

# QUEENSLAND POLICE SERVICE

## Standard of Practice



Ethical Standards Command

Because it's the right thing to do

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## Appendix A

Statement of Ethics

# 1. Introduction

The Queensland Government has committed itself to the achievement of high ethical standards for all public officials. As part of whole of government integrity reforms a single [Code of Conduct](#) for the Queensland Public Service was introduced across the entire Queensland public sector.

The [Public Sector Ethics Act 1994](#) provides all public officials of public sector agencies are bound by the provisions of the [Code of Conduct](#) for the Queensland Public Service (Code of Conduct); and may apply to other persons who are not public officials of a public service agency who have a contract or other agreement with the public service agency, for example, contractors with the agency and their employees; volunteers with the agency; and students on work experience with the agency.

This [Code of Conduct](#) took effect from 1 January 2011. All members of the Queensland Police Service are "Public Officials" as defined in the Act and are bound by the provisions of the Code.

The [Public Sector Ethics Act 1994](#) also recognises the need for public sector agencies to develop a Standard of Practice to address particular occupational responsibilities, requirements and accountabilities impacting upon those agencies. In accordance with s.12F of the [Public Sector Ethics Act 1994](#), this document is the approved Standard of Practice for the Queensland Police Service.

## 1.1 Purpose and Scope

The Standard of Practice is to be read in conjunction with the [Code of Conduct](#) for the Queensland Public Service and is intended to support the ethics principles, values and standards of conduct contained therein.

The purpose of this Standard of Practice is to provide all members of the Queensland Police Service with a set of guiding principles and standards to assist them determine acceptable standards of conduct.

The Standard of Practice seeks to:

- a) inform all members of the Queensland Police Service of the standards of conduct expected of them, consistent with the [Code of Conduct for the Queensland Public Service](#);
- b) ensure that embarrassment is not brought upon the Queensland Police Service or its membership because of a lack of understanding of the Queensland Police Service's standards of conduct; and
- c) promote a positive image of the Queensland Police Service and its members.
- d) At all times under the provisions of the [Code of Conduct](#) and this Standard, members are expected to conduct themselves in a manner that does not discredit:
- e) the individual member, having regard to their official position held within the Queensland Police Service; or
- f) the reputation of the Queensland Police Service.

The absence of any specific reference by the Code or this Standard in relation to any act or omission that tends to bring discredit upon the Queensland Police Service or its members does not mean that such an act or omission is condoned or permitted.

## 1.2 Application of the Standard of Practice

This Standard of Practice has been established in accordance with the relevant provisions of the *Public Sector Ethics Act 1994*. Pursuant to s. 4.9 of the *Police Service Administration Act 1990*, the provisions of this Standard apply to all members of the Queensland Police Service defined in s. 2.2 of the *Police Service Administration Act 1990*.

Section 12H of the *Public Sector Ethics Act 1994* also provides a public official of a public service agency must comply with the *Code of Conduct* for public service agencies and any standard of practice that applies to the official.

In the performance of their official functions, special constables appointed to hold office in Queensland are required to observe the provisions of the Code and this Standard as a condition of appointment.

Where the Queensland Police Service engages volunteers and they are required to perform functions or control resources on behalf of the Service, they will be expected to observe the provisions of the Code and this Standard.

## 1.3 Breaches of Standards of Conduct

All members are to familiarise themselves with the *Code of Conduct* and the Standard of Practice and ensure compliance. Members should be aware that failure to comply with standards of conduct outlined, without valid reason, will be addressed in accordance with the contents of [s. 18 Complaint Management](#) of the Human Resource Management Manual.

Members are to be aware the Queensland Police Service disciplinary process may apply to breaches of the *Code of Conduct* and the Standard of Practice. Section 24 of the *Public Sector Ethics Act 1994* provides for the police disciplinary process to apply to breaches of the *Code of Conduct* and this Standard of Practice.

Members requiring advice or assistance concerning their obligations under the Code and Standard should seek assistance from supervisors, managers, internal support areas, professional associations or unions. Members should also refer to relevant provisions of the *Police Service Administration Act 1990*, the *Public Service Act 2008* and [s. 18 Complaint Management](#) of the Human Resource Management Manual.

## 1.4 Other Professional Codes

The Queensland Police Service acknowledges that codes of professional ethics exist for many established professions (e.g. medical practitioners, psychologists) and that the existence of these codes may lead to ethical conflicts or dilemmas for members who are employed by the Service in their professional capacity.

Codes applicable to professionals or individual classes of members employed by the Queensland Police Service should be read in conjunction with this Standard. Where any conflict does arise involving professional ethics standards and the provisions of the Standard, the Service's right to determine what is to be done in any resolution process should be recognised by the affected member and their professional body.

Individuals or professionals placed in this position are encouraged to raise and discuss their concerns within the Queensland Police Service. Where such a conflict does occur, the professional body of the affected member should be involved in any resolution process to ensure that the justification of the profession's ethical standards does not rest solely with the individual professional.

## 1.5 Determination of Conduct

Determining whether a member's conduct, whether on or off duty, is right and proper in terms of this Code requires examination of:

- a) the nature of the conduct exhibited; and
- b) the context in which the conduct takes place.

Within this framework, appropriateness of conduct is then determined with reference to the expectations of the Queensland Police Service, the wider community and the provisions of this Code.

Members assessing the appropriateness of their conduct, or the conduct of other members, against the provisions of this Code should apply the **SELF** test:

- Would your decision withstand **Scrutiny** by the community or the Queensland Police Service?
- Will your decision **Ensure** compliance with your Oath of Service, the [Code of Conduct](#) and Queensland Police Service policy?
- Is your decision **Lawful**, does it comply with all laws, regulations and rules?
- Is your decision **Fair** to the community, your family and colleagues and others?

Where the conduct of a member, whether on or off duty, does not satisfy the provisions of the SELF test or it will otherwise adversely reflect on the Queensland Police Service, it will be deemed by the Service as inappropriate under the provisions of this Standard.

The Queensland Police Service expects that members, in fulfilling their obligations under this Standard, will not only meet minimum standards of conduct required, but will strive to, and encourage others under their supervision to achieve the highest standards of conduct possible.

## 1.6 Ethics Principles

This Standard of Practice supports the ethics principles and the underpinning values statements as stated in the [Public Sector Ethics Act 1994](#). The principles and values are explained in the [Code of Conduct for the Queensland Public Service](#) and provide guidance to all members as to expected standards of conduct. The ethics principles are:

- a) integrity and impartiality;

- b) promoting the public good;
- c) commitment to the system of government; and
- d) accountability and transparency.

Members' actions, behaviours, and attitude should also reflect and give effect to the Queensland Police Service values. These values and supporting behaviours are:

### **Professionalism**

- Act with integrity
- Model professional behaviour
- Promote ethical conduct

### **Performance**

- Take action to provide effective services
- Be accountable for my actions
- Strive for continuous improvement
- Be cost efficient

### **People**

- Treat everyone fairly and with respect
- Ensure the safety of colleagues, clients and myself
- Support the wellbeing and development of my colleagues

### **Partnerships**

- Engage with my community
- Respect and embrace cultural diversity
- Identify and develop key stakeholders
- Work collaboratively to provide policing services

## **2. Personal Conduct**

At all times, members are to act and be seen to act properly and in accordance with both the spirit and the letter of the law and the terms of the [Code of Conduct](#) and this Standard. Members are not to act in a manner which will adversely reflect on the Queensland Police Service generally or on themselves as members of the Service.

### 3. Lawful Directions

Members are to obey any lawful direction, instruction or order given by any member or person authorised by law to do so.

Members in satisfying their obligations under this section are to comply with the provisions on lawful directions as outlined in [s. 17.2 Procedural Guidelines for Professional Conduct](#) of the Human Resource Management Manual.

### 4. Conflicts of Interest

Members of the Queensland Police Service are expected to perform their duties in such a manner that public confidence and trust in the integrity, objectivity and impartiality of the Queensland Police Service and its members is preserved.

In satisfaction of this objective members are to arrange their private affairs in a manner that will prevent any actual or apparent conflict of interests from arising wherever foreseeable. Further, members are to ensure as far as practicable there is no conflict between their personal interests and the impartial fulfilment of their official duties and responsibilities.

Members are to avoid either actual or apparent conflicts of interests in all matters relating to their employment with the Queensland Police Service. However, members are not to be subject to unreasonable restrictions on their private activities purely as a result of their employment with the Service. Where a conflict of interests does arise between the private interests of a member and the official duties or responsibilities of that member, the member is to disclose details of the conflict to their supervising Executive Officer. All conflict of interests relating to a member's employment with the Queensland Police Service will be resolved in favour of the Service and the public interest.

Members in satisfying their obligations under this section are to comply with the provisions on outside employment as outlined in [s. 17.2 Procedural Guidelines for Professional Conduct](#) of the Human Resource Management Manual. Section 17.2 outlines the processes to be followed in dealing with the range of potential conflicts of interests that may confront members.

### 5. Public Comment

The Queensland Police Service acknowledges that members have a right to make public comment and enter into public debate on political, community and social issues in a private capacity. Where a public comment is made in a private capacity members are to ensure that it is clearly identified as not being an official comment or made in an official capacity. There are circumstances where public comment or debate by members is not acceptable. These include circumstances where:

- a) a public comment made in a private capacity may give rise to a public perception that it is in some way an official comment of the Government or the Queensland Police Service;
- b) a member is directly involved in advising on or directing the implementation or administration of government policy, and the public comment would compromise the member's ability to do so;
- c) a public comment amounts to improper criticism of the Government or the Queensland Police Service;

- d) an official public comment is inconsistent with the Queensland Police Service's corporate policy or direction, or gives rise to the perception that the member is in disagreement with the Service's corporate policy or direction;
- e) a public comment amounts to an unwarranted personal attack on the character or integrity of another member or person; or
- f) any member of the Queensland Police Service who undertakes external research, including recipients of research scholarships such as the Courier Mail and Churchill Fellowship Awards, must include a disclaimer on the front of their report. The wording of this disclaimer should read:

"The views expressed in this material are those of the author(s) and are not those of the Queensland Police Service. Responsibility for any errors of omission or commission remains with the author(s)."

Where members are in any doubt as to the propriety of a proposed public comment they should consult their supervisor, and observe any directions issued by the Commissioner governing public comment and political activity.

## 6. Political Activity

Members have the same right as any other citizen to freedom of political views and association. However, any political activity by members is to be conducted in a private capacity. It is essential that members clearly separate any official action or views from any political action or views. Members may only engage in private political activity or comment outside the course of official duty and are to ensure that no conflict of interests arise between such activity or comment and their official duties. Where a member enters into any agreement with a political party during the course of or prior to an election campaign that has the potential to compromise the independence of the Queensland Police Service they must report the matter immediately to the Commissioner.

Examples of permissible conduct under this section are:

- a) expressing opinions on political subjects and candidates in a private capacity;
- b) displaying political advertising (except in situations that are connected to official duties, i.e. advertising must not be displayed whilst on duty or on Queensland Police Service property); and
- c) signing a political petition in a private capacity.

Members of the Queensland Police Service contesting federal, state or local government elections are to comply with the relevant provisions of [s. 25.1 Members Contesting Elections](#) of the Human Resource Management Manual.

## 7. Union Representatives and Public Comment

The Queensland Police Service recognises the responsibilities of members elected as workplace representatives or officials of trade unions and professional associations. Such representatives or officials need not seek permission from the Queensland Police Service before expressing publicly

their union's or association's views. However, any such representative or official is to ensure that such comments are clearly made and identified as the views of their union or association and are made in their official capacity as a representative or official of that union or association.

## 8. Outside Employment

Members may not engage in any employment outside the Queensland Police Service whilst on leave or otherwise if such employment:

- a) interferes with the effectiveness of the performance of their duties;
- b) creates or appears to create a conflict of interest; or
- c) reflects adversely on the Queensland Police Service.

Members in satisfying their obligations under this section are to comply with the provisions on outside employment as outlined in [s. 17.2 Procedural Guidelines for Professional Conduct](#) of the Human Resource Management Manual.

## 9. Use of Alcohol and Drugs

Illicit drug use by Queensland Police Service members is not acceptable.

Members are to ensure that the consumption of alcohol or other licit drugs does not adversely affect the performance of their official duties. Licit drugs include prescription and over the counter medications.

Members of the Queensland Police Service are not to:

- a) consume alcohol while on duty or during meal breaks except where related to the member's official duties and subject to a superior member's approval and conditions; or
- b) consume alcohol or other licit drugs when a requirement to go on duty is reasonably foreseeable and imminent where such consumption will:
- c) adversely affect the ability to conduct official duties;
- d) result in unsatisfactory work performance; or
- e) affect the safety of others.

In satisfying their obligations under this section, members are to comply with the provisions on the consumption of alcohol and drugs as outlined in [s. 17.2 Procedural Guidelines for Professional Conduct](#) and [s. 21.14 Alcohol and Drug Policy and Procedures](#) of the Human Resource Management Manual.

## 10. Performance of Official Duties

In the performance of official duties members are to:

- a) demonstrate high standards of professional integrity and honesty;
- b) apply themselves to the efficient and effective achievement of the functions of the Queensland Police Service;
- c) perform any duties associated with their position diligently and to the best of their ability, in a manner that bears the closest public scrutiny and meets all legislative, Government and Queensland Police Service standards;
- d) set and maintain standards of leadership that are consistent with corporate goals and policies, and be seen at all times to act in support of those corporate goals and policies;
- e) promote and encourage members of the Queensland Police Service under their supervision to exercise high standards of personal and professional conduct;
- f) act with fairness and reasonable compassion;
- g) provide conscientious, effective, efficient and courteous service to all those with whom they have official dealings, in particular, members are to be sensitive to the special circumstances and needs surrounding victims of crime;
- h) while members will put family responsibilities first, duty to the people of Queensland will always be given priority over the other private interests of members;
- i) perform their duties impartially and in the best interests of the community of Queensland, without fear or favour;
- j) act in good faith; and
- k) actively contribute to the achievement of the Queensland Police Service's corporate goals.

## **11. Influence to Secure Advantage**

Members shall not use the influence of their official powers or position, or the influence of any other person to obtain improperly, any appointment, promotion, advancement, transfer, decision or other advantage, either personally or on behalf of another.

## **12. Conduct Towards Members and other Persons**

In the course of their duties, and in particular when exercising discretionary powers, members are to:

- a) treat all persons with respect and dignity and in a reasonable, equitable and fair manner;
- b) not intimidate, engage in sexual or other forms of harassment, unlawfully discriminate or otherwise abuse any person;
- c) observe merit in recruitment, promotion and other selection processes;
- d) safeguard privacy and confidentiality of matters of a personal nature relating to other members of the Queensland Police Service;
- e) adhere to the principles of natural justice;

- f) adhere to management principles and practices which foster the rights, and well being of members and encourage access to employee assistance and development schemes;
- g) ensure subordinates are set equitable and fair workloads;
- h) not inappropriately distract other members of the Queensland Police Service from carrying out their duties;
- i) not allow personal relationships to adversely affect their work performance or that of other members; and
- j) not induce other members to breach the Code of Conduct or Standard of Practice.

### **13. Resources, Economy and Efficiency**

In the performance of official duties members are to:

- a) use or manage both human and material resources efficiently and effectively for the benefit of the public of Queensland;
- b) conserve and safeguard public assets;
- c) budget honestly;
- d) not misuse Queensland Police Service equipment or vehicles; and
- e) respect the environment by engaging in environmentally friendly work practices.

Members are not to (directly or indirectly) make improper use of, or allow the improper use of, property, equipment and facilities of any kind belonging to or leased by the Commissioner. Members are not to use any such property, equipment, or facilities for any purpose which has not been authorised by the Queensland Police Service.

Members are to ensure that all facilities, physical resources and other property belonging to the Commissioner are given due care and maintenance. Members in satisfying their obligations under this section are to comply with the provisions of [s. 17.2.4.8 Queensland Police Service Property - Due Care, Maintenance and Security](#) of the Human Resource Management Manual.

Members are to avoid waste, abuse of, or extravagant use of Queensland Police Service resources.

### **14. Gifts and Benefits**

In their official capacity as a member of the Queensland Police Service, members are:

- a) not to solicit any personal or other benefit, except where the solicitation is authorised by the Queensland Police Service (e.g. legitimate pursuit of donations or sponsorship in accordance with Service policy); and
- b) not to accept any personal or other benefit, unless authorised/permitted by the Queensland Police Service (e.g. customary hospitality and benefits of nominal value).

The Queensland Police Service recognises that there will be instances where members will be offered benefits and that under certain circumstances it will be appropriate for members to accept them.

Members are to consider the following when making this decision:

- Who is offering the hospitality, gift or benefit?
- What is the purpose of the offer?
- What is the timing of the offer?
- Does the value of the hospitality or benefit exceed nominal value?
- Is the offer likely to be regular or repetitive?
- Is it consistent with other Queensland Police Service policy?
- Could the acceptance compromise you, another person or the Queensland Police Service?
- Could the acceptance withstand public scrutiny?

The [Gifts and Benefits Directive](#) issued by the Public Service Commissioner outlines the ethical considerations and procedures involved in the giving and receiving of gifts and benefits and is to be read in conjunction with the above arrangements.

In addition, [s. 17.2 Procedural Guidelines for Professional Conduct](#) of the Human Resource Management Manual provides information on the acceptance of gifts and benefits where this action may create an actual or apparent conflict of interest.

## 15. Improper Use of Information and Communication Technology

All Queensland government agencies are guided by the Cabinet-endorsed [Use of Internet and Electronic Mail Policy and Principles Statement](#) and Information Standard 38. The Queensland Police Service's policy regarding the misuse of ICT facilities and devices is primarily contained in the [Information Management Manual](#). Anyone found to have misused ICT devices or facilities potentially faces a range of penalties, including dismissal. Any possible misuse or breach of Queensland Police Service ICT policy will be dealt with on a case-by-case basis.

## 16. Improper Use of QPS Information

In the performance of official duties, members of the Queensland Police Service are granted lawful access to many sources of information, confidential or otherwise. With this access comes a requisite level of accountability and trust that the information will only be used for official purposes. It is the view of the Queensland Police Service that there is no excuse for members to betray the public trust by making any unauthorised, improper or unlawful access or use of any official or confidential information available to them in the performance of their duties.

When dealing with official or confidential information of the Queensland Police Service, members are not to access, use or release information without an official purpose related to the performance of their duties.

Where any member breaches this provision they must expect that the Queensland Police Service will institute appropriate disciplinary or criminal proceedings. Members need to be aware that this type of activity is viewed by the Service as misconduct and any members who breach the provisions of this section will be dealt with accordingly.

Members requiring further information or assistance when dealing with official or confidential information should refer to and comply with relevant provisions of the following legislation and documents:

- a) sections 10.1 and 10.2 of the *Police Service Administration Act 1990*;
- b) *Right to Information Act 2009*;
- c) *Information Privacy Act 2009*;
- d) the Queensland Police Service Statement of Affairs; and
- e) Chapter 1 of the Operational Procedures Manual.

## **17. Intellectual Property and Copyright**

Members of the Service are to comply with all legislation, Queensland Police Service policies and procedures covering intellectual property and copyright. A member will breach the provisions of this Standard where they fail to comply with any such legislation, policy or procedures.

Members in satisfying their obligations under this section are to comply with the provisions on intellectual property and copyright as outlined in [s. 17.2 Procedural Guidelines for Professional Conduct](#) of the Human Resource Management Manual.

## **18. Definitions**

For the purposes of this Standard of Practice the following definitions apply.

### **18.1 Apparent Conflict of Interest**

An apparent conflict of interest exists when it appears that a member's private interests could interfere with the proper performance of their official duties.

### **18.2 Actual Conflict of Interest**

An actual conflict of interest exists when a reasonable person, in possession of the relevant facts, would conclude that the member's private interests are interfering with the proper performance of their official duties.

### **18.3 Benefit**

A benefit includes gift, gratuity, remuneration, allowance, fee subsidy, consideration, free service or entertainment other than as provided for as part of a member's terms and conditions of employment.

### **18.4 Improper**

Improper means anything that is not in accordance with propriety of behaviour or conduct suitable for a particular purpose, person or occasion.

### **18.5 Maladministration**

Maladministration is administrative action that is unlawful, arbitrary, unjust, oppressive, improperly discriminatory or taken for an improper purpose.

### **18.6 Member**

Member means all employees of the Queensland Police Service. The term refers to and includes all persons defined in s. 2.2 of the *Police Service Administration Act 1990*.

### **18.7 Natural Justice**

Natural justice (or procedural fairness) is concerned with ensuring that a fair decision is reached by an objective decision maker. It requires that two rules be observed.

The hearing rule, which states that a person or body deciding a particular matter must give the affected person the opportunity to present their case and have that material considered before any decision is made.

The rule against bias, which states that a decision maker should have no personal interest in the matter to be decided, have no bias as to the outcome and act in good faith throughout the process.

### **18.8 Outside Employment**

Outside employment means any type of employment for which a benefit may be received exclusive of the Queensland Police Service.

### **18.9 Public Official**

Public official means any officer or employee of a public sector entity as defined in the *Public Sector Ethics Act 1994*.

## Statement of Ethics

As a member of the Queensland Police Service I have a duty to:

Protect life and property;

Preserve the peace;

Prevent offences;

Detect and apprehend offenders; and

Help those in need of assistance.

**At all times,**

I will carry out my duties without fear or favour, malice or ill will;

I will act honestly and with the utmost integrity;

I will make every effort to respect and uphold the rights of all people in the community regardless of race, social status or religion;

I will strive for excellence and endeavour to improve my knowledge and professionalism;

I will keep confidential all matters which I may learn in my official capacity except as necessary in the course of my duties;

I will practice self-discipline in word and deed both on and off duty;

I will resist the temptation to participate in any activity which is improper or which can be construed as being improper;

I will not misuse my office for personal gain;

I will accept responsibility for my own actions and for acts which I may order; and

I accept the desirability of these ethics as an integral part of my personal and professional life.