



# Ethical Foundations

## Commissioner's Instruction 40

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### Statement of intent

The public sector is built on a strong foundation of integrity where employees act ethically and public sector bodies promote and maintain integrity.

### Scope and application

This instruction applies to all public sector bodies and employees as defined by section 3 of the *Public Sector Management Act 1994* (PSM Act). This includes departments, Senior Executive Service (SES) and non-SES organisations, ministerial offices, board members, chief executive officers, chief employees and ministerial staff.

This instruction repeals and replaces Commissioner's Instruction 7: Code of Ethics and Commissioner's Instruction 8: Codes of Conduct and Integrity Training under section 21(2) of the PSM Act. It also repeals Administrative Instruction 102: Official Communications, Administrative Instruction 711: Official Information and Administrative Instruction 728: Media and Public Communications under clause 5, Schedule 5 of the PSM Act.

### Instruction

1. Public sector bodies and employees must comply with the Public Sector Code of Ethics.
2. Each public sector body must:
  - a. develop and implement a code of conduct that:
    - i. is consistent with and builds on the Code of Ethics
    - ii. reflects its legislative and operating conditions and risk profile
    - iii. sets out minimum standards of conduct and integrity to be complied with
  - b. promote its code of conduct
  - c. take appropriate action when there is non-compliance with its code of conduct.



3. A code of conduct must:
  - a. specify who it applies to
  - b. refer to relevant policies and procedures to be complied with
  - c. explain that action may be taken if non-compliance with the code is suspected and provide examples of possible action
  - d. include how suspected non-compliance with the code can be reported through internal pathways and to external bodies such as the Corruption and Crime Commission and Public Sector Commission.
4. Each public sector body must:
  - a. provide formal and planned integrity training on its code of conduct and require each employee and board member to complete it
  - b. provide formal and planned refresher integrity training on its code of conduct and require each employee and board member to complete it no less than every 3 years
  - c. keep appropriate records of how many current employees and board members complete integrity training and the year they complete it
  - d. provide information in relation to clause 4 through the Public Sector Commission's annual collection program or on request.
5. Each public sector body must have an integrity framework in place that describes:
  - a. clear expectations of employees/board members in relation to integrity
  - b. roles and responsibilities under the framework
  - c. management of integrity based on identified risks
  - d. development of integrity knowledge, skills and competencies of employees and board members
  - e. reinforcement of a culture built on integrity
  - f. review and updating of the framework
  - g. assurance to the head of the public sector body that the framework is working as intended.
6. Each public sector body must use the Public Sector Commission's Integrity Framework Maturity Self Assessment Tool to:
  - a. conduct an initial assessment of the maturity of its approach to integrity
  - b. reassess its approach no less than every 3 years.
7. A public sector body may have the requirements under clauses 2, 4, 5, and 6 met by another public sector body under a documented arrangement.



## Public Sector Code of Ethics

We demonstrate the highest standard of workplace behaviour and personal integrity. We do this by complying with the:

- principles of conduct in section 9 of the *Public Sector Management Act 1994*
- minimum standards of conduct and integrity below which put these principles into practice.

### **Principles of conduct: Section 9 *Public Sector Management Act 1994***

We:

- comply with legislation, Commissioner's instructions, public sector standards and any applicable codes governing our conduct
- act with integrity
- use official information, equipment and facilities scrupulously
- deal with people courteously, considerately and sensitively.

### **Minimum standards of conduct and integrity**

#### **Standard 1: Integrity**

We:

- act honestly and uphold the trust placed in us by the community
- use our position and authority for the purpose intended
- provide objective and timely advice to the government of the day
- ensure our behaviour upholds the good reputation of our public sector body and the public sector.

#### **Standard 2: Impartiality**

We:

- make considered and unbiased decisions based on merit
- place the public interest over our personal interest
- declare and manage conflicts of interest
- implement government priorities, policies and decisions impartially.



### **Standard 3: Respect for others**

We:

- communicate with and treat people with respect
- treat people fairly, having regard for their diverse backgrounds
- work together constructively, inclusively and professionally.

### **Standard 4: Trust and accountability**

We:

- take accountability for our time, decisions, actions and behaviours
- are responsive and provide considered advice and information to our clients, customers and stakeholders
- make decisions that ensure the best use of resources for now and the future
- access, use and disclose information only where we are authorised to do so
- record our decisions for transparency allowing for review and scrutiny.