise no discretionary control over the investment strategy of the fund.

The Regulation also prohibits staff from being a business or executive associate of an interactive gambling licensee.

**3.8 Public Report of Office expenses**

**Policy**

On a six monthly basis, a report of expenditure for the Office, in summary format, will be tabled in Parliament by the Leader. Expenses will include costs for the Leader, Deputy Leader and staff, and office which is shown separately.

These reports will be due for tabling within 5 sitting days after 15 February (mid-year report) and by 31 August (end of year report).

The report to be tabled following the end of each financial year will be audited and certified by the Queensland Audit Office.

**Procedures**

Ministerial Services will prepare statements as soon as possible at the end of each six monthly period for perusal and approval by the Leader.

A copy of the mid-year report will be provided to the Queensland Audit Office for information.

An example of this report follows:

Public Report of Expenses for  
the Office of the Leader of the Opposition  
for the period ended xx/xx/xx

	Current Year Expenditure to Date			Total for Office
	Leaders	Staff	Office	
<b><u>Salaries and Related Payments</u></b>				
Salary and Allowances-		634,732		634,732
Salary related taxes	9,520	46,420		55,940
Superannuation	-	68,666		8,666
<b>Sub-Total Salaries Costs</b>	<b>9,520</b>	<b>749,818</b>		<b>759,338</b>
<b><u>Administrative Costs</u></b>				
Domestic Travel	24,846	17,708		42,554
Overseas Travel and Official Duties	16,277	15,693		31,971
Motor Vehicle Running Costs	57,064	23,559		80,623
Charter Costs	2,928	2,002		2,928
Travel To and From Electorate	12,852			12,852
Domestic Official Duties	804	10		814
Rent and Utilities				
Communication Charges	4,780	9,532	26,439	40,751
Consumables and Maintenance	1,190	5,210	3,444	9,844
Other Administrative Charges	1,211	3,695	64,515	69,421
<b>Sub-Total Administrative Costs</b>	<b>119,951</b>	<b>77,409</b>	<b>94,398</b>	<b>291,758</b>
<b><u>Capital Expenses</u></b>				
Depreciation	1,752	1,895	25,018	28,665
<b>Totals</b>	<b>131,223</b>	<b>829,122</b>	<b>119,416</b>	<b>1,079,761</b>

This report format may be changed by the Premier from time to time.

## 4.0 Expenses relating to the Office of the Leader of the Opposition

### 4.1 Expenditure - allowable

#### Policy

The justification for the incurring of expenditure by the Office is underpinned by four principles:

- a. The expense must be for official purposes.
- b. The expense must be properly documented.
- c. The expense must be available for audit.
- d. The expense must be reasonable for the circumstances.

Allowable expenditure means expenditure incurred by or on behalf of the Leader, staff of the Office of the Leader (including consultants), partner of the Leader and guests of the Leader as a result of undertaking official duties.

Expenditure where the primary purpose for the incurring of the expense by the Leader relates to the discharge of the duties and responsibilities of the Leader as the Parliamentary representative of their electorate, shall not be a charge against the Office.

A test which may be used to assist in determining whether an expense is related to electoral responsibilities is - Would the Leader have incurred the expense had the Leader not been the Member for the area? If the answer is yes, then the expense may well be an office expense.

However, the following expenditure which might otherwise be deemed to be electorate in nature and therefore not a charge against the Office will be a charge against the Office:

- a. Transport costs associated with travel to and from the Leader's electorate (see EXPENSES RELATING TO THE OFFICE OF THE LEADER OF THE OPPOSITION - Travel to and from the Electorate {Office or Home}); and
- b. Costs associated with the installation and operation of telephone lines in the Leader's Electorate Office additional to those provided under Member's Parliamentary entitlements (see EXPENSES RELATING TO THE OFFICE OF THE LEADER OF THE OPPOSITION - Telecommunications - Office).

Expenditure which is not allowable expenditure is considered private expenditure. However, Leaders should note that some private expenditure may be claimable as "Parliamentary business" under the Members' Entitlements Handbook.

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## 4.2 Parliamentary Service support for the Office of the Leader

The Parliamentary Service is responsible for providing the following to the Office of the Leader:

- a. Establishment of office accommodation in the Parliament House environs (including initial cabling and telecommunications normally available to Members);
- b. Standard office furniture and fittings for office accommodation in the Parliament House environs. The standard will be that which applies to office fitouts for all Members;
- c. Mail clearing for office accommodation in the Parliament House environs;
- d. Library facilities to the extent such facilities are readily available to the Members;
- e. Common stationery items to the extent that they are readily available to Members;
- f. Car parking normally available to Members; and
- g. Other administrative support generally provided to the Members (eg. Parliament House security, services by the Table office, training on services generally supplied to members by the Parliamentary Service).

The Parliamentary Service is not responsible for providing stationery used exclusively by the Leader's office. (eg. business cards, letterhead other than standard 'Legislative Assembly' letterhead and letterhead for Members).

NB: Parliament House environs includes electorate offices normally provided to Members.

## 4.3 Expenditure – not allowable

### Policy

The costs outlined below are examples of expenditure that is not allowable and is not to be charged as an expense of the Office of the Leader of the Opposition.

Expenditure which is not allowable is considered private expenditure. However, Leaders should note that some private expenditure may be claimable as "Parliamentary business" under the Members' Entitlements Handbook. Private expenditure includes:

- a. personal expenditure;
- b. clothing (with the exception of chauffeur suit payments);
- c. personal household articles;
- d. partner's wardrobe;
- e. hairdressing;
- f. video hire (in-house movies);

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- g. club membership, except for airline memberships;
- h. laundry and dry cleaning costs except costs associated with the Leader's Office (eg. tea towels, tablecloths etc) and costs incurred by the Leader and staff whilst travelling on official business and involving at least four (4) consecutive overnight stays;
- i. personal presentations including presentations to any office staff or government employee whether employed on a permanent, temporary, casual, consultancy or any other basis;
- j. "drinks only" costs;
- k. entry fees to political party functions (see EXPENSES RELATING TO THE OFFICE OF THE LEADER OF THE OPPOSITION - Political Party meetings);
- l. tipping, except for overseas travel; and
- m. donations (including donations to political parties).

**Procedures**

Upon identifying an incident of Non-Allowable Expenditure that has already been processed, Ministerial Services will raise a debit note to the officer who incurred the expenditure. The officer has thirty (30) days from the date of this invoice to either dispute the charge, pay the debit note or arrange a repayment schedule with Ministerial Services.

**4.4 Accommodation**

**4.4.1 Office accommodation**

**Leasing**

Office leasing, parking and utilities costs will be a charge to the Office of the Leader.

**Parliament House environs**

Parliament House accommodation (including Electorate Offices and normal parking available to Members) will be the responsibility of and a charge to the Parliamentary Service.

**Relocation/Repairs/Improvements/Furniture and Fittings**

**Policy**

All requests for relocations/repairs/improvements/furniture and fittings are to be made to Ministerial Services in the first instance and will require the Premier's approval.

Minor adjustments less than \$5,000 (eg. moving a power point, data outlet or antenna connection, installation of standard office equipment) will not require the Premier's approval except where the adjustment is part of more significant works.



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Funding availability within the Parliamentary Service or the Office Accommodation Program will be a prerequisite for refurbishments to proceed.

#### **4.4.2 Parking**

##### **Policy**

The Office will be provided with a reasonable number of carparking spaces for official vehicles and any other necessary requirements.

Parking costs (other than those normally provided to Members by the Parliamentary Service) will be a charge to the Office of the Leader.

See EXPENSES RELATING TO THE OFFICE OF THE LEADER OF THE OPPOSITION – Parliamentary Service support for the Office of the Leader.

#### **4.5 Advertising**

Advertisements by the Leader of the Opposition may be made for official purposes.

While the business objectives of the Leader of the Opposition may be different to those of government, advertisements must have a clear nexus to the alternative government's policies, must not be party political in nature and must not be designed in a manner that significantly promotes the Leader personally. Advertisements as issued by the government may also provide a guide for the type of advertisements able to be issued by the Opposition.

For the purposes of this section, advertising is to be defined as paid advertising in the media, similar to the way the term is used in the Government Advertising Guidelines. As such it would cover items such as print advertising (eg. newspapers and magazines and inserts), electronic advertising (eg. television, radio and internet), outdoor media (eg. billboards, bus/taxi advertisements) and all other types of media services covered under the Queensland Master Media advertising arrangement.

Other types of communications activities such as newsletters, direct mail and brochures (except if part of a paid advertisement) are covered under Section 4.15.1 Brochures and Newsletters.

Relevant aspects of the government's advertising code of conduct, as well as the government's actual practice, will be a guide to determining if an advertisement can be met from public money. The following have been based on that code:

1. There must be a direct and obvious benefit to the people of

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- Queensland.
2. Advertising must be directed at, and focused on, the sections of the community to which it is relevant. It must have an educative or informative role during dealing with something that is new or about which the community is unaware or unclear.
  3. The clear benefit from any advertising must be in its informative or educative role so that there can be no perception of any party-political benefit. The advertisement needs to emphasise that it is being made by the Opposition Leader and not a political party. It also needs to emphasise that policies are Opposition policy and not policies of a political party.
  4. There should be no advertising within six months of the scheduled date for an election unless there is an urgent emerging issue. Any such issue would need to be pre-approved by Ministerial Services in conjunction with the relevant officers in the Department of the Premier and Cabinet who advise on caretaker conventions.

In line with current practice for government advertising, limits apply to the size of images of the Leader in official advertisements. Images used in government advertising should be a guide to maximum size and style.

The Office of the Leader may access services under the Queensland Master Media arrangement on the condition that the Office submits proposed advertisements to Ministerial Services before media bookings are made, and that Ministerial Services advises in writing on the final version of the advertisement that it is in accordance with this Handbook section. A copy of the approval and the actual advertisement is to be submitted when payment is requested.

Opposition Office advertising is to be treated by Ministerial Services as confidential and is not to be disclosed by Ministerial Services prior to the advertisement being publicised by the Leader, or unless required for audit purposes. This confidentiality may be waived by the Office of the Leader in writing.

Advertising regarding Shadow Cabinet is not allowable expenditure. This includes advertising both prior to shadow cabinet and reporting on results after shadow Cabinet.

Refer to 4.11 - Shadow Cabinet

Refer to 4.15.1 - Brochures and Newsletters

### **Examples**

An advertisement outlining Opposition concerns with government policy or identifying perceived failures of government policy and proposing an alternative to government policy may be an official expense.

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- An advertisement only in the Leader's electorate detailing the Opposition Leader's position on issues would normally not be an official expense. The exception would be if the issue can be demonstrated to be of broader state or regional significance.
- An advertisement promoting policy as Party specific policy would not be an official expense.
- An advertisement that appeared to have been produced by a political party would not be an official expense. However, incidental mention of a political party would not in itself cause the advertisement to be considered party political.
- The Leader representing themselves as Leader of the Opposition (first) and Leader of a party (second) is acceptable to include in a publicly funded advertisement.
- An advertisement criticising individuals personally would ordinarily not be an official expense. However, if the criticism was directed at a Minister and related to policy or service issues and promoted an alternative policy or service position then this may be an official expense.
- An advertisement that the Leader is to hold a public forum may be an official expense.
- An advertisement designed in such a way as to present photographs or images of the Leader or another Opposition Member as a key focus would not be acceptable as an official expense unless it aligns with government advertising practice.

## 4.6 Consultants

### Policy

The use of consultants (including persons, partnerships or bodies corporate) to undertake tasks on behalf of the Leader should be limited in nature, scope and number.

Leaders may however engage consultants on specified tasks:

- a. associated directly with the Leader's Office; or
- b. for the purpose of obtaining independent advice when the Leader believes such independent advice is required.

All consultants engaged by the Leader are to be paid from the Office Budget.

If considering engaging a consultant, the office should contact Ministerial Services.

### **State Purchasing Policy**

When engaging consultants, the Leader must comply with relevant Financial Acts, all Cabinet directions, and particularly the Queensland Government State Purchasing Policy.

In general terms, a consultant is defined as an organisation or individual contracted to perform a specific task and provide specific expert advice as an independent contractor by exercising his or her own skill and judgement and where the agency does not exercise detailed control over the work performed. Consultancy services constitute a contract for service.

Consultancy services should only be obtained when:

- a. there is a clear need for specialist technical and professionally independent advice or services; and
- b. in-house staffing resources/skills or contract staff are not available to adequately address the requirements of the consultancy in a more cost effective manner.

### **Pre-selection**

A clearly defined submission supporting the need to engage consultancy services shall be prepared and must be approved by the Chief Delegated Officer. The submission shall at the very least include:

- a. the reasons for the engagement;
- b. the scope and specification of services required;
- c. an examination of the resource viability of the consultancy, as opposed to alternative resourcing options such as in-house resourcing and contractors (ie. a cost/benefit analysis); and
- d. an estimate of the anticipated expenditure for the consultancy service to be performed.

In terms of public interest and accountability considerations, this documentation must be retained for audit purposes and should be forwarded to Ministerial Services for retention in accordance with requirements of the *Financial Administration and Audit Act 1977*.

### **Selection**

A specification identifying the consultancy requirements shall be provided to an appropriate selection of suitably qualified consultants, to ensure that the market of consultancy providers is adequately canvassed.

In accordance with each contract's value, specifications seeking proposals for the consultancy services shall be sought as follows:

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**Contract Value**

**Proposal Process**

Less than \$10,000

Three (3) quotations either verbally or in writing.

\$10,000 to \$100,000

Written submissions from three (3) or more consultants.

Over \$100,000

Written submissions sought by public advertisement.

All selections shall be at "arms length" and subject to open competition.

Following receipt of proposals, a comprehensive selection process shall be completed and documented. The process should analyse the suitability of all proposals in terms of the project specification and should also include a cost/benefit analysis of the competing proposals.

In terms of public interest and accountability considerations, selection process documentation must be retained for audit purposes and should be forwarded to Ministerial Services.

**Exemptions to the selection process**

Exemptions to the selection process outlined above may only be approved by the Chief Delegated Officer.

The range of circumstances under which exemptions to the process for engaging consultants will usually be approved, include:

- a. the specialist or confidential nature of the consultancy - with a reasonable conclusion being that only one, or a limited number of consultants, could undertake the work; and
- b. the urgency of the project (eg. insufficient time to seek invitations from the market).

As approvals granted in this regard effectively authorise engagement without open competition, the Leader has an obligation to ensure that:

- a. all exemptions approved are publicly defensible; and
- b. all engagements are made on an "arms length" basis and represent value for money.

In terms of public interest and accountability considerations, documentation supporting all exemptions approved must be retained for audit purposes and should be forwarded to Ministerial Services.

**Contractual arrangements**

All contracts and commissions for consultancies are to be executed by the Chief Delegated Officer prior to engagement.

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Contracts shall clearly specify the terms and conditions of the consultancy as well as the rights and obligations of both parties of the contract.

Contracts may be multi-staged, as long as they are clearly defined as multi-staged at the outset, but are not to be "open ended" with clauses providing for extended work beyond the scope of the specified engagement.

Contracts should be in accordance with either the standard proforma "shortform" or "longform" contracts available from Ministerial Services.

Contracts must be signed by both the Chief Delegated Officer and the engaged consultant.

#### **Supervision of consultancies**

The Leader shall be responsible for systematically monitoring and reviewing the performance of all consultancies in terms of:

- a. the performance of the consultant in terms of the contract;
  - b. any variations to the contract's scope, in terms of work required, costs or other factors;
  - c. any requests by the consultant for extensions in which to complete the project; and
  - d. expenditure and commitments against the authorised budget.
- (Note: work is not to be undertaken without prior expenditure authority).

At the completion of all contracts, a detailed performance report covering all aspects of the consultancy shall be completed and retained. These reports provide invaluable information to support future engagement decisions and should be used for future reference purposes. This report should be forwarded to Ministerial Services.

## **4.7 Delegations**

### **Policy**

The power of the Director-General, Department of the Premier and Cabinet, as Accountable Officer to delegate the incurring of expenditure, is found in section 36A of the *Financial Administration and Audit Act 1977*.

Whilst the Director-General, as accountable officer, may undertake such delegations, the Leader still remains responsible for the proper management and control of all financial transactions effected under such delegations.

The *Financial Administration and Audit Act 1977* prevents the accountable Officer of the Department from delegating expenditure authority to the Leader or the Deputy Leader of the Opposition.

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Therefore the primary delegation in each office is provided to a Chief Delegated Officer who may authorise his or her own expenditure up to the delegated limit.

**For internal control purposes, all proposed expenditure that is significant, may be considered contentious, or related to expenditure by the Chief Delegated Officer, should be discussed with and formally endorsed by the Leader.**

Except where specifically stated in this schedule, staff members other than the Chief Delegated Officer are not allowed to authorise their own expenditure or expenditure incurred on their behalf.

The Director-General may formally delegate authority to appropriate personnel within the Office of the Leader to approve the following expenditure:

- a. expenditure of a periodic/recurrent nature;
- b. expenditure related to the normal operations of the Office of the Leader;
- c. expenditure for the purchase of routine office requisites;
- d. petty cash expenditure; and
- e. purchase of office equipment.

The Director-General must establish, in liaison with the Office of the Leader, the appropriate level of delegations of authority for the effective operation of the Office.

These delegations are to the person and not the position. They are not transferable. Delegation limits include GST. The Leader must personally authorise all expenditure incurred directly for himself/herself. All expenditure incurred in respect of the Office of the Leader for entertainment and travel must be authorised by the Chief Delegated Officer.

The Director-General may formally delegate authority to appropriate personnel within Ministerial Services, to approve expenditure in respect of a Leader's Office for:

- a. a periodic/recurrent nature;
- b. costs of expenditure related to the normal operations of the Office of the Leader;
- c. expenditure for the purchase of routine office requisites; and
- d. purchase of office equipment.

These delegations are as detailed in the Department of the Premier and Cabinet's Financial Management Practice Manual and are to the position, rather than an individual.

Losses and special payments will require the approval of Department of the Premier and Cabinet officers under the Department of the Premier and Cabinet delegations.

## Procedures

New delegations will be required on the change of a Leader.

The term "periodic/recurrent expenditure" means expenditure on services of a repetitive, periodic or standard nature rendered under legislation, contractual or administrative arrangement or approval, for which it is neither accepted practice nor necessary to issue a requisition or official order for the rendering of such service. Examples of such expenditure are:

- a. computer service charges;
- b. insurance renewal premiums;
- c. workers' compensation payments;
- d. motor vehicle registration fees;
- e. telephone, telegram or bulk postage charges;
- f. subscriptions for magazines and journals and contributions to professional and research bodies, etc.;
- g. electricity and gas charges;
- h. water and cleansing charges;
- i. rates;
- j. rent;
- k. laundry and cleaning services;
- l. travelling or transfer allowances or expenses for officers or employees; and
- m. expenditure ancillary to salaries and wages including payroll tax and employer's superannuation contributions.

See APPENDIX 14 - Administrative Delegation Form

## 4.8 Hospitality and Official Functions

### 4.8.1 Hospitality (Including Entertainment)- Provided by the Leader

#### Policy

Hospitality includes entertainment (which is the term used for Fringe Benefits Tax purposes) and is generally the provision of meals and beverages but may include other expenditure (eg. event tickets) where they have a clear relationship to the functions and activities of the office. Hospitality also includes the provision of items such as travel and overnight accommodation.

Hospitality is for the purpose of furthering official business with non-government attendees. It must relate to carrying out official duties and fulfilling official responsibilities in relation to the functions and activities of the office. Expenditure must always be reasonable and appropriate to the circumstances.

Hospitality should not be seen as a substitute for general business meetings which would ordinarily be conducted in the workplace. The number of government attendees should be limited to those



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who can assist in the performance of official duties and should be kept to a minimum.

Government attendees includes (but are not limited to) Public Servants, Leaders, office staff (including contractors and consultants), and the Leader's partner. Part-time Board Members would not normally be considered government employees if they are not public servants and any government remuneration is not a significant part of their income.

The provision of official hospitality to Party political persons should only be undertaken where there is a clear official purpose.

Tipping is not allowable in Australia. However, tipping is likely to be appropriate when providing hospitality overseas.

Alcoholic drinks only hospitality is considered a private expense. Tea, coffee and non-alcoholic refreshments only hospitality is appropriate.

All hospitality must be approved by the Chief Delegated Officer.

Hospitality for Opposition staff or public servants or other persons directly paid by the Queensland Government where there are no non-government attendees is not covered by this schedule. See EXPENSES RELATING TO THE OFFICE OF THE LEADER OF THE OPPOSITION - Working meals.

#### **Reasonable limits**

A general limit of \$120 per person (including meals and beverage) applies. It is recognised that instances will exist where this limit will be insufficient and a brief explanation of the higher cost is to be endorsed by the Leader and included with the authorisation.

As a general rule the value of alcoholic beverages should not exceed the value of meals.

#### **In-house Catering**

The use of in-house catering can result in substantial cost savings and is encouraged. Where in-house catering is utilised, often the cost of alcohol may exceed the cost of food. It should be noted however, that alcoholic drinks only hospitality is still prohibited.

#### **Procedures**

For each instance of hospitality a "Hospitality Certification" will be required (see APPENDIX 7 - Hospitality Certification). All sections of this form must be completed. When detailing the purpose of hospitality, it is important to provide an adequate description that allows the official purpose to be identified. When identifying names of participants, only include persons on whose behalf expenditure was incurred.

#### **Examples**

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- a. Catering costs of Shadow Cabinet are not allowable expenses.
- b. The Leader hosting a public forum on an Opposition policy issue would be allowable expenditure.
- c. A meal with a local candidate to discuss campaigning issues is not allowable.
- d. A Leader and four staff members attend a meeting with one industry leader appears excessive.
- e. A lunch time meeting for the Leader, staff and two industry stakeholders where meal costs are \$80 and beverages are \$160 appears excessive.
- f. Meal and beverage costs over \$120 per person when entertaining in Japan would not be considered excessive.
- g. Hospitality costs in a five star Melbourne hotel may reasonably exceed \$120 per person due to high prices of meals.
- f. Hospitality in a Brisbane restaurant (not Parliament House), where there are only government attendees will not be allowable, however, if at night, meal allowances may be claimable.
- h. Official entertainment of a part-time Board Member (eg. Queensland Community Corrections Board) who is a senior private sector person would be appropriate.
- i. Christmas parties and Melbourne cup parties are not official hospitality unless there is a clear official purpose.

**4.8.2 Hospitality (Including Entertainment) – Provided by Staff**

**Policy**

The provision of hospitality (including working meals) is generally reserved for the Leader. It is therefore prohibited for staff to incur hospitality costs except where the Leader has given prior approval. This approval may be in the form of:

- a. a permanent basis, (a specific limit per person or per office may be applied); or
- b. a one off basis.

Hospitality should be limited to the provision of meals and beverages.

If the Leader approves that an Opposition staff member can entertain, the policy and procedures in Section 4.8.1 - Hospitality - Leader and Section 4.8.4 - Working Meals will apply.

**4.8.3 Hospitality (Including Entertainment) Benefits Received**

Hospitality benefits include entertainment (which is the term used for Fringe Benefits Tax purposes) and are generally received in the forms of meals and beverages but also include (but are not limited to) travel, accommodation or access to a private spectator box at a

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sporting or other venue; tickets to the theatre, tickets to cultural events, or use of facilities.

As hospitality benefits have no enduring value they cannot be dealt with as physical asset of the receiving agency as is the case for tangible gifts. Nevertheless, acceptance of such intangible benefits has the potential to give rise to a real or perceived conflict of interest or future obligation for a Leader or staff.

Hospitality benefits received of a purely personal nature from friends or family are not covered by this policy.

The following acceptance and non acceptance principles apply to the receipt of hospitality benefits as defined above.

#### **Acceptance Principles**

A hospitality benefit may be accepted if it complies with all of the following principles:

- a. refusal would offend; or
- b. it conforms to normal business practice or other cultural practices of the giver; and
- c. it does not influence the Leader or staff in such a way as to compromise impartiality or create a conflict of interest; and
- d. it is received in the course of duty, in respect of the official responsibilities, or representing the State or the Leader has approved attendance.

Staff must notify either the Chief of Staff or the Leader upon receipt of any invitation of hospitality benefits. They must also seek approval of the Leader to accept any offers.

#### **Non Acceptance Principles**

A hospitality benefit may not be accepted if any of the following principles apply:

- a. it is intended, or is likely to cause the recipient to act in a partial manner in the course of their duties; or
- b. the offer is concealed; or
- c. it is able to be exchanged for money.

#### **4.8.4 Working meals**

##### **Policy**

Working meals are allowable where, for official purposes staff are required to work through their normal meal periods and meals are then supplied. Working meals are not a substitute for normal Office business, and as such, should not be a regular occurrence.

Official morning and afternoon teas may also be considered working meals where a clear business need exists.

Costs of working meals may be charged to the Office of the Leader only when:

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- a. they are for a clear business purpose;
- b. they constitute modest hospitality that is appropriate to the circumstances and time of day;
- c. meals are held in-house (ie. in the Opposition Office, or at Parliament House only); and
- d. they are infrequent.

All expenditure on working meals must be approved by the Chief Delegated Officer.

Where working meals are provided, staff will not be able to claim a meal allowance.

#### **Reasonable Limits**

Allowance rates set out under the Directive for travel meals are to be strictly observed as a maximum per person cost for a working meal.

	<b>Normal meal period</b>	<b>Cost per meal</b>
Breakfast	Staff directed to attend by 7.30am	\$19.60 No alcohol
Lunch	12noon to 2pm	\$21.95 No alcohol
Dinner	After 6pm	\$37.80 (can include alcoholic beverages)

Costs for morning and afternoon teas, to be considered modest, would normally be significantly less than the per head rate provided for Breakfast (\$19.60).

#### **Procedures**

A Hospitality Certification must be completed and forwarded to Ministerial Services for all working meals as circumstances may require FBT to be calculated.

See APPENDIX 7 – Hospitality Certification.

#### **Examples**

Reasonable circumstances where working meals may be provided include:

- a. staff are working through lunch on an urgent issue and sandwiches are brought into the office;
- b. staff are required to work after 6pm on an urgent issue and a meal is brought to the Office; and
- c. staff are assisting the Leader with legislation whilst Parliament is in session late into the night.

#### **4.8.5 Political Party meetings**

##### **Policy**

Where a Leader is required to attend meetings, conferences or conventions of a political party in their official capacity as

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**Leader of the Opposition**, costs reasonably associated with such attendance and costs associated with the attendance of staff required to assist the Leader in this official capacity may be charged to the Office.

However, as it is not appropriate for government funds to be paid to political parties, the cost of entry fees, meals and other direct costs paid to the political party in connection with the function are to be met personally by the Leader and any accompanying staff member. (NB: Staff may be entitled to a meal allowance).

It should be noted that it is common business practice that keynote speakers at official functions are not charged for entry fees and meals.

Attendance at political party meetings falls under the scope of Parliamentary business in the Members' Handbook. As such, where a Leader's attendance at a meeting does not meet the above requirements, the Leader is able to draw on their Parliamentary entitlements as an MP. However, claims for the same item must not be made under both.

See EXPENSES RELATING TO A LEADER'S OFFICE -  
Shadow Cabinet

#### **Examples**

1. Where the Leader is invited to speak on Opposition matters at a function of their political party and requires his/her Advisor to attend to provide assistance, the following costs may be charged to the Office:
  - a. travel to and from the function, including accommodation and travel meals; and
  - b. staff meal allowances if the entitlement exists.

The following costs would be personal costs and not be chargeable to the Office:

- a. entry fees; and
  - b. donations and meal costs paid directly to the political party, as these would represent payments of Government funds to a political party.
2. Where the Leader is simply invited to a political fundraising function as a Leader or Shadow Minister, but not to speak on Opposition matters, this would not be a sufficient reason for costs to be charged to the Office.

## **4.9 Office equipment**

### **Policy**

Limits on office equipment are set by the Premier.

Office equipment is provided to Leaders and their staff for use in their official duties. Office equipment includes such things as

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computers, printers, televisions, video recorders, mobile phones, photocopiers, and would normally not include furniture, stationery etc.

Leaders and their staff are to have regard to cost efficiency and administrative effectiveness when requesting office equipment.

Under no circumstances is the Leader's Office to give away, transfer, donate, trade in or dispose of any equipment. Equipment that is surplus to Office needs is to be returned to Ministerial Services.

Equipment normally provided to Members will be a cost to the Parliamentary Service.

Ministerial Services maintains a store of equipment that is available for short term loan

Loan equipment includes digital cameras, satellite phones, a data projector, a conference phone and replacement mobile phones

#### **Procedures**

Ministerial Services manage the office equipment requirements of the Office and requests for office equipment should be forwarded to Ministerial Services for consideration. Standard types, levels and amounts of office equipment apply. Items in excess of the standard will only be issued where a clear business need exists and (where necessary) the Premier's approval is obtained.

Purchases of office equipment will be made by Ministerial Services.

Ministerial Services will maintain a register of office equipment as required by the Financial Management Standards. Stocktakes of office equipment will be undertaken by Ministerial Services in conjunction with the Office at least annually.

Where equipment is surplus to the needs of the Leader's Office it is to be returned to Ministerial Services and a receipt will be issued. Ministerial Services will arrange either for the reassignment of the asset or alternatively its disposal in accordance with the Financial Management Standard.

Ministerial Services maintains a loan equipment pool. Conditions of use are as follows:

- a. The Office is required to take strict care over the custody and use of the equipment at all times, and should not permit the equipment to be used by another person other than from the Office.
- b. The Office will not use the equipment, nor permit it to be used, for other than official purposes.
- c. If the Office misuses the equipment (ie, uses it otherwise than in accordance with the above instructions or damages it in any way), costs will be charged to the Office.

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- d. Equipment will only be loaned for a maximum period of 14 days. Further extensions must be approved by Ministerial Services and will be subject to availability.
- e. If equipment is lost or stolen, the Office will immediately inform Ministerial Services and report stolen items to the police.

### **Maintenance and repairs**

#### **Procedures**

The Facilities Manager should be contacted for repairs and maintenance to computer equipment.

The Office should organise maintenance and repairs of other Office equipment through Ministerial Services. Damage to equipment other than normal wear and tear should be reported to Ministerial Services together with brief details of how the damage occurred.

These details will be required for audit purposes.

## **4.10 Partner's expenses**

### **Leader**

Leaders in the course of their duties both host and attend meetings, functions, entertainment, conferences and conventions in an official capacity. Frequently government, external organisations and companies hosting such events will invite guests, including Leaders, with partners. It is appropriate at such events for the Leader's partner to attend with the Leader (or indeed in the absence of the Leader). Attendance of the Leader's partner not only reflects the proper reciprocity of the nature of the invitation and event, it also in effect doubles the opportunity to advance and interact on matters of State interest.

All expenditure incurred by or on behalf of the partner of the Leader must be for official purposes, eg. where the partner of a Leader is required to attend meetings, entertainment, conferences and conventions in an official capacity.

A Leader's partner may accompany the Leader where the Leader believes, on reasonable grounds, that the attendance of the partner will or may assist the Leader in the performance of the relevant official duties.

These costs would also extend to those occasions when a partner may travel separately from the Leader, to attend the same function.

It is also appropriate to charge costs to the Office when the partner is attending a function, conference or convention either:

- a. in lieu of the Leader in Australia; or
- b. invited with the Leader or in their own right as the partner of the Leader.

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However, the attendance of a Leader's partner, when not accompanied by the Leader, at a party political function would not result in an entitlement to have travel costs met by the State.

Also see EXPENSES RELATING TO A LEADERS' OFFICE - Travel to and from the Electorate.

**Examples**

- a. It may be appropriate for the Leader's partner to attend an official dinner engagement with a dignitary where the dignitary's partner is in attendance.
- b. Travel to Brisbane by a regionally based Leader's partner merely to spend time with the Leader will not be a sufficient reason for the travel costs to be allowable expenditure.
- c. Travel by the partner in the electorate for assistance with MP duties will not be official expenditure.

**Staff**

Unless exceptional circumstances exist, costs of a partner of a staff member would not be allowable expenditure.

**4.11 Shadow Cabinet**

Opposition spokespersons are paid an allowance by the Legislative Assembly to assist in the performance of their duties. These Members may also claim standard Parliamentary travel entitlements for the purpose of attending shadow cabinet meetings.

With the exception of costs related to the Leaders of the Opposition and their staff, expenses relating to shadow cabinet are not to be met from the budget for the Office of the Leader of the Opposition.

**4.12 Telecommunications**

**4.12.1 Leader**

**Policy**

Leaders will be provided with additional telephones/lines to meet communication needs and so that adequate access to the Leader is available at all times. Such expenditure will be a charge to the Office of the Leader.

**Residence**

Leaders may regard the following as a standard for their residence:

**Lines**

- 1 official line/fax line
- 1 private line

**Equipment**