
CODE OF CONDUCT

APPROVALS

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OBJECTIVE

The Code of Conduct (the Code) establishes responsible conduct, integrity and ethics. IRC is committed to the highest standards of conduct, integrity and ethics and to meet this commitment, has issued this code to cover all IRC employees, volunteers, work experience, agency supplied staff and contractors to more closely align staff conduct with the organisational values and ethics that underpin IRC's policies and procedures.

SCOPE

It is the responsibility of all employees, volunteers, work experience, agency supplied staff, and contractors to familiarise themselves with the content of the code and be aware of the consequences that can be applied by IRC for a breach of the code.

The code is based on four ethical principles and their associated values for public officials, as prescribed in the *Public Sector Ethics Act 1994*. These are the fundamental principles of ethical behaviour, effective from 1 July 2011, essential to the robust public sector integrity and accountability and which IRC must promote in their internal and external relationships. The code should be read in conjunction with the *Public Sector Ethics Act 1994* and the *Local Government Act 2009*.

A code of conduct is a set of standards and behaviours that has been developed to ensure that the organisation consistently promotes and maintains the highest standards of professional conduct and ethical business conduct. It puts a responsibility on employees, volunteers, work experience, agency supplied staff and contractors to use sound judgment in every endeavour when they are representing IRC.

It aims to deliver best practice by ensuring those standards are clear and guided by sound ethics and integrity. By consistently applying these standards, we enhance public trust and confidence in every employee and the organisation.

The standards in this code do not interfere with an employee's rights as a private citizen or a ratepayer. The code does not cover every situation and the values, ethics, standards and behaviours it outlines are guiding principles to help make decisions and upon which to base standards of behaviour. If employees, volunteers, work experience, agency supplied staff and contractors act in good faith and in keeping with the spirit of the code, they can expect to be supported by IRC.

DEFINITIONS

Define terms to ensure ease of reading and interpretation to the reader.

TERM / ACRONYM	MEANING
The Act	<i>Local Government Act 2009</i>
CEO	Chief Executive Officer
The Code	Code of Conduct
Councillors	Elected Officials
EEO	Equal Employment Opportunity
ELT	Executive Leadership Team
P&P	People and Performance Department

POLICY STATEMENT

PROVISIONS

IRC conducts its business with integrity, honesty and fairness and complies with all relevant laws, regulations, codes and corporate standards. Everyone working for IRC must follow the highest standards of behaviour when dealing with customers, and each other. Our leaders must encourage a culture where ethical conduct is recognised, valued and followed at all levels.

IRC actively supports, encourages and develops its employees to work safely, be customer focused, use technology and IRC assets efficiently, adapt to changes and improve their own capabilities and contribute to IRC's community, corporate and operational plans.

LEGISLATIVE PRINCIPLES AND CORPORATE VALUES

The *Public Sector Ethics Act 1994* identifies four ethical principles that are fundamental to good public administration, guiding our behaviour as public officials, and forming the basis for a local government code of conduct.

The four ethics principles are:

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

The *Local Government Act 2009* (the Act) sets out the way in which a local government is constituted and the nature and extent of its responsibilities and powers. Section 4 of the Act requires IRC's actions to be consistent with the following local government principles:

- transparent and effective processes, and decision-making in the public interest; and
- sustainable development and management of assets and infrastructure, and delivery of effective services; and
- democratic representation, social inclusion and meaningful community engagement; and
- good governance of, and by, local government; and
- ethical and legal behaviour of councillors and local government employees.

Section 13 of the Act lists the responsibilities of local government employees as all employees of a local government have the same responsibilities, but the Chief Executive Officer (CEO) has some extra responsibilities.

All employees have the following responsibilities:

- implementing the policies and priorities of the local government in a way that promotes:
 - the effective, efficient and economical management of public resources; and
 - excellence in service delivery; and
 - continual improvement

- carrying out their duties in a way that ensures the local government
 - discharges its responsibilities under the Act; and
 - complies with all laws that apply to local governments; and
 - achieves its corporate and community plans.
- providing sound and impartial advice to IRC
- carrying out their duties impartially and with integrity
- ensuring the employee's personal conduct does not reflect adversely on the reputation of the local government
- improving all aspects of the employee's work performance
- observing all laws relating to their employment
- observing the ethics principles under the *Public Sector Ethics Act 1994*, section 4
- complying with the code of conduct under the *Public Sector Ethics Act 1994*

The CEO has the following extra responsibilities:

- managing IRC in a way that promotes:
 - the effective, efficient and economical management of public resources; and
 - excellence in service delivery; and
 - continual improvement;
- managing the IRC employees through practices that:
 - promote equal employment opportunities
 - are responsive to the local government's policies and priorities
- establishing and implementing goals and practices in accordance with the policies and priorities of IRC;
- establishing and implementing practices about access and equity to ensure that members of the community have access to:
 - IRC's programs
 - appropriate avenues for reviewing IRC's decisions
- The safe custody of:
 - all records about the proceedings, accounts or transactions of IRC or its committees
 - all documents owned or held by IRC
 - Complying with requests from Councillors under section 170A:

- for advice to assist the Councillor carry out his or her role as a Councillor
 - for information, that IRC has access to relating to IRC.
- may make guidelines about the way in which a Councillor is to ask an IRC employee for advice to help the Councillor to make a decision.

The values we share as employees of IRC are:

- Professionalism: We will display accountability, openness, transparency and integrity.
- Continuous improvement: All aspects of the organisation's operations are encouraged through a progressive and creative approach.
- Excellence: The manner in which we approach all aspects of the business for Isaac region, the highest possible outcome will be achieved.
- Procedural consistency: There is a consistent approach to the way in which Council conducts its business across the region.
- Customer focus: We identify and meet the needs of all customers in a responsive and equitable manner.
- Teamwork and coordination: We work together to achieve a common goal.
- Safety and well – being: We are all committed to working safely and caring for each other's well – being.

These legislated principles, together with IRC's vision, purpose, values, policies and procedures, form the basis of the code and all need to be considered together. They apply to all IRC employees, volunteers, work experience, agency supplied staff and contractors and guide our thinking, actions and decision-making.

TO WHOM THE CODE APPLIES

All IRC employees (regardless of their employment status, role or position, whether permanent, temporary, casual or part-time employees, managers, supervisors, team leaders, team members or individuals), contractors, agency supplied staff, volunteers and students on work experience, must be familiar with and follow the spirit and content of the code of conduct.

WHEN DOES THE CODE APPLY?

The code relates to our conduct as public officials and behaviour as individuals while at work and also outside the workplace where particular behaviour may be directly related to our employment and IRC activities and in other circumstances where our actions may impact upon the reputation and activities of IRC. The code is the standard of behaviour to be applied whenever an employee, contractor, volunteer, agency supplied staff and work experience is representing IRC.

ETHICAL PRINCIPLES, VALUES AND CONDUCT

The First Principle – Integrity and Impartiality

This principle outlines the standards expected in relation to managing conflicts of interest, avoiding bias in decision making, accepting gifts and benefits, any employment outside Council, making comments about Council business, giving advice to Councillors, involvement in external activities, behaviour towards each other as employees, non-discriminatory workplace and workplace harassment and bullying.

Public Sector Ethics Act 1994 section states:

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

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

Conflict of Interest

Operationally, this requires that conflicts of interest are managed as follows when making decisions, an employee must declare any conflicts of interest that could affect or be seen to affect their objectivity in carrying out their duties.

A conflict of interest involves a conflict between employee's official duties and responsibilities in serving the public interest and their private interests. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage, whether financial or otherwise. This includes advantages provided to relatives and friends.

If an employee believes they have a conflict of interest, whether real, potential or perceived, they must advise their manager or a representative of P&P promptly. The manager or P&P representative will then provide further direction on how to resolve the matter giving rise to the conflict of interest. Until the matter is resolved, the employee must make sure they are not part of any decision-making processes related to the matter.

If an employee feels they have a conflict of interest between professional and corporate values, they must discuss it with their manager or a representative of P&P.

Where required by chapter 8, Part 5 of the *Local Government (Operations) Regulation 2012*, an employee may be required to supply details of interests to the CEO or Mayor to be included in a register of interests and ensure particulars contained in a register of interests remain correct.

Employees must not influence any person in an improper way with the aim to obtain personal advantage or favours. Transactions must be at an arm's length and be above reproach.

All decisions need to be, and be seen to be, fair and transparent. This can be achieved in a number of ways, including clear record-keeping and showing how decisions were made. Employees must not in any way misrepresent employee's qualifications, experience or expertise in any recruitment and selection process.

A guide to ethical decision making' in Annexure B has more information to assist employees. Employees must ensure that any contact with lobbyists complies with any policy of IRC and the requirements of the *Integrity Act 2009*.

Accepting Gifts and Benefits

Employees may be offered gifts or benefits from people with whom IRC conducts business with. Pursuant to section 199 subsection 3 of the *Local Government Act 2009*, it is an offence for an employee to ask for, or accept, a fee or other benefit for doing something as a local government employee. However, subsection 4 does not apply to remuneration paid by IRC or a benefit that has only a nominal value.

The acceptance of gifts or benefits of a nominal value may be permitted in limited circumstances. However, as a rule employees must not accept any gifts or benefits (regardless of value) if there is a possibility that in doing so, the employee could create a real, potential or perceived conflict of interest or be seen to be receiving a bribe.

The test to apply is whether the employee could be (not whether the employee is) influenced by their private interests in carrying out their official duties, or whether people are likely to believe that they could be influenced.

Where required by chapter 8, Part 5 of the *Local Government (Operations) Regulation 2012*, senior staff (including the CEO and Councillors) must ensure that gifts are recorded in the Register of Interests.

Employment Outside IRC

It is not IRC's intention to stop anyone from holding secondary employment over and above their official duties as an IRC employee. Approval for secondary employment may be granted for the employee to undertake private employment outside of their normal working hours as long as the following requirements are met:

- That no conflict of interest exists or develops, between private employment and employees' official duties
- That the private employment has no effect on the performance of official duties. This includes effects from a safety/fatigue management perspective
- That the private employment does not involve use of IRC resources (physical, technological or intellectual)
- Pursuant to section 198 of the *Local Government Act 2009*, where the employee seeks to be employed by more than one (1) local government at the same time, approval of each of the local governments is required prior to the employee being appointed to the second position

Requests for approval to hold a secondary position should be made in writing to the CEO. In the written application to the CEO, the employee must address the above and outline how they will manage their ongoing efficiency and effectiveness obligations to Council while also undertaking the secondary outside employment.

If requested, the employee must disclose any additional information requested by IRC in relation to the outside employment including duties undertaken, hours worked, any current links the outside employer has with IRC and any potential conflicts of interest. Providing this information will ensure that an evaluation can be made of any actual or perceived conflicts of interest that may arise and, if required, allow measures to be put in place to ensure that the employee and IRC are protected from allegations of inappropriate conduct.

The CEO will consider each request on a case by case basis and any approval will be conditional on the ongoing management by the employee and will be recorded on the employee's file.

An employee does not need approval to undertake voluntary work or a hobby, the employee needs to ensure that these activities do not result in a conflict of interest and that the above requirements are met.

Public Comments on IRC Business

As a general rule, only employees authorised by the CEO may speak to the media and comment publicly on IRC business. Council business can be topical, sensitive and controversial and there is a process to be followed when making public comments on behalf of IRC.

Employees should not make personal comments on IRC matters including to the media or via personal social media accounts. It is important to be aware that as a public sector employee your actions outside of IRC may impact upon the reputation and activities of IRC including the public confidence in IRC to be ethical, impartial

and objective. You should consider the values and standards that the community expects you to uphold as a public officer when making comments on personal social media and be aware that personal comments about IRC issue may compromise your ability to perform your role in an independent, unbiased manner.

If an employee is asked to comment on any IRC matter via media or via other public relations firms and are not authorised to do so, the employee should decline and they should direct the enquirer to the Manager Brand Media and Communications or the relevant Director.

This is detailed in the IRC Social Media Policy Procedure.

Employees must also ensure that to the extent they collect, handle or give access to personal information, they comply with the privacy principles outlined under the Information Privacy Act 2009.

Advice Given to Councillors

Communication between Councillors and employees must be in accordance with the Acceptable Request Guidelines adopted by IRC on requests to employees, for advice to assist a Councillor carry out his or her role as a Councillor, or for information, that IRC has access to, relating to the *Local Government Act 2009* (Section 13 (3) (f)). IRC employees must give Councillors advice that is thorough, responsive, objective, independent, apolitical and impartial so that Councillors can make decisions and carry out their community responsibilities.

If an employee believes there is conflict between a request from an elected official and IRC policies, they must discuss this with their manager or a representative of P&P.

External Activities

IRC supports and is committed to ensuring all employees are free to engage in trade union, party-political, professional, interest group or charity activities of their choosing. However, employees must make sure that participation in such activities does not cause either a conflict of interest, and/or unduly restricts the performance of official duties with IRC. Employees must not allow their involvement in any external organisation to intrude upon IRC duties. This includes an employee's ability to give sound advice to IRC that is objective, independent, apolitical and impartial.

Employees are not to take part in political affairs whilst on duty. IRC's Information Technology (IT) systems, including internet access and email, IRC newsletters and workplaces must not be used for political messages or circulating defamatory or disparaging remarks against individuals, groups or IRC.

If employees comment publicly in connection with external activities, they must make a clear distinction between personal opinion as a member of the external organisation, and as an IRC employee and should ensure that personal comments cannot be referenced back to their position with IRC.

IRC information gained in the course of an employee's official duties must not be used, to advance a personal position or standing within an external organisation, nor for the benefit or promotion of an external organisation. Employees must not provide IRC information to members of other groups or related persons, except where this information is publicly available. This specifically includes information related to services provided to the community and community programs.

As a member of an external organisation, employees need to be aware that participating in activities in the public arena, where they may be identified as an IRC employee, can give rise to a perception of conflict of interest in some circumstances. Where such a situation arises, employees must declare and manage the conflict in accordance with this Code of Conduct.

Behaviour Towards Each Other

Our employees, contractors, work experience, agency supplied staff and volunteers must treat all others with trust, respect, honesty, fairness, sensitivity and dignity. This standard must be applied to all members of the IRC team and our customers, community and the public.

Managers or anyone within IRC who supervise or manage other employees have a special responsibility to model this standard of behaviour and to ensure that their team understands the standard of performance and behaviour that is expected of them at work and when dealing with community and the public in general. These leaders should ensure that all actual and perceived manners of communication, behaviour and demeanour align to the values of IRC.

IRC values diversity, and expects all its employees, contractors, work experience, agency supplied staff or volunteers to accommodate and respect different opinions and perspectives. At IRC there is no place for intolerance, discrimination, bullying or harassment of any kind. Employees, community members and the public must be treated with dignity, respect and equity irrelevant of origin, nationality, religion, race, gender, age or association.

Effective teamwork is an essential part of a productive workplace culture. Each team member must work co-operatively with fellow employees and actively and willingly take part in team activities. There is no place in IRC for employees, contractors, work experience, agency supplied staff and volunteers who do not adhere to our standards of conduct, integrity and ethics.

Non-discriminatory Workplace

IRC promotes the values of a diverse workforce and is an equal opportunity employer. IRC aims to create and maintain an inclusive workplace culture and is proactive in ensuring that all our practices are free from discrimination relating to:

• Sex	• Relationship status	• Gender Identity
• Pregnancy	• Parental status	• Family Responsibilities
• Breastfeeding	• Age	• Sexuality
• Race	• Impairment	• Lawful sexual activity
• Religious belief or activity	• Political belief or activity	• Trade Union activity

Or associated with, or in relation to, a person identified on the basis of any of these attributes.

As an employee of IRC, employees have a shared responsibility to ensure that discrimination is not part of our workplace or our practices in dealing with community and the public. If employees witness discriminatory behaviour, they have a positive obligation to report such actions to a manager, director or a representative of P&P. At IRC there is no place for unlawful discrimination and following investigation and if proven it may lead to disciplinary action being taken including termination of employment.

This is detailed in the IRC Anti-Discrimination and Equal Employment Opportunity policy.

Workplace Bullying and Harassment

IRC is committed to the prevention of any form of bullying and harassment and affirms the rights of individuals to be treated fairly, with dignity and respect. in the workplace, or at any place where IRC related activities are performed. This commitment applies to all IRC employees, contractors, agency supplied staff, work

experience and volunteers and to any persons who have dealings with IRC. All employees of IRC are expected to contribute to building a respectful workplace that is free from bullying and harassment. All have a joint responsibility to respect the rights of fellow employees, by not taking part in any action that may constitute bullying and harassment of any form.

This is detailed in the Workplace Bullying and Harassment policy.

THE SECOND PRINCIPLE – PROMOTING THE PUBLIC GOOD

This principle outlines the standards expected in relation to providing excellent customer service, community engagement, fairness to suppliers, using public money, intellectual property and concern for the environment.

Public Sector Ethics Act 1994 section 7 states:

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

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

Operationally, this requires standards of behaviour.

Customer Service

IRC employees will strive to provide excellent customer service in accordance with IRC customer service charter and must treat members of the public equitably and with honesty, fairness, sensitivity and dignity. All IRC employees serve their communities directly or indirectly and it is important to know how to deal comfortably and calmly with difficult situations and difficult people.

Employees are expected to treat complaints from customers and the community or fellow employees seriously and respond to constructive feedback as an opportunity for improvement.

Customers have a right to complain or criticise IRC. Employees of IRC must show respect towards complainants and make all reasonable efforts to help customers lodge complaints. If employees think a situation is threatening or intimidating, they are entitled to withdraw from the situation. IRC will support any employee who believes they are under threat from a member of the public.

As IRC's image can be impacted by the presentation of staff, they are required to appear neat and tidy and maintain a professional business standard of dress when office based. If employees are unsure about what constitutes appropriate dress, please discuss this with the employee's manager. Where employees have been provided with IRC uniforms, employees are required to wear all components of the uniform without alteration (other than alterations designed to ensure a proper fit) and ensure that uniforms are clean and tidy. Supervisors and Managers are expected to ensure that employees are appropriately presented at all times and guide staff if required about what constitutes appropriate dress standards.

Community Engagement

IRC is committed to meaningful engagement and consultation through community engagement. IRC aims to engage with the community on major issues that are affecting the region or issues that may have significant impacts on the region. Residents are invited to provide feedback to community matters to ensure that IRC have considered all interests as a part of their planning process. It is essential that IRC utilise community engagement in a clear and fair manner by ensuring processes are being followed.

Employees are expected adhere to the process and ensure that community engagement happens in a constructive and concise manner in line with the Community Strategic Plan.

Fairness to Suppliers

IRC's contracting activities are regulated pursuant to section 104 of the Local Government Act 2009 and chapter 64 of the Local Government Regulation 2012 (Qld) . IRC has established procedures and delegations of authority for various stages of procurement of goods and services which reflect the content of the legislation and its sound contracting principles. Employees must comply with IRC policy and procedures when seeking suppliers for goods or services.

If employees have been approved to be engage in procurement activities representing IRC, they must comply at all times with the IRC procurement policy.

Employees must not incur any liability or enter into any contract on behalf of IRC or alter the terms or conditions of any contract which IRC has already entered, unless employees are authorised to do so.

Public Money

Employees must maintain high standards of accountability when collecting and using public money under any circumstances. Employees must not borrow or use IRC money for private purposes. This also applies to items such as taxi vouchers or other vouchers.

Employees using IRC monies for the purpose of entertainment and/or hospitality expenditure on IRC's behalf must do so strictly in accordance with the IRC entertainment and hospitality expenditure policy.

Intellectual Property

IRC expects its employees to ensure that their actions do not breach or infringe the *Copyright Act 2008*, by unlawfully using the intellectual property of any individual or organisation.

Employees must respect copyrights, trademarks, patents and intellectual property of others, or reproduce or quote suppliers' material unless the IRC license specifically allows it. Employees must not store or copy audio, video or image files, printed media and software on IRC assets without an appropriate license or approval. Where this is unclear employees must seek written approval before arranging to publish, disclose or reproduce any articles or materials as part of their official duties.

Any original work, invention or product employees have contributed to in association with official duties as an IRC employee remains the property of IRC. Similarly, employees must not publish or disclose any matters relating to IRC's intellectual property without appropriate authority. This does not stop employees from sharing with other organisations information relating to employees' official duties. However, if employees do, and if employees are unaware of whether such action may breach this code, they must first seek clarification from their manager.

Concern for Environment

We all share responsibility to protect our natural environment, creating healthy surroundings for our community, and managing the impacts of air, water, land and noise pollution. This includes individual responsibility for our own actions (e.g. taking care in disposing of waste, using and storing chemicals, reducing energy consumption and waste in our work spaces where we can, and applying high standards of environmental protection across the region.

In performing duties at IRC, employees must ensure that they comply with general environmental duty and where applicable notify of environmental harm: Refer to chapter 7, part 1 of the *Environmental Protection Act 1994 (Qld)*.

THE THIRD PRINCIPLE – COMMITMENT TO THE SYSTEM OF GOVERNMENT

This principle outlines the standards expected in relation to acting within the law, delegations, policies, and procedures, fraud and corruption, raising concerns and privacy.

The Public Sector Ethics Act 1994 section 8 states:

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

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

Section 8 subsection (1) does not limit the responsibility of a public service agency, public sector entity or public official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy or is a customary feature of the work of the agency, entity or official.

Operationally, this requires standards of behaviour including:

- acting within the law;
- IRC employees are expected to comply with applicable legislation, awards, certified agreements, IRC policies, procedures, guidelines, local laws, delegations and work health and safety standards;
- employees have the right and responsibility to respectfully question how employees do work, particularly if they think there is an imminent risk to safety or if there is a better way of doing something, or if employees think that a direction may be in breach of the law. Suggestions or concerns of employees are directed to a manager, except where there is a risk to safety. If the matter cannot be resolved within the workgroup, it should be immediately referred to a manager or a member of the work health and safety team;
- employees should immediately report the indictable offences to a manager or a representative of P&P. Such disclosure shall be treated as confidential;
- employees must immediately report if charged with having committed any indictable offence, are subjected to an indictable offence conviction to a Manager or P&P. Such disclosure shall be treated as confidential

and considered within the context of the employee's ability to properly conduct his or her duties as an employee of IRC;

- acting in accordance with delegations and signing documents on behalf of IRC;
- prior to exercising any power on behalf of the CEO, employees must ensure there exists an appropriate delegation pursuant to state or federal legislation that allows action per IRC's delegations register;
- employees must comply with all IRC established policies and procedures. Failing to act in accordance with an adopted policy or procedure may result in disciplinary action.

The only persons who may sign a document on behalf of IRC are:

- The Mayor;
- The Chief Executive Officer;
- A Councillor or IRC employee who is authorised, in writing, by the Mayor or CEO to sign documents.

Fraud and Corruption

Fraud and corruption pose a serious risk to Council and can cause significant financial and reputational damage, affect employee morale and undermine the public's confidence in the delivery of services.

All employees have a responsibility to prevent fraud and corruption and an obligation to report suspected fraudulent or corrupt activities or behaviour to a Manager or the CEO.

An employee must not in any way misrepresent his/her qualifications, experience or expertise in any recruitment and selection process.

Employees are encouraged to contribute to the development of improved systems and procedures that will enhance Council's resistance to fraud and corruption.

This is detailed in the Fraud and Corruption Prevention policy.

Raising Concerns

Employees have the right to comment on or raise concerns with their manager about IRC policies, practices or priorities where they impact on their employment at IRC. However, this must occur in a reasonable and constructive way. Further, employees must accept that IRC has the right to determine its policy, practices and priorities and employees must comply with all reasonable and lawful instructions. When raising complaints or grievances, employees are expected to act with honesty and in good faith. Complaints that are considered vexatious or frivolous will not be progressed, and such complaints may be managed as acts of misconduct in accordance with IRC disciplinary procedure.

Privacy

IRC maintains information about individuals, businesses and commercial issues which is private and sensitive, and which could be harmful to a person's interest if released. Employees should only access personal information and records they require to perform their official IRC duties.

Employees must ensure that the collection, handling, storage and use of personal information is done so in accordance with the privacy principles outlined pursuant to the *Information Privacy Act 2009*. A copy of the information privacy principles is outlined at Annexure D of this code.

As a general rule, employees can maintain privacy by:

- not discussing work matters with persons not entitled to know such information;
- taking responsibility to safeguard confidential files and information;
- ensuring collected information is only used in a manner consistent with the purpose for which it was originally collected;
- complying with IRC policy in relation to maintaining privacy of personal information
- only accessing personal information and records employees require to perform their official IRC duties

It may be appropriate to share information based on personal and professional experience (in seminars or training programs). However, in sharing experiences, employees must ensure that where personal information is involved, they don't breach IRC's privacy obligations. Employees may breach this obligation even if comments are made or personal information other than employees own is shared in employee's personal life, including online or via social media outlets.

In addition to the *Information Privacy Act 2009* and section 200 (5) of the *Local Government Act 2009*, it an offence for a person who is, or has been an IRC employee to release information that the person knows, or should reasonably know, is information that:

- Is confidential to IRC
- IRC wishes to keep confidential

Personal and other information may on occasion be sought from IRC by an employee or other members of the public pursuant to the *Right to Information Act 2009*. If such a request is made of an employee, they must ensure that they refer such requests to the Governance and Corporate Services department to be properly considered.

THE FOURTH PRINCIPLE – THE ACCOUNTABILITY AND TRANSPARENCY

This principle outlines the standards expected in relation to using IRC's assets, diligence, care and attention, attendance at work, self-development and workplace health and safety.

Public Sector Ethics Act 1994 section 9 states:

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

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

Using IRC Assets

Care of IRC's assets include property, plant, vehicles, equipment, information systems, computing resources, goods, products and/or valuables (this includes surplus material, waste material and off-cuts). All employees share the responsibility for looking after them.

Employees must ensure that they use IRC assets only for official IRC business and in compliance with all relevant policies and procedures.

Diligence, Care and Attention

IRC aims to conduct its business with integrity, honesty and fairness and to achieve the highest standards in service delivery. Employees contribute to this aim by carrying out their duties honestly, responsibly, in a conscientious manner and to the best of their ability.

Employees are obligated to ensure that decisions they make on behalf of IRC are made with diligence, care and attention and are in the best interests of IRC as a whole. This includes;

- maintaining punctuality and not being absent from your workstation/location during work time without reason;
- giving priority to official duties over personal activities during work time;
- ensuring you do not undertake personal work during work time;
- not wasting excessive time chatting about personal matters and interrupting other staff;
- helping Council achieve its mission and goals by acting to improve systems and practices;
- conducting yourself in a way so others gain confidence and trust in the way Council does business;
- not allowing your conduct to distract or prevent others from working; and
- not exposing Council to a judgment for damages against it, as a result of your negligence or breach of any law or policy.

Employees responsible for managing or supervising others must ensure;

- model the values and principles outlined in this Code and ensure that employees within your area of responsibility understand and comply with the Code;
- not to come under a financial obligation to any employee they supervise or manage;
- their work and the work of those they supervise contributes to the achievement of Council's goals;
- employee performance is monitored, and individuals are given constructive and regular feedback on their performance in line with procedures;
- where practicable, employees are given opportunities to assist them in developing their careers;
- employees are provided with information that is vital for effective work performance;
- the opinions of employees are respected and considered;
- workloads are fairly distributed;
- resourcing for a work team is neither excessive nor inadequate for the job;
- employees who collect, handle or disburse public money are properly supervised;
- employee work times, overtime, allowances and absences are correctly recorded on time sheets; and

- appropriate action is taken if breaches of this Code occur.

attendance at Work and Absence from Duty

Employees are expected to follow IRC employment and working arrangements, agreements and rulings on attendance at work and leave. This includes not being absent without approval and accurately and truthfully recording work and leave periods.

IRC's operational efficiency depends on employee's punctuality and attendance at work. Employees must not be absent without approval and without reasonable excuse and employees have a responsibility for notification to their supervisor or manager when they are going to be absent from work. Absence without approval and without reasonable excuse can create concerns for the employee's safety and unproductive times for others.

Self-development

All local government employees have an obligation to be proactive in the continual improvement of all aspects of their work performance: refer to section 13 of the *Local Government Act 2009*.

IRC will assist employees by providing equitable access to training and development opportunities.

Workplace Health and Safety

The vision of IRC is that through strong and effective leadership, a genuine care for our people, and supporting our workforce, we will effectively manage risks and actively protect the safety, health and wellbeing of our workforce.

This commitment is implicit in every one of our values and will be achieved by planning, implementation, monitoring and continuous improvement of our safety and health management systems.

IRC employees must always be committed to zero harm and ensure a safe work environment. Employees have a duty of care to both fellow employees and members of the public. Employees must take reasonable steps to ensure their own health, welfare and safety in the workplace.

For more information refer to IRC's Workplace Health & Safety policy and associated policies, procedures and guidelines.

BREACHES OF THE CODE

IRC expects all employees whilst engaged in IRC related duties, to ensure they demonstrate the standards of acceptable conduct, integrity and ethics as enshrined in this code. All employees have the responsibility to comply with this code of conduct and all other policies which IRC implements and/or varies from time to time.

A breach of the code of conduct damages business effectiveness, public perception of IRC, interpersonal working relationships and the employment relationship. Any act or lack of action by an employee of IRC that contravenes this code may result in disciplinary action up to and including termination of employment. All suspected breaches will be dealt with on a case by case basis.

Suspected official corrupt conduct must be referred to the CEO, who has a duty to notify the Crime and Corruption Commission (CCC) of the suspected official corrupt conduct.

In cases where a suspected breach of the code is under investigation, and if the CEO deems it appropriate, any employee suspected of a breach of this code may be suspended from duty on full pay until such time as the investigation has been completed.

All disciplinary action taken by IRC against an employee for found breaches of the Code will be in accordance with the IRC Disciplinary procedure, industrial instruments and in compliance with IRC's obligations pursuant to Chapter 8, Part 3 of the *Local Government Regulation 2012*. All discipline processes in IRC must provide the employee with procedural fairness and natural justice.

IRC has determined a list of disciplinary offences which it considers are the most serious and which could lead to immediate disciplinary action including termination of employment (Refer to Annexure A: Serious Offences).

IF EMPLOYEES HAVE A CONCERN

The *Public Interest Disclosure Act 2010* and the *Public Sector Ethics Act 1994* aim to create a work environment where public sector employees understand and maintain appropriate standards of conduct. Where an employee honestly believes they have reasonable grounds about another IRC employees' conduct that relates to:

- official Misconduct
- maladministration that adversely affects a person's interests
- a substantial misuse of public resources, other than an alleged misuse based on mere
- disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure
- a substantial and specific danger to public health or safety
- a substantial and specific danger to the environment

They have an obligation to make a Public Interest Disclosure to a proper authority subject to, and in accordance with, the *Public Interest Disclosure Act 2010*

For more information about making a disclosure, refer to the Public Interest Disclosure Policy. Disclosures should be directed to the Governance and Corporate Services department at IRC in accordance with policy requirements.

PROCEDURAL FAIRNESS

Procedural Fairness ensures that a fair and correct process is followed in decision making which results in an unbiased outcome.

- Procedural fairness includes;
- Prior notice of the matter being raised against the individual;
- An unbiased decision maker;
- Act fairly and impartially;
- Individuals provided the opportunity to be heard, a fair opportunity to answer and the opportunity to present their case if necessary;
- Decisions being based upon sound reasoning and relevant evidence.

PUBLICATION

In accordance with the requirements of section 20 of the *Public Sector Ethics Act 1994*, the CEO will keep a printed copy of the code available for inspection in the Executive Office and IRC will publish the code on its intranet site for all employees to access.

TRAINING

IRC is committed to providing awareness to all new employees at the point of induction and we aim to provide refresher training annually, however, it is as per the CEO's discretion.

AUTHORITY

In accordance with Section 16 of the *Public Sector Ethics Act 1994*, a consultation process was followed in development of this Code. This included:

- Consultation with the Public Service Commission (PSC), the CEO, the Executive Leadership Team (ELT) and staff at IRC.
- This code has been considered by Local Government Unions and the Local Government Association Queensland (LGAQ). This code was approved by the CEO in accordance with section 17 of the *Public Sector Ethics Act 1994*.

FURTHER ASSISTANCE

If an employee has read the Code and is still unsure of how it applies to them, it is important that they discuss this with their manager or a representative of P&P.

COMMUNICATION CHANNELS

This policy will be communicated throughout IRC via:

- An announcement on the IRIS intranet
- Online policy library

ANNEXURE/S

To be used in association with delivery of this policy.:

- Annexure A - Serious Offences
- Annexure B - A Guide to Ethical Decision Making
- Annexure C – Contact with Lobbyists
- Annexure D – Information Privacy Principles

LEGISLATION AND RELATED GUIDELINES

• <i>Public Sector Ethics Act 1994</i>	• <i>Local Government Act 2009</i>
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• <i>Local Government Regulations 2012</i>	• <i>Anti-Discrimination Act 1991</i>
• <i>Queensland Industrial Relations Act 2016</i>	• <i>Public Interest Disclosure Act 2010</i>
• <i>Information Privacy Act 2009</i>	• <i>Copyright Act 2008</i>

REFERENCES

TYPE	DOCUMENT ID/NAME
POLICY	Acceptable Use of the Internet
POLICY	Anti-Discrimination and Equal Employment Opportunity
POLICY	Community Engagement
POLICY	Confidential Information
POLICY	Copyright
POLICY	Corporate Image
POLICY	Dealing with a Complaint
POLICY	Email Use
POLICY	Employment
POLICY	Entertainment and Hospital Expenditure
POLICY	Fitness for Work
POLICY	Fraud and Corruption Prevention
POLICY	Human Resource Management
POLICY	ICT Policy – IT Assets Management
POLICY	ICT Policy – Use of Electronic Communications
POLICY	Information Privacy
POLICY	Information Security
POLICY	Intellectual Property
POLICY	Learning and Development
POLICY	Media
POLICY	Motor Vehicle
POLICY	Procurement and Disposals
POLICY	Procurement – Local Preference
POLICY	Public Interest Disclosure
POLICY	Purchasing Cards
POLICY	Record Keeping

POLICY	Right to Information
POLICY	Social Media
POLICY	Supply of Corporate Uniforms
POLICY	Travel and Accommodation
POLICY	Workplace Bullying and Harassment
POLICY	Workplace Health and Safety
PROCEDURE	Disciplinary Procedure
PROCEDURE	Fitness for Work
PROCEDURE	Incident Management
PROCEDURE	Information Privacy Complaint Procedure Manual
PROCEDURE	Learning and Development
PROCEDURE	Personal Protective Equipment
PROCEDURE	Public Interest Disclosure Management Program
PROCEDURE	Rehabilitation
PROCEDURE	Right to Information

ANNEXURE A – OFFICIAL MISCONDUCT

The following is a list of actions or behaviours that IRC regards as official misconduct. Employees who are found to have demonstrated any of the actions or behaviours below whilst working or acting on behalf of IRC may be subject to disciplinary action, which, depending of the severity of the situation, may include disciplinary action up to and including termination of employment.

2. Unsafe behaviour or work practices and/or failure to report an accident or hazard;
3. Failure to comply with documented IRC policies and procedures;
4. Theft/misappropriation of IRC property or equipment;
5. Acts of fraud or misappropriation of any type;
6. Unauthorised or misuse of IRC property or equipment;
7. Unauthorised or undesirable communication on behalf of IRC;
8. Deliberate absenteeism or misuse of leave entitlements which are contrary to IRC Certified Agreement and policy/procedure;
9. Repeated absence or late arrival without just cause which are contrary to IRC Certified Agreement and policy/procedure;
10. Deliberate disruption to the IRC's services or operations;
11. Divulging confidential information to any unauthorised person (including the media);
12. Falsifying any official documents or records (including signing on/off records);
13. Leaving work area without permission or explanation, deliberately wasting time, loitering, or sleeping during work hours;
14. Disobedience of a reasonable and lawful instruction given by a Manager, Supervisor or authorised co-worker;
15. Use of profanities, obscene gestures or insulting remarks;
16. Reading or displaying pornographic or any other unseemly literature, including but not limited to books, magazines or electronic based documents during working hours;
17. Inappropriate or improper use of the internet and / or intranet;
18. Failure to notify IRC of being indicted or charged with a criminal offence;
19. Being convicted of a criminal offence;
20. Harassment or discrimination in any form;
21. Being in possession of or under the influence of illegal drugs, alcohol or restricted substances during working hours;
22. Failing to report a breach of the Code of Conduct by a co-worker;
23. Accepting a bribe or inducement that would result in a benefit to the employee or associated entity or person;
24. Any threat of or act of aggressive behaviour, emotional abuse or physical violence against a member of IRC or the community;
25. Any action or activity that has the potential to bring risk to IRC;

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- 26. Fraudulent recording of timesheet or working hours;
 - 27. Using a position of power in an abusive way;
 - 28. Deliberately tarnishing the reputation of a member of IRC or the community.

This list is by no means exhaustive and is intended to be indicative only.

There may be other actions or behaviours not listed here that may be managed as misconduct by IRC under the Code.

ANNEXURE B – A GUIDE TO ETHICAL DECISION-MAKING

The following guide is designed to help you reach an ethical decision based on the relevant facts and circumstances of a situation.

Step 1: Assess the situation.

- What is your aim?
- What are the facts and circumstances?
- Does it break the law or go against IRC policy?
- Is it in line with the Code's principles?
- What principles does it relate to? Why?
- Who is affected? What rights do they have?
- What are your obligations or responsibilities?

Step 2: Look at the situation from IRC's viewpoint.

- As a Public official, what should you do?
- What are the relevant laws, rules and guidelines?
- Who else should you consult?

Step 3: How would others see your actions?

- Would a reasonable person think you used your powers or position improperly?
- Would the public see your action or decision as honest and impartial?
- Do you face a Conflict of Interest?
- Will your decision or action stand up to public scrutiny?

Step 4: Consider the options

- Ask your team leader/supervisor/manager, or any person who is able to give sound, relevant advice.
- What options and consequences are consistent with IRC's values, the five local government principles, the four ethics principles fundamental to good public administration and your obligations?
- What are the costs and long-term consequences of each option?
- How would the public view each option?
- What will be the outcome for IRC, your colleagues, others and you?

Step 5: Choose your course of action

Make sure your actions are:

Within your power to take, legal and in line with policy and this Code

Fair and able to be justified to your manager and the public

Documented so a statement of reasons can be supplied

Consistent with IRC's mission, goals and values

Backed by advice from IRC specialists, if this is appropriate

Step 6: Document your decision and the reasons for the decision.

Communicate decision and record decision in IRC's information management system.

Step 7: Review your decision and course of action.

ANNEXURE C – CONTACT WITH LOBBYISTS

The following guide is designed to help you deal with lobbyists appropriately and in compliance with provisions of the *Integrity Act 2009*.

1. Contact by Registered Lobbyists

IRC employees who receive contact from a lobbyist must establish whether the lobbyist is registered. The Lobbyist Register may be viewed at:

<http://lobbyists.integrity.qld.gov.au/who-is-on-the-register.aspx>

IRC employees who receive contact by a registered lobbyist must create a record of that contact and forward the following core information to the Governance and Corporate Services department:

- Date of Contact
- Name and title of IRC employees present
- Name and title of Lobbyist/s present
- Name and title of Lobbyist's clients/s present
- Method of contact (telephone call)
- Purpose of contact (follow up of progress with application)
- Brief description of issue
- Outcome of contact

2. Contact by Unregistered Lobbyists

IRC employees must not engage in lobbying activity with unregistered lobbyists. If you reasonably believe someone is an unregistered lobbyist and undertaking a lobbying activity, please follow the below steps:

- Advise the person (in a professional manner) that you believe that;
 - This contact may be a "lobbying activity" under the *Integrity Act 2009*
 - You are required under that Act to seek some clarification as to the person's standing as an unregistered lobbyist under the *Integrity Act 2009*
 - You can no longer discuss with this person any lobbying activity matters, but you can assist with any "unrelated lobbying activity" discussions
- Make a note of the person's details and circumstances of the lobbying activity (i.e. time, date and place of incident, who were the people involved in the incident and how you believe this was a "lobbying activity")
- Report the matter (including a copy of your notes of the incident) to Governance and Corporate Services department; and
- Discontinue contact with the person on any "lobbying activity", until the matter is resolved. This does not mean you cannot assist the person with other "unrelated lobbying activity" matters.

ANNEXURE D – INFORMATION PRIVACY PRINCIPLES

1 IPP 1—Collection of personal information (lawful and fair)

1. An agency must not collect personal information for inclusion in a document or generally available publication unless—
 - a. the information is collected for a lawful purpose directly related to a function or activity of the agency; and
 - b. the collection of the information is necessary to fulfil the purpose or is directly related to fulfilling the purpose.
2. An agency must not collect personal information in a way that is unfair or unlawful.

2 IPP 2—Collection of personal information (requested from individual)

1. This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.
2. However, this section applies only if the agency asks the individual the subject of the personal information for either—
 - a. the personal information; or
 - b. information of a type that would include the personal information.
3. The agency must take all reasonable steps to ensure that the individual is generally aware of—
 - a. the purpose of the collection; and
 - b. if the collection of the personal information is authorised or required under a law—
 - i. the fact that the collection of the information is authorised or required under a law; and
 - ii. the law authorising or requiring the collection; and
 - c. if it is the agency's usual practice to disclose personal information of the type collected to any entity (the *first entity*)—the identity of the first entity; and
 - d. if the agency is aware that it is the usual practice of the first entity to pass on information of the type collected to another entity (the *second entity*)—the identity of the second entity.
4. The agency must take the reasonable steps required under subsection (3)—
 - a. if practicable—before the personal information is collected; or
 - b. otherwise—as soon as practicable after the personal information is collected.
5. However, the agency is not required to act under subsection (3) if the personal information is collected in the context of the delivery of an emergency service.

Example—

personal information collected during a triple 0 emergency call or during the giving of treatment or assistance to a person in need of an emergency service

3 IPP 3—Collection of personal information (relevance etc.)

1. This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.

2. However, this section applies to personal information only if the agency asks for the personal information from any person.
3. The agency must take all reasonable steps to ensure that—
 - a. the personal information collected is—
 - i. relevant to the purpose for which it is collected; and
 - ii. (complete and up to date; and
 - b. the extent to which personal information is collected from the individual the subject of it, and the way personal information is collected, are not an unreasonable intrusion into the personal affairs of the individual.

4 IPP 4—Storage and security of personal information

1. An agency having control of a document containing personal information must ensure that—
 - a. the document is protected against—
 - i. loss; and
 - ii. (unauthorised access, use, modification or disclosure; and
 - iii. any other misuse; and
 - b. if it is necessary for the document to be given to a person in connection with the provision of a service to the agency, the agency takes all reasonable steps to prevent unauthorised use or disclosure of the personal information by the person.
2. Protection under subsection (1) must include the security safeguards adequate to provide the level of protection that can reasonably be expected to be provided.

5 IPP 5—Providing information about documents containing personal information

1. An agency having control of documents containing personal information must take all reasonable steps to ensure that a person can find out—
 - a. whether the agency has control of any documents containing personal information; and
 - b. the type of personal information contained in the documents; and
 - c. the main purposes for which personal information included in the documents is used; and
 - d. what an individual should do to obtain access to a document containing personal information about the individual.
2. An agency is not required to give a person information under subsection (1) if, under an access law, the agency is authorised or required to refuse to give that information to the person.

6 IPP 6—Access to documents containing personal information

1. An agency having control of a document containing personal information must give an individual the subject of the personal information access to the document if the individual asks for access.
2. An agency is not required to give an individual access to a document under subsection (1) if—
 - a. the agency is authorised or required under an access law to refuse to give the access to the individual; or
 - b. the document is expressly excluded from the operation of an access law.

7 IPP 7—Amendment of documents containing personal information

1. An agency having control of a document containing personal information must take all reasonable steps, including by the making of an appropriate amendment, to ensure the personal information—
 - a. is accurate; and
 - b. having regard to the purpose for which it was collected or is to be used and to any purpose directly related to fulfilling the purpose, is relevant, complete, up to date and not misleading.
2. Subsection (1) applies subject to any limitation in a law of the State providing for the amendment of personal information held by the agency.
3. Subsection (4) applies if—
 - a. an agency considers it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information; and
 - b. no decision or recommendation to the effect that the document should be amended wholly or partly in the way asked for has been made under a law mentioned in subsection (2).
4. The agency must, if the individual asks, take all reasonable steps to attach to the document any statement provided by the individual of the amendment asked for.

8 IPP 8—Checking of accuracy etc. of personal information before use by agency

Before an agency uses personal information contained in a document under its control, the agency must take all reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, complete and up to date.

9 IPP 9—Use of personal information only for relevant purpose

1. This section applies if an agency having control of a document containing personal information proposes to use the information for a particular purpose.
2. The agency must use only the parts of the personal information that are directly relevant to fulfilling the particular purpose.

10 IPP 10—Limits on use of personal information

1. An agency having control of a document containing personal information that was obtained for a particular purpose must not use the information for another purpose unless—
 - a. the individual the subject of the personal information has expressly or impliedly agreed to the use of the information for the other purpose; or
 - b. the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
 - c. use of the information for the other purpose is authorised or required under a law; or
 - d. the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary for 1 or more of the following by or for a law enforcement agency—
 - i. the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
 - ii. the enforcement of laws relating to the confiscation of the proceeds of crime;
 - iii. the protection of the public revenue;

- iv. the prevention, detection, investigation or remedying of seriously improper conduct;
- v. the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or
- e. the other purpose is directly related to the purpose for which the information was obtained; or

Examples for paragraph (e)—

- 1) *An agency collects personal information for staff administration purposes. A new system of staff administration is introduced into the agency, with much greater functionality. Under this paragraph, it would be appropriate to transfer the personal information into the new system.*
- 2) *An agency uses personal information, obtained for the purposes of operating core services, for the purposes of planning and delivering improvements to the core services.*

f. all of the following apply—

- i. the use is necessary for research, or the compilation or analysis of statistics, in the public interest;
- ii. the use does not involve the publication of all or any of the personal information in a form that identifies any particular individual the subject of the personal information;
- iii. it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the use.

2. (2) If the agency uses the personal information under subsection (1)(d), the agency must include with the document a note of the use.

11 IPP 11—Limits on disclosure

1. An agency having control of a document containing an individual's personal information must not disclose the personal information to an entity (the *relevant entity*), other than the individual the subject of the personal information, unless—
 - a. the individual is reasonably likely to have been aware, or to have been made aware, under IPP 2 or under a policy or other arrangement in operation before the commencement of this schedule, that it is the agency's usual practice to disclose that type of personal information to the relevant entity; or
 - b. the individual has expressly or impliedly agreed to the disclosure; or
 - c. the agency is satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
 - d. the disclosure is authorised or required under a law; or
 - e. the agency is satisfied on reasonable grounds that the disclosure of the information is necessary for 1 or more of the following by or for a law enforcement agency—
 - i. the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
 - ii. the enforcement of laws relating to the confiscation of the proceeds of crime;
 - iii. the protection of the public revenue;
 - iv. the prevention, detection, investigation or remedying of seriously improper conduct;
 - v. the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or

- (ea) all of the following apply—
- i. (i) ASIO has asked the agency to disclose the personal information;
 - ii. (ii) an officer or employee of ASIO authorised in writing by the director-general of ASIO for this paragraph has certified in writing that the personal information is required in connection with the performance by ASIO of its functions;
 - iii. (iii) the disclosure is made to an officer or employee of ASIO authorised in writing by the director-general of ASIO to receive the personal information; or
- f. all of the following apply—
- i. the disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;
 - ii. the disclosure does not involve the publication of all or any of the personal information in a form that identifies the individual;
 - iii. it is not practicable to obtain the express or implied agreement of the individual before the disclosure;
 - iv. the agency is satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.
2. If the agency discloses the personal information under subsection (1)(e), the agency must include with the document a note of the disclosure.
3. If the agency discloses personal information under subsection (1), it must take all reasonable steps to ensure that the relevant entity will not use or disclose the information for a purpose other than the purpose for which the information was disclosed by the agency.
4. The agency may disclose the personal information under subsection (1) if the information may be used for a commercial purpose involving the relevant entity's marketing of anything to the individual only if, without limiting subsection (3), the agency is satisfied on reasonable grounds that—
- a. it is impracticable for the relevant entity to seek the consent of the individual before the personal information is used for the purposes of the marketing; and
 - b. the relevant entity will not charge the individual for giving effect to a request from the individual to the entity that the individual not receive any marketing communications; and
 - c. the individual has not made a request mentioned in paragraph (b); and
 - d. in each marketing communication with the individual, the relevant entity will draw to the individual's attention, or prominently display a notice, that the individual may ask not to receive any further marketing communications; and
 - e. each written marketing communication from the relevant entity to the individual, up to and including the communication that involves the use, will state the relevant entity's business address and telephone number and, if the communication with the individual is made by fax, or other electronic means, a number or address at which the relevant entity can be directly contacted electronically.