



CODE OF CONDUCT

Human Resource Services

Purpose

Working at the BSA, as part of Queensland Public Sector involves holding a position of trust from the Queensland Public. Within BSA we are all responsible for administering substantial public resources. Moreover, the decisions made by us can have significant effects on the lives of citizens.

To operate effectively, BSA needs the confidence of the public, industry and the Government of the day. BSA's reputation depends upon the conduct of all staff in carrying out our duties.

This Code has been developed in accordance with The *Public Sector Ethics Act 1994* – reprinted as in force on 1 November 2010 (the Act) and is consistent with the four ethics principles declared by the Act as the basis of good public administration. How we use our official positions, our powers and the resources available to us are the central concerns of this Code of Conduct (the Code). The purpose of the Code is to provide us with an ethical framework for our behaviour, actions and decisions - to help us all know what standard is expected. The Code applies to every person employed by BSA.

Ian Jennings
General Manager

Date: / /

Table of Contents

Section One

1. Introduction

- 1.1 Why Do We Need a Code of Conduct?
- 1.2 Relationship to the *Public Sector Ethics Act 1994*
- 1.3 Public Sector Ethics Principles and Values

Section Two

2. BSA's Approach

- 2.1 It's our Code of Conduct
- 2.2 Complying with the Code
- 2.3 Making Ethical Decision
- 2.4 Offences and Disciplinary Action
- 2.5 How does the Code relate to other Codes of Professional Ethics?

Section Three

3. Using the Code of Conduct

3.1 Integrity and impartiality

- 3.1.1 Demonstrate a high standard of workplace behaviour and personal conduct
- 3.1.2 Conflicts of interest
- 3.1.3 Confidentiality
- 3.1.4 Contribute to public discussion in an appropriate manner
- 3.1.5 Testimonials and reports
- 3.1.6 Reporting unethical conduct

3.2 Promoting the public good

- 3.2.1 Commit to excellence in service delivery
- 3.2.2 Dealing with colleagues and customers
- 3.2.3 Ensure appropriate community engagement
- 3.2.4 Work as an integrated service
- 3.2.5 Procedural fairness and natural justice

3.3 Commitment to the system of Government

- 3.3.1 Challenging official instructions
- 3.3.2 Maintain appropriate relationships with Ministerial staff
- 3.3.3 Ensure proper communication with Members of Parliament
- 3.3.4 Manage interactions with lobbyists
- 3.3.5 Ensure transparency in business meetings
- 3.3.6 Dress code

3.4 Accountability and Transparency

- 3.4.1 Work with diligence, care and attention
- 3.4.2 Use of public resources for personal purposes
- 3.4.3 Ensure appropriate use of disclosure of official information
- 3.4.4 BSA's policy on gifts
- 3.4.5 Commit to continuous learning and self-development

Section Four

4. Conclusion

1. Section One

1.1 Why Do We Need a Code of Conduct?

BSA is made up of individuals from diverse backgrounds. Each of us has our own set of experiences and expectations that can often influence our own views of what is right and proper.

The Code is designed to provide common guiding values to ensure that consistent standards of behaviour and approaches are adopted in our actions. It is based upon a number of principles – referred to as "Ethics" – and these help us to determine the choices and decisions we make - especially in cases where no specific rule exists, or where there may be a divergence of individual interests or opinions.

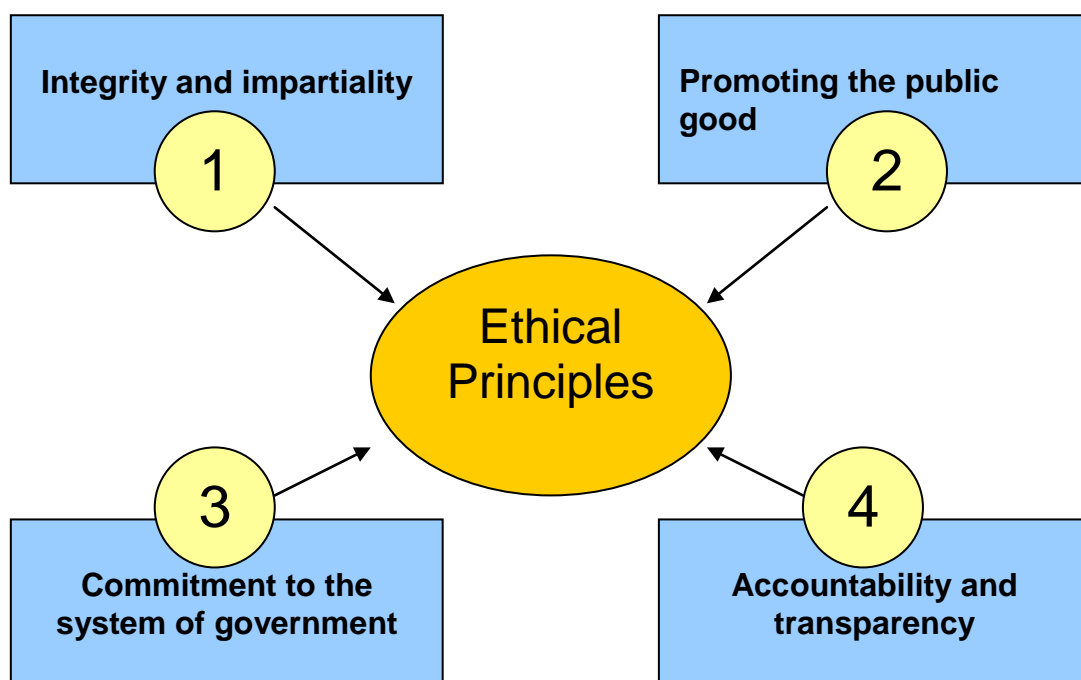
The Code will assist managers and staff to make decisions or implement policy in circumstances in which our personal values and beliefs, or our individual interests differ from or are in conflict with government or BSA policy. The Code requires that in these circumstances, we must be able to put aside our personal values, interests and beliefs, and act in BSA's interests.

1.2 Relationship to the *Public Sector Ethics Act 1994*

The *Public Sector Ethics Act 1994* (the Act) was reprinted on 1 November 2010. Under the Act, each public sector agency is required to develop and implement a Code of Conduct for its staff. The Code must be consistent with the four ethics principles declared by the Act as the basis of good public administration.

1.3 Public Sector Ethic Principles Values

BSA's application of the public sector ethics values are detailed within this Code of Conduct. The Code cannot however address every possible situation in which we might find ourselves. This is why we need a good understanding of "The Ethic Values" from Part 3, Division 2 of the Act – as set out below. This allows us to refer to them for further guidance when necessary.



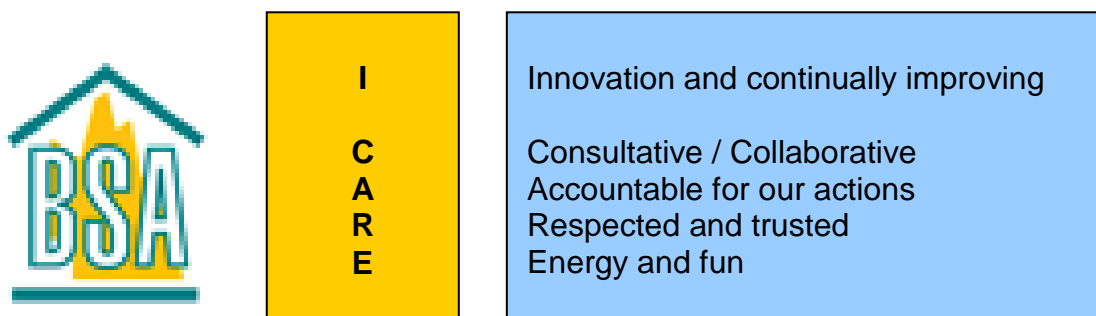
2. Section Two

2.0 BSA's Approach

2.1 Its our Code of Conduct

The purpose of BSA is to improve standards, equity and confidence in the building industry, through its regulatory and resolution services and home building advice functions.

Integral to the delivery of BSA's programs and performance improvement initiatives is our core set of organisational values. The ICARE Values have been implemented as any easy way for staff to remember and refer to:



These values reinforce the importance of working in partnership with our colleagues and customers, treating our customers, suppliers and each other with respect and fairness and constantly seeking to improve the quality of our services. The Code is based upon the premise that acting ethically is central to achieving BSA's purpose and supporting these values.

2.2 Complying with the Code

Under the *Public Sector Ethics Act 1994* our General Manager is responsible for ensuring that this Code is made available to everyone (including temporary and casual employees, contractors, volunteers and work experience students) employed by BSA, together with appropriate education and training in public sector ethics. As employees, we are responsible for our own actions and for ensuring that the requirements of this Code are complied with.

The Code applies at all times when you are at work and also:

- When you are representing the Queensland Government at conferences, training events, on business trips and attending work-related social events, and
- In your private capacity when your conduct reflects seriously and adversely on the public service, or your ability to perform official duties.

There may be occasional situations where our conduct may appear to be inconsistent with the requirements or the spirit of the Code. We all recognise that possible breaches may relate to genuine mistakes. Those of us who have concerns on this matter are encouraged to discuss these concerns with their team leader or manager as soon as possible.

2.3 Making Ethical Decisions

It is not possible to have a rule for every situation or to detail in the Code and every possible ethical dilemma that may arise in the workplace. By using the following process, however, the majority of situations will be able to be clarified:

- 1. Assess the situation.** What are the facts, alternatives, and consequences? Who's involved? Consider 'am I doing the right thing'? If appropriate, discuss the situation with others in the workplace.
- 2. Gather and assess information.** Refer to this Code of Conduct and any relevant BSA guidelines and policy documents for direction. In particular, refer to the ethics principles and values from the *Public Sector Ethics Act 1994*, as set out in section 1.3 of this Code, applying them in turn to the situation.
- 3. Test your decision.**
Then try asking questions such as these:
 - What does the law require me to do?
 - Is there any official misconduct, fraud or corruption involved?
 - Is the decision consistent with policy directions and administrative procedures?
 - Will my actions be fair and honest toward others?
 - Is there any perceived, real or potential conflict of interest in this situation?
 - What obligation might I be put under, or expectations raised?
 - Does this situation compromise me in terms of my obligations to my employer?
 - Who will be adversely affected?
- 4. Comprehensively re-assess the situation.** It should be noted that while no particular ethics obligation is prioritised by the Act, its weight will depend upon the facts and circumstances of the situation.
- 5. Make, document and act on your decision.** Document the decision, giving supporting reasons and justifications. If the decision can't be documented, does that indicate anything relevant to the nature of the decision?

If the matter is still unable to be resolved, the matter should be referred to your team leader or manager for advice or decision. If this course of action is not appropriate for any reason, the Human Resources Manager should be contacted for advice.

2.4 Offences and Disciplinary Action

BSA acknowledges that the overwhelming majority of its employees are committed to excellent standards in relation to all issues covered by the Code. BSA has a commitment to building an ethical workplace environment and, to maintain and enhance public confidence in the integrity of itself and its staff, BSA will take disciplinary action against those employees who behave unethically.

Unethical behaviour or failure to comply with the Code may result in:

- a) formal or informal counselling
- b) a penalty ranging from reprimand through to dismissal
- c) application of procedures for the Management of Diminished Performance.

Serious breaches of the Code that could amount to a criminal offence will be referred to the Police and/or Crime and Misconduct Commission (CMC). Allegations of official misconduct will also be referred to the CMC for investigation, in accordance with provisions of the *Crime and Misconduct Act 2001*. BSA's policies; Managing Employee Complaints and Management of Official Misconduct and Public Interest Disclosure should be referred to.

2.5 How does the Code relate to other Codes of Professional Ethics?

There may be occasions when the requirements of this Code may conflict with the codes of professional conduct of external bodies – for example professional associations – of which some employees may be a member.

Where a conflict arises between these and BSA's Code, it should be recognised that as the employer, BSA has the right to determine what is to be done. However, in the event of such conflict, this Code encourages our employed professionals to raise their concerns firstly within BSA and then within their own profession to enable informed discussion of dissenting professional opinion.

3. Section Three

3.0 Using the Code of Conduct

The standards of conduct that apply in BSA are set out in this Code, together with guidance on where to obtain further information or other supporting material. Topics have been aligned with the four ethics principles, to enable us to better understand our ethical obligations as public sector employees. Each topic explains BSA's position, provides some guidance, and gives some examples for further clarification. Where no specific rule has been given to cover a particular circumstance, it is our responsibility to find out what is the correct thing to do, using the process set out in Section 2.2 and 2.3.



Integrity and impartiality

Ethics Principle and Value 1: Integrity and Impartiality

Recognising that public office involves a public trust, public sector entities and public officials seek to promote public confidence in the integrity of the public services and:

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

3.1.1 Demonstrate a high standard of workplace behaviour and personal conduct

Working at BSA you have a responsibility to always conduct and present yourself in a professional manner, and demonstrate respect for all persons, whether fellow employees, clients or members of the public. You must:

- treat co-workers, clients and members of the public with dignity and respect, and recognise that others have the right to hold views which may differ from your own

- avoid any behaviour which may be discriminatory or harassing in nature, and comply with policies and procedures for the elimination of discrimination and harassment in the workplace
- recognise and respect the diversity of your co-workers and clients
- comply with your individual duty under workplace health and safety legislation to ensure your fitness for duty, and the safety, health and welfare of yourself and others in the workplace, whether co-workers or clients
- comply with your agency's policy for reporting employee criminal charges or convictions, and
- not allow the consumption of alcohol or other drugs to adversely affect your work performance or official conduct.

3.1.2 Conflicts of Interest

Conflicts of interest may be actual, perceived or potential:

- an actual conflict of interest exists when a reasonable person in possession of all the relevant facts, would conclude that your private interests do interfere with the proper performance of your official duties or responsibilities
- a perceived conflict of interest can exist where it could be perceived that your private interest could improperly influence the performance of your official duties or responsibilities, whether or not this is the case, and
- a potential conflict of interest exists when it appears that your private interests could interfere with the proper performance of your official duties or responsibilities.

To test whether a conflict of interest exists, you must consider how the situation may be viewed by a reasonable member of the public, properly informed. Conflicts of interest are not restricted to pecuniary (financial) interests. They may arise from seeking or accepting gifts and hospitality, undertaking secondary employment, influencing future employment, or seeking to influence outcomes concerning family, friends and others.

To ensure that public confidence in the impartiality and integrity of the public sector is maintained, you must:

- not give preference to or disadvantage any person or organisation as a result of any private association with that person or organisation
- seek to avoid any circumstance which could result in a conflict of interest arising
- discuss with your manager if you are uncertain whether a situation represents a conflict of interest
- assist your agency to recognise actual, perceived or potential conflict of interest situations by formally declaring any interests, when you become aware of them, and
- resolve any conflict of interest that does arise in the best interests of the public.

For BSA staff, any private interests or activities we undertake that involves an interaction with the building industry in Queensland, where that activity might give rise to BSA exercising its official functions, could create a situation in which the public's confidence in our integrity is compromised.

A conflict is also likely to arise if your private interests or activities benefit from an involvement with BSA. It may be necessary in such circumstances for BSA to require you to cease such activities if a serious conflict is involved. Alternatively, BSA will put in place policies or procedures to mitigate the conflict of interest and to restore public

confidence in situations where it would be unreasonable to limit your private activities. For example, it would be unreasonable for BSA to restrict you from having building work carried out by a contractor on your property, or making a claim under the provisions of the statutory insurance scheme. However, BSA may put in place policies or procedures to ensure that public confidence is maintained in such situations.

As employees of BSA we have an obligation to maintain BSA's integrity and good public image. This should be kept in mind when personal interests cross into areas covered by BSA's functions or where they differ from the interests of BSA. If a conflict arises, the Act requires that it should be resolved in favour of the public interest.

Second Jobs and Outside Interests

BSA seeks to avoid unnecessary intrusion into the private activities of staff. All staff would, however, be aware that BSA has statutory roles in the business licensing of builders and contractors, disciplining them when their behaviour breaches the Act, and in investigating and resolving disputes between contractors and consumers.

Balance your role as an employee with your participation in external organisations

Your work as an employee does not remove your right to be active privately in a political party, professional organisation, trade union or hold a second job. In doing so, however, you must:

- Disclose in writing to your manager any of the above (political associations, affiliations or second jobs) that may affect, or be seen to affect, a matter encountered in your work duties, and
- Be aware that participating in activities in the public arena, where you may be identified as a public employee, can give rise to a perception of conflict of interest.

If you are elected as a workplace representative or official of a trade union or professional association, you are not required to seek permission from your workplace before speaking publicly in that capacity, but you must make it clear that your comments are made on behalf of the organisation you represent. In both instances, you must obey the appropriate laws of privacy, confidentiality and information management.

BSA Staff who also hold BSA Licenses

A conflict of interest clearly arises when a BSA employee engages in any activity as a BSA Licensee that might, at the same time, require BSA's official intervention or involvement. In these circumstances, there is no doubt that there would be a perception that the employee's private interests would adversely impact upon the proper performance of BSA's official duties. The public's confidence in the integrity of the Authority's processes would be diminished. Consequently, it is not acceptable for BSA staff that hold licences issued by BSA, to actively contract to carry out building work for the public.

BSA employees are entitled to apply and hold Queensland Swimming Pool Safety Inspector Licenses. However, a conflict of interest exists for BSA staff to hold a second job and work as Swimming Pool Safety Inspectors. Whilst Swimming Pool Safety Inspectors do not require a BSA license their role is too closely aligned to many roles at BSA and therefore a conflict of interest could arise.

To minimise the intrusion into the private activities of staff who also hold licences, and in response to concerns raised, the following activities are however acceptable in the circumstances and conditions described:

(a) Building Work for Self or Family

Staff may wish to carry out building construction work, as BSA Licensees, on their own home or for members of their immediate families on a not-for-profit basis. This is reasonable and can be accommodated subject to this policy.

It is acceptable for licensed staff members to carry out work for immediate family members, provided that the relevant family member is properly informed of your employment circumstances, and accepts the condition that any complaint arising from the work would be investigated under the personal supervision of the General Manager.

In both instances, the employee must apply to the General Manager, setting out the circumstances in full, prior to any action. This will allow the General Manager to consider the situation and if the circumstances are clearly in line with this policy, to give approval. This also has the effect of putting the matter "on the record" in the event that any problems or complaints subsequently arise.

(b) Pre-Purchase Inspections

It is not permissible to carry out pre-purchase inspections of properties for the public because this work comes within the definition of "building work" under BSA's legislation. Providing free, informal opinions to friends or colleagues is acceptable, with no guarantee or liability attaching to the assistance provided.

All staff

BSA cannot predict whether complaints may arise in relation to employees who have worked in the industry prior to joining BSA. In these cases, BSA has put in place REACTIVE procedures to ensure that, as much as possible, the confidence of the public in a fair and equitable process is restored. These same procedures apply to any employee who contracts with a BSA Licence holder to have work done – for example the construction of a new home.

These procedures require the staff member concerned to be removed from the situation sufficiently to demonstrate that they will not influence in any way, nor play any official part for BSA in the resolution of the matter. Further, the matter is supervised and reviewed by a Senior Manager before determination.

Consequently, any staff member who receives, or is inadvertently asked to become involved in an official capacity in the resolution of a matter in which they have a personal interest, must immediately inform their Manager and seek to remove him or herself from any official involvement.

In all other circumstances, where your outside interests or employment have no relationship with BSA, and your ability to perform your function as a BSA employee efficiently is not effected, BSA will not be interested, and you do not need to advise BSA or obtain permission for that activity or employment.

3.1.3 Confidentiality

In the course of your employment within BSA, you may have access to confidential information. This information may be of a sensitive nature and may have the potential to seriously impact upon the activities of BSA, individuals or private sector

organisations if it were to become widely known. We must maintain an appropriate level of confidentiality at all times.

Information about BSA's activities may be considered to be confidential prior to its public release. Any information relating to individual customers is considered to be confidential, and should not be discussed outside the workplace or with people not directly involved in the case.

Responsibilities of Former Employees

Should you leave BSA you are generally free to use the skills, knowledge or experience gained during our employment with BSA. However, we can not freely use BSA's confidential information or documents in subsequent positions of employment. If the information or documentation is available publicly, we have the same right to discuss and use it publicly as any other member of the public, subject to copyright restrictions.

Guidance:

- Prior to your departure from BSA you should seek advice from your team leader or manager regarding authority to use information or documents.
- On departure, you are required to return documents and items which relate to the activities of BSA and which are not otherwise publicly available.
- If information gained as a consequence of your employment with BSA is not publicly available, you are required to seek BSA's permission to make public, publish or use the information.

Consider this example:

- A former employee now working for a marketing firm might use an internal list of BSA's customer names and addresses to target potential customers for a specific service. Because the information is unauthorised he or she becomes liable to prosecution.

3.1.4 Contribute to public discussion in an appropriate manner

In the course of our employment with BSA we may be asked to make public comments upon a variety of issues. Before doing so, we should ensure that we are authorised to make comment. It is not acceptable or appropriate to make public comment on issues affecting BSA which purport to express a BSA position unless we are authorised to do so. For more information, you should read [BSA's Media Policy](#).

Like any other citizen, you have the right to contribute to public discussions on community and social issues in your private capacity. In doing so, you must:

- take reasonable steps to ensure that any comment you make will be understood as representing your personal views, not those of government
- avoid discussing matters where it might appear that you are using official or privileged information, even if this is not the case, and
- be aware that personal comments about public issues may compromise your capacity to perform the duties of your role in an independent, unbiased manner.

3.1.5 Testimonials and Reports

BSA entrusts its officers with the responsibility for fair, consistent and objective appraisal of staff through the provision of performance and referee reports and the authority to select staff on the basis of merit.

It expects that we will fulfil this responsibility with impartiality and due regard for the principle of equity. When we prepare testimonials, referee reports, selection reports and performance reports we are to ensure that information within the reports is honest and is supported by facts and remains confidential.

Guidance:

- If you are to prepare a referee report on another staff member you should ensure that you have a clear statement of the criteria against which to make an appraisal.
- If you are on a selection panel you should undertake or have undertaken appropriate training in making staff selections.
- In making decisions about another person you should not consider uncorroborated opinions.

For further assistance see the [BSA Recruitment and Selection Policy](#).

Consider this example:

- When approached by a staff member to act as a referee for their job application, a manager is unsure whether the applicant can do the job effectively. In agreeing to act as a referee, the manager might fail to inform the applicant that he or she has reservations about supporting them on certain selection criteria - thus denying them the opportunity to provide additional referees to comment on those areas.

3.1.6 Reporting Unethical Conduct

BSA seeks to ensure that a workplace environment exists:

- which allows all of its employees to report perceived instances of unethical conduct
- where reprisals against disclosures of unethical conduct or other persons are not tolerated, and
- where appropriate action is taken on reported matters.

As employees of the public sector, we are all obliged under the *Public Sector Ethics Act 1994* to disclose any fraud, corruption and maladministration of which we may become aware. All disclosures are to be kept confidential, and although frank and open communication is encouraged throughout BSA we are entitled to remain anonymous if we wish.

Where we are aware of unethical conduct and fail to make a disclosure, appropriate disciplinary action may be taken by BSA. Disciplinary action WILL be taken against anyone who makes a deliberately false disclosure, maliciously misuses the reporting process or makes a reprisal. If we are a respondent, we are entitled to know of any investigation being made (subject to the *Crime and Misconduct Act 2001*), and can be assured that confidentiality will be maintained until a complaint has been proved.

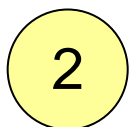
For further information refer to the [Public Interest Disclosure Act 2010](#) or [BSA's Management of Official Misconduct and Public Interest Disclosure Policy](#).

Consider these examples:

- An officer deliberately ignores the activities of a friend and colleague who has a small business and regularly uses BSA resources to print and send fliers, to make telephone calls for their business, and to interview customers.
- An officer who is engaged in illegal or unethical activities seeks to place pressure on another BSA employee to support, cover up or copy the unethical

behaviour, in an attempt to ensure that the other employee is not in a position to report the unethical conduct.

- To "get even" with a colleague for some perceived grievance, an officer attempts to lodge a false and malicious report about that person's ethical conduct.



Promoting the Public Good

Ethics Principle and Value 2: Promoting the public good

Recognising that the public sector is the mechanism through which the elected representatives of the people of Queensland deliver programs and services for the benefit of the people of Queensland, public sector entities:

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

3.2.1 Commit to excellence in service delivery

BSA employees deliver services to the community on behalf of the government. You have a responsibility to:

- Deliver services fairly, courteously, efficiently, and in a timely manner to the public
- Assist all members of the community, particularly people with disabilities, those who speak languages other than English, and those who may find it difficult to access government services, and
- Treat complaints seriously and respond to constructive feedback as an opportunity for improvement.

3.2.2 Dealing with Colleagues and Customers

In our workplace conduct we are expected to treat all co-workers, customers of BSA and the general public in a reasonable and courteous manner. Our own personal feelings or a lack of tolerance of views held by others which might differ from our own should not be allowed to influence our judgement, decision making or workplace behaviour. Any actions, language or behaviour (either explicit or implicit) that belittles, intimidates or harasses another person is not acceptable.

Guidance:

- Avoid any behaviour that might cause distress and embarrassment to others.
- Staff are expected to comply with the principles of equity and social justice, to avoid unfairly intimidating, discriminating against or harassing colleagues or the public on any grounds.

3.2.3 Ensure appropriate community engagement

Community participation is crucial to the development of quality government planning and decision making processes. At BSA you may have a responsibility, where appropriate and in accordance with your official duties, to:

- Listen and respond to issues and concerns raised by individuals or communities
- Consult public opinion to assist in the development of public policy, and
- Assist in raising community awareness about public issues and policies.

3.2.4 Work as an integrated service

In order to deliver excellence in customer service, employees at BSA must work together as one public sector to address complex issues and provide integrated services to the public. You have a responsibility, where appropriate and in accordance with your official duties, to:

- Share information across Queensland public sector agencies, where permitted by law, to enhance the seamless delivery of services
- Share common use assets, accommodation, and infrastructure within Queensland public sector agencies, wherever possible, to generate economies and efficiencies
- Collectively plan and deliver related programs and services within Queensland public sector agencies, wherever possible, and
- Work cohesively at the local, regional and national levels to provide integrated services.

3.2.5 Procedural Fairness & Natural Justice

The term "Natural Justice" is often incorrectly used. It does not refer to concepts of relative fairness ("BSA didn't make that other builder rectify a similar problem") or to the merits of the case ("It is unjust that I am being directed to rectify that work"). Natural justice is in effect procedural fairness. This means that customers of BSA are entitled to put their case forward, receive an unbiased hearing, and be informed of their rights including their right to review the resulting decision.

The BSA "decision-maker" should:

- not have a financial or other relationship with a party
- not have views about a party that are so fixed that the submissions of that party would not receive fair consideration
- be fair-minded
- consider whether they may be perceived as biased because of some prior involvement with one or more of the parties.

Guidance:

- To ensure that your decision has not been affected or may be perceived to be affected by a customer's behaviour, you may wish to involve another officer in the assessment.
- Where a customer is disadvantaged in accessing information (for example by having poor English language skills), you may be required to give extra assistance to that customer, without progressing the customer's advantage over that of another.
- If you are responsible for making decisions, these should be made within a reasonable time frame and be properly documented. A properly documented decision is one where the issues concerned are set out clearly, the process for considering them is outlined, and the conclusions reached and the reasons for or basis of the decision/s are stated.

3

Commitment to the system of government

Recognising that you have a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public sector entities:

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

BSA and its staff are required to be responsive to the Government of the day by implementing decisions and policies conscientiously and impartially, accepting that the elected government has the right to determine policy and priorities. In fulfilling our responsibilities to the Government and public, there can sometimes be a conflict between the expectations of the Minister, the law, our supervisor or profession. Or there may be occasions when Ministerial policy or BSA practice may be perceived by an individual employee or group of employees to have negative consequences for the public good.

3.3.1 Challenging Official Instructions

It is required that as employees of BSA we will follow lawful instructions. However BSA recognises our individual right to challenge any instruction we genuinely consider as unlawful, unreasonable or excessive. BSA also affirms its right as the employer to resolve such issues through its established internal grievance process. We are each entitled initially to refuse to comply with an instruction that appears to be unlawful. We also have the right and an obligation to test what appears to be an unreasonable or excessive instruction against the standards of the community.

Guidance:

- If you think that you have been given an inappropriate official instruction, you should first seek further information and clarification from the person issuing the instruction, communicating your concern if appropriate.
- If the response still gives you concern, you should apply the following test of reasonableness to help you determine the right course of action.

Test of Reasonableness:

- Is the instruction lawful? What law does it breach?
- Is the instruction consistent with documented BSA standards, goals and objectives?
- Would following the instruction lead to actions that might not be reasonable or fair to all, or would it put persons in a dangerous or clearly unsafe situation?
- If the instruction is carried out, could it have an impact on the reputation of BSA?
 - If you still believe the instruction may be inappropriate or illegal, you should discuss the matter with the senior manager to whom the person issuing the instruction reports. In the interim, however, you are expected to carry out the instruction unless it is indisputably unlawful, unreasonable or dangerous.

Senior managers who are approached by someone questioning an official instruction will provide guidance and direction in a supportive and unprejudiced environment. If necessary, they will mediate between the officer and the person issuing the instruction to resolve the matter.

- If the instruction is deemed to be lawful and reasonable, but you still object strongly as a matter of personal conscience and cannot accept a proposed resolution of the situation, you are expected to comply with the instruction. You may also resort to BSA's internal grievance mechanism.
- If criminal conduct is suspected, notify an appropriate authority. This may be the General Manager, the police, or the Crime and Misconduct Commission. The *Public Interest Disclosure Act 2010* should be referred to in this situation to ensure that appropriate reporting mechanisms are adhered to.

Consider this example:

- A building inspector is instructed to make a visit to the home of a customer who has behaved in a threatening fashion in the past. The Inspector might challenge this instruction in the sincere belief that his or her personal safety was at risk. He or she should express their concerns to the person issuing the instruction in line with the guidance set out above.

3.3.2 Maintain appropriate relationships with Ministerial staff

Ministerial advisors and BSA employees share a common commitment to serving the government of the day. In order to carry out our duties, positive and productive interactions between the administrative and political arms of government are required.

If providing advice to Ministers is a part of your role, you must adhere to the appropriate departmental conventions for interacting with ministerial staff. Ministerial staff are not empowered to direct BSA employees in their own right. If this occurs, you are able to challenge any directions or instructions by raising your concerns with our General Manager.

3.3.3 Ensure proper communication with Members of Parliament

As a private citizen, you have the right to communicate directly with a Member of Parliament on any issue affecting you as a private citizen. However, while you are employed at BSA, communications with Members on matters which are relevant to your official duties or the affairs of the BSA for which you work must be restricted to the appropriate formal channels.

3.3.4 Manage interactions with lobbyists

Regulations over contact between professional third-party lobbyists and government representatives are set out in the *Integrity Act 2009* and the Lobbyists Code of Conduct. As BSA employees, you must not have any lobbying contact with a third-party lobbyist unless they are on the Lobbyists Register maintained by the Integrity Commissioner. If they are, they will have to tell you who they are representing, the issue they want to raise, the reason for approaching you, and whether they are a former senior government representative.

If your role at BSA requires you to deal with lobbyists, you must be familiar, and comply with all relevant policies and keep good records of all contacts with lobbyists. In particular you must register contact with lobbyists on the BSA's contact with Lobbyists Register. The *Integrity Act 2009* and Lobbyists Code of Conduct also outlines the restriction on lobbying activity being undertaken by former senior

government representatives, which includes former Ministers, Parliamentary Secretaries, Ministerial staff or chief or senior executives.

3.3.5 Ensure transparency in business meetings

In order to ensure all BSA dealings with private industry are conducted with the highest level of integrity you must not hold business meetings with:

- Persons who have ceased to hold office as a Minister (within the last two years) on matters that they had official dealings with in their last two years in office
- Persons who have ceased to hold office as a Parliamentary Secretary (within the last 18 months) on matters they had official dealings with in their last two years in office, or
- Persons who have ceased employment as a senior public sector employee or Ministerial staff member (within the last 18 months) on matters they had official dealings with in their last 18 months of public sector employment.

3.3.6 Dress Code

BSA expects that staff will present themselves in a clean, neat, tidy and businesslike fashion suitable to their own role and working environment and respect towards their colleagues. Staff who have a role which involves interaction with customers or stakeholders should ensure that their dress standard and personal presentation maintains BSA's image as a professional provider of quality services to the community and representative of the Government.



Accountability and transparency

Recognising that public trust in public office requires high standards of public administration, public sector entities:

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

3.4.1 Work with diligence, care and attention

The way in which we perform our official duties has an impact upon BSA's ability to appropriately serve the needs of government and the public. We are therefore expected to act responsibly in the workplace, to be accountable for our actions and decisions, and to provide honest, impartial and comprehensive advice and information. In performing your duties you should:

- Faithfully serve the government of the day, regardless of your personal preferences
- Fulfil all responsibilities of your own job, including duties as appropriately directed by your team leader or manager
- Ensure that existing rules and guidelines are followed responsibly, within the spirit of their intent

- Ensure that decision-making processes are as soundly based, well informed and participative as possible within resource and time constraints
- Be accountable for your absences from the workplace, and
- Refrain from conduct that may adversely affect the work performance of you and others.

Consider these examples:

- An officer fails to report concerns about issues arising from the performance of his or her duties, and in doing so compromises the soundness of the unit's decision-making processes.
- An officer is absent from duty without seeking permission, with the result that the work area does not function effectively in his or her unaccounted absence.

As employees of BSA we are expected to use all BSA resources economically for their legitimate purposes, treating them with appropriate care and securing them against misuse or theft. Use of these assets to the best benefit of BSA also includes using proper disposal procedures.

3.4.2 Use of Public Resources for Personal Purposes

As a general principle, public resources of BSA should not be used for personal purposes. However this practice may be acceptable in a limited range of circumstances and at management discretion if it improves BSA's ability to achieve its objectives. In this regard it is acknowledged that private use of resources is acceptable where it is of a minor, infrequent and irregular nature or in other instances where it is specifically authorised by management in advance.

Guidance:

- You are expected to obtain the permission of your team leader or manager before accessing BSA resources for personal purposes.
- Where an opportunity to use BSA resources for personal purposes is assumed to be valid, you should first apply a "test of reasonableness", asking yourself the following questions:

Test of Reasonableness:

- Is my action reasonable?
- Are my actions incurring additional cost to BSA?
- Am I affecting the ability of other staff to use the resource effectively for work purposes?
- Am I getting an advantage not available to others?
- Am I affecting public perception of the integrity of BSA?

Consider this example:

- An officer uses a BSA photocopier to copy material for their personal, non BSA work related use. This is not acceptable because all official resources and equipment, including items such as photocopiers, fax machines and PC's are provided for official use only and their use for private purposes may incur an additional, unwarranted cost to BSA.

3.4.3 Ensure appropriate use and disclosure of official information

The public has a right to know the information that is created and used by BSA. This right is balanced by necessary protections for certain information, including personal information. Information privacy legislation protects the misuse of personal information and you have an obligation to ensure the lawful collection and handling of personal information. In addition, you must:

- a) Treat official information with care and use it only for the purpose for which it was collected or authorised
- b) Store official information securely, and limit access to those persons requiring it for legitimate purposes, and
- c) Not use confidential or privileged information to further personal interests.

3.4.4 BSA's Policy on Gifts

It is the Policy of BSA that:

- (a) it is unacceptable for any employee of BSA to ask for or to encourage the offer of any gift or benefit in connection with the performance of official duties
- (b) where an unsolicited gift or benefit is provided or offered to any employee of BSA, that the employee must declare the receipt of the gift or benefit, or the offer to the responsible manager as follows:
 - (i) where the value of the gift or benefit is more than \$150, to the General Manager, or
 - (ii) where the value of the gift or benefit is less than \$150, to their Executive Manager.

The responsible manager will then determine the course of action subject to the following guidelines:

- if the gift or benefit is valued at less than \$150 and the responsible manager determines that there is no other conflict of interest, they may approve that it be retained or accepted by the officer concerned;
- if the gift or benefit is valued at over \$150, or if there is judged to be a potential conflict of interest in respect of items valued at under \$150, the responsible manager may determine to:
 - permit its acceptance where there is no other conflict with this Code, or
 - decline its acceptance or instruct the officer to decline its acceptance, or
 - To accept it for use of BSA as a whole or for display purposes.

In such cases, the officer to whom the gift is made will be notified in writing of the decision, and any approval to retain or accept a gift or benefit will be recorded in the "Gifts/Benefits" Register maintained by Administration & Facilities Management Branch.

Examples include; payments of money, offers of hospitality (i.e. theatre, tickets to sporting or cultural events, invitations to business or private parties, trips or functions, gifts of alcohol, offers of free accommodation, and any other provision of goods or services which would otherwise attract a payment. Where the value of a gift or benefit is unclear or unable to be easily determined, but appears to be significant, it should be treated in line with the above guidelines as if it is valued at more than \$150.

Any gifts of cultural or historical significance must remain the property of the BSA, regardless of their value.

If a gift or benefit is retained by BSA, it must be used for public benefit and in an appropriate manner. If BSA does not have an appropriate use for the gift or benefit, it may be disposed of in accordance with the Guidelines for Gifts and Benefits.

Exceptions from Reporting Receipt/Offer of Gifts/Benefits

It is recognised that many organisations, as a part of marketing their business or products, give out items which can best be described as basic marketing material. Also, BSA customers may, in acknowledgment of their appreciation of our service to

them, wish to make a one-off gift to express such appreciation. Such items may include:

- Inexpensive items of stationery such as jotter pads, pens or pencils, folders, inexpensive pocket dairies or calculators and similar items
- Inexpensive gifts such as flowers or plants and food items, but NOT any quantity of an alcoholic beverage
- Promotional material such as coffee mugs, drinking glasses, and
- Inexpensive clothing items such as ties, scarves, caps, t-shirts.

BSA encourages staff to gain knowledge of the services, products and new initiatives of its stakeholders and supplies. Consequently, it is reasonable for officers to accept invitations to events such as new product launches, open days, information briefings, industry functions, presentations or seminars. This is provided the officer attending will gain additional information, knowledge or understanding and there is a clear benefit or implication for BSA, and provided the event is held in their local area. In such instances, officers should, prior to accepting, consult their Manager to confirm the appropriateness of attending.

In general, however, any such gifts, benefits or invitations should not be accepted during a tender (or similar) process, or whilst BSA is in the process of considering a matter (i.e. during the process of processing a licence application) which involves that individual or group. When such material is provided at another time (i.e. Christmas, end of financial year, completion of project etc) then it would normally present no problem.

Consider this example:

- It would clearly be inappropriate to wear a cap or tie emblazoned with a building company's name or logo when meeting owners and builders involved in a dispute. Staff should use discretion as to how such items are used or displayed.

Guidelines on Conduct re Bribes, Gifts and Benefits

Asking for and/or accepting money or other benefits may amount to criminal conduct where a public sector employee comprises his or her official position.

Guidance:

- If you think you have been offered a bribe, make a written report to the General Manager immediately.
- If you have been offered or have received a gift or benefit (which includes travel, hospitality or sponsorship or any other object or service), you must observe the Gifts and Benefits policy outlined above.
- If you agree or are required to speak officially at a conference or function, and you assess that accepting a gift would be inappropriate, you should notify your hosts in advance (where possible) that it would not be appropriate to accept gifts or rewards. On occasions where refusing a gift would be perceived as rude or offensive, you must use your own judgement or ask advice from your team leader or manager.

You should consider the following questions when deciding whether to accept unsolicited gifts or benefits offered by an external party:

- How much influence do you or could you have on decisions affecting the external party?
- Do you have direct dealings with the external party? What is the nature of that relationship?

- What are, or what might be perceived to be, the reasons for offering the gift or benefit?
- What are, or what might be perceived to be, the reasons for your accepting the gift or benefit?
- Does the external party expect something in return for their gift or benefit?

Consider these examples of inappropriate gifts or bribes:

- An officer is offered a "fee" by a prospective customer to overlook certain anomalies in an application for insurance.
- A purchasing officer accepts a private company's offer of season tickets to the football before nominating the company as a preferred supplier of goods to BSA.

Further guidance on gifts and benefits can be found in the *Financial Accountability Act 2009* and the *Financial Management Standard 2009*. The requirements of the Criminal Code and the *Crime and Misconduct Act 2001* in relation to "kickbacks" and official misconduct should be considered also.

Detailed information on Gifts and Benefits can be found in the Public Service Commission Directive No.22/09 and the Guideline for Gifts and Benefits at <http://www.psc.qld.gov.au/page/corporate-publications/directive/index.shtml>

3.4.5 Commit to continuous learning and self-development

The capacity of BSA employees to deliver services to the community depends on an innovative and creative workforce. BSA offers an extensive range of learning opportunities including a corporate calendar of training courses. You have responsibility to:

- a) Maintain and develop your professional skills and knowledge, and
- b) In consultation with your manager, take reasonable steps to identify and apply for development opportunities relevant to your current role and responsibilities.

4. Conclusion

Greater information on the public sector ethic principles and values or this Code of Conduct can be found in the *Public Sector Ethics Act 1994* or by contacting BSA's Human Resource Services for further information.