



# BOULIA SHIRE COUNCIL

## CODE OF CONDUCT

<b>Category:</b>	Policy
<b>Policy Number:</b>	146
<b>Document Version:</b>	1 (1.0.3)
<b>Obsolete Version:</b>	22 <sup>nd</sup> January 2021, 2021/5.12
<b>Keyword Classification:</b>	Code of Conduct
<b>Summary:</b>	To give guidance on behaviour
<b>Adoption Date:</b>	28 <sup>th</sup> June 2024
<b>Resolution:</b>	2024/06.20
<b>Due for Revision:</b>	Three years as impacted by legislation or as required
<b>Revision date:</b>	28 <sup>th</sup> June 2027
<b>Date revoked:</b>	n/a
<b>Related documents:</b>	Code of conduct – handout 104 - Gift Policy 113 - Uniform Policy 114 - Drug and Alcohol Policy 116 - Workplace Health, Safety, Environment and Quality 121 - Confidentiality (Use of Information) Procedure Policy 122 - Councillor Interaction Policy (Acceptable Request Guidelines) 132 - Study Policy 133 - Fraud and Corruption Control Policy 139 - Related Party Disclosure Policy 141 - Conflict of Interest Policy 149 - Respect in the Workplace Policy (Bullying and Harassment)
<b>Responsible Section:</b>	Executive Office
<b>Responsible Officer:</b>	Director of Corporate & Financial Services
<b>Legislation:</b>	Local Government Act 2009 Public Sector Ethics Act 1994 Work Health and Safety Act 2011 Information Privacy Act 2009 Qld Transport Regulations Australian Standards AS/NZS 4308:2008, AS/NZS 4760:2019



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## INTRODUCTION

### The Objective

A Code of Conduct is a set of standards and behaviours related to the way we do our work. It puts a responsibility on each of us to use sound judgement while at work.

It aims to deliver best practice by ensuring those standards are clear and guided by sound ethics. By consistently applying these standards, we enhance public trust and confidence in each of us. Nothing in this Code interferes with your rights as a private citizen or a ratepayer.

The Code does not cover every situation. However, the values, ethics, standards, and behaviours it outlines are a reference point to help make decisions in situations it does not cover. If you act in good faith and in keeping with the spirit of the Code, you can expect to be supported by your colleagues, Supervisors, Managers and by Council.

A guide for ethical decision making is included at Appendix B to help you in situations not covered by the Code.

### How this Code works

Council is required to adopt a Code of Conduct to meet the requirements of the *Public Sector Ethics Act 1994*. The Code seeks to fulfil Council's obligations under that Act. This Code of Conduct also seeks to set a standard of ethical behaviour which Council believes is appropriate for Council employees. In that regard, this Code of Conduct reflects the desire of Council to highlight the need for employees to act with honesty, integrity, diligence and to exercise a high degree of care in their actions.

This Code of Conduct seeks to set standards which the public has a right to expect as the minimum standards which should apply to all employees of Council. In meeting these standards, Council staff will act in a manner which should naturally lead to public confidence in the system of local government.

Under the *Public Sector Ethics Act 1994*, all employees of Council are bound by this Code of Conduct. This requirement is compulsory. This code may also be applicable to contractors and consultants if specified in their agreements with Council. In adopting the Code as policy, Council has recognised the importance of the Code in ensuring the successful operation of Council.

The *Public Sector Ethics Act 1994* defines four principles, each of which is strengthened by a set of values describing the behaviour that will demonstrate that principle. The principles and associated values are equally important.

The standards of conduct, contained in the Code under each set of principles and values, aim to assist Council employees understand how these principles and values can be put into practice. The standards are not intended to cover every possible scenario, therefore in adhering to the Code, Council is committed to upholding the intention and spirit of the principles and values.

### Obligations of Council Employees

As an employee of Boulia Shire Council, you are obliged to ensure that you, and people under your supervision, are aware of, maintain knowledge of and comply with Acts, Regulations, local laws, policies, delegations, and procedures applicable to your role. Further, you will comply with relevant awards, certified agreements, Council policies, procedures, and organisational values.



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Any lawful instruction given by your Supervisor, Manager or any other person who has the authority to direct you, must be obeyed. If you believe that a direction is improper or illegal, you should tell the person giving the direction. If you are asked to do something illegal it may qualify as official misconduct and must be reported to the Chief Executive Officer.

You may have a personal objection to an instruction which you are given. If you believe you are unable to comply with a lawful instruction because of a belief, it is best to consult your supervisor or Manager. A requirement that you act against your beliefs could be seen as discrimination. All employees have a duty of care to follow safe work practices, to avoid actions which may harm themselves or others and to report hazards in the work environment.

In addition, Managers and Supervisors are responsible, within the limits of their authority, for ensuring that activities within their area are undertaken with the exercise of proper diligence for the health and safety of all staff. Breaches of the *Work Health and Safety Act 2011* or Council policies and procedures may require disciplinary action pursuant to Local Government Act 2009. Disciplinary action against an employee of the Council may be in the form of a written reprimand, a deduction from salary or wages, a demotion or dismissal.

## **The Four Principles of the Public Sector Ethics Act 1994 and Standards of Conduct**

The *Public Sector Ethics Act 1994* identifies four ethics principles fundamental to good public administration that guides our behaviour as Public Officials and forms the basis for a local government Code of Conduct. The four (4) principles are:

### **1. Integrity and impartiality**

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 the public sector and -

- 1.1 are committed to the highest ethical standards; and
- 1.2 accept and value their duty to provide advice, which is objective, independent, apolitical, and impartial; and
- 1.3 show respect towards all persons, including employee's clients and the general public; and
- 1.4 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
- 1.5 are committed to honest, fair, and respectful engagement with the community.

### **2. Promoting the public good**

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 -

- 2.1 accept and value their duty to be responsive to both the requirements of government and to the public interest; and
- 2.2 accept and value their duty to engage the community in developing and effecting official public sector priorities, policies, and decisions; and
- 2.3 accept and value their duty to manage public resources effectively, efficiently, and economically; and
- 2.4 value and seek to achieve excellence in service delivery; and
- 2.5 value and seek to achieve enhanced integration of services to better service clients.



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## 3. Commitment to the system of government

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 -

- 3.1 accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government; and
- 3.2 are committed to effecting official public sector priorities, policies, and decisions professionally and impartially; and
- 3.3 accept and value the duty to operate within the framework of Ministerial responsibility to government, the Parliament, and the community.

## 4. Accountability and transparency

In recognition that public trust in public office requires high standard of public administration, public service agencies, public sector entities and Public Officials –

- 4.1 are committed to exercising proper diligence, care and attention; and
- 4.2 are committed to using public resources in an effective and accountable way; and
- 4.3 are committed to managing information as openly as practicable within the legal framework. and
- 4.4 value and seek to achieve high standards of public administration; and
- 4.5 value and seek to innovate and continuously improve performance; and
- 4.6 value and seek to operate within a framework of mutual obligation and shared responsibility between public services agencies, public sector entities and Public Officials.

## 1. INTEGRITY AND IMPARTIALITY - Doing the right thing

### a. Commit to the highest ethical standards.

As local government employees we are required to ensure that our conduct meets the highest ethical standards when fulfilling our responsibilities. This means that any advice we provide is objective and impartial and that our decision-making is ethical. We will engage with the community in a consultative, honest, fair, and respectful manner. We will meet our obligations to report suspected wrongdoing, including conduct not consistent with this Code.

### b. Manage conflicts of interest

A conflict of interest involves a conflict between our duty as Council employees to serve the public interest and our personal interests. The conflict may arise from a range of factors including our personal relationships, employment outside Council, membership of special interest groups, or ownership of property. As local government employees we may also experience conflicts of interest between our local government ethics and our personal beliefs or opinions.

Having a conflict of interest is not unusual and it is not wrongdoing in itself. However, failing to disclose and manage the conflict appropriately is likely to be wrongdoing. Council employees must demonstrate impartiality and integrity in fulfilling their responsibilities and as such will:

- always disclose a personal interest (to their supervisor) that could, now or in the future, be seen as influencing the performance of our duties.
- not improperly use official powers or position or allow them to be improperly used.
- ensure that any conflict of interest is resolved in the public interest.



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## **C. Influences on decision making.**

You must not influence any person in an improper way with the aim to obtain personal advantage or favours.

All decisions need to be, and be seen to be, fair and transparent. This can be achieved in several ways, including clear record-keeping and showing how decisions were made.

## **d. Accepting Gifts and Benefits**

Employees must not encourage, seek, or ask for any gift or benefit. All gifts shall be dealt with in accordance with the Council's Gifts Policy. All gifts, if accepted, shall be recorded in the Council's Gift Register.

A gift or benefit could be seen as a bribe.

You should immediately report any gift or benefit you are offered or receive regardless of whether or not you accept it to your Manager or Supervisor, Director or Chief Executive Officer.

## **e. Contribute to public discussion in an appropriate manner.**

Commenting on Council policy is a matter for the Mayor, management and authorised staff. Unless prior authorisation has been given, employees will not comment to the media on Council policy.

Like any other resident, we have the right to contribute to public discussions on community and social issues in a private capacity. In doing so, we will:

- take reasonable steps to ensure that any comment we make will be understood as representing our personal views, not those of the Council.
- maintain the confidentiality of information we have access to due to our roles, that is not publicly available; and
- be aware that personal comments about a public issue may compromise our capacity to perform the duties of our role in an independent, unbiased manner.

## **f. Manage participation in external organisations**

Our work as a local government employee does not remove our right to be active privately in a political party, professional organisation or trade union.

In these instances, we are aware that participating in activities in the public arena, where we may be identified as a local government employee, can give rise to a perception of conflict of interest. Where this situation arises, we will declare and manage our activities in accordance with relevant Council policies.

If elected as workplace representatives or officials of a trade union or professional association, we are not required to seek permission from our workplace before speaking publicly in that capacity and we will make it clear that our comments are made only on behalf of that organisation. In all instances, we will comply with the appropriate laws of privacy, confidentiality, and information management.



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## **g. Demonstrate a high standard of workplace behaviour and personal conduct.**

As Council employees we have a responsibility to always conduct and present ourselves in a professional manner and to demonstrate respect for all people. To this end we will:

- treat fellow workers, customers, Councillors and members of the public in an honest, respectful and courteous manner, while recognising that they have the right to hold views which may differ from our own.
- ensure our conduct reflects our commitment to a workplace that is inclusive and free from bullying or favouritism;
- ensure our fitness for duty, and the safety, health and welfare of ourselves and others in the workplace, whether fellow workers or customers.
- ensure our private conduct maintains the integrity of the Council and our ability to perform our duties.

## **h. After Employment with Council ceases**

If and when you take up work in the private sector after leaving the employment of Council, you are obliged to respect the confidentiality of non-public Council information that has come into your possession on account of your Council position.

## **i. Non-discriminatory workplace**

Council is an equal opportunity employer and as such is proactive in ensuring that its practices do not discriminate based on an attribute, or based on a person's association with another person who maintains an attribute relating to: -

- race/ethnicity.
- gender.
- national origin.
- marital status.
- sexual preference.
- age.
- disability/impairment,
- industrial/employment activity.
- physical features.
- pregnancy.
- family responsibilities.
- religious beliefs.
- political conviction.

As an employee of Council, you have a shared responsibility to ensure that discrimination is not part of our workplace or our practices in dealing with ratepayers and the public generally. If you witness discriminatory behaviour you have a positive obligation to report such actions to your Supervisor/Manager or if such action involves them, another senior officer.

## **j. Sexual and other forms of Workplace Bullying**

Council is also committed to the prevention of any form of sexual harassment, victimisation or other forms of bullying in the workplace, or at any place where work related activities are performed, including at social functions.

As an employee of Council, it is expected that you proactively contribute to building a workplace that is free from sexual harassment, victimisation and bullying. You have a joint responsibility to respect the rights of fellow employees, by not taking part in any action that may constitute bullying of any form, and in doing so supporting and promoting the achievement of equal employment opportunity.



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## 2. PROMOTING THE PUBLIC GOOD - Doing the best we can for our community

### a. Commit to excellence in service delivery.

As a Council employee it is expected that you will strive to provide excellent customer service. You must treat members of the public equitably and with honesty, fairness, sensitivity, and dignity.

Council's image can be impacted by the presentation of staff. Council requires its office-based employees to appear neat and tidy and maintain a professional business standard of dress. If you are unsure about what constitutes appropriate dress, please discuss this with your manager.

Council is entrusted with public funds to develop and deliver services to the community. We have a responsibility to:

- deliver services fairly, courteously, effectively, ensuring we use resources efficiently and economically.
- assist all members of the community, such as people with disabilities, those who speak languages other than English, and those who may find it difficult to access government services; and
- treat complaints from clients and the community seriously and respond to constructive feedback as an opportunity for improvement.

### b. Ensure appropriate community engagement.

Community participation is crucial to the development of quality government planning and decision-making processes. We have a responsibility, where appropriate and in accordance with our official duties, to:

- listen and respond to issues and concerns raised by individuals or communities.
- consult with the public to assist in the development of public policy; and
- assist in raising community awareness about public issues and policies.

### c. Work as an integrated service.

In order to deliver excellence in customer service, we will work together to address complex issues and provide integrated services to the community. We have a responsibility to:

- share information across Council departments to enhance the seamless delivery of services.
- share assets, resources, and infrastructure to generate economies and efficiencies within Council.
- work with the community to collectively plan and deliver relevant programs and services within the region; and
- work cohesively with all tiers of government in order to provide integrated services.

### d. Intellectual property

Council expects its employees to ensure that their actions do not breach or infringe the Copyright Act 1968, by unlawfully using the intellectual property of any individual or organisation.

You must respect the copyrights, trademarks and patents of suppliers and other organisations outside Council, and which includes that you do not reproduce or quote suppliers' material unless your license specifically allows it.





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Any original work, invention, or product you have contributed to in association with your official duties as a Council employee remains the property of Council.

## e. **Concern for the environment**

We all share the responsibility to protect our natural environment, creating healthy surroundings for our community, and for managing the impacts of air, water, land, and noise pollution.

In performing your duties at Council, you must ensure that you comply with your general environmental duty and where applicable, your duty to notify of environmental harm.

## 3. **COMMITMENT TO THE SYSTEM OF GOVERNMENT - Respecting the law**

### a. **Commit to our roles in local government.**

As an employee of Council, you are expected to comply with applicable legislation, awards, certified agreements, Council policies and local laws.

Our role is to undertake our duties, and to give effect to Council policies. We will:

- accept that the elected Council has the right to determine policy and priorities.
- be responsive to the government of the day and implement decisions and policies professionally and impartially.
- comply with the laws of State, Australian and local governments.

You have the right to comment on or raise concerns with your Supervisor or Manager about Council policies, or priorities where they impact on your employment.

### b. **Ensure proper communication with Mayor and Councillors**

We have the right to communicate directly with the Mayor and/or Councillors outside of working hours, on any issues affecting us as a private citizen. In communicating with the Mayor or Councillors as private citizens, we will maintain the confidentiality of information we have access to in our roles with Council.

We are not to approach the Mayor or Councillors on any Council operational matters.

Under the provisions of the Local Government Act 2009, the CEO has determined arrangements for Councillors contact with staff on work related matters. Ensure that you are aware of this policy and if necessary direct Councillors to your Supervisor if the request is outside of the policy provisions. These guidelines are available on Council's Intranet or may be requested from Human Resources.

At no time is the Mayor and/or Councillors to direct an employee as to how the employee should carry out his/her work duties.



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## C. Privacy

Council 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 Council duties.

Employees must ensure that the collection, storage, and use of personal information is done so in accordance with the Privacy Principles outlined pursuant to the *Information Privacy Act 2009*.

## 4. ACCOUNTABILITY AND TRANSPARENCY - Looking after what belongs to our community

### a. Using Council Assets

Council's assets include property, plant, equipment, information systems, computing resources, goods, products and/or valuables. All employees share the responsibility for looking after them.

If you are in charge of assets, you must take good care of them while they are in your possession or use, and ensure they are used economically and efficiently. It is an offence to misuse or allow anyone else to misuse Council assets. You must make sure assets are secured against theft and properly stored, maintained, and repaired.

You must ensure that you use Council assets only for official Council business, unless written approval has been granted by your Manager.

If you use Council vehicles or a Council issued mobile telephone for non-official purpose, you must ensure that your use is in accordance with Council policy.

Upon your employment terminating with Council, you must return all Council property and work-related documents immediately.

### b. Diligence, care and attention

Council aims to conduct its business with integrity, honesty, and fairness and to achieve the highest standards in service delivery. You contribute to this aim by carrying out your duties honestly, responsibly, in a conscientious manner and to the best of your ability. 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.
- 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.
- not exposing Council to a judgment for damages against it, as a result of your negligence or breach of any law or policy.

### C. Attendance at and absence from duty

You are expected to follow Council 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.



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Absence without approval and without reasonable excuse can create concerns for your safety and lead to unproductive time for others. All employees have an obligation to ensure that they promptly notify Council as soon as practicably possible upon becoming aware that they are going to be absent from work. Failure to promptly notify Council may result in the non-payment of salary/wages for the period of absence and/or may result in Council taking disciplinary action.

## d. Self development

All Local Government employees have an obligation to be proactive in the continual improvement of all aspects of their work performance. You have a continuing responsibility to maintain and enhance your skills and expertise and keep up to date the knowledge associated with your area of work.

Council will assist you by providing equitable access to training and development opportunities (e.g. accessing the study assistance program, learning new work duties, participating in project work or undertaking internal or external training).

## e. Workplace health and safety

As Council employees we are all committed to zero harm in the way we conduct our business and Council activities.

Council will endeavour to ensure that persons are free from: -

- death, injury, or illness caused by the workplace, relevant workplace area, work activities, or plant or substances for use at work; and
- the risk of death, injury or illness caused by the workplace, relevant workplace area, work activities, or plant or substances for use at work.

You must take reasonable steps to ensure your own safety, health, and welfare in the workplace. You also have duty of care to both fellow employees and members of the public. As a worker you have the following obligation at the workplace: -

- to comply with the instructions given for workplace health and safety at the workplace by Council.
- to use personal protective equipment provided by Council for your use.
- not to interfere with willfully or recklessly or misuse anything provided for workplace health and safety at the workplace.
- not to willfully place at risk the workplace health and safety of any person at the workplace.

We must keep our workplace drug and alcohol free if we are to maintain the trust and confidence of the broader public and ensure the health and safety of all employees. The use of drugs or alcohol can adversely affect productivity, attendance and on the job safety.

You must not: -

- use, possess or be impaired by the effects of illegal drugs whilst on duty.
- come to work impaired by the effects of alcohol or drugs.
- consume alcohol while on duty or in the workplace other than strictly in accordance with Council Policy.
- gamble or bet on Council premises (except for authorised sweeps and tipping competitions).
- undermine Council's service to customers by leaving your workstation/location in order to smoke. Smoking is only permissible during meal breaks.
- smoke anywhere within Council's buildings, in Council vehicles, in any enclosed spaces whilst on site or within 5 metres of any part of an entrance to an enclosed place.



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## 5. Breaches of the Code

Council expects all employees whilst engaged in official duties, to ensure they demonstrate the basic standards of acceptable conduct as enshrined in this Code. All employees have the responsibility to comply with this Code of Conduct and all other policies which Council implements and or varies from time to time.

A breach of the Code of Conduct damages business effectiveness, public perception of Council and interpersonal work relationships. Any act or lack of action by an employee of Council that contravenes this Code may result in Council taking disciplinary action against that employee, and which may include dismissal. All suspected breaches will be dealt with on a case-by-case basis.

Suspected Official Misconduct must be referred to Council's Chief Executive Officer, and the Chief Executive Officer has a duty to notify the Crime and Corruption Commission of the suspected Official Misconduct.

In cases where a suspected breach of this Code is under investigation, and if the Chief Executive Officer 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 Council against an employee for found breaches of this Code will be in accordance with Council's Disciplinary Procedures.

## APPENDIX A - DEFINITIONS OF TERMS

The terms below have the following meanings for the purposes of this Code. Where appropriate, meanings have been adopted from relevant legislation.

**“advice”** includes access to, copies or files, records, documents, data and other forms of information, and opinions or recommendations.

**“benefit”** means something that is similar to a Gift in that it is of value.

**“Conflict of interest”** means a conflict between a Council employee's work responsibilities and their personal or private interests. A conflict of interest can arise from either gaining a personal advantage or avoiding a personal loss. Conflicts of Interest can be real (actual) or perceived (apparent).

**“fraud”** includes the broad range of deceitful acts that people may perform to benefit themselves or some other person at the expense of others. Fraud can be committed by employees (internal fraud) or by people outside Council (external fraud).

**“gift”** means an item of value – money, voucher, entertainment, hospitality, travel, commodity, property – that one person gives to another. Gifts may be offered as an expression of gratitude with no obligation to repay or given to create a feeling of obligation.

**“impaired by the effects of alcohol or drugs”** means: -

- For employees operating/driving heavy vehicles and buses, a blood alcohol content greater than 0.00% (consistent with Qld Transport Regulations).
- For employees driving light vehicles or operating mechanical tools or equipment, a blood alcohol content greater than 0.00% (consistent with Qld Transport Regulations).
- For all employees – a positive drug test result in excess of the cut off levels specified in Australian Standard AS/NZS 4308:2008 and AS/NZS 4760:2019; and/or physical or mental



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condition and/or behaviour which limits the employee's ability to undertake work in a safe and effective manner.

**"intellectual property"** means an invention, original work, the results of scientific research or a product development, which can be protected.

## APPENDIX 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.

Assessing the Situation:

- What is your aim?
- What are the facts and circumstances?
- Does it break the law or go against Council 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?

Council Point of View

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

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?

Consider the Options

- Ask your Supervisor/Manager, or any person who is able to give sound, relevant advice.
- What options and consequences are consistent with Council's values, 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 Council, your colleagues, others, and you?

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 Council's mission, goals and values.



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