



LOCAL GOVERNMENT MANAGERS AUSTRALIA
QUEENSLAND INC.

Code of Ethics

A Members Guide to Ethical Local Government Management

The purpose of the Code of Ethics (the Code) is to ensure the highest standards of governance are applied by local government managers for the benefit of Queensland communities. In guiding behaviour, it seeks to protect the reputation and perception of the profession of local government in the state as a diligent, competent and ethical profession. In so doing, it also seeks to preserve and enhance the reputation of Local Government Managers Australia Queensland.

This Code provides members with a guide to acceptable standards of professional conduct. No guidelines can deal definitively with the myriad of ethical conflicts encountered in a complex work environment such as local government. Accordingly, ethical practice demands a personal commitment to the intrinsic value and importance of high standards of professional conduct. This Code serves an invaluable purpose, however, by providing underpinning principles, and interpretation of those principles, for reflection and ultimate adoption by all members.

The prescription of, and commitment to, high standards of ethical behaviour is a hallmark of professionalism. LGMA Queensland commends these principles to all members as a sound and proper framework for a career in the service of the public through local government.

Compliance with principles and rules

The Code comprises fundamental principles (Part B) and specific rules (Part C and D) derived from the fundamental principles. Compliance with both the fundamental principles and the rules is required of all members.

Basic Tenets

This Code of Ethics for local government managers has been guided by the following considerations:

A member of the **Local Government Managers Australia** must:

- Uphold constitutional government, the laws of the community and the principle of the rule of the law.
- Be dedicated to efficient, effective and democratic local government by responsible elected members and to the belief that competent, professional management is essential to achieve this.
- Uphold the dignity and worth of service rendered by local government, maintain a constructive, creative and practical attitude towards their Council's interests and a deep sense of social responsibility.
- Recognise that the main function of local government is to serve the best interest of the community.

It should be noted that this code governs the responsibilities of local government managers and not councillors.

Part A Fundamental Principles

A.1 The public interest

Members must at all times safeguard the interests of their organisation, provided that these interests do not conflict with the duties and loyalties they owe to the community, its laws and social and political institutions.

A.2 Honesty, propriety and integrity

Members must act with honesty, propriety and integrity in the pursuit of their professional duties. Honesty includes acting with sincerity and not lying, cheating or stealing. Propriety is to behave correctly as befits the duties of a member's professional responsibilities and role. Integrity refers to knowing what is the right thing to do and having the moral strength and courage to act on one's convictions and on principle rather than expediency.

A.3 Competence and duty of care

Members must continually strive to maintain and improve their professional knowledge and skills. They must not undertake work which they are not competent to handle. This work should be allocated to others who are better qualified to undertake the tasks competently or appropriate, expert advice and assistance sought. Members must discharge their duties with due care and diligence.

A.4 Confidentiality and respect for privacy

Members must respect the rights of individuals concerning confidentiality and privacy. Members must not disclose confidential and private information gained in the course of their professional work unless consent to do so is obtained from the person or persons concerned, when it is in the public interest to do so or if required by any Statute.

A.5 Conflict of interest

Members must avoid conflicts of interest in fact as well as conflicts of interest in appearance. This principle is closely related to that of objectivity and independence. Rules on conflict of interest are given in Part B.

A.6 Objectivity and independence

Members must be objective in undertaking their professional duties. Objectivity is a state of mind which imposes on an individual the obligation to be impartial, intellectually honest and free of conflicts of interest. There are two aspects of objectivity and independence. These are: the judgment which comes from being mentally independent; and freedom from personal relationships which avoid impairing, or appearing to impair, the ability of the member to exercise objectivity and independence. Safeguarding professional objectivity and independence is a matter of integrity.

A.7 Duties of non-maleficence

Members must not cause harm and must prevent harm from being done to their employer, clients, profession, community and Local Government Managers Australia. Engagement in incompatible business or activities, even if it is not a conflict of interest, may bring the status and recognition of the profession into disrepute. This does not preclude serving on Boards or Committees which contribute to the wider good of the community.

A.8 Justice, access and equity

Members must act justly and ensure representative access is provided to all sections of the community on local government matters. Members must be equitable in dealing with all local government issues.

Part B Rules on Conflict of Interest

B.1 Conflict of interest

- (a) Members must ensure that there is no actual, or perceived, conflict or incompatibility between their personal interests and the impartial and independent fulfilment of their professional duties.
- (b) Members must not engage in private work or seek a benefit from any person or body with an interest in a proposed or current contract with their employer, without first making formal and written disclosure to their Chief Executive Officer (or, where the member is the Chief Executive Officer, to their employer). In this respect, it does not matter whether a benefit is in fact obtained, as any appearance that a private dealing could conflict with the member's professional duties must be scrupulously avoided.
- (c) Members shall not undertake any dealing which may be in conflict with their employer's functions.
- (d) Members must obtain written approval from their Chief Executive Officer (or where the member is the Chief Executive Officer, from their employer) prior to undertaking any outside employment or other business dealings that relate to the activities of their employer.
- (e) Members who seek private employment additional to their local government management work must first seek the approval of their Chief Executive Officer (or, where the member is the Chief Executive Officer, from their employer). On no account must outside employment compromise their duties as a local government manager or deleteriously affect their performance as a local government manager.
- (f) Members who exercise recruitment or other discretionary functions must make a disclosure before dealing with relatives or friends and, whenever possible or if in any doubt, should disqualify themselves when dealing with these persons. This includes not acting, or making representation, on their behalf.

B.2 Material Personal Interest

- (a) Members who have a material personal interest in any matter to be discussed by their employer must disclose that interest and not take any further part in the discussion or decision making in relation to that matter.
- (b) The onus is on members to identify possible conflicts of interest or material personal interests and to determine whether such interests (assuming no statutory exemption applies) exist.
- (c) Members must disclose, in a written return, or at relevant meetings, the interests that might be in conflict with their professional duties.
- (d) Whenever disclosure is required, it should be done promptly, fully and in writing.

Part C Rules on the Conduct of Members

C.1 The image of the profession and Local Government Managers Australia

Members must not engage in any conduct or take any action in their professional role which may damage the image of the profession or unjustifiably detract from the good name of Local Government Managers Australia and fellow members.

C.2 Impartiality and equality

Members must be impartial in the performance of their professional duties and render equal service to all elected members.

C.3 Competence and continuing professional development

Members must continually strive to improve their professional competence, maintain their knowledge and encourage the development of the skills and competence of associates.

C.4 Undue influence

Members must not impede the actions of others in the implementation of their employer's policies. Furthermore, members must not take advantage of their position to influence improperly the performance of duties or functions by others.

C.5 Personnel

Members must handle all matters concerning personnel on the basis of merit so that fairness, equity and impartiality govern decisions relating to appointments, promotions and discipline.

C.6 Personal benefit - Gifts and bribery

- (a) Members must not seek a personal benefit from the use of information or of their employer's time and resources.
- (b) Members must not seek or accept, directly or indirectly, from any person or body, any immediate or future gift, reward or benefit for themselves or for any other persons or body, resulting from their position with Council or their performance of any duty or work which relates to Council.
- (c) Offers of any gift, reward or other benefit (other than gifts of a token kind or modest acts of hospitality/entertainment) must be declined.
- (d) Disclosure of all offers of gifts, rewards or other benefits must be made in a prompt and full manner and in writing.

C.7 Reporting dishonesty and lack of integrity

Members must report to their Chief Executive Officer or, where the offending person is the Chief Executive Officer, to their employer, acts of dishonesty or acts which lack integrity on the part of others, where such acts results in the loss of any property or assets or the standing of their employer. An exception to this rule may apply where Statutes require a different procedure.

C.8 Use of Employer funds, equipment and resources

- (a) Members must be scrupulously honest in their use of their employer's funds, equipment and resources and not misuse them or permit their misuse (or the appearance of misuse) by any other person or body.
- (b) Members must use resources entrusted to them effectively and economically in the course of their duties. They must not use their employer's resources, including the services of staff, for private purposes unless properly authorised to do so and where appropriate payments to their employer are made.

Part D Rules on Fraud

D.1 Definition of fraud

Fraud includes unethical and illegal acts which are characterised by the intent to deceive. Fraud includes (but is not limited to) the following activities and conduct:

- (a) gaining a benefit by dishonesty such as drawing an allowance or payment (e.g. travelling and sustenance expenses) where no such entitlement exists;
- (b) accepting gifts, money or entertainment in response to, or in the expectation of, a favourable tender outcome or other benefit;
- (c) knowingly accepting collusive tendering by outside bodies;
- (d) making false statements, either orally or in writing, about quality assurance or one's own qualifications, professional experience and competence;
- (e) misuse or the deliberate misallocation of employer's resources.

D.2 Fraud Prevention

Members, as local government managers, are responsible for preventing fraud by ensuring that fraud prevention controls are established and maintained in their areas of responsibility. These controls must be in accordance with any legislative provisions for fraud management but members should not be limited by the legislative standard when higher fraud management measures are warranted.

D.3 Fraud Detection

Members are responsible for recognising indicators of fraud and of advising their employer or senior staff when an investigation is warranted in the light of such indicators.

D.4 Fraud Investigation

Members must help in any investigation of fraudulent practice(s) which occur in the administration or operations of their employer.

D.5 Fraud Reporting

Members must report to their Chief Executive Officer any evidence of fraud and the Chief Executive Officer, being so informed, must immediately inform their employer and make any other reports as required by law.

A member who is a Chief Executive Officer must report evidence of fraud direct to their employer or the appropriate authorities. Where the evidence of fraud relates to the Chief Executive Officer, the member must report this to their employer.

Further information/Enquiries

If you have any enquiries regarding the Code of Ethics please contact Local Government Managers Australia Queensland.