

VICTORIAN CODE OF CONDUCT

The Victorian Government has **vested the Victorian Public Sector Commission** with functions designed to enhance the performance of the public sector – fostering the development of an efficient, integrated and responsive public sector which is highly ethical, **accountable and professional in the ways it delivers services to the Victorian community**.

The **key functions of the Commission** are to:

- > strengthen the efficiency, effectiveness and capability of the public sector in order to meet existing and emerging needs and **deliver high quality services**; and
- > maintain and **advocate for public sector professionalism and integrity**.

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The 2015 Code of Conduct applies to and is binding on all public sector employees

The values and this Code build on our public sector's long tradition of striving to meet the high standards the community rightly expects of it and provide the foundation of the integrity and accountability framework for all public sector employees.

key attributes are its apolitical nature, responsiveness, effectiveness and accountability; and it is precisely these things that the public sector values and this Code seek to reinforce and protect.

Integrity – public officials should demonstrate integrity by:

1. (i) being honest, open and transparent in their dealings; and
2. (ii) using powers responsibly; and
3. (iii) reporting improper conduct; and
4. (iv) avoiding any real or apparent conflicts of interest; and
5. (v) striving to earn and sustain public trust of a high level.

Impartiality – public officials should demonstrate impartiality by:

6. (i) making decisions and providing advice on merit and **without bias**, caprice, **favouritism** or self-interest; and
7. (ii) acting fairly **by objectively considering all relevant facts and fair criteria**; and
8. (iii) implementing Government policies and programs equitably.

Accountability – public officials should demonstrate accountability by:

1. (i) working to clear objectives in a transparent manner; and
2. (ii) **accepting responsibility** for their decisions and actions; and
3. (iii) seeking to achieve best use of resources; and
4. (iv) **submitting themselves to appropriate scrutiny**.

Respect – public officials should demonstrate respect for colleagues, other public officials and members of the Victorian community by:

5. (i) treating them fairly and **objectively**; and
6. (ii) ensuring freedom from discrimination, **harassment and bullying**; and
7. (iii) using their views to **improve outcomes** on an ongoing basis.

Leadership – public officials should demonstrate leadership by actively implementing, promoting and supporting these values.

Human Rights – public officials should respect and promote the human rights set out in the *Charter of Human Rights and Responsibilities* by:

8. (i) making decisions and providing advice consistent with human rights; and
9. (ii) actively implementing, promoting and supporting human rights.

From the Act,

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 - SECT 10

Protection from torture and cruel, inhuman or degrading treatment

A person must not be—

- (a) subjected to torture; or
- (b) treated or punished in a cruel, inhuman or degrading way

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 - SECT 13

Privacy and reputation

A person has the right—

- (a) not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
- (b) **not to have his or her reputation unlawfully attacked.**

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 - SECT 21

Right to liberty and security of person

- (1) Every person has the right to liberty and security.
- (2) **A person must not be subjected to arbitrary arrest or detention.**
- (3) A person must not be deprived of his or her liberty except on grounds, and in accordance with procedures, established by law.

CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006 - SECT 38

Conduct of public authorities

- (1) Subject to this section, **it is unlawful for a public authority to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.**

1.1 A Binding Code of Conduct

This Code of Conduct prescribes the behaviour expected of public sector employees.

Public sector employees **are required to familiarise themselves and act in accord with the Code of Conduct.** The Code of Conduct **is binding** on those employees to whom it applies and a contravention of it may constitute misconduct.

The heads of individual public sector bodies are to develop and implement policies and procedures tailored to their own operating environment, to support the application of the Code. Public sector employees are required to comply with these policies and procedures.

Failure to behave in the ways described in the Code of Conduct may lead to action under relevant performance management or misconduct processes. These processes need to be consistent with the public sector employment principles (*Public Administration Act 2004*, s. 8), standards issued by the Victorian Public Sector Commission and any relevant industrial instruments; and communicated to all employees.

Responsiveness – public officials should demonstrate responsiveness by:

1. (i) providing frank, **impartial and timely advice** to the Government; and
2. (ii) providing high quality services to the Victorian community; and
3. (iii) identifying and promoting best practice.

(*Public Administration Act 2004*, s. 7)

2.1 Advising Government

Public sector employees serve the Government of the day and provide the same high standard of advice regardless of the party in power. Advice is provided in a frank, impartial and timely manner, and with an understanding of its implications on the broader policy direction of the Government. **Public sector employees do not withhold relevant information from the Government.**

2.3 Services to the Community

Public sector employees provide services to the community in an **equitable**, prompt and professional manner. They act within the level of their authority and **in accordance with the relevant policies.**

3.1 Honesty at Work

Public sector employees **act honestly in the performance of their duties.** They are open and transparent when making decisions. They give honest advice based on available facts and data. **They ensure their advice is up to date.**

3.2 Using Powers at Work

Public sector employees use their power in a responsible way. They do not use their power to provide a private benefit to themselves, their family, friends or associates. They exercise power in a way that is fair and reasonable, **and family or other personal relationships do not improperly influence their decisions.** **They respect the rights and dignity of those affected by their decisions and actions.**

3.4 Official Information

Public sector employees with access to official information **ensure it is only used for official purposes and in**

an **approved** manner. Official and personal information is handled according to relevant legislation and public sector body policies and procedures.

3.5 Public Comment

Public sector employees only make public comment **when specifically authorised to do so** in relation to their duties, a public sector body, or government policies and programs. **Such comment is restricted to factual information and avoids the expression of personal opinion.** Public comment includes speaking engagements and providing information or **comment through any media, including social media.**

When making a comment in a private capacity, public sector employees ensure their comments are not related to any government activity that they are involved in or connected with as a public sector employee and make it clear they are expressing their own view. They ensure personal comments do not compromise their capacity to perform their public sector role in an unbiased manner, and that their comments are not seen or perceived to be an official comment.

4.1 Decisions and Advice

Public sector employees make decisions and provide advice that is free of prejudice or favouritism and is based on sound judgement. Before making a decision or providing advice, public sector employees consider relevant information and the impact on the Government, community and other public sector employees. **Their decisions are not affected by personal influences.**

4.3 Acting Fairly

Public sector employees deal with issues consistently, fairly and in a timely manner. Public sector employees use fair criteria, and consider all relevant information in dealing with issues.

Being fair means being just and working within commonly accepted rules.

7.1 Leading by Example

Public sector employees model the behaviours based on the public sector values **and at all times act in an ethical manner.** **Leadership is about positive influence, inspiring and empowering others.**

Providing sound advice, delivering high quality services and encouraging best practice **demonstrates responsiveness.**

Being honest, using powers correctly, identifying and dealing with inappropriate conduct, avoiding conflicts of interest and developing and maintaining public trust **demonstrates integrity.**

Making decisions that are free of bias, considering all relevant facts and ensuring policies and programs are implemented fairly **demonstrates impartiality.**

Being transparent, responsible, using resources efficiently **and inviting scrutiny demonstrates accountability.**

Treating others fairly, **eliminating** discrimination, **harassment and bullying,** and focusing on improving outcomes **demonstrates respect.**