



Code of Conduct

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FOREWARD

To achieve valued lifestyles for persons with disabilities Multicap works in partnership with individuals, families, community organisations and the State and Commonwealth governments. In providing our services, many of us deal with difficult and complex issues, and our decisions, actions and conduct can have a significant effect on individuals, their families and the community as well as on Multicap's staff and reputation.

This Code of Conduct will assist in ensuring our decisions and interactions are consistent with the principles and objectives of disability legislation. Multicap's Code of Conduct has been designed to provide guidance about what is expected of us in our day to day dealings with our consumers, the public and in the workplace.

I commend the Code to you for use in your everyday dealings with clients and colleagues. Understanding and using the Code will assist you to perform your duties in a manner that promotes organisational and public trust and confidence.

Jo Jessop
Chief Executive Officer

INTRODUCTION

As a Multicap employee or contractor you have a unique role. You are entrusted with organisational resources that are to be used for the common good of the clients we support.

There are 5 principles relevant to your position of trust:

1. Respect for the Law
2. Respect for Persons
3. Integrity
4. Diligence
5. Economy and Efficiency

These principles form the basis of conduct expected of you as a Multicap employee or contractor. This Code of Conduct describes the obligations and standards arising from each of the above principles and gives relevant examples of each applied to everyday work activities. These principles, obligations and standards underpin our policies, procedures and learning and developmental activities that guide you in performing your job tasks. Together they act as a guide to determining the right course of action to take in any given situation.

How to Use the Code of Conduct

Obligations and Standards

Each principle is explained in the Code in the following way:

1. Obligations
The obligations expected of you as a Multicap employee are derived from the 5 principles.
2. Standards
The standards expected of you as a Multicap employee, list the key expectations and guidelines for everyday decision making, action and conduct. The standards identify your duties and responsibilities in acting ethically in the workplace.

To further assist you in understanding your role and responsibilities as a Multicap employee, the Code contains:

- Examples: The examples, shown in shaded boxes, illustrate the obligations and standards relevant to a range of work situations within the organisation. The examples are illustrations only and as such are not exhaustive.
- Definitions: Key words are footnoted in plain English, with full explanations contained in Appendix A.

Using Your Professional Judgement

You are one of a large number of Multicap employees who come from a variety of diverse backgrounds, experiences and communities. Each of you will have your own views on what is 'right' and 'appropriate' behaviour. If your private views conflict with this Code, the Code must prevail.

Sometimes you may find yourself in a situation where there is no clear agreement of what is 'the right thing to do'. In this instance, the course of action that best meets the principles, obligations and standards of this Code should be followed.

The Code will assist you to:

- clearly define the expectations for standards of conduct required of you and other Multicap employees;
- effectively assess a work situation to identify and resolve potential and actual conflicts between organisational duties and private interests; and
- quickly make an ethical decision that is justified and transparent.

NOTE:

The principles, obligations and standards do not 'stand alone' from each other and should not be read in isolation. In any given situation, they may overlap and interact with each other. The **Quick Guide** outlined at the end of this section will assist you in analysing a situation or issue to make an informed decision and to take action to resolve the matter. The policies and guidelines that complement the Code provide further information and help for analysis and decision making regarding specific issues.

Your Rights and Responsibilities

General Responsibilities for Individuals, Team Leaders and Managers

As an employee of Multicap, you should be familiar with the contents of this Code of Conduct. You must take responsibility to ensure your behaviour and communication are consistent with the expectations set out in the Code, and that you understand how your rights interact with the rights of others. You can do this by:

- using any relevant learning and developmental opportunities, for example, in induction, training, staff meetings and day to day discussions with your Team Leader/Service Manager and colleagues; and
- raising any questions or issues with your Team Leader/Manager in regular performance management activities.



Team Leaders/Service Managers in particular have a further responsibility to ensure employees have a clear understanding of their rights and responsibilities as outlined in the Code, are able to access regular learning and developmental opportunities, and be available to discuss issues and clarify expectations with employees. Team Leaders/Service Managers have an added responsibility to monitor the efficient and effective use of organisational and departmental resources – financial, technological, information, human, intellectual and physical.

Managing Breaches of the Code – All employees have a responsibility to identify and report any breaches of the Code to an appropriate authority. Where a Team Leader/Service Manager becomes aware that an employee has acted in breach of the Code, the supervisor is responsible for assessing the situation and taking appropriate action.

Breaches of the Code are managed in a variety of ways, depending on the circumstances of the matter. The goal in all cases is to ensure that:

1. Employees and contractors involved are supported and treated fairly.
2. The situation is assessed and addressed swiftly and thoroughly.
3. Organisational and client interests are protected.
4. Any action taken will prevent the problem being repeated in the future.

Assessment is made to identify the seriousness of the issue and the actual or possible impacts for example, where the consequences are serious and may erode public and client confidence in Multicap and its ability to effectively undertake its service and administrative responsibilities. Responses may range from a reprimand to dismissal, but not be limited to these, depending on the severity or seriousness of the breach and all the circumstances.

Examples where disciplinary action may be taken include:

- significant errors being made, including errors of judgement that demonstrate carelessness, incompetence or inefficiency and have serious ramifications for clients and the organisation; and
- refusal by an employee and contractor to undertake their assigned duties, discuss performance related issues, or participate in processes to address unsatisfactory performance.

Some breaches of the Code may constitute 'official misconduct' that is either a criminal offence or a disciplinary breach that could reasonably provide grounds for the termination of employment.

There is an obligation on all employees and contractors to report suspected official misconduct to the Chief Executive Officer or other appropriate authority. Issues of a criminal nature will be referred to the appropriate external agency(ies) and authorities.

Examples of official misconduct include:

- breach of duty of care obligations, (e.g. physical or sexual abuse of a client or otherwise placing a consumer in danger;
- misuse of organisational information for private gain or for an improper purpose; and
- assaulting a colleague in the workplace, stealing from the organisation or a client, or deliberately making a false claim for remuneration

Grievance and Appeal Rights

If you are involved in a process to assess your behaviour or conduct, improve your performance, or a formal disciplinary process, you can expect to be treated fairly. Principles of natural justice will apply and include:

- being provided with an opportunity to respond to an allegation before any adverse finding or decision is made affecting you;
- having your conduct assessed by an unbiased decision-maker; and
- being advised of the reasons for an adverse finding and decision affecting you.

If you believe on reasonable grounds that you have not been treated fairly, you may communicate your concerns to your Supervisor or other appropriate person in Multicap. If you are not able to resolve the situation, you may consider utilising the grievance process as outlined in Multicap's Staff Grievance Policy and Procedure.

If a discipline process against you has been finalised, you will be advised in writing, and provided with information regarding appeal processes.

Making an Ethical Decision – A Quick Guide



Not every ethics dilemma can be detailed in a Code of Conduct. Every situation is different. To assist you in assessing a situation, a useful 'rule' is – **when in doubt, talk about it.**

You can talk with your Team Leader/Service Manager, or a colleague. It is important to analyse all the relevant facts and circumstances before deciding what is the 'ethical thing to do'.

1. *What is the problem? – describe the situation.*

- What is happening and who is involved?
- Which departmental policy or procedure applies?
- What are the job expectations?
- Who is affected?
- What are the actual or foreseeable consequences and impacts?
- Why do I feel uncomfortable?

2. *Is it an ethical problem? – apply the Code of Conduct.*

- What ethics obligations and standards apply?
- Would the public see the proposed conduct, decision/advice as fair, honest, appropriate?
- Are the values of natural justice, accountability and reasonableness met?
- Has the organisation's duty of care been compromised?
- *Are my personal and professional beliefs and values compromised?*

3. *What action should be taken? – identify options.*

- Do I have the power or authority to deal with the issue?
- Who else should I talk to?
- What options are available that upholds the relevant ethics principles?
- What is consistent with current policy and practice?
- What are the pros/cons of each option?
- How would the public view these options?
- *What feels 'right' to me as a professional public servant?*

4. *What is the most ethical option? - choose a course of action.*

- Is the decision fair and equitable as outlined in the ethics principles?
- Does it provide a reasonable balance between competing interests and values?
- Is it consistent with relevant legislation, policy and practice?
- Can the decision be easily explained?
- Is it easy to document the key issues and explain the reasons for the decision?
- *Do I feel comfortable?*

5. *What changes may need to occur? – follow up.*

- Is this ethical issue an isolated event or does it represent a wider organisational issue?
- Who needs to be advised and how?
- *What do I need to do to prevent the situation occurring again?*

DEFINITIONS

Abuse (of persons) – refers to maltreatment and can be emotional abuse (for example, treatment which degrades, demeans or intimidates; verbal abuse (for example, addressing a person in an offensive, derogatory or threatening manner); physical abuse (for example, any harmful, offensive or unwanted touching; or physical deprivation); sexual abuse (for example, sexual contact with a child; sexual contact without informed consent); chemical abuse (for example, purposefully over-medicating a client to manage behaviour rather than the application of approved behaviour management techniques); financial abuse, (for example, mismanagement of a client's finances/budget); and neglect.

Abuse (of resources) – refers to mistreating or not looking after a public resource. An example of abuse might be not regularly servicing organisational vehicles. Theft of resources is not the same as abuse or improper use. Theft is a criminal offence.

Accountability – refers to being able to clearly justify the use of resources, power and control; to effectively mediate rights and responsibilities; and to be able to use discretion.

Authorisation – refers to a responsibility to carry out an administrative process. Authorisations should be read in conjunction with Delegations. (See "Delegation".)

Bullying – refers to repeated less favourable treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace practice, for example, behaviour that intimidates, offends, degrades or humiliates a worker, possibly in front of co-workers, clients or customers.

Conflict of Interest – refers to a conflict between the private interests of an employee and her/his work duty. A potential conflict of interests exists when it appears that an employee's private interests may have the potential to interfere with the proper performance of their official duties, for example, obtain a lucrative consultancy.

An actual conflict of interests exists when a reasonable person, in possession of the relevant facts, would conclude that the employee's private interests are likely to interfere with the proper performance of their duties. For example, the use of knowledge gained in the course of their employment duties to obtain a lucrative consultancy.

Conscientious Objection – refers to a conflict between the private interests and employment duties of an employee. Examples of an issue of conscience include a Catholic nurse refusing to participate in a lawful pregnancy termination; a Jewish employee objecting to a direction to work on a Jewish religious holiday.

Corruption – means asking for or receiving a benefit in return for doing or promising to do something in connection with one's employment duties, for example, accepting a bribe or a gift in return for awarding an applicant a position, or overlooking inadequacies in service provision.

Delegation – refers to a discretionary power. Delegations should be read in conjunction with Authorisations. For example, in the recruitment and selection process, a discretionary power/delegation would apply to appointing an officer to the agency, while approving the selection committee is an administrative process/authorisation.

Discretionary Power – refers to the power of employees to make decisions under delegations. This includes, for example, the process of giving effect to the policies of the organisation; or in determining if a staff member should be subject to disciplinary action.

Discrimination – is defined in the *Anti-Discrimination Act 1991* and is defined in two ways. Direct discrimination is defined as treating a person less favourably because of an attribute the person has or is presumed to have. Indirect discrimination may occur if a condition is imposed that is unreasonable; that a person with the attribute can't comply with; or that a higher proportion of people without the attribute can comply with.

Diversity – refers to the myriad ways in which people are different in their backgrounds, experiences, personalities, gender, age, families, race, culture, abilities and beliefs.

Duty of Care – refers to the general legal duty to take reasonable care to avoid causing harm to another person. As workers within Multicap you may work with children or vulnerable consumers such as people with a disability. The duty of care owed to clients and families is of a higher standard because of this and because of your employment role.

Equity – refers to a systems and processes of fairness and justice which supplement or are clearly defined in law, such as the *Equal Opportunity in Employment Act 1992*. In the workplace, it refers to a person using a fair, just and reasonable approach in decision making, allocation of resources and general treatment of a person and her/his circumstances in relation to their skills and needs. It is a key principle in the recruitment and selection process whereby applicants are selected, promoted and treated on the basis of their individual talents and capabilities.

Extravagance – refers to using organisational/government-funded resources in excess of what is required to achieve the objective. An example of extravagance might be purchasing an expensive piece of office equipment when a cheaper one may meet needs or sending three staff to a conference when one is enough.

Faithfully – refers to the common law duty of service owed by an employee to an employer. This includes, for example, the responsibility to respect the legitimate interests of the employer and to carry out lawful and reasonable directions.

Fraud – refers to the intentional use of false representations or deception to avoid an obligation, or gain an unjust advantage.

Harassment – means conduct which is intended, or is reasonably likely, to offend, humiliate or intimidate another person. (See “Sexual Harassment”.)

Impartiality – refers to the ability to be fair and unbiased and derives from the political convention of the Westminster tradition of democratic government. At the individual level, it refers to a decision-maker who does not have a personal interest in the matter on which they must decide. (See “Natural Justice”.)

Improper Influence – refers to the use of power which is not in accordance with the requirements and intent of policy, procedures or delegations as they relate to a position.

Intellectual Property – refers to an original piece of work, the results of research, an invention or a product development that can be protected under specific Acts and by common law. Computer software, artwork and training programs are examples of intellectual property.

Maladministration – refers to administrative action and decisions that are unlawful, arbitrary, unjust, oppressive, improperly or unlawfully discriminatory, or taken for an improper purpose.

Merit – refers to the employment principle which allows for a fair and equitable assessment of a job applicant’s aptitude, skills, qualifications, knowledge, experience and personal qualities etc relevant to carrying out the duties in question.

Natural Justice – refers to procedural fairness based on the requirement for an objective decision-maker to reach a fair decision that is appropriate to the nature, circumstances and context of a given situation. There are two basic rules of natural justice. The ‘hearing rule’ requires that where it is proposed to take action that adversely affects someone’s interest, the person concerned must have a chance to state their point of view and have this fairly considered before the action is taken. The ‘rule against bias’ requires that the decision-maker is impartial. (See “Impartial”.)

Official Information – refers to information that is not available to the general public and includes such as service meeting minutes, information on budget, policy or program development, information of commercial sensitivity or information of a personal nature about consumers and employees.

Official Misconduct – this refers to conduct by an employee that involves carrying duties or exercising powers in a manner that is dishonest or lacks impartiality; or a breach of trust placed in the person by reason of his/her holding the position, or a breach of confidentiality. Conduct is regarded as official misconduct if it could be defined as a criminal offence or a disciplinary breach that provides reasonable grounds for dismissal.

Organisational/Government-Funded Resources – refers to the financial, technological, information, human, knowledge/intellectual and physical assets that have been funded and developed at the organisation's or government's expense. It also includes intangible assets such as public support and positive staff morale and commitment. It includes official information and resources such as property, equipment, money and other assets that have been provided.

Private Interest – refers to your own financial or personal interests, as well as those of your immediate family members. (See "Conflict of Interest")

Public Comment – covers a wide range of activities which involve providing information about, or evaluative comment on, organisational policy or administration. Public comment may include a letter to the editor, an article for a professional journal; contribute to a panel discussion on radio or television, or a speech to an interest group. (See "Conflict of Interest".)

Public Trust – refers to the expectation of ordinary citizens that a Multicap employee will exercise the powers of their position properly.

Reasonableness – refers to making a decision by referring to all the relevant circumstances and context of a situation, such as relevant legislation, policy and standards, individual needs and possible impacts.

Reportable Gift – refers to a gift which is received by an employee of Multicap in the course of duty and/or because of the job they hold, where the market value of the gift exceeds \$100, other than a gift made by a personal friend or a family member in a purely personal capacity.

Responsiveness – refers to how we ensure the quality of Multicap services and processes delivered by a fair, open and accountable organisational administration by the application of the principles of merit, equity and natural justice. It is demonstrated via a range of organisational practices, including freedom of information, anti-discrimination and equal employment opportunity.

Sexual Harassment – refers to unreasonable verbal or physical behaviour or communication of a sexual nature that is regarded by the recipient as unwelcome and/or offensive.

Waste – refers to squandering resources or consuming them for no useful purpose. An example of waste of public resources might be a Team Leader/Service Manager engaging an external consultant to do work which could be done by employees in the work team.



PRINCIPLE 1

Respect for the Law

Upholding the Law and your role as a Multicap employee or contractor

Obligations

The principle of respect for the law, as a Multicap employee, states that you should:

- uphold the laws of the State and Commonwealth; and
- carry out organisational decisions and policies faithfully and impartially.

You should:

- Act in the public interest.
- Exercise your powers lawfully and impartially.
- Ensure your actions support legislation and Multicap policy and processes.
- Carry out lawful and reasonable instructions.

Standards

1.1 Service to Multicap

- As a Multicap employee, you should understand that you hold a position of trust¹. You are employed at organisational and/or government expense to provide services to clients of Multicap.
- In performing your official duties, you should always act in the organisation's and client's interest.
- You should faithfully² and impartially implement organisational policies, procedures and operational guidelines/processes.

1.2 Knowledge of Legislation and Organisational Policies and Procedures

- You have a responsibility to maintain a good working knowledge of the legislation, policies, standards and procedures relating to your role, and to ensure your decisions are consistent with these.
- Team Leaders/Service Managers should ensure that copies of this information are available and accessible to all employees in their work teams.

Examples of Required Knowledge

- When responding to a grievance, you should refer to organisational guidelines as outlined in its Staff Grievance Policy.

1.3 Official Instructions

- You are expected to follow all reasonable³ and lawful instructions related to your work given by a person with authority to give the instruction.
- Disagreeing with a reasonable or lawful instruction from an authorised employee is not necessarily a sufficient reason to not comply with the instruction.

¹ *Trust* refers to the organisational expectation that Multicap employees will exercise the powers of their position properly, and in the interest of the organisation and its consumers.

² *Faithfully* refers to the common law duty of service owed by an employee to an employer.

³ *Reasonableness* refers to making a decision by referring to all the relevant circumstances and context of a situation, such as relevant legislation, policy and standards, individual needs and possible impacts.

- Team Leaders/Service Managers should ensure that they are able to reasonably justify their instructions and decisions in line with their authorisations⁴, and organisational policies and procedures, and be open to respond promptly to constructive questions.

1.3.1 Response to Instructions

You should carry out instructions unless:

- A health and safety risk exists.
- A conflict of interest⁵ may exist.
- It appears to involve something of an unlawful or criminal nature.
- It does not comply with organisational policy and practice.

When requesting a review of an instruction on the grounds outlined above, you should:

- Utilise relevant policy and guidelines on the issue to analyse your situation.
- Communicate this in a reasonable manner to the person who gave the instruction and provide an opportunity for them to respond.
- If you are not satisfied with the response, you may seek advice from an appropriate senior employee, or you may choose to use the internal grievance resolution process as outlined in Multicap's Staff Grievance Policy.

When you object to an instruction on genuine conscientious⁶ grounds, or where there may be a perceived conflict with a professional code of ethics, you should attempt to negotiate and resolve the matter with your Team Leader/Service Manager to achieve a mutually acceptable solution.

If an employee or contractor raises an issue of conscience or a perceived conflict of interest, the Team Leader/Service Manager should not force compliance, and should move to resolve the matter (as described above).

If an issue is raised where it may relate to something of an unlawful or criminal nature, you should follow organisational procedure in reporting this to the appropriate authority.

Examples of Following Instructions

- An employee who is instructed to lift persons or heavy objects, and has not undertaken the appropriate manual lifting training and has an existing back injury, would raise this with their manager to identify an alternative option.
- If scheduled to work on a certain day, a shift-worker may request to be re-rostered or ask consideration for leave without pay to attend an important cultural or religious holiday.
- An employee instructed to sit on a selection panel should absent her/himself where an applicant is a personal friend.

1.4 Criminal Charges and Convictions

You are required to notify, in writing, your Team Leader/Service Manager where you have been charged or convicted of an offence as referred to in Multicap's Criminal History Policy.

⁴ *Authorisation* refers to a responsibility to carry out an administrative process which generally is detailed in the employee's Position Description.

⁵ *Conflict of Interest* refers to conflict between the private interests and organisational duties of a Multicap employee.

⁶ *Conscientious Objection* refers to a conflict between a religious or other similar belief and the performance of specific authorised work activities.



PRINCIPLE 2

Respect for Persons

Acknowledging the rights, dignity and view of others

Obligations

The principle of respect for persons states you should:

- treat clients, members of the public and other Multicap employees honestly and fairly, and with proper regard for their rights and obligations; and
- be timely and responsive in performing Multicap duties.

You should:

- Acknowledge and respect the wide range of backgrounds and views of clients, colleagues and the public.
- Ensure your behaviour is courteous and helpful.
- Ensure you work in ways that keep the workplace healthy and safe.

Standards

2.1 Workplace Behaviour and Personal Conduct

- You should treat colleagues, clients and members of the public fairly, with dignity and respect, acknowledging they come from a wide range of backgrounds, with a variety of views and expectations that may differ from your own.
- You are expected to understand and respond to the legitimate rights, entitlements, needs and aspirations of clients and seek to provide, or assist with access to, services, information and resources that meet those needs and aspirations.
- Your official Multicap relationships with colleagues and clients are to be conducted consistent with:
 - ❖ legislation, policies and procedures relevant to clients rights and service provision;
 - ❖ legislation, policies and guidelines relevant to appropriate workplace and team behaviour; and
 - ❖ requirements to not engage in any misconduct.
- When you work with clients, particularly those who are dependent or vulnerable, you should ensure that the rights and dignity of clients are safeguarded and upheld in line with relevant duty of care⁷ provisions.
- Your behaviour and performance should meet workplace standards at all times where you are representing Multicap or are likely to be identified or associated with your role as a Multicap employee, whether or not you are 'on duty' at the time.

Examples of Respect for Persons

- Use appropriate and courteous language and terms of address that do not promote unfair stereotypes.
- Ensure your behaviour is professional and not improperly discriminatory, offensive, abusive⁸, belittling or threatening.
- Use appropriate conflict management skills when dealing with aggressive or agitated co-workers or clients.
- Respond to client requests in a timely manner to ensure quality service provision.
- Ensure clients are aware of/have access to advocacy and grievance options.

Examples of a Breach of This Principle

- Conducting an inappropriate relationship, such as a sexual relationship, with a dependent or vulnerable Multicap client, in breach of one's duty of care, is not tolerated under any circumstances and may be unlawful.

⁷ See section 4.2 "Duty of Care".

⁸ Abuse (of persons) refers to maltreatment and can be emotional, verbal, physical, sexual, chemical, financial; and neglect.

2.1.1 Discrimination, Harassment and Bullying

- You are required to understand and implement Multicap's policies on diversity, equal employment opportunities (EEO), fair treatment in the workplace, and the prevention and management of discrimination⁹, harassment¹⁰, and bullying¹¹ when working with co-workers, clients and the general public.
- You are expected to make all reasonable efforts to develop and maintain the appropriate skills in 'valuing diversity'¹², applicable to the job you perform.
- You should not engage in sexual harassment¹³.
- You are expected to treat your work colleagues fairly and equitably¹⁴, without favouritism, harassment, or victimisation and resolve interpersonal conflict in Multicap's Staff Grievance Policy.
- You are expected to contribute as a team member of your work team to improve workplace systems and processes where appropriate.

2.1.2 Dress Standards

- Your dress style is required to reflect appropriate workplace health, safety and security considerations applicable to your job and work environment.
- You are expected to refer to reasonable community standards for dress style that ensures a professional image for Multicap, consistent with your job role, and indicates respect for individual co-workers, clients and members of the public.
- If the way you are dressed identifies you as an organisational representative, such as wearing a uniform or badge, you are expected to maintain professional conduct that reflects positively on Multicap, regardless of whether you are on duty or not.

Examples of Appropriate Dress Standards

- If you work out of doors on a regular basis, your clothing needs to be sun safe.
- Footwear should be appropriate to your job tasks and environment, considering such issues as whether your job involves moving physical objects or people; travel; etc.

2.2 Workplace Health and Safety

- You have an obligation to comply with organisational instructions and policies for workplace health and safety, ensuring you do not place yourself or others at risk of injury.
- You should report to your Team Leader/Service Manager any workplace injury, illness, incident or risk involving yourself, co-worker, clients or members of the public as per Multicap's Workplace Health and Safety Policies.

⁹ *Discrimination* refers to either direct or indirect behaviours or conditions imposed which results in unfavourable treatment to a person or group of persons with particular attribute(s).

¹⁰ *Harassment* refers to conduct which is intended or is reasonably likely to offend, humiliate or intimidate another person.

¹¹ *Bullying* refers to repeated unreasonable and inappropriate workplace behaviour directed at a person by another.

¹² *Diversity* refers to the myriad ways in which people are different in their backgrounds, experiences, personalities, gender, age, families, race, culture, abilities and beliefs.

¹³ *Sexual Harassment* refers to unreasonable verbal or physical behaviour or communication of a sexual nature that is regarded by the recipient as unwelcome and/or offensive.

¹⁴ *Equity* in the workplace refers to a person using a fair, just and reasonable approach in decision making, allocation of resources and general treatment of a person and her/his circumstances in relation to their skills and needs.



PRINCIPLE 3

Integrity

Enhancing public and consumer confidence

Obligations

The principle of integrity recognises that employment with Multicap involves trust and therefore employees should seek to:

- maintain and enhance client and public confidence in Multicap services and its administration;
- advance the common good of the organisation and the client;
- properly use official powers or position;
- ensure that any conflicts between personal/professional interests and official duties are resolved in favour of the organisation's and client's interest; and
- disclose fraud, corruption, misconduct and maladministration.

You should:

- be fair, impartial and timely in performing your duties, making decisions and allocating resources consistent with organisational policy and goals;
- differentiate between you as a private citizen and your role as a Multicap employee;
- be aware of your rights and responsibilities as a Multicap employee;
- use appropriate communication protocols with senior Multicap staff and members of the department; and
- be aware of your responsibilities regarding confidentiality; use of organisational information and appropriate use of organisationally/government-funded resources.

Standards

3.1 Use of Authority

- You should understand the principles of merit¹⁵, equity and natural justice and how they apply to your job. You should not use your official position, status, or authority to seek to improperly influence¹⁶ an organisational decision or action that requires the exercise of independence and impartiality.
- You are expected to provide honest, impartial and comprehensive advice when requested regardless of your personal views on a matter.
- You are expected to make decisions within the limits of your delegations and act with independence and impartiality when this is a feature of the work to be performed.
- You should act responsively¹⁷ by making decisions, taking actions and distributing resources consistent with organisational goals and in direct support of service delivery.

Examples of Improper Use of Authority

- You should not use your status or position to improperly influence another person to obtain a promotion for yourself or another person.
- You should not falsify, or improperly edit or destroy official documents in breach of legislation.
- You should not seek to obtain a more favoured status for a funding application, or for the services of particular client, where it is not consistent with your job role to do so, or where you have a private interest in the matter.

¹⁵ *Merit* refers to the employment principle which allows for a fair and equitable assessment of a job applicant's aptitude, skills, qualifications etc relevant to carrying out the duties in question.

¹⁶ *Improper Influence* refers to the use of power which is not in accordance with the requirements and intent of legislation, policy, procedures or delegations as they relate to a position.

¹⁷ *Responsiveness* refers to how we ensure the quality of organisational services and processes by the application of merit, equity and natural justice.

3.2 Natural Justice

- You are expected to understand and apply the principles of natural justice¹⁸ as it applies to your job and work environment when making a decision or taking action that could adversely affect a person's rights or interests.
- If required to do so, you should be able to justify and describe any work processes used, and provide reasons for decisions made.

3.2.1 Impartiality

- Where your role requires it, you should be impartial¹⁹ by acting fairly and in good faith by having no personal interest in a matter to be decided or bias as to the outcome.
- When exercising a discretionary power²⁰, you should ensure your authority is used properly, consistent with relevant guidelines or delegations. You must ensure you have the authority to exercise the power or delegation.
- You should ensure that actions and decisions are based on careful identification and assessment of facts.
- It is important that justice not only be done, but that it is seen to be done – therefore decision-makers need to reflect not simply on whether they are able to make an objective decision, but how others will perceive the process of making that decision.

Examples of Acting Impartially

- When applying a disciplinary penalty, the decision-maker has not been the subject of allegations in the matter.
- An investigator provides all relevant information from their investigation to the decision-maker to enable a decision to be made on the matter.

3.3 Conflict of Interest

- You are responsible for identifying a potential or actual conflict between your private interests and organisational duties. Where a conflict occurs, you must resolve the conflict in favour of the organisational interest, utilising organisational guidelines for analysing, declaring and registering conflicts of interests²¹.

3.3.1 Personal Interests

- You should advise your Team Leader/Service Manager in writing of any personal or immediate family private interests²² that may give rise to a conflict of interest with your official duties, particularly if you are involved in making decisions affecting contracting or tendering.

¹⁸ *Natural Justice* refers to procedural fairness that requires the opportunity for a person to be heard before any adverse decision or finding is made about them and the decision or finding is made by a person who is bias free.

¹⁹ *Impartiality* refers to a decision-maker who does not have a personal interest in the matter on which they must decide.

²⁰ *Discretionary Power* refers to the power of relevant Multicap employees to make decisions under legislation or organisational delegations.

²¹ *Conflict of Interest* refers to a conflict between the private interests of a Multicap employee and the organisational duty of that employee. Conflicts of interest may be 'potential' or 'actual'.

²² *Private Interest* refers to your own financial or personal interests, as well as those of your immediate family members.

- You should comply with any reasonable request from the Chief Executive Officer to provide information relating to your personal interests or the interests of a dependent or spouse.

Examples of Conflict of Interest

- It is not appropriate to employ relatives or friends to provide a service paid for by a client.
- A conflict of interest may exist if you are employed as a 'purchasing officer' liaising with a supplier who employs one of your close relatives.

3.3.2 Private Employment

- You should only undertake private employment outside your normal working hours provided that it does not:
 - ❖ create a conflict of interest now or in the future;
 - ❖ adversely affect the performance of your official duties;
 - ❖ adversely affect client or public confidence in Multicap's activities or reputation; and
 - ❖ use organisational resources or facilities.

Examples of Private Employment

- A Multicap psychologist or HR officer would need to ensure no conflict of interest exists prior to undertaking a private commercial counselling or HR service.

- When you leave Multicap, you must continue to respect the confidentiality of organisational information that was available to you in the course of your duties²³ and not use this information for private or commercial gain.

3.3.3 Party-political, Professional and Trade Union Activity

- You should ensure that your democratic right to engage in party-political, professional and trade union activities does not result in an actual or perceived conflict of interest with your official duties, and that you are able and be seen to be able to remain unbiased in performing those duties.
- If you are a member of a profession, you are expected to uphold the standards of performance and conduct set by the relevant professional association.
- If you believe a conflict exists between the functions and duties of your job and the standards of your profession, you should refer your concerns with your Team Leader/Service Manager and contact your professional association to seek assistance in resolving the matter.
- If you are a workplace representative of a trade union or professional association, you should ensure that when you make public comment, it is clear that comment is made on behalf of the union or association you represent and not Multicap.
- You should not improperly use the influence of any professional, political or union associations to obtain an advantage, either personally or on someone else's behalf.
- If you are required to make a decision under legislation or delegations, and/or are required to act independently, you should avoid any attempt by colleagues or clients to improperly²⁴ influence your decisions.

²³ See section 3.6.1 "Confidentiality".

²⁴ See also section 3.1 "Use of Authority".

Examples of Improper Party Political Activity

- You should not attempt to influence a party-political election by providing confidential official information to unauthorised persons.
- You should not wear or display party-political material where it may give the impression that Multicap endorses the material.

3.4 Public Comment on Organisational Policy and Administration

- You should analyse every situation where you choose to comment publicly²⁵ on organisational policy or administration to avoid a potential or actual conflict of interest, or the perception that you may be speaking from a privileged position as a Multicap employee.

3.4.1 Comment in an Official Capacity

- Public comment in an official capacity is only permitted when authorised by the Chief Executive Officer. When making public comment in an official capacity, you must:
 - ❖ ensure it is part of your official role to do so and advise your Team Leader/Service Manager;
 - ❖ not misrepresent the facts concerning Multicap policy or administration; and
 - ❖ respect confidential information that has not been released or authorised by the Chief Executive Officer through official and appropriate channels.

3.4.2 Comment as a Private Citizen

- It is your responsibility to ensure that any comment you make publicly as a private citizen is understood to represent your own personal views and not as a representative of Multicap.
- In exercising your right as a private citizen to enter into discussion on political, community and social issues, you should ensure that:
 - your comments are not likely to raise doubts about your ability to objectively implement organisational policy; and
 - you do not misrepresent the facts concerning Multicap policy or administration.

Examples of Public Comment

- As a private citizen, you could write a letter to the newspaper commenting on the state of the roads outside your house, however, as a Multicap employee, you should not make public comment to critique a policy of the organisation.

3.5 Communication with Senior Multicap Personnel

- You are expected to provide senior staff, the Chief Executive Officer and members of the Board of Management, with advice that is frank, independent, based on accurate and comprehensive representation of the facts.
- You should follow correct procedures operating within Multicap when communicating with the Chief Executive Officer, senior staff and members of the Board of Management on matters related to your work.
- When communicating directly with the Chief Executive Officer or another senior member of Multicap on issues affecting you as a private citizen, you should ensure your actions comply with the standards on Conflict of Interest.

²⁵ *Public Comment* covers a wide range of activities which involve providing information about, or evaluative comment on, Multicap policy or administration.

3.6 Official Information

- You should be aware of your responsibilities regarding the use, disclosure, storage and destruction of official information²⁶ as per Multicap policies, and under relevant legislation relating to particular client groups such as children and young people.
- You should adhere to organisational guidelines on records management regarding the storage and filing of official organisational information.

3.6.1 Confidentiality

- You should ensure that information of a personal nature about clients, personnel, and programs is kept secure and not discussed with anyone who does not have a legitimate right to know, as per Multicap policies and procedures.
- You are expected to be aware of the referral processes in place when official information is requested, in accordance with *the Freedom of Information Act 1992* and associated organisational policies as they relate to your job.
- You should be aware of confidentiality and disclosure provisions for information supplied by a person or agency outside of Multicap, and should seek the consent of the supplier, unless there is lawful authority for its disclosure.

Examples of Appropriate Management of Information

- Speech notes for official functions should not include sensitive client information.
- When applying for a job, it is not acceptable to illustrate your written communication skills by providing copies of organisational reports, submissions, etc.

3.6.2 Destruction of Documents

- Where you have completed a final version of a document, you may destroy your working copies without specific permission, provided the working copies do not contain important history on how the document was developed.

3.7 Official Resources

- You should be aware of your responsibilities regarding the use, care and development of official resources²⁷ which include financial, technological, information, human, knowledge/intellectual and physical assets and resources, as outlined in relevant policies, guidelines and standards.

3.7.1 Intellectual Property

- Intellectual property produced by you while employed by Multicap is the authority of Multicap, unless otherwise negotiated with the employer. You should be aware of your responsibilities for the protection this intellectual property²⁸.

²⁶ *Official Information* refers to information that is not available to the general public and includes such documents as Consumer Files, information on policy or program development, information of commercial sensitivity or information of a personal nature about consumers and employees.

²⁷ See also section 5.1 "Organisational/Government-Funded Resources".

²⁸ *Intellectual Property* refers to an original piece of work, the results of research, an invention or a product development that can be protected under specific legislation and by common law.

- You are required to obtain permission from the Chief Executive Officer before the publication or disclosure of any articles, processes or materials that you have produced as part of your employment.
- You must ensure that consultants and contractors engaged to provide a service for Multicap are aware that this work is the intellectual property of Multicap.

3.7.2 Copyright

- You must seek permission from the Chief Executive Officer before entering into any arrangements regarding the publication or disclosure of Multicap's intellectual property.
- You should be aware of copyright restrictions placed on documents, publications, audiovisual materials and computer software in use in Multicap. You must seek permission to reproduce material from the author or responsible authority.

Examples of Appropriate Use of Intellectual Property

- Multicap owns the copyright of any training material, resources or computer software application you have developed as part of your employment.
- Cartoons or graphics should not be used in Multicap publications without the appropriate authorisation from the copyright owner.

3.7.3 Gifts and Benefits

- You should not ask for or encourage the giving or receiving of personal gifts or benefits for yourself or colleagues.
- You should not accept gifts that may give rise to a potential or actual conflict of interest.
- You may accept token gifts or hospitality in accordance with social custom, provided they comply with the market value²⁹ accepted by Multicap.
- If it is necessary to accept a gift valued at \$100.00 or more, or the total value of gifts from the one source totals more than \$100.00 in one year, you must declare the receipt of the gift to Multicap.
- You should not accept gifts or benefits from vulnerable or dependent clients where those gifts or benefits are not token, or where it could be perceived that the receipt of such a gift or benefit would disadvantage the client.

Examples of the Acceptance of Gifts

- Token gifts include flowers or chocolates as thanks for speaking at a conference, or a retirement gift from colleagues.
- It is not appropriate to accept free air travel and accommodation from a client or colleague where it could be perceived that those benefits may influence an official decision to be made by you.

3.7.4 Organisational Networks and Information Services Networks

- You should ensure you adhere to the relevant policies outlining the access, use, content, destruction and forwarding of information regarding the Multicap network (email and internet).
- At work, you should ensure you do not undertake private activities on the Multicap network.

²⁹ *Reportable Gift* refers to a gift which is received by an employee of Multicap in the course of duty and/or because of the job they hold where the market value exceeds \$100.00.

- While incidental personal use of the Multicap network in work time is permitted, you should ensure that your use:
 - ❖ does not impact on the performance of your duties and tasks;
 - ❖ is generally restricted to official and approved purposes;
 - ❖ is not used for any unacceptable or unlawful use;
 - ❖ is not related to any private work or income producing activity;
 - ❖ does not erode organisational and client confidence; and
 - ❖ complies with departmental policies on Email and Internet usage.
- Sensitive or confidential information or documents should not be forwarded using standard email facility across the Internet or to email addresses external to Multicap.

Examples of the Use of Multicap E-mail

- An acceptable incidental use of email would include responding to an email from your partner asking if you could pick up your child from after school care.
- Unacceptable use of email includes on-forwarding messages that are discriminatory or which show pornographic images, jokes or information.
- Deliberate distribution of software 'virus' which may adversely affect Multicap's computer system is not acceptable.
- You may not use the Multicap email or software facilities for private commercial use.

- You should ensure that your use of the Internet in a private capacity is not identified with your position as a Multicap employee, particularly if those activities could be reasonably viewed as adverse to the reputation and activities undertaken by Multicap.
- Those employees authorised to access the Internet must ensure that:
 - internet usage is work related;
 - Multicap information transmitted or made available via the Internet has been approved for release; and
 - material placed on the Internet complies with copyright, intellectual property rights or licensing requirements.

3.8 Official Misconduct and Maladministration

- You are required to report information about suspected fraud, corruption³⁰ and maladministration³¹.
- You have a responsibility under Multicap policies to report suspected official misconduct³² or maladministration by another Multicap employee to an appropriate authority such as your Team Leader/Service Manager.
- You are obliged to respect the obligation of colleagues to disclose information on alleged improper conduct. Where you may be the subject of an allegation, you must not make any unauthorised contact with that person to discuss any allegation or act in any way towards that person which might otherwise be in breach of this Code. Where a process has been instigated, an employee will be afforded natural justice, that is, the opportunity to respond to any allegations which might be made against them.

³⁰ *Corruption* refers to asking for, or receiving, a benefit in return for doing or promising to do, something in connection with one's organisational duties.

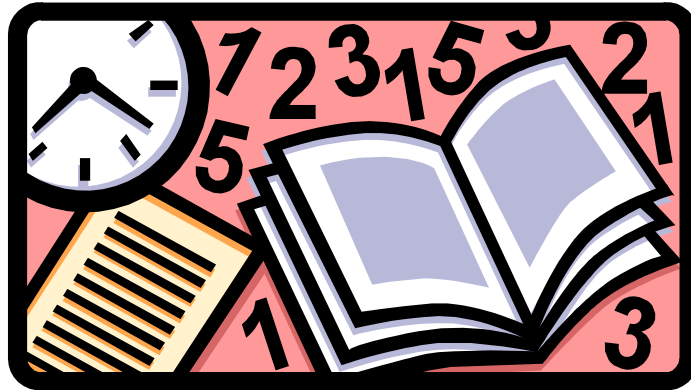
³¹ *Maladministration* refers to administrative action and decisions that are unlawful, arbitrary, unjust, oppressive, improperly or unlawfully discriminatory, or taken for improper purposes.

³² *Official Misconduct* refers to conduct by a Multicap employee that involves duties or exercising powers in a manner that is dishonest or lacks impartiality, or a breach of trust or confidentiality, that could be defined as a criminal offence or a disciplinary breach that provides reasonable grounds for dismissal.

Examples of Misconduct

Official misconduct can include:

- abuse or neglect of a client by an employee;
- stealing money or property belonging to a client or Multicap;
- claims for reimbursement of expenses which have not been incurred, or allowances to which you are not entitled;
- use of organisational/government-funded property or organisational/government funds for improper or unauthorised purposes;
- improperly influencing organisational awarding of consultancies, contracts, appointments, grants, funding licences etc. that would advantage your private interests; and
- fraudulent recording, alteration or destruction of official documents.



PRINCIPLE 4

Diligence

A fair day's work for a fair day's pay

Obligations

The principle of diligence outlines your responsibilities in performing your official duties, where you should:

- be industrious, and exercise proper care and attention in your job; and
- seek to achieve high standards of organisational administration.

You should:

- ❖ know and understand your job, your individual and team work goals;
- ❖ develop your skills and undertake your duties to the very best of your ability;
- ❖ exercise due care, particularly where other organisational employees rely on the information provided or where you may provide direct services to vulnerable clients; and
- ❖ develop leadership skills, particularly if you have supervisory or managerial responsibilities.

Standards

4.1 Job Requirements

- You are required to provide 'a fair day's work' to your employer and perform your duties to the best of your ability. You should ensure that you:
 - ❖ know and understand the duties of your job as outlined in your position description; and
 - ❖ fulfil your conditions of employment with regard to hours of duty and leave provisions.
- You should be thoroughly familiar with any operations manuals, procedures, guidelines and practice frameworks that apply to your area of work, and ensure that you follow these in performing your duties.
- You should ensure to the best of your ability that the decisions you make and advice you provide to co-workers, Team Leaders/Service Managers and senior organisational staff, is frank, independent, comprehensive and based on an accurate representation of the facts.

Examples of Meeting Job Requirements

- You are required to meet administrative standards for accuracy and timeliness in keeping a timesheet where applicable.
- You should obtain prior approval before being absent from work; in emergencies or unplanned illness, you should obtain approval as soon as possible.
- You should follow through on all the tasks required during your initial induction in order to familiarise yourself with Multicap and your job.

4.1.2 Performance Goals

- You have a duty to apply yourself consistently to the objectives and tasks set by your Team Leader/Service Manager.
- You should ensure you:
 - work toward the attainment of the agreed objectives and outcomes established with your Team Leader/Service Manager through performance management; and
 - carry out tasks according to agreed timeframes.
- You should ensure your performance and conduct supports and enhances your colleagues' abilities to achieve high standards of workplace performance.

4.1.3 Learning and Development

- You are required to engage in relevant learning and development opportunities to develop the skills and knowledge necessary to perform your job and to enhance the delivery of services to clients.

- You should seek feedback on your work performance and reasonably engage in any plans for improving your work performance.

4.2 Duty of Care

- You have a duty of care³³ to clients of Multicap, as outlined in policies and procedures, particularly vulnerable and dependent clients. The degree of care to be exercised is that which could reasonably be expected from a competent and skilled person in that job.
- You have an obligation to follow the relevant workplace health and safety requirements as an employee or a Team Leader/Service Manager.
- You should avoid negligent conduct by giving sufficient attention to your actions and decisions, and by obtaining the direction and advice of your Team Leader/Service Manager if you are unsure how to proceed.

4.3 Alcohol and Drugs

- You should ensure that the use of alcohol, prescribed or other drugs does not:
 - result in unsatisfactory work performance, impairment of your judgement or unacceptable behaviour;
 - endanger your health and safety or that of your colleagues, clients or members of the public; and
 - adversely affect the reputation of Multicap.
- You should be particularly careful to ensure that your capacity to perform your duties effectively is unimpaired by the use of alcohol or drugs if:
 - you are responsible for the health and safety of others; and
 - you perform tasks which are hazardous or require vigilance.

Examples of Managing Alcohol and Drug Intake

- If you are on call, you should avoid the use of alcohol in the event that you are recalled to work.
- If you are taking prescribed medication, you should ensure you are well aware of any side effects that may impair your ability to do your job.

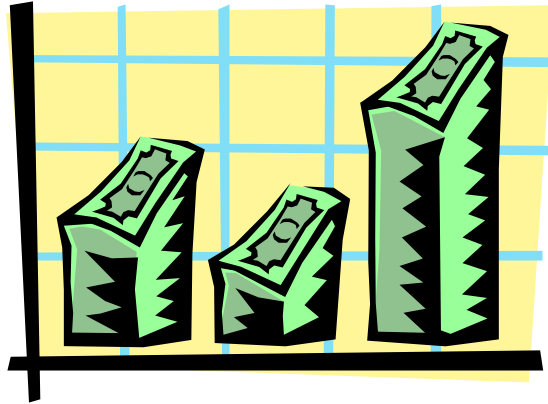
4.4 Managerial Roles and Responsibilities

- As a Team Leader/Service Manager, you have a responsibility to set good examples through your own behaviour, attitudes, especially in relation to upholding the ethics principles, obligations and standards as set in this Code of Conduct.
- You should ensure that you understand your responsibilities under relevant financial, technological, information, human, knowledge/intellectual and physical asset management legislation and policies, maintaining the principles of accountability³⁴, continuous improvement, client services, fairness, flexibility and equity in the workplace.
- You should provide opportunities to ensure staff understand and act on their rights and procedures are accessible to all staff in your work team.

³³ *Duty of Care* refers to the general legal duty to take reasonable care to avoid causing harm to another person. (See also section 2.1 "Workplace Behaviour and Personal Conduct" and section 2.2 "Workplace Health and Safety".)

³⁴ *Accountability* refers to being able to clearly justify the use of resources, power and control; to effectively mediate rights and responsibilities; and to be able to use discretion as vested by law in the public interest.

- You have an obligation to ensure that all staff who report to you are familiar with the requirements and objectives of their job, and have access to the information, training, supervision, feedback and work conditions needed to achieve these.
- You should be honest and objective in reporting the skills and qualities of staff in testimonials, references and performance reports, ensuring your decisions can be substantiated against objective standards and indicators.
- You are required to act promptly, thoroughly and fairly when responding to, and investigating, grievances and reports of breaches of the Code of Conduct.
- You should ensure your leadership and management style:
 - is based on open, honest and through communication;
 - provides for optimum working conditions within the resources available to you;
 - supports positive performance management processes, including access to related learning and development opportunities for staff; and
 - supports the right of staff to engage in open dialogue with you, and to pursue relevant conflict resolution options when issues do arise.



PRINCIPLE 5

Economy and Efficiency

Carefully managing and using organisational resources

Obligations

The principle of economy and efficiency states a Multicap employee, in performing her/his duties should ensure organisational (and resources funded through government grants) resources are:

- managed in a way that maintains and enhances their value; and
- not wasted, abused, or used improperly or extravagantly.

You should:

- ensure organisational/government-funded resources are used efficiently and effectively; and
- ensure they are used for the purposes to which they are provided, treated with appropriate care, and secured against theft or misuse.

Standards

5.1 Organisational/Government-Funded Resources

- In general, organisational/government-funded resources³⁵ should only be used for official purposes³⁶ and for the purposes for which they were provided and intended.

5.1.1 Care of Organisational/Government-Funded Resources

- You should act to conserve and safeguard resources in order to enhance the legitimate activities of Multicap.
- You are required to avoid abuse³⁷, waste³⁸, loss and extravagance³⁹ in the use of resources.

5.1.2 Personal Use of Resources

- Permission should be sought from the delegated Team Leader/Service Manager for any non-official use of resources including organisational/government-funded property and facilities⁴⁰.
- While use of resources for non-official purposes may be permitted as per relevant organisational guidelines, you should ensure that use:
 - does not impact on the performance of your duties and tasks;
 - is not used for any unacceptable or unlawful purpose;
 - is not related to any private work or income producing activity; and
 - does not erode public and client confidence in Multicap.

³⁵ *Organisational/Government-Funded Resources* refers to the financial, technological, information, human, knowledge/intellectual and physical assets that have been funded and developed at organisational/taxpayer expense. It also includes intangible assets such as public support and positive staff morale and commitment. It includes official information and resources as outlined in sections 3.6 and 3.7.

³⁶ *Improper Use* refers to using resources for other than official purposes.

³⁷ *Abuse (of resources)* refers to mistreating or not looking after an organisational/government-funded resource.

³⁸ *Waste* refers to squandering resources or consuming them for no useful purpose.

³⁹ *Extravagance* refers to using resources in excess of what is required to achieve the objective.

⁴⁰ See also sections 3.3 "Conflict of Interest", 3.7 "Official Resources" and 3.8 "Official Misconduct and Maladministration".

Examples of Use of Organisational/Government-Funded Resources

- It may be acceptable to use the work phone occasionally to make a local call that cannot be conveniently made outside work hours.
 - Reasonable use of office computers and photocopiers is acceptable for work related study.
 - It is not acceptable to produce graphic design work or information products for personal use or to benefit a private consultancy business.
-
- When considering a request for non-official use of resources, Team Leaders/Service Managers should:
 - ❖ be guided by relevant policies and procedures;
 - ❖ manage any actual or perceived conflict of interest;
 - ❖ consider whether the proposed use may help to further the objectives and programs of Multicap
 - ❖ consider the potential legal liabilities which may result from non-official use, especially the use of property and facilities; and
 - ❖ seek approval from the Executive Chief Officer and/or Disability Services General Manager (or delegates) if any cost from the use of property or facilities is incurred, or income derived.

Examples of Decisions for Use of Organisational/Government-Funded Resources

- A decision may be made to permit a professional association to use a Multicap facility to run a training course.
- The Multicap Insight Newsletter may include an article publicising an event by another non-government community organisation.
- A social event for employees may be held on Multicap property.

5.1.3 Vehicles

- You should only use organisational vehicles for official purposes as permitted by Multicap.
- You should follow current administration processes regarding maintenance of vehicle logbooks, purchasing fuel and reporting damage.

5.2 Purchasing Goods and Services

- You should ensure that if you are authorised to approve the purchase of goods and services or to enter into contracts on behalf of Multicap, that:
 - the product or service is linked to achieving program goals;
 - the purchase represents 'value for money'; and
 - you comply with your purchasing responsibilities and standards while maintaining your obligations under the Code.

Examples of the Principle Economy and Efficiency

- You should purchase office equipment based on a balance between:
 - the features required to do the job; and
 - the most reasonably priced to undertake the required function.
- Where officers in the workgroup are suitably skilled to perform a particular function, it may not be economical to engage a consultant to do so.