

Definitions

The Act means the *Housing Act*.

CEO means the Chief Executive Officer of the Department of Housing and Community Development.

Deputy Chief Executive Officer means the person holding or acting in this position in the Department of Housing and Community Development.

DHCD means the Department of Housing and Community Development.

Coordinator means the Coordinator, Public Housing Safety, North and Central.

Manager means the Manager, Housing and Community Safety.

Appointed Public Housing Safety Officer means a Public Housing Safety Officer appointed under section 28Q of the Act.

Identity Card means a card issued under section 28R of the Act to an appointed Public Housing Safety Officer.

Identity Number means the number inscribed on a Public Housing Safety Officer identity card issued under section 28R of the Act.

The Code means this Public Housing Safety Officers Code of Conduct.

Background

Under section 28V of the Act, the CEO may make a Code of Conduct:

1. to establish standards of behaviour applicable to each appointed Public Housing Safety Officer; or
2. for other purposes related to the administration of the Act.

The CEO must ensure the Code of Conduct that is in force at any point in time, is available on the department's website.

Section 28V(3) states that:

If an appointed PHSO contravenes the Code of Conduct the matter may be dealt with as a breach of discipline under the *Public Sector Employment and Management Act*.

1. PHSO Responsibilities

- 1.1 An appointed PHSO has the following responsibilities in relation to the Code:
- (a) An appointed PHSO must be familiar with the requirements of the Code;
 - (b) If an appointed PHSO has any doubt about the meaning or application of the Code, the PHSO must consult their Coordinator or Manager for guidance as soon as reasonably practicable;
 - (c) An appointed PHSO must acknowledge in writing that they have received a copy of the Code, have read it, and understand their obligations under the Code;
 - (d) An appointed PHSO must provide a signed copy of the documents referred to in (c) for filing by Human Resources onto their personnel file; and
 - (e) An appointed PHSO must use the Code as an ongoing reference, and keep up to date with any amendments to the Code.

2. Professional Competency and Development

- 2.1 The Department of Housing and Community Development is responsible for identifying and providing relevant training, and identifying and providing programs to address future development needs of appointed PHSOs.
- 2.2 Appointed PHSOs are responsible for maintaining their professional competency and development.
- 2.3 It is recognised that honest mistakes do happen. However, an appointed PHSO must not act outside their level of competency and authority.
- 2.4 If practicable, appointed PHSOs have a duty to consult their Coordinator or Manager if they are in doubt about how they should exercise their powers or fulfil their duties, or if they believe they require further training or guidance.
- 2.5 It is the responsibility of all appointed PHSOs to ensure that they advise their Coordinator or Manager of significant matters that come to their notice in the course of their duties.
- 2.6 It is the responsibility of the Coordinator to ensure that at all times they are aware of the capacities of all appointed PHSOs and are able to provide guidance and advice where appropriate.

3. Appointed PHSO Obligations

- 3.1 An appointed PHSO must inform the CEO immediately:
- (f) of any criminal charge laid against them and any convictions they receive regardless of whether the offence relates directly to their duties;
 - (g) of any suspension or cancellation of their driver's licence regardless of the time period or reason for the suspension or cancellation;
 - (h) if they become subject to a Domestic Violence Order;
 - (i) if they give an undertaking to the Local Court;
 - (j) if they have an Order to keep the peace; and
 - (k) if they apply for bankruptcy or become bankrupt.

- 3.2 An appointed PHSO is to comply with this Code, the principles of the Code of Conduct established under the *Public Sector Employment and Management Act*, departmental policy, Standard Operating Procedures for appointed PHSOs, and other written directions approved by the Chief Executive Officer or the Deputy Chief Executive Officer, for the management and delivery of PHSO duties and services.

4. Personal Conduct

- 4.1 An appointed PHSO must be receptive and responsive to lawful orders and instructions given by the CEO, or any person lawfully entitled to give such order or instruction.
- 4.2 An appointed PHSO will carry out any lawful order or instruction promptly and to the best of their ability.
- 4.3 At all times, appointed PHSOs must not:
- (a) act in a manner which will adversely reflect on the department, or on themselves as employees of the department;
 - (b) use any illegal drugs or abuse the use of prescription drugs;
 - (c) report to work, remain at work, undertake any work-related duties, or attend any PHSO workplace, either on or off duty, if they are affected by alcohol or drugs (including prescription drugs);
 - (d) drink alcohol on duty;
 - (e) use language that is crude, inappropriate, obscene or offensive;
 - (f) smoke in buildings, premises, or vehicles owned or occupied by the Northern Territory Government, including DHCD property; and
 - (g) smoke in public places while wearing uniform.

5. Conflict of interest

An appointed PHSO must, whenever practicable, avoid becoming involved in matters involving themselves, their friends, their relatives or in which they have a direct personal interest, unless immediate action is required and the PHSO concerned is on duty. Such cases should be referred to the Coordinator for appropriate action.

6. Performance of Official Appointed PHSO Duties

- 6.1 Appointed PHSOs are a unique group of Northern Territory Government employees. They are authorised to carry out a range of actions that without express authority, would be unlawful.
- 6.2 An appointed PHSO must not act beyond the power the law gives them.
- 6.3 In the performance of their powers and exercising their official duties, appointed PHSOs must:
- (a) wear the uniform approved by the CEO;
 - (b) be honest, impartial and consistent;
 - (c) never act arbitrarily or with malice;
 - (d) use discretion in determining any action, and consider all circumstances when applying that discretion

- (e) consult their Coordinator or Manager if they have any doubts about the exercise of discretion¹;
- (f) demonstrate high standards of professional integrity at all times;
- (g) perform any duties associated with their position diligently and to the best of their ability, in a manner that will bear the closest public scrutiny and meets all legislative and Northern Territory Government standards;
- (h) only give directions that are lawful and reasonable in the circumstances;
- (i) act with fairness and compassion;
- (j) provide conscientious, effective, efficient and courteous service to all those with whom they have official dealings. In particular, PHSOs are to be sensitive to the special circumstances and needs surrounding victims of crime;
- (k) perform their duties impartially and in the best interests of the community of the Northern Territory, without fear or favour;
- (l) act in good faith at all times;
- (m) be accurate and honest in all communications, both, written and verbal;
- (n) clearly display their PHSO Identity Card at all times when on duty;
- (o) provide their full name and PHSO Identity Number when asked by a member of the public;
- (p) record a complaint made by a member of the public, about the conduct of an appointed PHSO, even if the complaint is against the PHSO themselves;
- (q) ensure that a complaint about the conduct of an appointed PHSO is documented and reported to the Manager as soon as is practicable; and
- (r) treat all complaints with the strictest confidence. Disclosure of any information about a complaint should only be after consultation with the Manager.

6.4 In the course of their duties, and when exercising discretionary powers in particular, an appointed PHSO must;

- (a) treat all people with respect, dignity and in a reasonable, equitable and fair manner; and
- (b) ensure they do not intimidate, or engage in sexual or other forms of harassment, including discriminating against, or abusing any person.

6.5 The Coordinators are to ensure that appointed PHSOs' use discretion when issuing notices or infringements. Where necessary, the Coordinator will intervene and examine such notices and infringements for unreasonable, or unjustifiable direction, seizure, or prosecution.

¹ The use of discretion is an exercise of judgement for which the PHSO may be required to account. It must be seen to be even-handed, equitable and fair, and defensible when, and if, the PHSO is called to account.

7. Breaches of the Code

- 7.1 Appointed PHSOs must not breach the Code and are not to induce or encourage other appointed PHSOs to breach the Code.
- 7.2 An appointed PHSO must report any suspected or actual breach of the Code, or any suspected or actual improper conduct, to their Coordinator. The Coordinator will immediately advise any alleged breaches of the Code to their Manager.
- 7.3 The CEO will investigate all complaints regarding an appointed PHSO, regardless of whether or not criminal charges have been laid, in order to determine if a breach of the Code, or a breach of discipline has occurred.
- 7.4 Where the CEO believes, on reasonable grounds, that an appointed PHSO may have committed a breach of the Code, the CEO may:
 - (a) suspend the person from appointment as a PHSO until the breach of the Code has been dealt with, or suspend the PHSOs power under the Act until the charge has been dealt with; or
 - (b) revoke the appointment of a PHSO, or disqualify the person from exercising powers as an appointed PHSO.
- 7.5 The CEO will provide the appointed PHSO with the grounds for the suspension or revocation of appointment in writing and, in the instance of suspension, the likely duration of the suspension.
- 7.6 Where the CEO has revoked a PHSO's appointment, the PHSO may make a submission to the CEO asking for a review of that decision. Such a submission should be provided to the CEO, in writing, within 14 days of the revocation of the PHSOs appointment. After considering the submission, the CEO must, as soon as is practicable, affirm, vary or revoke the decision.
- 7.7 The CEO will ensure that all substantiated complaints, or criminal charges or convictions, against an appointed PHSO, including the PHSOs response are recorded by Human Resources on the PHSO's personnel file.

Some examples of a breach of the Code:

- *An appointed PHSOs actions demonstrate a deliberate or reckless disregard of PHSO Standard Operating Procedures;*
- *An appointed PHSO deliberately hides or conceals his or her PHSO Identity Card from public view; or*
- *An appointed PHSO uses unreasonable force in the exercise of their duties.*

The CEO has discretion at all times to revoke the appointment of an appointed PHSO for any reason (for example, the CEO may determine that the appointed PHSO is no longer required to perform the role for reasons of Departmental efficiency or restructure). Revocation of an appointed PHSOs powers in these circumstances does not affect any employment agreement the appointed PHSO may have with the Northern Territory Government.