



**Australian Government**

# CODE OF CONDUCT FOR MINISTERS



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## Foreword

Australians deserve good government.

The Albanese Government is committed to integrity, honesty and accountability and Ministers in my Government (including Assistant Ministers) will observe standards of probity, governance and behaviour worthy of the Australian people.

Ministers hold high public office and are entrusted with considerable privilege and power. The people of Australia are entitled to expect that, in the discharge of our duties, we will act in a manner that is consistent with the highest ethical standards.

The convention of collective responsibility which applies to the Federal Cabinet ensures that the Government is collectively accountable and responsible to the Parliament and to the people of Australia. This means that Ministers are responsible, both personally and as a group, for the way in which we carry out our official duties.

In 2007, the Labor Government introduced the *Standards of Ministerial Ethics*, requiring Ministers to conduct themselves to a higher standard of conduct than had been the case in the past.

In 2022, the Albanese Government also commits to higher standards, including to ensure ministerial-led workplaces embody the practices and behaviours required to maintain a safe and respectful work environment for all.

Everyone has the right to a safe and respectful workplace. Inappropriate behaviour in the workplace will not be tolerated.

This Code is underpinned by key principles that Ministers must act with due regard for integrity, fairness, accountability, responsibility and the public interest.

As Prime Minister, I expect my Ministers to demonstrate that they are complying with these high standards of conduct, and in doing so, living up to the expectations of the Australian public.

Each Minister is personally responsible for ensuring they comply with, and uphold, this Code.



ANTHONY ALBANESE

## 1. Key Principles

- 1.1. The ethical standards required of Ministers in Australia's system of government reflect the fact that, as holders of public office, Ministers are entrusted with considerable privilege and wide discretionary power.
- 1.2. In recognition that public office is a public trust, the people of Australia are entitled to expect that, as a matter of principle, Ministers will act with due regard for integrity, fairness, accountability, responsibility, and the public interest, as required by this Code.
- 1.3. In particular, in carrying out their duties:
  - (i) Ministers must ensure that they act with **integrity** – that is, through the lawful and disinterested exercise of the statutory and other powers available to their office, appropriate use of the resources available to their office for public purposes, in a manner which is appropriate to the responsibilities of the Minister.
  - (ii) Ministers must observe **fairness** in making official decisions – that is, to act honestly and reasonably, with consultation as appropriate to the matter at issue, taking proper account of the merits of the matter, and giving due consideration to the rights and interests of the persons involved, and the interests of Australia.
  - (iii) Ministers must accept they are **accountable** for the exercise of the powers and functions of their office – that is, to ensure that their conduct, representations and decisions as Ministers, and the conduct, representations and decisions of those who act as their delegates or on their behalf – are open to public scrutiny and explanation.
  - (iv) Ministers must accept the full implications of the principle of ministerial **responsibility**. They will be required to answer for the consequences of their decisions and actions – that is, they must ensure that:
    - their conduct in office is, in fact and in appearance, in accordance with this Code;
    - they promote the observance of this Code by leadership and example in the public bodies for which they are responsible; and
    - their conduct in a private capacity upholds the laws of Australia, and demonstrates appropriately high standards of personal integrity.
  - (v) When taking decisions in, or in connection with, their official capacity, Ministers must act in the **public interest** – that is, based on their best judgment of what will advance the common good of the people of Australia.
- 1.4. Ministers are expected to undertake whatever actions may be considered by the Prime Minister to be reasonable in these circumstances to meet the general obligations set out above, including the specific requirements and procedures outlined in this Code.

## 2. Public Interest and Fairness

- 2.1. Ministers are expected to conduct all official business on the basis that they may be expected to demonstrate publicly that their actions and decisions in conducting public business were taken with the sole objective of advancing the public interest.
- 2.2. Ministers must be able to demonstrate that they have taken all reasonable steps to observe relevant standards of procedural fairness and good decision making applicable to decisions made by them in their official capacity.
- 2.3. In particular, Ministers are required to ensure that official decisions made by them as Ministers are unaffected by bias or irrelevant consideration, such as considerations of private advantage or disadvantage.
- 2.4. Ministers and their staff are provided with resources and facilities at public expense for the effective conduct of public business. Such resources are not to be subject to wasteful or extravagant use, and due economy is to be observed at all times. In particular, Ministers must be scrupulous in ensuring the legitimacy and accuracy of any claim for ministerial, parliamentary or travel expenses.
- 2.5. Ministers must comply with the relevant guidelines for the use of official residences - The Lodge and Kirribilli House. Ministers will not authorise or participate in any electoral fundraising activities at any official residence.
- 2.6. Additionally, Ministers are to regard the skills and abilities of public servants as a public resource, and are expected to ensure that public servants are deployed only for appropriate public purposes. The political and other personal interests of career public servants are to be disregarded unless such interests pose a conflict of interest or give rise to a breach of established conventions of public service neutrality.

## 3. Conflicts of Interest

- 3.1. Along with the privilege of serving as a Minister, there is some personal sacrifice in terms of the time and energy that must be devoted to official duties and some loss of privacy. Although their public lives encroach upon their private lives, it is critical that Ministers do not use public office for private purposes. In particular, Ministers must not use any information that they gain in the course of their official duties, including in the course of Cabinet discussions, for personal gain or the benefit of any other person.
- 3.2. Ministers are personally responsible for the management and declaration of their private interests, the identification and declaration of any current or potential conflicts of interest with their official duties, and for making arrangements to manage their interests in accordance with the requirements and procedures provided for in this Code. While Ministers may take advice on these matters, Ministers are not able to delegate their personal responsibilities for knowing the details of their private interests and how any conflict is managed.
- 3.3. Ministers must declare and register their personal interests, including but not limited to pecuniary interests, as required by the Parliament from time to time.

- 3.4. Ministers must also comply with any additional requirements for declarations of interests to the Prime Minister as may be determined by the Prime Minister, and notify the Prime Minister of any significant change in their private interests within twenty-eight days of its occurrence.

### *Directorships*

- 3.5. Except with the express approval of the Prime Minister, Ministers will resign or decline directorships of public or private companies and businesses on taking up office as a Minister.
- 3.6. Approval to retain a directorship of a private company or business will be granted only if the Prime Minister is satisfied, on the advice of the Secretary of the Department of the Prime Minister and Cabinet, that no conflict of interest is likely to arise.
- 3.7. If the Prime Minister has approved a Minister remaining as a director of a company and the enterprise subsequently begins to operate in an area potentially affected by decisions which are likely to be made by the Minister, it is the responsibility of the Minister concerned to declare any conflict of interests involved, and to resolve the matter immediately to the satisfaction of the Prime Minister on the advice of the Secretary of the Department of the Prime Minister and Cabinet.
- 3.8. Ministers will not provide advice or assistance to any enterprise otherwise than in a disinterested manner as may be required in their official capacity as a Minister. If a Minister has in the past had a personal association with a company or business and is required to make a decision that affects that enterprise alone or only a small number of enterprises of which that enterprise is one, the Minister should pass responsibility for the decision to either the senior Minister in the portfolio or a Minister nominated by the Prime Minister.
- 3.9. Ministers must bear in mind that their private interests can give rise to perceptions of conflicts of interest that might contaminate not just their own decisions but also the decisions of the Cabinet to which they are a party. Ministers must therefore ensure that they declare any private interests held by them or members of their families which give rise to, or are likely to give rise to, a conflict with their public duties.
- 3.10. Ministers must, in relation to the matters under discussion in Cabinet or a committee of the Cabinet, declare any private interests, pecuniary or non-pecuniary, held by them or members of their family of which they are aware, which give rise to, or are likely to give rise to, a conflict with their public duties. Further information about the management of conflicts of interest in the context of Cabinet discussions is contained in the Cabinet Handbook.

### *Shareholdings*

- 3.11. In recognition of the collective responsibility that Ministers bear in relation to Cabinet decisions, this Code requires that Ministers divest themselves of investments and other interests in any public or private company or business, other than public superannuation funds or publicly listed managed funds or trust arrangements where:
- (i) the investments are broadly diversified and the Minister has no influence over investment decisions of the fund or trust; and
  - (ii) the fund or trust does not invest to any significant extent in a business sector that could give rise to a conflict of interest with the Minister's public duty.

- 3.12. If a Minister becomes aware that a fund or trust has invested in a company that might give rise to a perception of a conflict of interest, the Minister should inform the Prime Minister immediately and liquidate the investment in the fund or trust if required to do so.
- 3.13. If a Minister is required by this Code to dispose of an interest of any kind, the transfer of the interest to a family member or to a nominee or private trust is not an acceptable form of divestment.

### *Family members*

- 3.14. Ministers must have regard to the pecuniary and other private interests of members of their family, to the extent known to them, as well as their own interests, in considering whether a conflict or apparent conflict between private interests and official duty arises.
- 3.15. Ministers should encourage family members to dispose of, or not to invest in, shares in companies which operate in their area of responsibility.
- 3.16. Where a Minister is aware of the nature of investments of family members from which they derive a beneficial interest and which might give rise to a perception of a conflict of interests, those interests should be structured so that the Minister exercises no control over the investment.

### *Gifts*

- 3.17. Ministers are required to exercise the functions of their public office unaffected by considerations of personal advantage or disadvantage.
- 3.18. Ministers, in their official capacity, may therefore accept customary official gifts, hospitality, tokens of appreciation, and similar formal gestures in accordance with the relevant guidelines, but must not seek or encourage any form of gift in their personal capacity.
- 3.19. Ministers must also comply with the requirements of the Parliament and the Prime Minister relating to the declaration of gifts.
- 3.20. The *Guidelines Relating to Official Gifts Received*, published on the website of the Department of the Prime Minister and Cabinet, set allowable limits for gifts. Ministers are expected to disclose to the Prime Minister the source and value of gifts or benefits received (including services provided at reduced or no cost) on different terms to that of the general public, in an official or personal capacity. Ministers must satisfy themselves that they have disclosed necessary details to enable an assessment of the potential for conflicts of interest, actual or perceived, with their ministerial responsibilities.
- 3.21. Ministers must not seek or accept any kind of benefit or other valuable consideration either for themselves or for others in connection with performing or not performing any element of their official duties as a Minister.
- 3.22. Ministers shall ensure that they do not come under any financial or other obligation to individuals or organisations to the extent that they may appear to be influenced improperly in the performance of their official duties as Minister.

### *Other employment*

- 3.23. Ministers are required to withdraw from any professional practice or the management of any business. They may not receive any income from business in any form, otherwise than as



provided for by this Code, or from personal exertion other than as a Minister and Member of Parliament. This does not preclude receipt of income such as royalties in respect of activities undertaken before assuming ministerial office, which should be declared in accordance with the requirements of the Parliament and the additional requirements of the Prime Minister.

- 3.24. A Minister shall not act as a consultant or adviser to any company, business, or other interests, whether paid or unpaid, or provide assistance to any such body, except as may be appropriate in their official capacity as Minister. (This requirement does not apply where a Minister has the Prime Minister's permission to continue an interest in a family business – see paragraphs 3.5 to 3.7.)

## 4. Responsibility

- 4.1. Ministers are expected to be honest in the conduct of public office and take all reasonable steps to ensure that they do not mislead the public or the Parliament. It is a Minister's personal responsibility to ensure that any error or misconception in relation to such a matter is corrected or clarified, as soon as practicable and in a manner appropriate to the issues and interests involved.
- 4.2. Ministers must not encourage or induce other public officials, including public servants, by their decisions, directions or conduct in office to breach the law, or to fail to comply with the relevant code of ethical conduct applicable to them in their official capacity.
- 4.3. Ministers are also expected to ensure that reasonable measures are put in place in the areas of their responsibility to discourage or prevent corrupt conduct by officials.

## 5. Accountability

- 5.1. Ministers are required to provide an honest and comprehensive account of their exercise of public office, and of the activities of the agencies within their portfolios, in response to any reasonable and bona fide enquiry by a member of the Parliament or a Parliamentary Committee.
- 5.2. Ministers must ensure that their staff are aware of and comply with the Ministerial Staff Code of Conduct.

## 6. Safe and Respectful Workplaces

- 6.1. Ministers have an obligation to demonstrate and uphold the highest workplace standards, including maintaining a safe and respectful workplace for their staff.
- 6.2. As employers, Ministers must comply with all applicable Australian workplace health and safety laws and duties.
- 6.3. Ministers must act consistently with all parliamentary resolutions relating to workplace culture, including complying with the independent complaints mechanism.
- 6.4. Failure to engage in good faith with the independent complaints mechanism, and any substantiated independent finding of serious misconduct, may constitute a breach of the standards.

- 6.5. Ministers, and their staff, are required to undertake mandatory training on safe and respectful workplaces. In addition to any reporting requirements of the Parliament, Ministers will be required to confirm to the Prime Minister that they and their staff have completed any required training.
- 6.6. Ministers' close relatives and partners are not to be appointed to positions in their ministerial or electorate offices, and must not be employed in the offices of other members of the Executive Government without the Prime Minister's express approval. A close relative or partner of a Minister is not to be appointed to any position in an agency in the Minister's own portfolio if the appointment is subject to the agreement of the Minister or Cabinet.
- 6.7. Ministers must not engage in sexual relations with their staff.

## 7. Lobbyists

- 7.1. Ministers will be approached by individuals and organisations, acting on their own behalf or on behalf of others, whose purpose is to seek to influence government on a variety of issues.
- 7.2. Ministers should ensure that dealings with lobbyists are conducted consistently with the Lobbying Code of Conduct (the Lobbying Code), so that they do not give rise to a conflict between public duty and private interest.
- 7.3. The Register of Lobbyists established by the Lobbying Code contains the business details of lobbyists, the names of individuals who carry out lobbying activities, and the names of their clients. The Lobbying Code and the Register, and further information including questions and answers, are published on the [website](#) of the Attorney General's Department.
- 7.4. In dealing with a lobbyist who is acting on behalf of a third party, it is important to establish whose interests the lobbyist represents so that informed judgments can be made about the outcome they are seeking to achieve.
- 7.5. Ministers should ensure that lobbyists with whom they have dealings are properly registered, and must report any instance of non-compliance with the requirements relating to lobbyists.

### *Representatives of Foreign Governments*

- 7.6. Where representations are being made on behalf of a foreign government or the agency of a foreign government, special care needs to be exercised as foreign policy or national security considerations may apply.
- 7.7. It may be appropriate in certain cases to advise the Minister for Foreign Affairs of representations received.

## 8. Post-ministerial employment

- 8.1. Consistent with the requirements of the Lobbying Code of Conduct, Ministers are required to undertake that, for an 18-month period after ceasing to be a Minister, they will not lobby, advocate or have business meetings with members of the government, parliament, public service or defence force on any matters on which they have had official dealings as Minister in their last 18-months in office.

- 8.2. Ministers are also required to undertake that, on leaving office, they will not take personal advantage of information to which they have had access as a Minister, where that information is not generally available to the public.
- 8.3. Consistent with the requirements of the Foreign Influence Transparency Scheme, there are no restrictions on former Cabinet Ministers undertaking activities on behalf of a foreign principal. However, it is in the public interest that these arrangements are transparent.
- 8.4. It is a lifetime obligation that former Cabinet Ministers must register any activity they undertake on behalf of a foreign principal, unless an exemption applies. This extends beyond the categories of 'registrable activity' (parliamentary lobbying, general political lobbying, communications activity or disbursement activity) covered by the scheme. This includes circumstances where former Cabinet Ministers are employed by (or act in any capacity for) a foreign principal at any time following their departure from their role as a Cabinet Minister.

## 9. Implementation

- 9.1. It is for the Prime Minister to decide whether and when a Minister should stand aside if that Minister becomes the subject of an official investigation of alleged illegal or improper conduct.
- 9.2. Ministers will be required to stand aside if charged with any criminal offence, or if the Prime Minister regards their conduct as constituting a prima facie breach of this Code.
- 9.3. Ministers will be required to resign if convicted of a criminal offence excepting minor offences at the discretion of the Prime Minister, and may be required to resign if the Prime Minister is satisfied that they have breached or failed to comply with this Code in a substantive and material manner.
- 9.4. Where an allegation involving improper conduct of a significant kind, including a breach of this Code, is made against a Minister (including the Prime Minister) the Prime Minister may refer the matter to an appropriate independent authority for investigation and/or advice.
- 9.5. The Prime Minister may seek advice from the Secretary of the Department of the Prime Minister and Cabinet on any of the matters within this Code at any time. In providing such advice the Secretary of the Department of the Prime Minister and Cabinet may, as required, seek professional advice.
- 9.6. Advice received by the Prime Minister from the Secretary of the Department of the Prime Minister and Cabinet may be made public by the Prime Minister, subject to proper considerations of privacy.

