

**2013/05**

**PROCEDURAL GUIDELINES FOR  
PROFESSIONAL CONDUCT**

**PROFESSIONAL CONDUCT**

## **Contents**

### **1. Definitions**

- 1.1 Apparent Conflict of Interests
- 1.2. Actual Conflict of Interests
- 1.3 Benefit
- 1.4 Executive Officer
- 1.5 Improper
- 1.6 Maladministration
- 1.7 Member
- 1.8 Natural Justice
- 1.9 Outside Employment
- 1.10 Public Interest Disclosure
- 1.11 Public Official

### **2. Professional Conduct: Obligations and Information**

- 2.1 Members of the Service and Official Conduct
- 2.2 Members to Know and Observe the Code of Conduct
- 2.3 Obligation to Disclose and Report Breaches of Discipline, Misconduct, Official

Misconduct and Maladministration

- 2.4 Information Sources and Assistance for Professional Conduct

### **3. Procedural Guidelines for Professional Conduct**

- 3.1 Questioning Lawful Directions, Instructions or Orders
  - 3.1.1 Considerations when Questioning Directions
  - 3.1.2 Questioning Directions - Resolutions
- 3.2 Criminal Proceedings against Members
- 3.3 Travel by Officers on Metropolitan Public Transport
- 3.4 Conflict of Interests
  - 3.4.1 Purchase of Goods from Prisoners or Suspects
  - 3.4.2 Gifts and Benefits
    - 3.4.2.1 Source policy
    - 3.4.2.2 Application
    - 3.4.2.3 Guidelines

What is a Gift or Benefit?

Why do we need a gifts and benefits policy?

Assessment of offers of gifts or benefits

Conflict of interest

Public perception

Alcohol and Licensed Premises

Recurring offers of discounted goods/services

Resolution

Case studies

3.4.3 Retention or Disposal of Gifts and Benefits – Exceed Customary Hospitality or

Nominal Value

3.4.4 Declaration and Registration of Personal Interests

3.4.5 Declarable Associations

Introduction

Key Definitions

Policy

Application

Assessment

Relationship to Human Source Management Policy

Declaring an association to a supervisor

Responsibilities of supervisors

Responsibilities of Professional Practice Managers

Responsibilities of Officers in Charge/Managers

Reporting of declarable associations by other member's

Managerial intervention

Confidentiality and privacy

Dictionary

3.5 Outside Employment

3.5.1 Appropriateness of Outside Employment

3.5.2 Requirements and Conditions for Outside Employment

3.5.3 Assessment Criteria for Outside Employment

3.5.4 Monitoring of Outside Employment Arrangements

3.5.5 Special Arrangements for Australian Defence Force Employment

3.6 Consuming Alcohol during Meal Breaks Prohibited

3.7 Use of Private Telecommunication Devices Whilst On Duty

3.8 Service Property - Due Care, Maintenance and Security

3.8.1 Laptop Computers - Due Care, Maintenance and Security

- 3.9 Curtailment of Activities which may Affect Work Output
- 3.10 Improper Access or Use of QPS Information
- 3.11 Intellectual Property
- 3.12 Copyright
- 3.13 Obligations under EEO, and Anti-Discrimination Legislation
- 3.14 Testimonials, Referee, Selection and Performance Reports
- 3.15 External Character and Work Performance References

**4. References**

## 1. Definitions

For the purpose of this policy the following definitions apply.

### 1.1 Apparent Conflict of Interests

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

### 1.2. Actual Conflict of Interests

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.

### 1.3 Benefit

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.

### 1.4 Executive Officer

Executive Officers comprise Deputy Commissioners, Assistant Commissioners, and Executive Directors.

### 1.5 Improper

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

### 1.6 Maladministration

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

### 1.7 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](#).

### 1.8 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; and
- 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.

## 1.9 Outside Employment

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

## 1.10 Public Interest Disclosure

Public Interest Disclosure has the meaning assigned to it in the [Public Interest Disclosure Act 2010](#).

## 1.11 Public Official

Public official means any officer or employee of a public sector entity as defined in the [Public Sector Ethics Act 1994](#).

## 2. Professional Conduct: Obligations and Information

This section provides general information for members on their professional conduct obligations.

### 2.1 Members of the Service and Official Conduct

All members play a vital and integral role in the provision of policing services to the community. As members we are all expected to provide these services in a manner which promotes the public confidence. In doing so, members should conduct themselves in a professional manner and aspire to the principles of fairness, impartiality, diligence, integrity, and efficiency.

All members are subject to legislation, policies and procedures (e.g. the [Police Service Administration Act 1990](#), the [Standard of Practice](#) and Operational Procedures Manual) which govern and guide conduct whilst employed by the Service. These documents are intended to supply members with a clear understanding of their obligations and the standards of conduct expected of them in their employment.

This section has been developed to assist members identify, clarify and understand the standards of conduct expected of them whilst employed in the Service. It supports the Standard of Practice by providing discussion and procedural guidelines for members to utilise when dealing with matters surrounding professional conduct.

### 2.2 Members to Know and Observe the Code of Conduct

The Standard of Practice as outlined in s.17.1 of this manual has been developed in accordance with the *Public Sector Ethics Act 1994* and issued pursuant to s.4.9 of the *Police Service Administration Act 1990*. It outlines the standards of conduct expected of all members whilst employed in the Service. The Standard is intended to be used by members as a tool in determining appropriateness of their actions when confronted with professional or ethics issues.

Section 18 of the *Public Sector Ethics Act 1994* and s.17.1.1.3 of the Standard of Practice place a requirement on members to comply with the conduct obligations outlined in the Code of Conduct and the Standard of Practice. As such, members should familiarise themselves with both documents and ensure their provisions are observed.

Members should be aware that failure to comply with any of the standards of the code may constitute grounds for disciplinary action.

### 2.3 Obligation to Disclose and Report Breaches of Discipline, Misconduct, Official Misconduct and Maladministration

There are a number of methods by which members may, and in certain circumstances are, required to disclose or report matters that come to their attention.

Under s. 7.2 of the [Police Service Administration Act 1990](#) members have certain reporting responsibilities with respect to matters involving breaches of discipline or misconduct. These reporting responsibilities may differ, depending on the type of conduct identified or the employment classification of the reporting member. Members are to comply with the specific reporting requirements relevant to their position and the type of conduct identified.

Members also have obligations to disclose fraud, corruption, misconduct and maladministration under the Code of Conduct, the [Public Sector Ethics Act 1994](#) and the [Public Interest Disclosure Act 2010](#).

The matters outlined above place clear requirements on all members to report matters reasonably suspected or known to involve breaches of discipline or misconduct.

Members may report conduct that is perceived as, or that amounts to official misconduct directly to the Complaints Section of the Crime and Misconduct Commission under s. 37 (1) of the [Crime and Misconduct Act 2001](#). There is also a requirement under s. 37 (2) of that Act for the Commissioner of the Queensland Police Service to refer all complaints, or matters involving suspected misconduct by members of the Service to the Crime and Misconduct Commission.

All members are encouraged to and should familiarise themselves with the provisions of the [Public Interest Disclosure Act 2010](#) and in particular areas concerning the receiving and reporting of "Public Interest Disclosures". Members also need to be aware of the protections available to them regarding reprisals for making disclosures under either the [Public Interest Disclosure Act 2010](#) or the [Police Service Administration Act 1990](#).

### 2.4 Information Sources and Assistance for Professional Conduct

For all matters involving professional and personal conduct, members should refer to relevant provisions of the following documents:

- [Human Resources](#) policies;
- [Standard of Practice](#);
- [Code of Conduct for the Queensland Public Service](#);
- [Police Service Administration Act 1990](#);
- [Police Service \(Discipline\) Regulations 1990](#);
- [Crime and Misconduct Act 2001](#); and
- [Public Service Act 2008](#).

Members are encouraged to seek assistance and advice from supervisors, managers, internal support areas, professional associations or unions where the information sources mentioned above do not meet their specific requirements.

### 3. Procedural Guidelines for Professional Conduct

This section outlines the procedural guidelines to be used by members when dealing with issues of professional conduct.

#### 3.1 Questioning Lawful Directions, Instructions or Orders

As outlined in s. 17.1.3 of the [Standard of Practice](#), all members have an obligation to obey any lawful direction, instruction or order given by any member or other person authorised by law to do so. **This is a very clear statement by the Service to all members** in relation to their requirements when subject to lawful directions.

Where members fail to comply with any lawful direction in the performance of their official duties they should expect to be subject to appropriate corrective or disciplinary action. The obligation to comply with lawful directions should not be taken lightly as it is paramount to the effective and efficient functioning of the Service.

Policing agencies and their members provide specific and unique services to the community that are vital to the well being of persons and the maintenance of a peaceful, ordered and lawful society. As members of a policing agency we all have responsibilities in the provision of these services to the community. The best way of achieving this is through respect, support and compliance with the chain of command and lawful directions of authorised persons.

While the information contained in this section is supplied to assist members when dealing with unlawful, improper or inappropriate directions, instructions or orders, it is not prescriptive and could never cover every eventuality or situation that arises. **When dealing with matters of this nature, members are to at all times, conduct themselves in a professional manner.** Members are to make every effort to ensure that their actions in these situations are not observed or perceived by members of the community as undermining the authority of supervisors, the chain of command or public confidence in the Service.

##### 3.1.1 Considerations when Questioning Directions

Where members are involved in any situation surrounding the questioning of directions they are to consider the following before finalising any decisions:

- (i) the requirement for members to obey any lawful direction, instruction or order;
- (ii) whether the situation is an emergency and what the likely effects of compliance or non-compliance might be;
- (iii) members have a responsibility to consider objections to any direction they issue. They also have an obligation to clarify and address any issues raised at the earliest opportunity after events where deficiencies are identified or it is considered necessary or appropriate for the efficient and effective functioning of the Service or the member; and
- (iv) before refusing to comply with any direction, members must be in a position to demonstrate that the direction is prima facie unlawful.



### **3.1.2 Questioning Directions - Resolutions**

Where a member honestly and reasonably believes that any direction is unlawful or involves maladministration, unreasonable requests or personal/professional ethical difficulties, they should consider, and select any of the options listed below in the resolution process:

- (i) immediately raise concerns and be guided by any response from the issuing member. Members are to be mindful of their duty, obligations and actions in emergent circumstances;
- (ii) time permitting, seek clarification or advice from the issuing member supervisor, other appropriate authority or source should option (i) fail to resolve the issue;
- (iii) submit an official report or grievance to the supervisor of the member issuing the direction;
- (iv) complete and submit a QP 307 "Complaint Made Against a Member of the Police Service"; and/or
- (v) report the matter to a relevant external agency.

The options supplied above for the resolution of such matters are listed in a suggested order of priority. Where a member is of the opinion that any of the options supplied are inappropriate in the circumstances, they should consider using the next available and appropriate option.

Other than where a statutory requirement exists members considering reporting matters to external agencies are encouraged to offer the Service an opportunity to resolve issues prior to reporting externally.

### **3.2 Criminal Proceedings against Members**

Where situations arise and it is apparent to an officer that another member of the Service may have committed a criminal offence in terms of official misconduct under the provisions of the [Crime and Misconduct Act 2001](#), they are to adopt a course of action consistent with the [Complaint Management](#) policies.

In any such instances officers are to notify the Duty Executive Officer immediately for the information of the Commissioner.

### **3.3 Travel by Officers on Metropolitan Public Transport**

Under certain conditions, police officers are permitted to travel free of charge on Translink suburban network services. These services extend from Brisbane City to Cleveland, the Gold Coast, Rosewood, Nambour, Ferny Grove and Shorncliffe, but exclude Airtrain services to and from the Brisbane domestic or international airports.

The Translink Ticketing and Fares Policy currently provides that police officers may travel free of charge on any Translink suburban network service while in uniform or upon production of their Queensland Police Service identification badge. This policy applies to police officers either on or off duty.

Officers who avail themselves of this privilege, however, are to comply with the expectations and obligations of this policy which are:

- a) officers are not to occupy seats, if by doing so other passengers may be required to stand. This applies whether or not an officer is in uniform or in plain clothes, or is on duty or off duty;
- b) officers will be on the alert to prevent breaches of the peace, detect offences and take appropriate police action where necessary. This condition also applies whether or not an officer is in uniform or in plain clothes, or is on duty or off duty; and
- c) officers are to wear either full uniform in compliance with s. 5.1 of the [Code of Dress and Appearance](#) 'Uniformed Employees' or plain clothes when travelling to and from duty. Officers are not permitted to wear a mixture of plain clothes and uniform at any time as per s. 4 of the [Code of Dress and Appearance](#) 'Wearing of the Queensland Police Uniform' (e.g. the wearing of a plain clothes t-shirt or jumper over the top of a uniform).

A failure to comply with these requirements and obligations may result in disciplinary action.

### **3.4 Conflict of Interests**

As outlined under the provisions of the [Standard of Practice](#), members are required 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 there is no incompatibility between their personal interests and the impartial fulfilment of their official duties and responsibilities.

Whilst the Service recognises that it is difficult to foresee or predict every possible conflict of interests that may arise, members should take all reasonable steps in both their private and working environments to prevent or minimise the occurrence or likelihood of such conflict of interests arising.

Where members become aware of an actual or apparent conflict of interests between official duty and their private interests, they are required under the provisions of the Code of Conduct to disclose details of the conflict to their supervising Executive Officer.

The Executive Officer is to:

- (i) consider information contained in the disclosure;
- (ii) determine the extent of the conflict of interests; and
- (iii) direct any remedial action to resolve the conflict.

Members should be aware that any conflict of interests which arises between their private interests and official duties or responsibilities will be resolved in favour of the Service and the public interest.

### 3.4.1 Purchase of Goods from Prisoners or Suspects

No member of the Service will purchase from any person against whom any charge or complaint is made or intended to be made any saleable thing whatsoever, unless that member has obtained the written permission of an Assistant Commissioner or Executive Director. Purchases of this nature may only be made after compliance with the following procedures.

**Member to report proposed purchase.** Members of the Service proposing to purchase any property from a person (the vendor) against whom any charge or complaint is made or intended to be made will, prior to entering into any agreement or contract to purchase, furnish a report to their Assistant Commissioner or Executive Director, supplying the following information:

- (i) full name and address of the vendor;
- (ii) full description of the property and its location;
- (iii) charges preferred against the vendor;
- (iv) the circumstances surrounding the charging and antecedents of the vendor;
- (v) whether the vendor is suspected of having committed other offences;
- (vi) if investigations are continuing, whether the vendor is likely to be charged with other offences;
- (vii) whether the property is in any way connected with the charges against the vendor or with the suspected offences under investigation;
- (viii) whether the property is the personal property of the vendor and if documentation is available to confirm this;
- (ix) the inquiries which have been made to confirm item (viii);
- (x) estimated value of the property and the proposed sale price; and
- (xi) current criminal and traffic histories of the vendor.

The report is to be accompanied by the written permission of the vendor consenting to the sale, witnessed by a person other than a police officer.

**Action by the Assistant Commissioner or Executive Director.** Upon receipt of the report, the Assistant Commissioner or Executive Director will ensure that the property is not:

- (i) subject to forfeiture;
- (ii) subject to the provisions of s. 39 of the [Justices Act 1886](#);
- (iii) subject to the provisions of s. 10.15 of the [Police Service Administration Act 1990](#) (and PART VIII of the [Police Service Administration Regulation 1990](#));
- (iv) subject to the provisions of [s. 4.8](#) and [4.20](#) of the Operational Procedures Manual; or

(v) required as an exhibit in any circumstance referred to in items (iii) to (viii) above.

In assessing whether or not a member should engage in such a transaction, the Assistant Commissioner or Executive Director will take into account the following factors:

- (i) information outlined pursuant to items (i) to (xi) above;
- (ii) the criminal and traffic history, if any, of the vendor; and
- (iii) the propriety (ethical considerations) and potential for any conflict of interests should the member of the Service have business dealings with a person of known or reputed bad character.

### **3.4.2 Gifts and Benefits**

#### **3.4.2.1 Source policy**

These guidelines support and are to be read in conjunction with the following:

- [Code of Conduct for the Queensland Public Service](#);
- s. 14 Gifts and Benefits of the [Standard of Practice](#);
- s. 10.5 of the [Financial Management Practice Manual](#) (FMPM); and
- Public Service Commission [Gifts and Benefits Directive](#).

#### **3.4.2.2 Application**

In support of the QPS commitment to professionalism, these guidelines form part of an ethics and integrity framework that aspires to hold the organisation and its members to the highest ethical standards in accordance with our responsibility to the community of Queensland.

These guidelines apply to the acceptance of gratuities which are offered to members of the Service as a consequence of their employment, or which could reasonably be perceived to be offered as a consequence of their employment (e.g. if the donor is someone you have met as a result of your employment).

In their official capacity as a member of the Service, members are not to solicit any personal or other benefit, unless authorised/permitted by the Service.

This policy is not intended to restrict members of the Service from seeking donations, goods or services for approved benevolent, community or organisational purposes. The policy does not apply to members seeking discounts on goods or services outside of rostered duty in a private capacity. For example, it is permissible for members to seek a discount on goods and services which would be extended to a private citizen in circumstances where the seeking of the discount is in the course of negotiation or bartering, and could be engaged in by any member of the community.

#### **3.4.2.3 Guidelines**

##### **What is a Gift or Benefit?**

The definition of gifts and benefits as it applies to the public sector in Queensland is

outlined in the [Gifts and Benefits Directive](#) and means:

- a) the transfer of property or other benefit:
  - without recompense; or
  - for a consideration substantially less than full consideration; or
- b) a loan of property made on a permanent, or an indefinite, basis; received or given by a public official when they are acting in their official capacity.

Gifts and/or benefits include tangible items of lasting value and intangible items of no lasting value (including hospitality). It does not include any gifts or benefits given or received under an appropriately approved employee health and well-being program or an appropriately approved rewards and recognition program.

It does not include benefits negotiated when an agency sponsors a service, product or activity on its own or with another government agency, as may occur under the QPS Sponsorship Policy (refer [Chapter 15](#) of the QPS Administration Manual).

Section 10.5 of the [FMPM](#) provides further guidance as to what constitutes a gift or benefit.

**Why do we need a gifts and benefits policy?**

Service standards on acceptance of gifts and benefits are outlined in s. 14 of the [Standard of Practice](#). The Service recognises this specific issue has the potential to seriously diminish public confidence and trust in the integrity of the Service and its members. The Standard provides guidance on the circumstances where gifts and benefits can and cannot be accepted.

The Service also recognises there may be instances where members will be offered gifts and benefits and under certain circumstances it may be appropriate give consideration to accepting them.

Societies revolve around a complex set of values, norms and expected behaviour. As a society changes and evolves, so do these characteristics. What may have been acceptable practice at a given point in time may become unacceptable in the future.

The QPS and its employees work within the boundaries of modern society and aspire to uphold community expectations and values. That being the case, the QPS has developed a gifts and benefits policy which aims to meet current and future community expectations through evolution. Practices that may have historically been acceptable may no longer have a place in a contemporary society.

**Assessment of offers of gifts or benefits**

Members are to be aware the acceptance of gifts or benefits has the potential to reflect adversely on, or cause embarrassment to the Service or the member. Members must make an informed decision at the time a benefit or gift is being extended or offered as to whether to accept or reject such offers. In doing so, members are to consider the following guidelines.

**Conflict of interest**

All members in considering gifts or benefits must at all times be mindful of their obligation to maintain and enhance public confidence in the integrity of the Service. Any gift or benefit accepted, regardless of monetary value, implies, or may imply, a relationship which may interfere with objectivity and independence.

Members are to consider whether the acceptance of the gratuity poses a real, apparent or perceived conflict of interest by consideration of the following questions when making this decision:

- (i) who is offering the hospitality, gift or benefit?
- (ii) what is the purpose of the offer?
- (iii) what is the timing of the offer?
- (iv) the transparency and openness of the gift—is the gratuity being offered in a public forum or in a private context?
- (v) does the value of the hospitality or benefit exceed nominal value?
- (vi) is the offer likely to be regular or repetitive?
- (vii) is it consistent with other Service policy?
- (viii) could the acceptance compromise you, another person or the Service?
- (ix) could the acceptance withstand public scrutiny?
- (x) is an ulterior or dishonest motive on the part of the donor likely or perceived to be present?

**Public perception**

There are a number of risks associated with members of the Service accepting gifts and benefits. Whilst they may be offered for sincere reasons of gratitude or appreciation, they can also be offered in an attempt to influence employees in their duties. Moreover, regardless of the intent of the giver, any acceptance of a gift or benefit by a QPS member could generate a negative public perception. *Public perception* means the perception of a fair-minded person in possession of the facts.

Members are reminded the appropriateness of their conduct, or the conduct of other members, should always be assessed against the ethical decision making framework of the **SELF** test.

**Alcohol and Licensed Premises**

In respect of licensed premises, members of the Service are not to accept offers of free or discounted:

- a) entry; where a fee is normally charged to the public at the door as a requirement to enter; and/or
- b) alcohol upon entry; either directly or by means of a redeemable card or similar method,



in circumstances where membership of the Service is the determining factor for the offer and acceptance of the gifts or benefits can reasonably be perceived as a conflict of interest.

This policy does not apply in circumstances where attendance at the licensed premises is associated with an event or function related to a benevolent, community or organisational purpose approved by the Service or the exercise of a legislative provision.

### **Recurring offers of discounted goods/services**

Section 10.5.1 (2.9) of the [FMPM](#) outlines that if an offer of a gift or benefit, however small, is recurrent then it should not be accepted. Examples of these offers are free or discounted food or drinks regularly provided by a restaurant or a café. The Service's position is that choosing to accept the regular supply of free or discounted food or beverages, for example coffee or tea, only because of one's position as a police officer is inconsistent with policy and the values of the Service.

Our vision statement is 'We are determined to be a professional police service, dedicated to excellence and committed to working in partnership with the people of Queensland to enhance the safety and security of our community'.

Our partnership with the community is critical. We need to be the best police department we can be and for all our officers to be the best they can be. We have to earn community confidence and support.

The Service recognises however, this practice has been historically viewed as acceptable and that there are arguments for and against the practice, therefore, the Service does not consider the prima facie acceptance of such offers of regularly supplied free or discounted food or beverages, for example coffee or tea, as a matter to be treated, at this time, by way of the disciplinary process.

The Service seeks the support of all sworn officers and particularly supervisors in terms of discouraging the acceptance of regular free or discounted food or beverages including coffee, through educational and managerial strategies.

However, if a conflict of interest, solicitation or embarrassment to the Service or the member is attached to the conduct in accepting such offers, the matter is to be reported and dealt with in accordance with the procedures outlined in the [Complaints Management](#) policies.

### **Resolution**

If after considering these guidelines, members are uncertain whether or not a conflict of interest exists, they are to reject the gift or benefit or refer the decision to their respective executive officer.

In most situations members can decline offers of gifts or benefits courteously by explaining that acceptance may be against Service policy and consequently that they should not accept. Members should consider if this action best serves the resolution of any potential conflict.

Every offer of a gift or benefit may have a unique combination of circumstances which impact upon it. It is for this reason the guidelines outline a number of principles which may be applicable in deciding whether or not to accept the offer. Every offer should be considered on its merits in arriving at a decision. A number of case studies are provided below to assist in providing context to QPS policy and guidelines.

## Case studies

### Case Study 1 – Fast food chain offers an unsolicited discount

Situation: A uniformed officer attends a large fast food chain to purchase dinner. The officer is aware this provider offers discounted food to police officers. The officer walks up to the counter and orders food from the menu. The menu states the price of the order to be \$10.00. The attendant tells the officer the total payment for the meal is \$5.00. A queue is lined up behind the officer awaiting service.

Assessment: The officer should consider the offered discount in light of the *“Procedural Guidelines – Gifts and Benefits”* contained in the Procedural Guidelines for Professional Conduct. The Service does not view recurring benefits such as discounted food to be customary hospitality. Additionally, acceptance of such benefits is inconsistent with Service policy and values. The member should consider if the offered discount represents a real or apparent conflict of interest to the performance of their duties, or is likely to cause any embarrassment to themselves or the Service. The [FMPM](#) outlines that officers should not accept recurring benefits. Whilst this may have been historically viewed as acceptable, community perceptions and the impact of this upon our partnership building and trust must be considered. The Service view is that officers should consider politely declining the offer unless doing so would cause a general embarrassment in the circumstances, or be considered trivial or unnecessarily onerous to the person offering the benefit to reverse the discount. The officer may wish to consider making a donation of the amount of the discount to a charity box located at the store.

The officer should ensure their supervisor is aware of the recurrent offer to enable proper management of gifts and benefits within the division. Supervisors in consultation with their relevant commissioned officer/District Officer should consider facilitating communication with the provider regarding the Service position relating to recurring offers of discounted goods/services.

### Case Study 2 – Production of identification to receive discounts

Situation: An officer in plain clothes attends a large fast food chain. The officer is aware the store has a practice of offering a substantial discount to police officers. The officer orders a meal from the menu totalling \$10.00. The attendant places the order and asks the officer for \$10.00 in payment. The officer then produces their police identification and states, “No, I get the police discount.”

Assessment: By producing their identification and requesting the discount the officer has solicited the benefit from the attendant contrary to s. 14 of the [Standard of Practice](#). Examples of soliciting include requesting or demanding free or discounted goods and services whilst identifying yourself as a member of the Service either verbally or through the presentation of police identification. Because the officer is in plain clothes, the production of the identification to obtain the discount could be inferring the officer believes



they are entitled to the discount which was not offered at the point of sale. In these circumstances the officer may be liable to disciplinary action.

### Case Study 3 – Discounts in remote locations

Situation: An officer in plain clothes in a small country location attends a fast food chain and orders a meal totalling \$10.00. The officer does not produce police identification; however, the attendant recognises the officer as a local police officer and applies the police discount as per the store policy. The attendant asks the officer for \$5.00 in payment. A queue is lined up behind the officer awaiting service.

Assessment: The officer should consider the offered discount in light of the *“Procedural Guidelines – Gifts and Benefits”* contained in the Procedural Guidelines for Professional Conduct. As the officer has not produced identification nor verbally stated he/she was a police officer in order to obtain a discount he/she has not solicited the benefit. The officer should consider whether attempting to refuse the discount in the circumstances would cause an unnecessary embarrassment by requiring the attendant to reverse the discount. Should the officer decide this is the case they may wish to consider making a donation of the amount of the discount to a charity box located at the store. The officer should report the matter to their supervisor who should consider approaching the store owner at a later time, advising them of service view on the acceptance of gifts and benefits.

### Case Study 4 – Licensee offers drink cards to members

Situation: The licensee of a local nightclub offers drink cards to the value of up to \$100 to members of the local police station upon entry to the club, also provided free-of-charge.

Assessment: The offer of free or discounted entry into licensed premises and the supply of cards facilitating free alcohol which are provided to members because of their employment is a conflict of interest. Premises such as nightclubs and hotels have historically attracted a need for police enforcement actions regarding public order and liquor related offences.

It could be perceived the licensee is seeking favourable treatment from police by offering the benefit. Members should be aware that even though there may not be any specific benefit sought by the licensee at the time of offer, there may be an expectation of reciprocal support at a future time.

Members of the Service are not to accept offers of free or discounted alcohol. Refer to **alcohol and licensed premises** in this policy. An officer has an obligation under s. 7.2 of the [Police Service Administration Act 1990](#) to report suspected misconduct.

### Case Study 5 – Offer of a gift from a supplier

Situation: An unsworn member working as part of an IT project team receives an offer of a free laptop computer and discounts on private IT products from a supplier associated with the project.

Assessment: Gifts and benefits should not be accepted when offered in connection with the procurement of goods and services for the QPS. This includes from suppliers (including those with the potential to do so) and others with whom there is, or who are seeking, a commercial or contractual arrangement. The offer should not be accepted by

the member. There is a conflict of interest as it could be inferred the supplier is rewarding the member for awarding the contract or attempting to influence future contract decisions. The supplier should be advised the offer is outside of policy and cannot be accepted.

### **Case Study 6 – Invitation from a media outlet to attend a corporate box**

Situation – A detective working on a high profile investigation receives an invitation to attend a corporate box at a major sports event as a guest of a crime journalist covering the story, with whom the detective has previously only had infrequent professional contact.

Assessment: There is a conflict of interest, whether real or perceived, attached to the invitation. Gifts and benefits should not be accepted when the gratuity involves payment or receipt of a benefit related to the actual or potential inappropriate disclosure of information, for example, the gratuity originates from a media organisation or journalist or employee of such an organisation for the unauthorised release of QPS information (unless otherwise approved by the Service such as the Courier Mail Scholarship). Acceptance could also foster an expectation of police action in return such as providing information in the future. The offer should be rejected and the member should advise their supervisor in order that any risks regarding the association are managed.

The supervisor should consider recording the conflict of interest. Consideration should also be given to the declarable associations policy.

### **Case Study 7 – Managing gifts and benefits within a division**

Situation: A local café owner has started providing free coffee to police officers. A number of officers decide to accept the coffee to such an extent that they only get coffee from this establishment during shift. The OIC notices upon passing the store that several patrol cars and the beat crew from a nearby shopping centre are all at the store. A member of the public has casually noted to the OIC that “I see all the crews are here getting their free brew”.

Assessment: The gratuity of the free coffee is being accepted in such a manner that a reasonable person could question how equitably policing services are being distributed across the division. The beat crew are moving outside their policing area to obtain coffee. The officer’s desire to obtain a personal benefit has been placed above the duty to the community.

The supervisor is to provide guidance to the individual officers in relation to equity of service and public perception and monitor service delivery.

The District Officer/divisional Inspector should consider approaching the store owner and advising them of the Service view on the acceptance of gifts and benefits.

### **Case Study 8 – Invitation to attend an event to enhance community involvement**

Situation: As part of a divisional strategy, a Senior Constable is involved with a community program working with disadvantaged youth. As part of the program, the member has been coaching a soccer team consisting of youths attached to the program. In promoting both the game of soccer and the program, the National Soccer League extends an invitation for

the member and the players to attend an A-League match including reserved seating and a pre-game meal/function.

Assessment: The offer is made in the spirit of community building. There is a public interest attached to the member's attendance at the game. The offer can be accepted. Gifts and benefits can be accepted if it can be shown to be of benefit to the Service, the State of Queensland and/or the public generally and such acceptance does not create a conflict of interest.

Due to the nexus between the program and the Service, the member should advise their supervisor of the offer in order that it is appropriately recorded.

### **Case Study 9 – Soliciting donations for a benevolent, community or organisational cause**

Situation (A): A member wishes to approach businesses and seek donations for a benevolent purpose with a clear relationship to the Service. The member is seeking donations in support of fund raising for a sick/injured colleague or their family. Any gifts and benefits will be auctioned or raffled with the proceeds after costs going to the colleague. The nature of the approaches will, intentionally or unintentionally, identify and associate the person soliciting the donations as being a member of the Service.

Assessment: The member should advise their supervising executive officer as per s. 14 of the [Standard of Practice](#) and the Procedural Guidelines for Professional Conduct through the chain of command of their intention and purpose and seek approval. The executive officer will consider the appropriateness of the approaches to be made and the beneficiaries of the proceeds in coming to a decision to ensure there is no conflict with the Service values, goals and objectives. The Service encourages member's involvement in legitimate benevolent activities. Members however are to be in a position to fully account for the receipt and dispersal of all funds, gifts, benefits and donations accepted in pursuit of such activities. Official QPS bank accounts are not to be used in respect of such funds.

Situation (B): A member wishes to raise funds for a registered charity external to the Service. The nature of the approaches will (or tend to) identify and associate the person soliciting the donations as being a member of the Service, for example, the member may wish to fundraise within the workplace or in concert with their duties.

Assessment: Participation by members in any form of fundraising activity for an external charity is on an individual, voluntary basis. Activities undertaken within the workplace or in circumstances which have a nexus to the member's official capacity or the Service must be authorised by the relevant executive officer.

### **Case Study 10 – Customary hospitality**

Situation: Police divers and other officers have been conducting an intensive search of a local waterway for the remains of a deceased person. A local café owner, having witnessed the painstaking search approaches the officers with free food and drink for the officers to share in appreciation of the officers' efforts in difficult circumstances.

Assessment: The food and drink is offered in bona-fide appreciation by a member of the community in what could be considered to be customary hospitality (i.e. the acceptance of

modest refreshment that is proportionate to the occasion and where payment would not normally be expected) in the circumstances despite the extent of the gesture.

It is not a recurring offer and no expectation can reasonably be attached to the gesture and no conflict of interest attaches to it. A reasonable person in possession of the relevant facts would not draw a negative perception to acceptance of the offer.

However, if the amount of the hospitality could reasonably appear to be in excess of \$150, the senior officer present should consider registering the gift in accordance with the procedures in the [FMPPM](#).

**Case Study 11 – Offers from victims of crime**

**Situation:** After the arrest of an offender, the complainant in a fraud investigation approaches the investigating officer and offers the officer a gift for the good work done in bringing the offender to justice and recouping substantial amounts of money. The complainant realises police officers cannot accept money, so offers the officer a number of lottery tickets in the hope that a winning ticket will provide a suitable thank you to the officer.

**Assessment:** Offers of gifts and benefits should not be accepted from victims of crime. Members should be mindful that prior to the finalisation of an investigation and/or court processes, this could be perceived as an attempt to influence the outcome. Should a victim express a desire to show their appreciation at the conclusion of policing actions, they should be advised to submit a letter of thanks, or be advised a donation may be made to charities such as Police Legacy, Community Supporting Police Inc. and PCYC etc.

Offers of money or any items which may be readily converted into cash (e.g. lottery tickets, 'scratchie tickets', shares or gift vouchers) should not be accepted under any circumstances.

**Case Study 12 – Entitlement**

**Situation:** A local donut shop has decided to provide some of the left over products from the day's trade to the local police station as the product would have to be thrown out anyway. The owner of the premises does so because he appreciates the service police perform generally within the community. This has regularly occurred for some time with officers at the station then consuming the donuts during breaks. On one occasion, the donuts are not left at the station as usual. A Constable goes to the donut shop and confronts a young attendant, who was unaware of the arrangement, demanding the usual donuts for the station without offering payment.

**Assessment:** The provision of the donuts has engendered a sense of entitlement of the benefit from some members of the station. The Constable has solicited the benefit contrary to s. 14 of the [Standard of Practice](#) and has acted in a manner which reflects adversely on both the QPS and himself/herself as a member of the Service contrary to s.2 of the Standard of Practice. The Constable is liable to disciplinary action.

The offer of the donuts has become a recurring offer, even though there is no stated policy of such from the store owner. On that basis, the officer in charge of the establishment should advise the District Officer of the offer, who in turn should consider approaching the

store owner to politely advise of the Service policy regarding gifts and benefits. The District Officer might consider suggesting the donation of the food to a local charity or benevolent agency that supports displaced persons.

### **Case Study 13**

**Situation:** A member of the Service is invited to speak to a community and business association regarding crime prevention issues. The member provides a lecture and leads a discussion forum at general meeting of the association. The lecture is well received and appreciated by the group. In appreciation, the member is invited to partake in a post meeting supper and is provided with a small token gift for their efforts.

**Assessment:** Members of the Service regularly participate in activities where it is customary and acceptable for gifts or small benefits are provided as customary practice. These include:

- a token gift of nominal value presented to a member by an organisation for the conduct of a presentation or their involvement in a conference, meeting or similar obligation;
- gifts provided from colleagues on transfer, promotion, retirement or on other celebratory occasions; and
- food or drinks provided as part of a members official attendance at a major event being policed, training course, conference, function or similar event that does not create a real, apparent or future conflict of interest.

The gifts and benefits policy is not intended to exclude the acceptance of such customary practices. Members should be aware that if received from a source external to the Service, the offer may still be subject to recording requirements.

#### **3.4.3 Retention or Disposal of Gifts and Benefits – Exceed Customary Hospitality or Nominal Value**

Where members in their official capacity are extended or offered a benefit or gift **other than an incidental gift, customary hospitality or benefits of nominal value** they are to follow the processes outlined in this section in determining how to deal with, retain or dispose of such items:

- (i) where a benefit or gift is offered or extended, members need to make a decision to accept or decline the offer;
- (ii) should a member decide not to accept the benefit or gift, they should decline its acceptance in an appropriate and professional manner and keep a personal record of the details surrounding the offer;
- (iii) where an offer is made to induce preferential treatment, or it involves any threatened harassment, members are to immediately report the matter to their supervising Executive Officer;
- (iv) before a member decides to accept a benefit or gift, either personally or on behalf of the Service, they should consider and satisfy the following list of issues:
  - a) does acceptance involve a conflict of interests?

<b>2013/05 PROCEDURAL GUIDELINES FOR PROFESSIONAL CONDUCT</b>
---

- b) is the offer re-current?
- c) is acceptance consistent with other Service policy?
- d) would acceptance compromise or embarrass the Service?
- e) could the acceptance stand public scrutiny?

Members should also consider the issues raised in s. 14, items (i) to (iv) of the [Standard of Practice](#) before making any decision. If in the consideration of these issues there is any doubt about the intention or integrity of the source making an offer, members are to reject the offer;

- (v) where a member is satisfied that issues outlined in sub paragraph (iv) of this section have been adequately addressed and the member wishes to retain the benefit they are to refer the matter to their supervising Executive Officer seeking a direction to retain;
- (vi) Where a member receives a favourable decision from the Executive Officer to retain a benefit or gift, the member is to register the benefit or gift in compliance with s. 3.3 of the [Financial Management Practice Manual](#). Should the decision be unfavourable, members have the option of accepting or appealing the decision (e.g. internal grievance procedures or judicial review); and
- (vii) where a member is not satisfied that the issues outlined in sub paragraph (iv) of this section have been addressed the member should refer the matter to their supervising Executive Officer seeking direction on the return, retention or disposal of the benefit

An Executive Officer may specify conditions on the acceptance or retention of any benefit. Executive Officers may also authorise members to accept free travel or hospitality where they are satisfied that acceptance:

- does not constitute a conflict of interests; and
- is consistent with the proper conduct of official duties.

Where the acceptance of travel or hospitality could, in the opinion of the Executive Officer, lead to real or apparent conflict of interests, the Executive Officer is to determine any appropriate action to be taken.

Executive Officers may:

- issue directions in relation to circumstances in which members generally, or certain classes of member, may accept specific benefits without further reference; and
- impose any conditions relating to the retention or disposal of any benefits.

Where such directions are issued, the Executive Officer should be satisfied that no real or apparent conflict of interests is likely to arise in the absence of specific reference.

The processes mentioned above have been supplied to assist and guide members when making decisions on the retention or disposal of benefits and gifts extended to them in

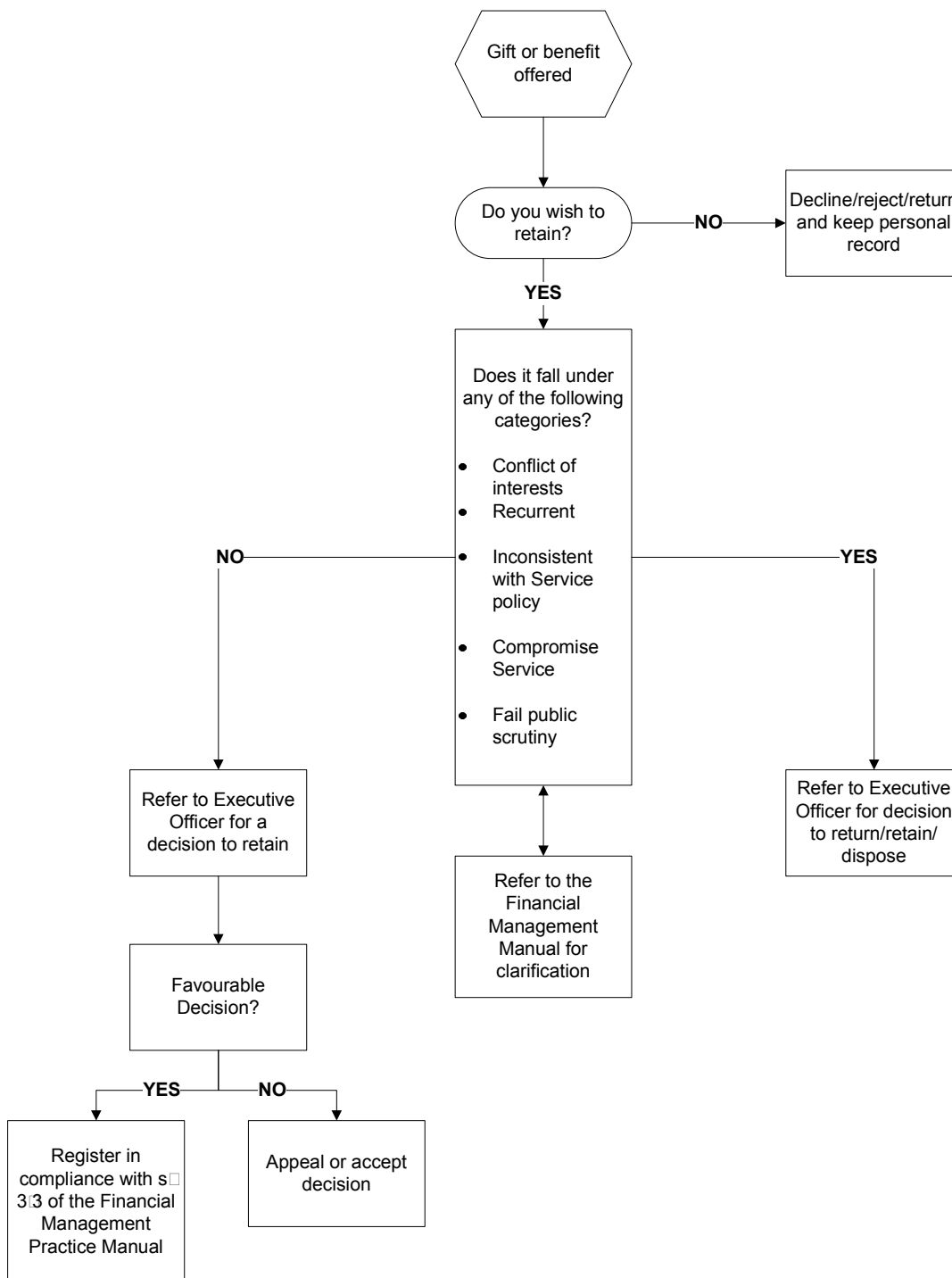


2013/05 PROCEDURAL GUIDELINES FOR PROFESSIONAL CONDUCT

connection with their official duties. This process is also outlined in the flowchart accompanying this section.

Members should be aware, that any deviation from this process or non-compliance with the relevant provisions of this section or the Code of Conduct may represent grounds for disciplinary action. Where members require further assistance they should seek advice or assistance from their supervisor or officer in charge.

**Flow chart for the Retention or Disposal of Benefits or Gifts other than Customary Hospitality or Nominal Value**



### 3.4.4 Declaration and Registration of Personal Interests

The Service recognises that the registration of personal interests together with declarations of conflict of interests can provide an effective means for protecting both the integrity of the Service and its members. The Commissioner, whilst holding office, is required to register personal interests and may, under s. 22 of the [Public Sector Ethics Act 1994](#) determine and require any category of member to register personal interests if deemed necessary for the integrity of the Service or the member.

Members who should declare and register their personal interests are those officially involved in:

- contracting, tendering, or regulatory functions; or
- members working in areas requiring high levels of accountability in the public interest.

Members dealing with associates, spouses or close personal friends should consider declaring or registering their personal interests where the association has the potential to affect the integrity of the Service or the member.

Members requiring information or assistance when dealing with issues of this nature should refer to any relevant instructions, or where appropriate, seek advice or direction from an Executive Officer. Where a member makes a disclosure, they should do so in writing to their supervising Executive Officer.

Executive Officers, (on receipt of information or reports from members in these situations) should refer relevant details to the Commissioner of Police for information and necessary attention. The Commissioner will, where considered appropriate, advise the Minister of any such matter that has the potential to compromise the integrity of the Service.

### 3.4.5 Declarable Associations

#### Introduction

The aim of this policy is to minimise the risk presented by failing to identify and properly manage inappropriate associations by members of the Service. The focus of this policy is to address the issue through risk management processes. The policy is designed to

- assist members in identifying and declaring those associations that have the potential to give rise to a conflict of interest;
- provide a process by which such associations are recorded, risk assessed and cooperatively managed by the member and the Service; and,
- mitigate against harm to the reputation and integrity of the member and the Service.

A breach of discipline or misconduct may arise where there is a failure to respond to a managerial direction or a breach of a Management Action Plan.

It is the responsibility of all members of the Service to take reasonable steps to identify and avoid situations that could give rise to a conflict of interest (potential, actual, apparent



or perceived). Conflicts of interest can arise through the personal associations of a member, particularly with persons or groups who are or may be perceived to be engaging in criminal or unlawful activity. These associations can create a conflict of interest due to the member's position within the community and the inherent and statutory responsibility to uphold, and assist in upholding, the laws of Queensland.

The community has a high expectation of the standard of behaviour for members employed in the Service. It is therefore paramount that all members are provided with a transparent process that allows them to manage associations with individuals or groups who are involved in or suspected of being involved in activities, which may reflect adversely on a member's position within the community and as a member of the Service.

**Key Definitions**

The following are the key definitions that apply to this policy (a dictionary is provided at the end of this policy for all other definitions):

*Association* includes, but is not limited to, any involvement with any person, group or organisation within the community unrelated to the member's official work duties.

*Declarable Association* includes any association that:

- (i) is incompatible with (or could be perceived to be) or may compromise the member's role or duties as a QPS employee to uphold the law; or
- (ii) may give rise to a perception in the mind of a reasonable person that the member is not upholding their obligations as a member of the QPS; or
- (iii) reflects adversely on the member or the QPS; or
- (iv) could lead to an actual, apparent or perceived conflict of interest (including financial conflict); or
- (v) could compromise the operational effectiveness of the QPS; or
- (vi) presents any other determined risk.

All Declarable Association Reports have a "Protected" security classification and will be dealt with in one of the following categories:

- 1) An association reported for comfort only;
- 2) A Declarable Association requiring a Management Action Plan.

*Declaration* is part of a reporting process using the Declarable Association Report form. A declaration is deemed to have been made after a member has consulted with a supervisor and an assessment has determined the association is a *declarable association*.

*Management Action Plan* will be required to address a *declarable association*. A Management Action Plan will document specific strategies undertaken, or required to be undertaken, with outcomes assessed over time by a supervisor. A failure to comply with a Management Action Plan may result in disciplinary action.

## Policy

### Application

This policy applies to all members of the Service, contractors in temporary employment of the Service, persons on secondment from other departments or jurisdictions, research students on contract and volunteers in policing.

QPS members are to uphold and protect the reputation of the Service by advising of (and risk managing through a Management Action Plan) any *declarable association*.

The executive officer for the region, command or division, is responsible for the management of declarable associations in their area of responsibility.

### Assessment

All members are to assess and identify all associations that are, or may reasonably be perceived to be a *declarable association*.

The '[SELF Test](#)' provides interpretive guidance to members and supervisors in considering whether a "reasonable person" would view the association as declarable.

### Relationship to Human Source Management Policy

Members and particularly supervisors are to be aware of the requirements of the Human Source Management (HSM) policy when considering declaring an association. Members are to first assess if the association is one that is appropriately managed by that policy. If the association does not meet the criteria for management under the HSM policy, the association is to be considered under the Declarable Associations Policy.

### Declaring an association to a supervisor

Members are to refer to the flow chart '[Declarable Associations Reporting and Management Process](#)' for declaring an association.

The fact a member has an association doesn't, by itself, require a report to be made. At least one of the declarable association criteria (above) must be met before a declaration is required. In this regard a declaration is designed to capture potential integrity risks that allow consideration for management of the risk. A one off encounter does not generally meet the reporting threshold unless it raises a specific integrity risk and was avoidable.

If a member believes they should report an association in compliance with this policy, the member is to approach their supervisor and discuss the circumstances surrounding the association. If a member is in doubt as to whether an association is declarable, the member is to also seek guidance from their officer in charge/manager.

**Members submitting a Declarable Association Report must not interrogate or be asked to interrogate their own associates on QPRIME or other data bases/indices.** If informed by a supervisor of information relating to a declaration, members are not to disclose information obtained from QPRIME or other data bases/indices to the associate or any other unauthorised person.

If the supervisor determines the association is one that requires reporting, the member will be directed to submit a Declarable Association Report. The member will enter the report into QPRIME in accordance with the process outlined in the [QPRIME user guide: Declarable Associations: Procedures for Members](#).

A member may declare an association which they are not ordinarily obliged to report under this policy if they are of the view it will provide some form of comfort and peace of mind. In this case that association will be reported in accordance with this policy, however no Management Action Plan will be required.

Where a member does not feel comfortable discussing an association with their immediate supervisor, the member must inform another senior member or their respective Professional Practice Manager (PPM). That member will then consider whether a declaration is required and perform the role of the supervisor in accordance with this policy.

### **Responsibilities of supervisors**

Supervisors have a critical role in the management and processing of declarable associations. The role is summarised as having the responsibility to receive information from a member regarding an association and assess whether the association is one subject to a Declarable Association Report.

#### *Receipt of Declarable Association Report:*

A supervisor receiving information from a member concerning a declarable association is to undertake a risk assessment process. The assessment should include considerations of whether the association/associate:

- is known or suspected to be involved in unlawful activities;
- has a criminal history;
- may be perceived to be involved in unlawful activities by the community;
- may reasonably lead to an actual or apparent conflict of interest;
- may reflect adversely on the good reputation and/or integrity of employees or the Service;
- may be perceived to aid in the perversion of justice or due judicial process, or actually damage the credibility of the criminal justice system;
- could compromise the operational effectiveness of the Service; or
- presents any other determined risk.

A reportable family member association must be treated with sensitivity and greater care in the risk assessment and management process. In these circumstances the organisation's welfare services such as Peer Support Officers, Chaplains or Human Services Officers may be appropriate.

**In order to undertake an assessment, supervisors are to exercise due diligence by utilising Service indices, for example, QPRIME, to interrogate an associate's**

**background.** Access to and use of QPRIME or other data bases/indices by the supervisor must be justified and accounted for on each occasion.

A supervisor is to advise the declaring member of the results of the searches undertaken, unless the information obtained during the search (and which was not declared) is likely to impact on police operations. Supervisors are not to disclose information obtained from QPRIME or other data bases/indices to the associate or any other unauthorised person. Supervisors assessing a Declarable Association Report must not ask or direct the reporting member to interrogate their own associates on QPRIME or other data bases/indices.

If a supervisor assesses the association is a *declarable association*, the member is to be directed to submit a Declarable Association Report. The supervisor will record the details of any inquiries undertaken (including QPRIME searches) and reasons for their decision on the prescribed form. The supervisor is to approve the content of a Declarable Association Report prior to submission to the PPM.

The supervisor will manage the report within QPRIME in accordance with the process outlined in the [QPRIME user guide: Declarable Associations: Procedures for Supervisors](#).

If it is determined that the association is not a *declarable association*, the date and type of interaction, details of the associate and action taken are to be officially noted in the supervisor's official notebook or diary. No further action is required by the supervisor or member.

### **Responsibilities of Professional Practice Managers**

A PPM will be generally responsible for:

- Providing advice to supervisors regarding assessment of associations;
- Providing advice to officers in charge/managers regarding the content of Management Action Plans; and
- Undertaking risk assessments of reports submitted by members within their region/command/division.

#### *Risk Assessment Process:*

Upon receiving a Declarable Association Report the PPM is to ensure the association has been correctly identified as a *declarable association* or a comfort report.

The PPM will then conduct a risk assessment of the Report. The aim of the risk assessment process is to identify, analyse and evaluate the specific risks the association poses to the member and the Service.

The PPM may provide advice on appropriate treatment options to:

- a) protect the integrity and reputation of the member;
- b) protect the integrity and reputation of the Service;

- c) facilitate the member's right to continue with important personal associations through a structured management plan; and
- d) resolve conflicts of interests arising from associations in the public interest.

The PPM will forward the Declarable Association Report to the member's officer in charge/manager to develop and implement a Management Action Plan in consultation with the member. The PPM may require the Management Action Plan be approved prior to implementation.

The PPM will manage the report within QPRIME in accordance with the process outlined in the [QPRIME user guide: Declarable Associations: Procedures for Professional Practice Managers](#).

### **Responsibilities of Officers in Charge/Managers**

The officer in charge or manager of a work unit will develop and implement a Management Action Plan in consultation with the reporting member.

The purpose of the Management Action Plan is to mitigate harm to the reputation and integrity of the member and to the Service; and pay due regard to the rights of the member, the interests of the Service and the public interest generally.

Strategies selected in managing the association must be proportionate to the risk.

Officers in charge/managers, when considering appropriate management action, should include an examination of the following issues namely:

- the nature of the association;
- length of the association;
- how the association commenced;
- frequency of the association;
- the effect of the conflict of interest, actual or apparent;
- measures to minimise potential conflict of interest, for example, transfer from a sensitive area/operation;
- whether the association can be avoided;
- the intent of the association;
- the bona fide of any financial transactions, for example (a) where the funds were sourced from or moved to; (b) the affect on the image or reputation of the Service, and (c) fulfilment of the member's duties as a consequence of the financial dealings.

Officers in charge/managers are to monitor the effectiveness of the Management Action Plan (refer Best Practice Guide: Management Action Plan example) and make any adjustments where required. It must be noted that members have a right to privacy and to freedom of association generally. Interferences with these innate rights should be no more

than is reasonably necessary in the circumstances to protect the integrity and reputation of the individual member, the Service and to maintain public confidence.

Officers in charge/managers are to provide a copy of the completed Declarable Association Report and Management Action Plan (if applicable) to the member making the declaration.

Officers in charge/managers will manage the report within QPRIME in accordance with the process outlined in the [QPRIME user guide: Declarable Associations: Procedures for Officers in Charge/Managers](#).

Officers in charge/managers are to advise their PPM of any transfer or secondment of a member subject to a declarable association Management Action Plan. The PPM is to advise the PPM in the area to which the member has been transferred or seconded, allowing a review of the Plan and the risk in the context of the new work location.

### **Reporting of declarable associations by other member's**

Where a member becomes aware that another member is engaging in a declarable association, they are required to report the matter to the supervising commissioned officer of the member involved in the association for attention.

The supervising commissioned officer will make relevant inquiries to determine if the association is a *declarable association*, including discussing the matter with the relevant member.

If the association is deemed to be a *declarable association*, the supervising commissioned officer is to take action as outlined in this policy

### **Managerial intervention**

Reporting a declarable association is an opportunity to manage the risks of associations, rather than dealing with the matter as a potential misconduct issue.

A possible breach of this policy should first be considered to be dealt with by managerial intervention for a:

- failure to submit a Declarable Association Report;
- failure to act on the submission of a Declarable Association Report,

In assessing a possible breach of this policy, members are to consider whether:

- it was reasonably foreseeable that the association was a declarable association;
- the member was, or should have been, aware of the background of the associate;
- the matter should have been reported; and
- a breach of discipline or misconduct, as outlined in the [Complaint Management](#), Human Resource Policies has occurred.



A failure to respond to a managerial direction to submit a declaration or a breach of a Management Action Plan may be dealt with in accordance with the requirements of the [Complaint Management](#), Human Resource Policies.

**Confidentiality and privacy**

The collection, storage, access and use of information including the Declarable Association Report and Management Action Plan related to this policy are to be treated in accordance with the [Information Privacy Act 2009](#).

**Dictionary**

The following definitions apply to this policy:

*Actual Conflict of Interests* – Section 3.4 Procedural Guidelines for Professional Conduct, Human Resource Policies. 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.

*Apparent Conflict of Interests* – Section 3.4 Procedural Guidelines for Professional Conduct, Human Resource Policies. 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.

*Conflict of Interest* – Section 4 [Standard of Practice](#), Human Resource Policies. Members of the 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 both actual and apparent conflicts of interests in all matters relating to their employment with the 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. For the purposes of this policy where a conflict of interest 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 officer. All conflicts of interest relating to a member's employment with the Service will be resolved in favour of the Service and the public interest.

*Criminal History*, of a person –

- a) means the person's convictions in relation to criminal offences committed in Queensland or elsewhere; and
- b) includes information about offences alleged to have been committed, in Queensland or elsewhere, by the person

*Criminal Offence – Limited to* section 3 (3) of the [Criminal Code 1899 \(QLD\)](#); and includes for the purpose of this policy, offences that have been committed in Queensland or elsewhere, for example, interstate, commonwealth and overseas jurisdictions.

*Declarable Association Report* – A QPS form intended to enable a member to report a declarable association and for a supervisor to record an outcome of assessment in respect to the matter reported.

*Financial Conflict* – Includes a situation in which a member’s financial relationships and dealings may compromise, or have the appearance of compromising the impartial fulfilment of the members’ official duties; or will bring disrepute upon the Service and erode public confidence.

*Indictable Offence* – As per section 3(3) of the [Criminal Code 1899 \(QLD\)](#); and includes for the purpose of this policy, offences which are committed elsewhere, for example, interstate, commonwealth and overseas jurisdictions, would be an indictable offence in Queensland.

*Supervisor* – The person who conducts the assessment of the subject's work planning and performance in accordance with section 3.1 of the [Performance Planning and Assessment](#), Human Resource Policies.

*Unlawful* – An act which is not authorised or justified or excused by law.

### **3.5 Outside Employment**

To maintain professionalism and avoid any conflict of interests, members of the Service intending to undertake any outside or secondary employment, are to complete an “Application to Undertake Outside Employment” Form. This form is available on the QPS Form Select package.

The initial Application may be approved for up to 12 months and thereafter Applications are to be re-submitted each year.

The Service will not attempt to restrict a member's right to seek/accept outside employment so long as that employment does not breach the provisions of s. 8 of the [Standard of Practice](#) which states:

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

- interferes with the effectiveness of the performance of their duties;
- creates or appears to create a conflict of interests; or
- reflects adversely on the Service.”

In addition to this, members whilst absent on paid sick leave are not to enter into any employment or occupation for additional remuneration or any activity which will adversely affect their recovery.

Employment includes directorships and any situation:



- which flows from the existence of a contract of/for service;
- where a member receives a financial benefit; or
- where the member intends to receive a measure of profit or gain as a result of being self-employed, an employee or a contractor.

Employment does not include situations where remuneration is obtained by passive means (e.g. family trusts, investments, capital gains) provided the circumstances do not breach the provisions of the [Standard of Practice](#).

The requirement to lodge an “Application to Undertake Outside Employment” Form is waived for:

- members working under Service sponsored policing arrangements, seconded to or employed by other law enforcement agencies; and
- members when involved in joint police and community activities of a non-commercial nature whether it be voluntary or in an official capacity. This includes, but is not limited to, activities run by the Queensland Police Citizens Youth Welfare Association and/or the Blue Light Disco Association.

### **3.5.1 Appropriateness of Outside Employment**

For the Service to consider outside employment appropriate whilst on leave (paid or unpaid) or in the member’s own time, it requires that:

- the likely timing and duration of the employment will not adversely affect the performance of the member's duties; and
- the member acknowledges that employment with the Queensland Police Service will take precedence over any outside employment, particularly in the case of police officers.

For considerations regarding employment, leave for training and deployment as a Reservist in the Australian Defence Force (ADF) see s.4.5.5 of this policy and the [Leave - Police Officers](#) policy.

It is not considered appropriate by the Service for police officers to take up outside employment where an employer advertises the fact that police are employed.

Police officers or recruits are not permitted, without the support of the Deputy Commissioner, to accept employment in any capacity with an Australian or internationally based security services company, or act on behalf of, or as an agent of, a security services company seeking to employ police officers. This includes accepting employment as a civilian traffic controller or a trainer/assessor of civilian traffic controllers, as the majority of controllers are employed by security service companies and trained by Queensland Transport. The Service has taken this position as this type of employment has the potential to create a conflict of interests which may reflect adversely on the Service or upon the officer as a member of the Service.

Approval is required from the Deputy Commissioner for outside employment (other than ADF service) in potentially unstable or dangerous environments such as war zones (for

example as outlined in Department of Foreign Affairs and Trade travel advisories). This type of employment presents the real potential for injury (either physical or psychological) that would interfere with the effectiveness of the performance of the officer upon their return to duties.

Employment as a lecturer/trainer is only to be considered appropriate if:

- the course does not conflict with the provisions of the [Code of Conduct](#) or Service policy;
- the course material is not likely to deal with matters of a sensitive nature with respect to the Service (e.g. covert operations) or Government policies; and
- members do so in their capacity as private individuals or employees or agents, as the case may be, of the institution/company concerned and it is made clear by members that they are acting in a private capacity and not as a representative of the Service on official duty.

Where members desire to, or are required to give a formal lecture as part of their official duties to external agencies/organisations, members are to ensure that the relevant course material has been vetted and approved by their supervising Assistant Commissioner/Executive Director.

If a matter is particularly difficult to adjudicate on or where there are Service-wide policy implications, the application is to be forwarded to the Deputy Commissioner for final advice.

### **3.5.2 Requirements and Conditions for Outside Employment**

Members who wish to undertake outside employment, are to forward completed "Application to Undertake Outside Employment" forms to their supervising Assistant Commissioner/Executive Director. Members not directly under the control of an Assistant Commissioner/Executive Director are to submit applications through their superiors to the Assistant Commissioner, Operations Support Command.

Members who undertake outside employment are to be reminded of the statutory requirement for relevant insurance cover (e.g. workers compensation).

Members are to provide information relating to appropriate insurance cover (e.g. Worker's Compensation), prior to the commencement of outside employment, as required by the Deputy Commissioner, Assistant Commissioner or Executive Director. Circumstances that may warrant the provision of information relating to appropriate insurance cover may include where the outside has an element of elevated risk of physical or psychological injury. ADF Reservists, members who are part of an international deployment group and members who undertake employment with other law enforcement agencies are exempt from this requirement.

Members are not to wear any part of Service uniforms or use any official designation, resource or information other than public information, in the course of any outside employment.

### 3.5.3 Assessment Criteria for Outside Employment

Assistant Commissioners/Executive Directors are to assess the appropriateness of outside employment (other than ADF service) using the following criteria:

- the potential for conflict with the member's responsibilities (this criteria is particularly relevant to officers and police recruits especially where the outside employment is in industries such as security, education/training, transport or liquor related industries);
- the potential for the Service to be legally liable as a result of the member undertaking such employment;
- the hours of work required in the outside employment and the likelihood of those hours adversely affecting the member's ability to fulfil normal duties;
- the level of risk of injury to the member in the course of the outside employment;
- the likelihood of the Service being liable for any injury to the member or a member of the public as a result of the proposed outside employment;
- the public reputation of the company or establishment and the nature of the business where the member seeks employment; and
- any other relevant factors.

The major considerations in any assessment process for outside employment shall be the preservation of the integrity of the Service and the avoidance of any actual or apparent conflict of interests.

Any applications received from members on outside employment in the security, transport or liquor related industries are to be forwarded to the relevant Deputy Commissioner with an appropriate recommendation by the relevant Assistant Commissioner/Executive Director for consideration.

The Crime and Misconduct Commission has produced a guide to minimise the misconduct risks associated with employees engaging in outside employment. This guide should be read in conjunction with this policy.

### 3.5.4 Monitoring of Outside Employment Arrangements

Assistant Commissioners/Executive Directors are to monitor outside employment undertaken by members under their control. A review of outside employment approvals is to be undertaken, at a minimum, annually. Outside employment which is considered inappropriate, or in breach of the provisions of the [Standard of Practice](#) is to be prohibited.

### 3.5.5 Special Arrangements for Australian Defence Force Employment

ADF service as a Reservist is regarded as outside employment and requires the submission of an "Application to Undertake Outside Employment" Form:

- after commencing duty with the QPS;
- annually, at the beginning of each financial year; and

- when transferred or promoted to a new region, command or division.

In accordance with the provisions of s. 17 of the [Defence Reserve Service \(Protection\) Act 2001](#), it is prohibited to hinder or prevent employment with the ADF Reserve. Accordingly, applications for outside employment with the ADF are to be supported by the QPS.

At the start of each financial year, members are to advise their supervisor/manager and their Training Office of their known and likely ADF commitments for the coming year, and thereafter when they lodge an application for a deployment which involves continuous full-time service or a training course requiring full-time attendance. This advice will provide QPS with advance notice so that steps can be taken to accommodate the member's expected absence.

Where a member's absence would cause significant operational disruption to QPS, Assistant Commissioners/Executive Directors should approach the Commander of the relevant ADF Unit to identify if an alternate deployment/training period or other arrangement is practical. However, QPS representatives are to be mindful that ADF employment cannot be hindered or prevented.

### **3.6 Consuming Alcohol during Meal Breaks Prohibited**

To avoid any misunderstanding your attention is drawn to s. 9 of the [Standard of Practice](#) which states, amongst other things:

"Members are not to:

- (i) 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
- (ii) consume alcohol when a requirement to go on duty is reasonably foreseeable and imminent where such consumption will:
- (iii) adversely affect ability to conduct official duties;
- (iv) result in unsatisfactory work performance; or
- (v) affect the safety of others."

Special circumstances may lead to some relaxation of this direction but these will be very rare. The reasons for this restriction are evident; they include the risk of impaired efficiency that accompanies the consumption of any alcohol and the damage to the Service's public image when members who have been drinking then interact with members of the public.

### **3.7 Use of Private Telecommunication Devices Whilst On Duty**

This section outlines Service policy for members who wish to use or carry privately owned telecommunication devices such as mobile telephones and pagers while on duty. It is acknowledged that there are safety and operational benefits to the Service in allowing members to carry and use such devices.

It must also be acknowledged that there is a potential for these devices to be used to facilitate improper practices. Accordingly, it is expected that the use of mobile phones and pagers will at all times be conducted in a professional manner and in accordance with the general provisions contained in the [Standard of Practice](#).

Should members wish to carry mobile phones or pagers, relevant contact details are to be provided to their officer in charge.

It should be noted by members that there is no Service requirement to carry privately owned telecommunication devices while on duty.

### **3.8 Service Property - Due Care, Maintenance and Security**

Members who have possession or control of Service property are to take appropriate precautions to ensure that any such property is safeguarded and not carelessly or negligently exposed to theft or damage.

#### **3.8.1 Laptop Computers - Due Care, Maintenance and Security**

Where members are in possession of laptop computers they need to ensure the security of not only the hardware, but also the information contained on the computer. Members should be aware that there is considerable risk if confidential or sensitive information falls into the wrong hands. Where members are in possession of portable computer equipment the following security precautions are to be observed:

- (i) do not leave laptop computers or software in situations where they are unattended and exposed to public view, unsecured in vehicles or where they could be easily accessible by unauthorised persons;
- (ii) ensure laptop computers and software are concealed from view, whenever left unattended;
- (iii) do not leave confidential information on laptops when left unattended. Confidential and/or sensitive information should be removed from computers to ensure unauthorised access does not occur; and
- (iv) ensure that Service laptop computers are only used by members or persons otherwise authorised by the Service.

### **3.9 Curtailment of Activities which may Affect Work Output**

The Service recognises the legitimate needs of police officers and staff members who wish to relax, view television and listen to music or other entertainment during meal breaks and at other appropriate times. However, any activity while on duty such as (but not limited to) watching television or listening to music, which distracts other staff from the effective performance of their official duty will not be sanctioned by the Service.

The following instructions and procedures will apply to all members of the Service:

- (i) the introduction of privately owned television sets into police stations and establishments is not permitted unless the prior written approval of the respective District/ Establishment officer has been obtained;
- (ii) as a general rule, approval will not be given to individual members of the Service.

However, applications from legally constituted social clubs or similar organisations may be considered;

- (iii) a District/Establishment Officer may approve placement of a privately owned set in a police station or establishment for such period of time as stipulated by that officer. The District/Establishment Officer may impose such other conditions considered necessary including location of the set to a designated area;
- (iv) a District/Establishment Officer may revoke approval at any time;
- (v) meal rooms, canteens and lounges only are acceptable locations;
- (vi) placement is not permitted in a room normally used as an office or for operational or administrative purposes. Locations open to access or view by the public are not acceptable;
- (vii) the use of privately owned television sets in Service vehicles and motor vessels is not permitted;
- (viii) television sets which are Government property are not to be used for unauthorised purposes; and
- (ix) the use of privately owned television sets or any other property or electrical item falling within the category of either an exhibit or as lost or unclaimed property is not permitted.

Existing arrangements regarding the placement of privately owned television sets etc. in police stations and establishments are to be reviewed by District/Establishment Officers in accordance with these instructions.

An application in writing for approval to locate a privately owned television set etc. under this section may be forwarded by members to their respective District/Establishment Officer for consideration.

### **3.10 Improper Access or Use of QPS Information**

The unauthorised and improper access, use or release of investigative information to a suspect or accused person is not permitted.

This type of activity will not be tolerated by the Service and any member identified as indulging in such behaviour will be dealt with according to law and Service disciplinary processes.

Depending on the nature of the incident these processes could include:

- conspiracy under the [Criminal Code 1899](#);
- charges under s. 10.1 of the [Police Service Administration Act 1990](#);
- breaches of s. 16 'Improper Access or Use of QPS Information' of the [Standard of Practice](#); and/or
- breaches of the Commissioner's directions issued under [s. 1.10 Right to information and privacy](#) of the Operational Procedures Manual.



Members are to ensure that all legislative requirements and Service instructions governing the release of information are complied with. Where a member suspects that improper access, use or disclosure of information has occurred they are to report the matter in accordance with established reporting procedures for suspected misconduct pursuant to s. 7.2 of the [Police Service Administration Act 1990](#).

### 3.11 Intellectual Property

All members are responsible for ensuring they are familiar with the QPS Intellectual Property policy located in [Chapter 11](#) of the Information Management Manual. This policy encompasses and adheres to all Queensland Government current information standards, policies and principles.

If you are unsure about the application of the guidelines contained in the IP policy or need further advice, contact the IP Coordinator.

### 3.12 Copyright

Members should refer to the following resources when dealing with copyright matters:

- [Information Management Manual Chapter 11](#)
- [QPS copyright guides](#)
- [Government use of copyright material – a decision making flow chart](#)
- [Information Standard 46 Use of third party copyright material](#)
- [Queensland Public Sector IP guidelines](#)
- [Queensland Public Sector IP principles](#)
- [IP and copyright web site](#)
- [Copyright Act 1968](#).

Contact the [IP Coordinator](#) for further information.

### 3.13 Obligations under EEO, and Anti-Discrimination Legislation

All members are subject to and have obligations under the Chapter 2 of the [Public Service Act 2008](#) and the [Anti-Discrimination Act 1991](#). Service policy, procedures and documentation have been developed to compliment the legislation and the principles contained in it.

Members need to be aware of the existence and contents of the following:

- the Commissioner's Policy Statement on Equal Employment Opportunity;
- the EEO Management Plan;
- [Equality of Employment Opportunity and Target Group](#) policies; and
- [Standard of Practice](#).

Members are to ensure that they comply with the provisions of the legislation, policies and procedures mentioned in this section.

### **3.14 Testimonials, Referee, Selection and Performance Reports**

With the introduction of the merit principle into the recruitment, selection, promotion and transfer systems of the Service, all members must be aware that those under their supervision will more than likely be involved in processes requiring testimonials, referee, selection or performance reports at some time in their careers.

Members need only refer to promotion and transfer policy to realise that supervisors and managers are listed as compulsory referees on applications. Not only are referees provided in applications, panel members are also required to check nominated referees for the purpose of ensuring the integrity of the process and applicants, and to verify any claims made by applicants during the selection process.

Members, when supplying information in these processes are not to:

- (i) make false or derogatory statements about members;
- (ii) supply statements that cannot be substantiated; and/or
- (iii) exaggerate or diminish the substance or relevance of a member's competence, qualifications or experience.

It is essential that members involved in these processes are aware of and comply with relevant obligations outlined in the [Standard of Practice](#) and in particular their obligations under the "Integrity" principle.

Members should also refer to and be aware of their obligations under the [Equality of Employment Opportunity and Target Group](#) policies and the [Promotion and Transfer](#) policies concerning "accountability of members".

### **3.15 External Character and Work Performance References**

It is not uncommon for requests (generated from sources external to the Service) to be made of members for the supply of character or work performance references. These references may relate to current or previous members of the Service or persons external to the Service. Members are not to use official police records (e.g. criminal or personnel) when providing such references to external sources.

Members are permitted to provide character and work performance references at their discretion, subject to the following constraints:

- (i) character and work performance references are not to be written or typed using Service letterhead (other than for official Service or Government purposes or where authorised by an Executive Officer who holds a position at the rank/classification of Assistant Commissioner/Executive Director or above);
- (ii) where a character or work performance reference is given verbally or in writing, it is to be in a manner which does not give the impression that the comments are of an official nature or are provided on behalf of the Service itself unless the



reference is for official Service or Government purposes or where authorised under the provisions of item (i) above;

- (iii) where 'character evidence' is required in any prosecution proceeding an appropriate official report containing relevant particulars of the subject person is to be completed and forwarded to the Crown Prosecutor or police prosecuting officer for the use and information of the court.

**NOTE:** Where it is considered that 'character evidence' can be categorised as a 'letter of support on behalf of a defendant in a criminal proceeding' members are to refer to and comply with the provisions of s. 10.6 "Letters of Comfort" of the [Human Source Management Policy](#); and

- (iv) where any character or work performance reference, or its issue, is in breach of the [Police Service Administration Act 1990](#), the [Public Service Act 2008](#), the [Standard of Practice](#) or other Service policy, it is not to be given.

#### **4. References**

This policy is to be read in conjunction with the documents referred to within this policy as well as those listed below:

- the Queensland Police Service Code of Conduct for Executive Officers;
- the [Code of Conduct for the Queensland Public Service](#).