Code of Conduct

for the Victorian public sector
Acknowledgment

The Victorian Commissioner for Public Employment acknowledges the comments of interested parties, and the use of public sector codes of conduct operative in other Australian States and the Commonwealth in developing this Code.
Foreword

The Code of Conduct is a public statement of how we conduct our business and how we treat our clients and colleagues. It supports the objectives of the Public Sector Management and Employment Act 1998 by providing guidance as to the general standards of work performance and ethical conduct expected of all Victorian public sector employees. The objectives of that Act are to:

• promote among public sector employees a spirit of service to the community;

• emphasise the principles of merit, responsible management, management competence and efficiency within the Victorian public sector; and

• maintain appropriate standards of integrity and conduct of employees in the Victorian public sector.

Public sector organisations may expand on this Code by developing standards of conduct relevant to their own special circumstances.
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Principles

Impartiality
Treat all people fairly. Base actions, decisions and advice on a consideration of all relevant facts, and implement Government policy and programs equitably.

Integrity
Maintain public trust by acting in the public interest and reporting any unethical behaviour at work.

Accountability
Achieve results through the best use of the employer’s financial, physical and human resources.

Responsive service
Provide a relevant and timely service to clients. Provide information to which a person is entitled, promptly and in an easily understood form. Make sure it is accurate, current and complete.
Introduction

Why have a code?

1 This Code of Conduct outlines the standard of behaviour expected of public sector employees. It is designed to help you understand your responsibilities and obligations, and provide guidance if you are faced with an ethical dilemma or conflict of interest in your work. The Code is issued by the Commissioner for Public Employment under Section 37(1)(a) of the Public Sector Management and Employment Act 1998. It applies to all Victorian public sector employees; that is, all employees of the public service and any public body covered by the Financial Management Act 1994.

2 Familiarise yourself with this Code and observe its provisions. Employees who breach the standards of conduct detailed in this Code may face disciplinary action.

3 A code of conduct cannot cover every situation. If you are unsure of the appropriate action to take in a particular situation, discuss the matter with your colleagues, supervisor or other senior officer. You should also ask for a copy of any related guidelines your department may have issued on the matter.

Personal and professional behaviour

How should I serve Government?

4 You have a principal responsibility to implement and administer the policies and programs of the Government of the day. You may hold views on particular matters that differ from those of the elected Government, but such views must not interfere with the performance of your duties. Provide a responsive service to the elected Government regardless of which political party or parties are in office. Act in the best interests of the Victorian public sector rather than for the benefit of sectional interests.

How should I serve the public?

5 Treat all people with whom you have contact in the course of your work fairly, and with courtesy and sensitivity. Act with propriety and be able to demonstrate this in relation to any advice or service you give. You must be able to justify any decisions you make.

6 Strive to attain value for public money, and avoid waste and extravagance in the use of public resources. If possible, identify improvements to administrative systems and procedures to achieve optimal effectiveness, efficiency and responsiveness.

How should I treat colleagues?

7 Respect, and seek when necessary, the professional opinions of colleagues in their area of competence, and acknowledge their contribution.

8 Treat your staff fairly, involve them in decisions that affect them and provide equal opportunity to develop their skills.
What is expected of me?
9 Perform your duties diligently, impartially and responsively, to the best of your ability. Only be absent from work with permission.

10 Observe relevant occupational health and safety requirements, and act to remove or bring to the attention of your supervisor any situation which is, or may be, a health or safety hazard.

11 Your activities outside working hours must not diminish public confidence in the Victorian public sector or your ability to perform your duties.

Who is protected against discrimination?
12 You must not harass anyone or discriminate on the grounds of sex, sexual preference, age, marital status, pregnancy, the state of being a parent, childless or a de facto spouse, race, colour and national extraction, lawful religious or political belief or activity, and impairment. The principles of Victorian and Commonwealth Equal Employment Opportunity and anti-discrimination legislation are fully supported.

Can I consume alcohol or use drugs while at work?
13 No. The consumption of alcohol or improper use of drugs or other substances must not adversely affect your work performance or official conduct.

What should I do if I am charged with a criminal offence?
14 Any criminal offence of which you have been found guilty either prior to commencing, or during your public employment, except where the offence is covered by a prescribed spent convictions scheme, must be reported to your chief executive officer. If you are charged with any criminal offence punishable by imprisonment during your public employment, immediately advise your chief executive officer.

How should I handle official resources?
15 Use organisational facilities and other physical resources for their proper purpose, and maintain them properly.

16 Your employer retains the copyright of work produced by you during your employment. You retain the copyright of the work only if approved by your employer, or if you can demonstrate that you did not use your employer’s time, name, information or resources in producing the work.

Use and release of information

Can I make a public comment?
17 Public comment includes public speaking engagements, comments on radio and television and expressing views in letters to the newspapers or in books, journals or notices where it might be expected that the publication or circulation of the comment will spread to the community at large.
18 As a member of the community, you have the right to make public comment and enter into public debate on political and social issues. However, Section 95(1) of the *Victorian Constitution Act 1975* prevents you from making public comment on the administration of any State department. There are additional circumstances in which public comment is inappropriate, unless specifically authorised by your chief executive officer. These include circumstances where:

- the implication that the public comment, although made in a private capacity, is in some way an official comment on Government policy or programs; and
- you are directly involved in advising or directing the implementation or administration of Government policy, and the public comment would compromise your ability to do so.

**How should I handle official information?**

19 You must not use or communicate official information for other than official purposes without the permission of your chief executive officer (except where such information has already been made available officially to the public). This includes leaking information to the media. You must not take improper advantage of any information gained in the course of your employment. You may disclose official information that is normally given to members of the public seeking that information. If releasing information under the *Victorian Freedom of Information Act 1982*, you are protected against legal action under Section 62 and 63 of that Act.

20 Only disclose other official information or documents acquired in the course of your public employment when required to do so by law, in the course of duty, when called to give evidence in court, or when proper authority has been given. In such cases your comments should be confined to factual information and should not express opinion on official policy or practice.

21 Act and advise with honesty and integrity in all aspects of your official duties. If you believe an aspect of government policy or administration may have unforeseen consequences or otherwise requires review, then bring it to the attention of your supervisor.

**How should I report unethical behaviour?**

22 Report any unethical behaviour or wrongdoing by any other employee to an appropriate senior officer. This may include behaviour that you believe violates any law, rule or regulation, or represents gross mismanagement, or is a danger to public health or safety. Such reporting is sometimes called 'whistleblowing'.

23 Comply promptly with all lawful directions you are given. If you have grounds for complaint arising out of such directions, whether ethical or otherwise, you should discuss and attempt to resolve the matter with your supervisor. If you are still dissatisfied, you may lodge a personal
grievance to have the matter resolved. You must continue to carry out any lawful directions that you may be given until the matter is resolved.

24 You will be protected against discrimination for reporting unethical behaviour or wrongdoing providing your claim is reasonable and you have reported the matter to an appropriate person. This may be your chief executive officer, supervisor, or a senior officer given responsibility for receiving or investigating such disclosures.

How should I give information and evidence to Victorian Parliamentary Committees?

25 Information sought by Parliamentary Committees should be provided unless the relevant Minister certifies that disclosure would be prejudicial to the public interest. Official Witnesses should be cooperative and frank when giving factual information. On matters of Government business, you may appear before Parliamentary Committees as a representative of a Minister. You are not therefore expected to answer questions:
• seeking your personal views on Government policy;
• seeking details of matters considered in relation to a Ministerial or Government decision or possible decision, unless those details have already been made public or the giving of evidence on them has been approved; and
• which would require a personal judgement on the policies or policy options of the Victorian or other governments.

26 If you are directed to answer a question falling within the coverage of the categories listed above, seek a deferral until you can discuss the matter with the Minister or chief executive officer as appropriate. Alternatively, you can request that the answer to the particular question be reserved for submission in writing.

How should I treat private information?

27 You may have access to personal information relating to other employees or members of the public. This information will have been provided to your agency on the understanding it will only be used for a specific purpose and will remain confidential.

28 You must store this information securely, and not disclose it to any person except in the course of your official duties.

What happens if I attend court?

29 If attending in an official capacity, under a subpoena or order, to give evidence or to produce papers in any court, you are required to pay any fees you receive to the Consolidated Fund, or in the case of an outer budget sector agency, to that agency. Provide an account and vouchers of all the necessary expenses, if any, incurred in the performance of such duty to your manager.

30 You may be summoned, subpoenaed or called as a witness or juror at a court of law or any legally constituted inquiry. Immediately advise your
Can I participate in seminars and related activities?

31 Obtain the prior approval of your Minister before addressing or chairing seminars organised by professional conference organisers.

32 Pay any fee received for any seminar participation in your professional capacity to the Consolidated Fund, or in the case of the outer budget sector, to your agency, unless you are specifically exempted in writing from this requirement by your chief executive officer.

Can I keep fees for the performance of official duties?

33 You may receive a fee for performing a function as part of your official duties, such as any function under the Marriage Act 1961 of the Commonwealth. Pay the fee into the Consolidated Fund, or if employed with an outer budget sector agency, to that agency.

Conflict of interest

How can I avoid a conflict of interest?

34 Conflict of interest with official duties may arise for various reasons and, as an individual, you may have private interests that from time to time conflict with your public duties. However, there is a reasonable public expectation that where such conflict occurs it will be resolved in favour of the public interest rather than your own. A declaration of private interests is required of chief executive officers, their immediate deputies and heads of divisions, full-time Governor in Council appointees, Ministerial advisers, any employee holding a financial delegation in excess of $20,000, and any other employee occupying a position assessed by the chief executive officer as warranting a declaration on the basis of potential conflict of interest.

35 Disclose potential conflicts of interest to management when dealing in the course of official duties with relatives, close friends or business acquaintances.

36 You should neither buy nor sell shares in a client company at a time when you possess information that could, if publicly disclosed, affect the value of such shares. If you are involved in the privatisation of government functions, observe any constraints on share buying imposed by Government at the time.

37 It is not possible to define all potential areas of conflict of interest and if you are in doubt as to whether a conflict exists, raise this with the appropriate manager. In some circumstances, the appearance of a conflict of interest could itself jeopardise your public integrity. You are required to declare to the management of your organisation, or the chief executive officer or Minister in the case of senior officers, any conflict.
of interest that arises or is likely to arise. You should stand down in any decision making process where you may be compromised.

Can I accept gifts and favours?

38 You should not seek or accept favours or gifts for services performed in connection with your official duties. Included in this category are gifts in kind, such as free accommodation or travel or entertainment vouchers whether for you or members of your family. The general principle to be followed is that you should not seek or accept favours or gifts from anyone who could benefit by influencing you.

39 Immediately report to your chief executive officer any circumstances where an offer of a benefit or gift is made, regardless of whether it is accepted or not, if you feel that such circumstances involve an attempt to induce favoured treatment.

40 Where a gift is given without your prior knowledge or consent or where a gift is given as a token of goodwill to the State, inform your chief executive officer as soon as possible. Gifts of more than token value should in all cases remain the property of the State.

41 Organisations vary in their policies on accepting gifts and benefits depending on the nature of their business. It is expected, however, that token gifts in the nature of souvenirs, mementos or symbolic items of low material value may be accepted in circumstances approved by your chief executive officer.

How can I prevent patronage or favouritism?

42 You must not use your position to obtain a private benefit for someone else. Your decisions must not be improperly influenced by family or other personal relationships.

Financial probity and accountability

How should I handle financial matters?

43 Ensure that in financial matters, including the handling of monies, there is full accountability in relation to any advice or transaction in which you may be involved. If you have financial responsibilities, observe the relevant legislative and regulatory requirements.

Outside employment

Can I also work outside the public sector?

44 You should not engage in outside employment or in the conduct of a business, trade or profession without written authority from your chief executive officer. Consideration of requests to engage in outside employment would be concerned to establish whether the outside employment would interfere with the proper performance of official duties and whether it would give rise to a conflict of interest.
Employment after leaving the public sector
What should I do once I leave the public sector?

45 Once you have left the Victorian public sector for other employment you should not use confidential information obtained during your employment to advantage your prospective employer or disadvantage the Victorian Government in commercial or other relationships with your prospective employer.