



Government of Western Australia
Department of Justice

Justice Integrity Framework

Promoting, maintaining and upholding professional standards and ethical conduct in the Department of Justice



Lutjurrikula (Together)



“Everyone sitting around together to sing songs, dance and to teach in this land, Australia. Different colours, everyone together”

Prisoner from Eastern Goldfields Regional Prison

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Message from the Director General



I am pleased to introduce the Department's Justice Integrity Framework.

Our mission is to provide a fair, just and safe community for all Western Australians. All personnel working for the Department of Justice, including myself, sign up to the Department's values: respecting rights and diversity; fostering service excellence; and being fair and reasonable. In simple terms, this Integrity Framework outlines how the Department plans to maintain a high standard of professional and ethical conduct.

The Framework is a fundamental guide for the Department, underpinning the actions and approaches we will take in maintaining a high standard of professional and ethical practice across our operations. From a leadership and management perspective, a sound Integrity Framework helps to ensure the organisation achieves its outcomes in a manner that enhances confidence in its decisions and actions.

Further, the Framework provides a benchmark to monitor and evaluate the ethical health of the business activities of the Department.

The implementation of this Framework will ensure we are well-placed to maintain standards and to respond to integrity issues. Enhancements have also been made to the Department's corporate governance regime and a new Professional Standards Division has recently been established.

The Professional Standards Division has a central role to play in auditing our services, promoting ethical conduct, investigating and preventing misconduct, and in providing a safe environment to report unethical conduct across the whole agency.

This is what the State Government, our key stakeholders in the community and the Western Australian public quite reasonably expect of us as public servants.

However, having a Framework and a Professional Standards Division are not enough. All employees must share in the collective responsibility to behave ethically and to promote and maintain a culture of integrity in the workplace. This is reflected in the artwork chosen for this Framework (Lutjurrikula - Together): we all have a role to play in ensuring the Department maintains the highest integrity.

It is a standard I commit myself to meet; and as Director General I'm also required to act on instances of misconduct or corruption by notifying the Public Sector Commission of suspected minor misconduct, or the Corruption and Crime Commission if serious misconduct is suspected. I take this responsibility seriously and I will act when I have good reason to do so. Under the Framework, specific responsibilities are also delegated to the Corporate Executive, senior managers and line managers.

We should be proud of the Department's achievements and our contributions to the State of Western Australia. The implementation and our collective commitment to the principles embodied in this Integrity Framework will ensure that we retain the public's confidence in the vital services we deliver. Leadership and stewardship at all levels in the Department are key to the success of the Framework.

I ask all of you to support the Framework, discuss and promote its principles with your team and colleagues and do the right thing.

A handwritten signature in black ink, appearing to read 'Adam Tomison', with a long horizontal line extending to the right.

Dr Adam Tomison
Director General
Department of Justice

Justice Integrity Framework

How the Department of Justice approaches and acts to prevent misconduct, corruption, fraud and theft is outlined in this risk-based Integrity Framework. It represents a systemic and comprehensive approach to promoting ethical conduct and examines the management systems that are in place to expose and prevent these things.

This Integrity Framework¹ focuses and aligns the Department's approach to promoting ethical practice and behaviour, and preventing and responding to misconduct and corruption, taking into account the particular nature of the Department's operating environment.

The Justice Integrity Framework comprises four key principles: **Leadership, Culture, Strategies and Environment.**

¹ Integrity Coordinating Group - <https://icg.wa.gov.au/integrity-public-sector>.

Department of Justice

Our mission is to provide a fair, just and safe community for all Western Australians

Our Values

- Respecting rights and diversity
- Fostering service excellence
- Being fair and reasonable

Our Principles

- High performing and professional
- Ethical and accountable
- Trained, safe and supported

Justice Integrity Framework Principles

Leadership

The Department's leaders set the direction and lead with integrity. They 'walk the walk' and demonstrate commitment towards integrity.

Culture

Establishing an organisational culture that values integrity and is intolerant of misconduct and corruption.

Strategies

Operational strategies that support the effective mitigation of integrity and misconduct risks.

Environment

A management environment where misconduct resistance is an integrated and established component of the Department's operating model.

External oversight agencies

Corruption and Crime Commission

Public Sector Commission

Office of the Auditor General

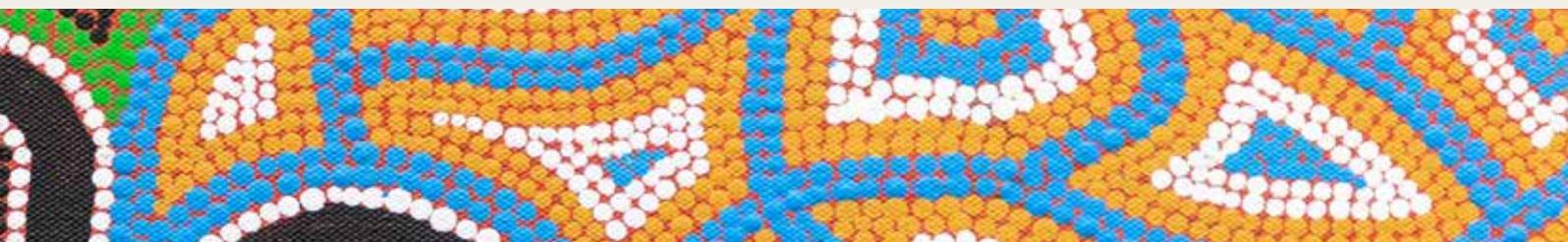
Ombudsman Western Australia

Office of the Information Commissioner

Office of the Inspector of Custodial Services – as per the *Inspector of Custodial Services Act 2003*

Integrity Components

Strategic direction	Ethical compliance	Strategic planning	Prevention
Communication	Participation	Standards	Education
'Walk the walk'	Accountability	Internal controls	Early intervention
Commitment	Transparency	Responsibilities	Investigation
Resources	Learning	Risk management	Listening



Leadership

The importance of leadership in maintaining the ethical health of the Department cannot be overstated. Strong, effective leadership creates a healthy organisational culture where ethical behaviour is promoted and unethical conduct is prevented, deterred, and addressed.

In 2015 in its State of the Sector Report, the Public Sector Commission² noted that effective leadership works to create a wide-reaching organisational culture where ethical behaviour is the norm. This facilitates the implementation of good governance across an agency to ensure employees continue to make good decisions in the face of ethical challenges. Leaders play an important role in clearly establishing and modelling organisational values and leading by example. Through their actions, behaviours and the measures they put in place, they strengthen integrity from the top down to win staff respect and engender compliance.

We demonstrate leadership by setting organisational direction, structures, systems and policy frameworks; through explicit communication from the Director General and senior executives about integrity and misconduct prevention, education and early intervention; and by the modelling of ethical and appropriate actions and behaviours by the Director General and the Corporate Executive Committee.³

Corporate Executive Committee, Directors and Line Managers

As the Department's leadership group, the Corporate Executive Committee, directors and line managers are responsible for ensuring that the Integrity Framework is implemented across the Department by:

- Demonstrating integrity through their own personal behaviour and conduct.
- Regularly communicating to employees the importance of acting with integrity and promoting an

understanding of what this involves in the context of the Department's business and conduct risks.

- Ensuring employees are aware of legislation and policies that guide good conduct, including the WA Public Sector Code of Ethics⁴ and the Department's Code of Conduct.⁵
- Reviewing employee perception surveys to gauge employee engagement and understanding of integrity requirements.
- Understanding and applying preventative actions and early intervention corruption mitigation strategies when misconduct issues are suspected or identified.
- Taking appropriate action to deal with alleged breaches of conduct requirements and addressing any relevant systemic issues identified.
- Ensuring employees are aware of avenues for reporting conduct issues and encouraging their confidence in these systems.

Professional Standards Division

The Professional Standards Division is the Department's key group for setting and maintaining appropriate standards of conduct and integrity among employees. The Division is responsible for administering the Integrity Framework. Key responsibilities of the Division include:

- Developing and maintaining the Department's enterprise-wide governance systems and policies related to integrity, risk, audit and assurance.
- Developing proactive and reactive controls that identify, assess, mitigate and monitor misconduct, fraud and corruption risks faced by the Department.
- Ensuring employees are skilled in implementing, maintaining and adhering to these systems and policies.

⁴ WA Public Sector Code of Ethics – PSC website (<https://publicsector.wa.gov.au/conduct-integrity/promoting-integrity/code-ethics>)

⁵ Department of Justice Code of conduct available on the JustUs intranet site: (<http://justus/intranet/department/Pages/code-conduct.aspx>)

² State of the WA Public Sector 2015, PSC

³ Fact sheet 5: Promoting integrity in public authorities 2015, PSC



- Monitoring and evaluating systems and policies to ensure they are operating effectively and taking any improvement action necessary.
- Delivering specialised integrity related training for all employees, including senior staff.
- Developing corruption and misconduct prevention education, early identification and intervention resources to assist staff and management to operate with the highest levels of integrity.

Culture

All employees must behave ethically and promote a culture of integrity in the workplace. Employees must be conscious of the risk of misconduct, fraud and corruption in the activities undertaken in their business area, and identify and report suspected misconduct, fraud or corruption.

The Department must look beyond traditional strategies used to prevent, detect and respond to misconduct with a focus on creating organisational cultures⁶ that generate their own high standards, norms and internal controls. This culture of integrity will be established by:

- Promoting a culture of meaningful participation for all stakeholders in the development and implementation of the Department's policies.
- Developing effective accountability by enhancing collaboration and information sharing across the Department's functional business units.
- Providing clear pathways for the reporting and investigation of suspected misconduct, fraud or corruption; and ensuring that staff feel safe to report their concerns.
- Addressing integrity concerns openly and transparently within the work environment.
- Providing learning and education opportunities on how to apply the Department's integrity standards.

⁶'Building a Misconduct Resistant Public Sector' Address by Commissioner the Hon Len Roberts-Smith RFD, QC – CCC, 2008

Strategies

The Department will control and mitigate, as far as practical, factors that allow misconduct to occur and, conversely, will ensure factors that drive continuous improvement are enabled. These factors will be enabled by:

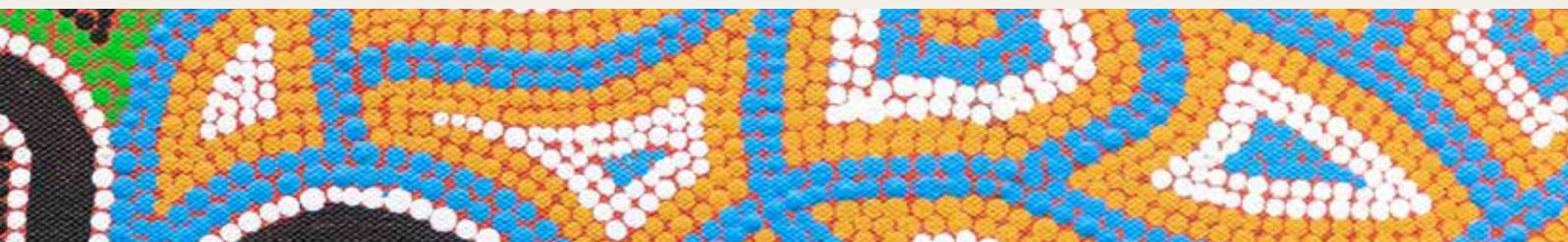
- Implementing this Integrity Framework, procedures and tools to address and control the Department's misconduct and integrity risks.
- Widely communicating and educating the workforce on the Department's Code of Conduct⁷ and ethical standards.
- Understanding and working in the authorising environment within legislative, policy and procedural frameworks.
- Developing and implementing appropriate policies and procedures that are easily accessible.
- Clearly defining roles and decision-making responsibilities across the organisation for matters related to integrity and conduct at all levels.
- Continuously identifying and assessing risks to maintain an integrity culture and environment resistant to misconduct.
- Ensuring that staff and management have access to education, early identification and intervention resources to assist with delivering the Department's operations, and prevent misconduct and corruption.

Environment

Misconduct management strategies need to have agency-wide reach, be embedded into all business activities and integrated as part of core business to be effective. Senior management will provide ownership and demonstrate their commitment to misconduct and integrity risk management by:

- Recognising the significant integrity risks that exist

⁷ Department of Justice Code of conduct available on the JustUs intranet site: (<http://justus/intranet/department/Pages/code-conduct.aspx>)



within the Justice portfolio and that the establishment of a Professional Standards Division for the Department provides an agency-wide management environment to proactively address these risks.

- Having internal supervision and external oversight over the Department's key internal controls. Internally, this supervision is provided by the Department's strategic governance committees and the Professional Standards Division. Externally, a range of agencies have oversight of the Department's culture and operations (see below).
- Ensuring the prevention, monitoring, detection, early intervention and investigation controls across the agency are effective.
- Listening and responding to feedback from internal and external stakeholders on the operation of the management environment relevant to misconduct, fraud and corruption risks.

External oversight

Western Australian oversight bodies that are integral to this Framework and have jurisdiction over the Department's operations are the:

- Corruption and Crime Commission (CCC).
- Office of the Auditor General.
- Office of the Information Commissioner.
- Office of the Inspector of Custodial Services⁸ – relevant to inspecting 'certain places where prisoners, detainees or other persons in custody are held' and 'to review certain custodial services'.
- Public Sector Commission (PSC).
- Western Australian Ombudsman.

⁸ As per the *Inspector of Custodial Services Act 2003* – "...the Inspector is to inspect each — (a) prison; and (b) detention centre; and (c) court custody centre; and (d) lock-up... The Inspector may, at any time, review any of the following or any aspect of the following — (a) a custodial service in relation to a prison; (b) a custodial service in relation to a detention centre; (c) a custodial service..."

Corruption and Crime Commission and the Public Sector Commission

Under the *Corruption, Crime and Misconduct Act 2003* the CCC⁹ uses its investigative powers to identify and deal effectively with serious misconduct and to provide reports about serious misconduct.

The PSC's role¹⁰ is to promote a public sector that works efficiently and with integrity to provide the public with better results, and better public value. Under the *Corruption, Crime and Misconduct Act 2003* the PSC is empowered to deal with minor misconduct.

The CCC and the PSC work together to ensure that misconduct is managed more effectively and efficiently. The CCC may, in co-operation with the PSC, assist public authorities to increase their capacity to prevent serious misconduct.

Department policies, procedures and reporting misconduct

The policies and procedures relevant to the Integrity Framework are located on the Department's 'Reporting Misconduct'¹¹ intranet page. These policies and procedures¹² are underpinned by the Department's Code of Conduct, this Framework and the PSC's Public Sector Code of Ethics.

The Department's integrity expectations are also clearly supported through the Department's human resources, administrative and financial policies.

⁹ Fact sheet 1: About the CCC, Corruption and Crime Commission

¹⁰ Our Role', Public Sector Commission website (<https://publicsector.wa.gov.au/about-us/public-sector-commission/our-role>)

¹¹ Department of Justice – Reporting Misconduct on the JustUs intranet site: (<http://justus/intranet/departments/standards/Pages/reporting-misconduct.aspx>)

¹² Following the Machinery of Government changes, some of the policies have been amalgamated for the former Department of Corrective Services (CS) and the former Department of the Attorney General (AG).



Relevant legislation

The primary legislation relevant to the Framework includes (but is not limited to):

- Section 9 - Principles of conduct by public sector bodies; Act with integrity in the performance of official duties and are to be scrupulous in the use of official information, equipment and facilities: *Public Sector Management Act 1994*.
- Section 5: *Public Sector Management Act 1994*.
- Section 4 - Misconduct: *Corruption, Crime and Misconduct Act 2003*.
- Section 83 - Corruption; Section 409 - Fraud: *Criminal Code Act Compilation Act 1913*.
- *Public Interest Disclosure Act 2003*.
- *Parliamentary Commissioner Act 1971*.
- *Inspector of Custodial Services Act 2003*.
- *Financial Management Act 2006*.
- *State Records Act 2000*.

Implementation

Implementation of the Justice Integrity Framework across the Department of Justice will be achieved through:

- Strong senior management sponsorship of the Framework.
- Integrating the principles of the Framework into operational policies, plans and procedures.
- Reinforcing the importance of ethical practice and behaviour to all Departmental staff through strategic and leader-led communication, education and training.
- Making the Framework easily accessible to all Department staff through the intranet.

The Professional Standards Division is responsible for ensuring compliance with the Framework is supported, monitored, evaluated and enforced.

Definitions

Integrity is important in ensuring the public sector is trusted and accountable for its actions.¹³ It is achieved by:

- Serving the public interest.
- Using powers responsibly, for the purpose and in the manner for which they were intended.
- Acting with honesty and transparency, making reasoned decisions without bias by following fair and objective processes.
- Preventing and addressing improper conduct, disclosing facts without hiding or distorting them.
- Not allowing decisions or actions to be influenced by personal or private interests.¹⁴

The minimum standards of conduct and integrity to be complied with by all public sector bodies and their employees are expressed in the following principles¹⁵:

Personal integrity: We act with care and diligence and make decisions that are honest, fair, impartial and timely, and consider all relevant information.

Relationships with others: We treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.

Accountability: We use the resources of the State in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information.

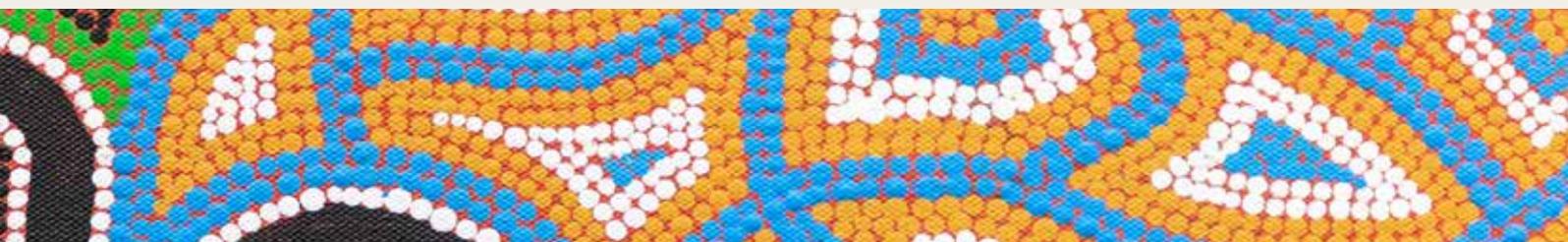
Serious misconduct is conduct by a public officer who

- acts corruptly or corruptly fails to act in the course of their duties
- corruptly takes advantage of their office or employment to obtain a benefit or to cause a detriment to any person

¹³ 'Our Role', Public Sector Commission website (<https://publicsector.wa.gov.au/about-us/public-sector-commission/our-role>)

¹⁴ Integrity Coordinating Group - <https://icg.wa.gov.au/integrity-public-sector>

¹⁵ Commissioner's Instruction No. 7, Code of Ethics, Public Sector Commission WA



- acting in the course of their duties or while deliberately creating the appearance of acting in the course of their duties, commits an offence punishable by two or more years imprisonment.

Corrupt conduct tends to show a deliberate intent for an improper purpose or an improper motivation.

Corrupt conduct may involve an exercise of a public power or function but for private benefit. It may involve conduct such as the deliberate failure to perform the functions of office properly, or the exercise of a power or duty for an improper purpose.

Minor misconduct is conduct by a public officer that:

- adversely affects the honest or impartial performance of the functions of a public authority or public officer, whether or not the public officer was acting in their official capacity at the time of engaging in the conduct
- involves the performance of functions in a manner that is not honest or impartial
- involves a breach of the trust placed in the public officer; or involves the misuse of information or material that is in connection with their functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person
- constitutes, or could constitute, a disciplinary offence providing reasonable grounds for termination of a person's office or employment as a public service officer under the *Public Sector Management Act 1994* (whether or not the public officer to whom the allegation relates is a public service officer or is a person whose office or employment could be terminated on the grounds of such conduct).

To meet the test under the *Corruption Crime and Misconduct Act 2003* definition, the misconduct should be so significant that, if proved, it could reasonably lead to termination of a public officer's employment.

Responding to Misconduct

Should a determination be made that a breach of discipline may have occurred, all processes are guided by Part 5 of the *Public Sector Management Act 1984* and Public Sector Commissioner's Instructions which are available on the Public Sector Commission website.

The options available to the delegated authority are:

- Deal with the matter as a disciplinary matter under Part 5 of the *Public Sector Management Act 1984*.
- Non Public Sector Management Act employees are dealt with under common law.
- Take improvement action with respect of the employee.
- Take no action.

Further information on reporting and managing suspected misconduct can be found on the Department's Reporting Misconduct intranet page.

References

A number of publications from the PSC, CCC, Organisation for Economic Co-operation and Development (OECD) and Independent Broad-based Anti-corruption Commission (IBAC) were referenced in developing the Department of Justice Integrity Framework. These publications include:

- Commissioner's Instruction No. 7, Code of Ethics, Public Sector Commission WA.
- Recommendation on Public Integrity 2017, OECD.
- Fact sheet 1: About the CCC, Corruption and Crime Commission.
- Fact sheet 5: Promoting integrity in public authorities 2015, PSC.
- Integrity Coordinating Group.
- Safeguarding Integrity – A guide to the integrity system in Victoria.
- Building a Misconduct Resistant Public Sector.



The Department of Justice supports the community, Western Australian Government, judiciary and Parliament through the provision of access to high quality justice, legal and corrective services, information and products.

