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1. Message from the Director General

The Code of Conduct is a public statement that guides our decision making and how we are expected to behave. The public sector is accountable to the community.

This Code of Conduct (the Code) expands on our corporate values as we strive to deliver results, value and excellence in all our activities.

We take pride in our strong commitment to a fair, supportive and responsible workplace. We endeavour to provide an honest, transparent and accountable workplace and strive to deliver a consistently high quality of service. Underpinning our efforts is our professionalism and adherence to high standards of ethical conduct.

This Code sets out the minimum behavioural standards to which we are all bound. Our workforce faces ongoing challenges and complexities as society continues to change.

It is important that we maintain our values and principles at the highest level. Importantly, our workforce is increasingly faced with changing situations where we are expected to exercise appropriate judgement and initiative.

We cannot expect an exhaustive set of rules for every possible situation, so more emphasis is placed on risk and evidence-based decision-making, guiding values, accountability, and principles of behaviour. This Code reflects that approach.

This Code clearly outlines the ethical principles, obligations and standards that apply when working for the Department. The Code promotes and encompasses the values expected of everyone - Respecting Rights and Diversity; Fostering Service Excellence; Being Fair and Reasonable.

As a member of our diverse workforce, you must comply with the terms of this Code and relevant supporting legislation, policies and procedures.

In order to have a clear understanding of the standards contained in this Code, please take the time to read it and use it as a guide to your behaviour and to assist in your decision-making.

Dr Adam Tomison
Director General
Department of Justice
2. Introduction

This Code of Conduct (the Code) complies with the Western Australian Public Sector Code of Ethics and:

- Promotes professionalism and excellence.
- Supports employees to understand the values of our organisation.
- Informs employees of the standards to which they are entitled.
- Clarifies our expected standards of behaviour.
- Provides guidance on our responsibilities.
- Clearly defines our obligations.

The Code is also underpinned and compliments the Department's Justice Integrity Framework (JIF). The JIF represents a systematic and comprehensive approach to promoting ethical conduct and outlines the management systems that are in place to expose and prevent fraud, corruption and misconduct.

This Code commits all sections of the workforce to an ethical standard of behaviour. This includes, but is not limited to all permanent, fixed-term, casual, full-time and part-time employees; volunteers; student placements; work experience personnel; as well as service providers and contractors.

The Standards endorsed in this Code support the Department’s values. They are minimum standards of behaviour that inform us all on how to exercise judgement and accept personal responsibility in our professional roles. In addition to this Code, we are all responsible for ensuring we are familiar with and comply with relevant legislative requirements, Departmental policy and procedures, and guidelines in the workplace.

Section 9 of the Public Sector Management Act 1994 sets out certain principles of conduct that are to be observed by all public sector bodies and employees. These include complying with the provisions of:

- The Public Sector Management Act 1994 and any other Act governing their conduct.
- The Public Sector Commissioner’s Instructions, public sector standards and code of ethics.
- Any code of conduct applicable to the public sector body or employees concerned.

Failure to comply or adhere to these provisions may result in disciplinary action and a consequence could be termination of employment or contract.

The Public Sector Commissioner monitors the Department’s compliance with this Code, and reports annually to Parliament and Ministers as required.

This Code is reviewed regularly and updated in line with new and amended legislation as an integral accountability element in keeping with Government standards.

2.1. Our mission

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

2.2. Our values

Our values support us to achieve our mission and uphold our principles. Our values are:

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

2.3. Our principles

The Department’s strategic framework outlines the principles by which we work and enables us to achieve our mission. The principles that define our work require us to be:

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

2.4. Commencement

The Code of Conduct is reviewed annually. This code is effective from November 2020.
3. Code of Conduct Standards

3.1. Personal behaviour

We will act honestly and with integrity in the performance of our duties, in our personal conduct and how we treat others. This includes (but is not limited) to the following:

Providing services to the community

We are committed to providing reliable, efficient and effective services to all people in a professional, courteous, impartial and appropriately sensitive manner.

Personal behaviour expectations

We lead by example and strive for excellence by setting high standards in the discharge of our professional duties and personal conduct.

We show respect, follow instructions and work in cooperation with our supervisors, managers and work colleagues in the workplace.

We act honestly and impartially in the performance of the functions of our jobs and do not engage in any misconduct including fraudulent or corrupt behaviour, either in our jobs or private lives, that may adversely affect our honest and impartial performance or bring the Department into disrepute.

We act without prejudice, seeking to prevent and eliminate bullying behaviour, unlawful discrimination or harassment in any form based on grounds such as national origin, race, culture, appearance, language, gender, sexual orientation, age, place of residence, belief, religion, political affiliation, social, economic or health status, family responsibilities or marital status.

We maintain a safe, healthy workplace for our work colleagues, clients, and the Western Australian community. This includes behaviours such as not attending the office when unfit for work, and responding to and reporting hazards. A safe and healthy workplace includes staff working together, in an environment that is free from bullying, sexual or any other type of harassment.

We maintain and contribute to a safe and healthy work environment. This includes remaining awake and alert when working or on duty.

We attend work fit to perform our duties unimpaired by drugs or alcohol. We do not use illicit drugs, and we do not knowingly associate with persons or groups who use, deal or supply illicit drugs, as this is an illegal activity. We inform our line manager if we are on medication that could affect our attendance or our duties.

We are responsible for maintaining a professional approach towards all people with whom we come into contact. This means establishing clear professional boundaries that help to protect everyone from misunderstandings or a violation of professional relationships.

Charges or convictions

We will report in writing to our line manager any criminal charges or convictions we are subject to, as soon as possible, no later than 48 hours after being charged or the conviction recorded. This includes reporting if we are subject to a restraining order, issued a drug diversion or any non-traffic related infringement. We will also report a suspension or loss of driver’s licence if holding a licence is part of our job requirements or we were driving a Department vehicle at the time of the incident.

If we have a professional registration we will:

- Report all changes to the professional registration (such as the imposition of conditions or suspension of registration) to our line manager;
- Maintain and enhance our professional standards and skills, and keep up to date with best practice;
- Report all changes in professional membership or eligibility for membership if it impacts on our ability to practise;
- Report any misconduct finding made against us to our professional body; and
- Observe all laws, professional codes of conduct and ethics relating to our profession.

Managers are required to report these matters to Professional Standards Division.
3.2. Expectations of behaviour towards Departmental work colleagues, members of the public, those in the Department’s care and children and young people

We operate across the Justice sector and engage with a very broad, diverse and in some situations extremely complex and vulnerable range of people.

We exercise proper courtesy, consideration and sensitivity in the performance of our duties and our dealings with our Departmental work colleagues and the broader community including those in the Department’s care and children and young people. We acknowledge the complexities that can be associated with some people and always exercise our duties and responsibilities in accordance with our statutory requirements, Departmental policy and procedures training, standards and experience. We ensure that our dealings with our work colleagues, the broader community, those in our care and children and young people are always carried out fairly, impartially, without bias or prejudice. We acknowledge that our actions and decisions need to be explainable and reviewable.

All Department of Justice employees, contractors and volunteers are responsible for the safety and wellbeing of children and young people who engage with the Department. Departmental employees, contractors and volunteers are expected to act in accordance with this Code of Conduct in their physical and online interactions with children and young people under the age of 18 years. This includes behaving respectfully, courteously and ethically towards children and their families and promoting the legal and human rights and safety and wellbeing of all children and young people who engage with the Department.

If applicable to our roles within the Department, we prioritise the safety of children and young people and their families/caregivers. In addition to reporting requirements, where an allegation has been made concerning the behaviour of a Departmental work colleague, contractor or volunteer toward a child or young person we:

- Report all allegations made by young people, employees or non-employees regarding employee misconduct immediately to Professional Standards;
- Seek instruction in relation to management of allegations from Professional Standards;
- Obtain permission from Professional Standards, or the Department of Communities (Child Protection) as appropriate, prior to disclosing any information regarding employee misconduct; and
- Lodge an Incident Report.

Additionally, where employees, contractors and volunteers have concerns regarding the welfare, safety and wellbeing of a child or young person they are obliged, or may even be mandated, to report those concerns in accordance with policies and procedures.

Staff who are required to hold a Working with Children card for their employment must report an interim negative notice or negative notice issued under the Working with Children (Criminal Record Checking) Act 2004.

The Department provides mandatory training for employees online through the Justice Education Management System with the Accountable and Ethical Decision Making course. The Department also conducts awareness sessions on Integrity and Ethical Awareness. These measures are strategically supported by the Department’s Fraud and Corruption Control Plan and the Justice Integrity Framework.
3.3. Communication and official information

We only use official information for authorised purposes, including but not limited to the following:

Official information

We understand the importance of privacy and confidentiality by respecting the privacy of individuals and the security of personal information.

We ensure that any information or material that we receive, view, access or become aware of in connection with our jobs or the operations of the Department is not misused intentionally or unintentionally, whether or not the misuse is for the benefit of us or the Department or for the benefit or to the detriment of any other person.

Public comment and Social Media

We do not, unless authorised to do so as part of our official duties with the Department, publicly comment, either orally or in writing, on any administrative action, or on the administration of the Department or any other public sector organisation.

We adhere to any legal requirements, policies and all other lawful directives regarding communication with Parliament, Ministers, ministerial staff, lobbyists, the media and members of the public.

We maintain our right as members of the community to make public comment or enter into public debate on political and social issues, but our views, which includes providing information or comment to any media, social media, electronic, print or otherwise should not be linked in any way to our employment as a public sector employee with the Department. We ensure that our comments are not seen or perceived to be an official comment.

We only represent the Department, or make statements about the Department or its work, when we are approved to do so. We adhere to the Department’s Social Media Policy.

Contact with lobbyists

We will ensure that we comply with the Public Sector Commissioner’s Instruction No.16 Government Representatives Contact with Registrants and Lobbyists and the Register of Lobbyists (that may be amended from time to time).

We will ensure that any contact with any lobbyist is properly managed in accordance with all legislation and Government and departmental policies and procedures.

3.4. Fraudulent or corrupt behaviour

The Department’s Fraud and Corruption Control Plan details the significant investment in the prevention, detection, response and reporting of fraud and corruption. This Code also provides a linkage to the Justice Integrity Framework and outlines our responsibilities in ensuring we do not engage in behaviour that is fraudulent, corrupt, or subject to misconduct.

We act ethically and avoid engaging in behaviour which is, or may be seen as, fraudulent or corrupt.

Professional Integrity

We will ensure the powers we exercise are used lawfully and fairly when carrying out our duties and that we do not engage in any fraudulent or corrupt behaviour.

We maintain the integrity of our job roles and the Department by ensuring that we do not act corruptly and/or fail to act in the course of our duties.

We ensure that we do not corruptly take advantage of our positions for the benefit or to the detriment of any person.

We ensure that we do not commit any offence whilst acting or purporting to act in our official capacity.

3.5. Use of public resources

We use the resources of the Department in a responsible and accountable manner including the following:

Use of government resources

We are responsible for the careful and scrupulous use of public money, official equipment and facilities. We do not authorise our own incurring of expenditure for credit card payments, travel and other purchases.

We use the Department’s resources for official purposes only in accordance with relevant policies and not for any private financial gain.

We are accountable for all expenditure by using the resources of the State with diligence and efficiency and report any loss and/or damage of departmental equipment.

We follow legislation and procurement policies to engage contractors and suppliers.

We purchase goods and services in accordance with the Department’s and Government policies.
3.6. Recordkeeping and use of information

We ensure that Government information is properly recorded, managed and maintained including the following:

Recordkeeping and use of information
We will comply with the requirements for recordkeeping outlined in the State Records Act 2000.
We will manage information appropriately to fully comply with all relevant legislation and policies.
We use official information when authorised to do so, and as a source of evidence to support sound Department decisions.
We do not access the Department’s systems, data or information for personal reasons or purposes that are not part of our official duties, or out of curiosity. Unauthorised use or access of a computer system (eg ICMS, TOMS, CBIS, etc) is a criminal offence and will result in charges being laid.
We are proactive in our management of Information Communications and Technology to prevent unauthorised access (eg by locking our workstation when it is unattended, and not providing our passwords to work colleagues).
We manage information in corporate systems so they are accessible and retained for as long as required. Information is only destroyed in accordance with the Department’s Records Management Policy.

Communication and official information
We record actions and decisions and store sensitive and confidential information securely.
We ensure that personal information is accurate and complete.
We ensure records are maintained in accordance with the Department’s Records Management Policy.
We make information available in accordance with legislation and policy only.
We inform others about decisions that affect them in accordance with the Department’s policies and procedures.
We only represent the Department, or make statements about the Department or its work, when we are approved to do so.
We only use Departmental information for the purpose which it is collected, and in discharging our official duties.

3.7. Conflicts of interest and gifts and benefits

We are responsible for ensuring that our personal, financial or political interests do not conflict with or influence the performance of our public duty and is not limited to the following:

Conflicts of Interest, including Secondary Employment
We carry out our functions with integrity and are not improperly influenced by our internal and external interests, including family members or friends, investments, relationships including associates, work colleagues, voluntary work or group memberships.
We will identify, declare and manage conflicts of interest whether or not those conflicts are actual, perceived or potential in accordance with the Department’s and Government policies.
We accept and engage in outside employment only with approval.
We manage any conflicts that may conflict with our jobs whether or not they are actual, perceived or potential and may involve personal, financial or political interests. We abide by the Department’s Conflict of Interest and Secondary Employment Policy and Procedures.

Offers and acceptance of gifts or other incentives
We do not accept, unless otherwise authorised by the Department, or demand gifts or incentives such as fees, rewards, gratuities of any form in connection with our official duties that may place us under an actual or perceived financial or moral obligation to any person or organisation or be perceived as a real or potential conflict of interest and/or corruption.
We follow the Department’s policies and procedures that set out the circumstances in which gifts, benefits and hospitality can be accepted (refer to the Gifts and Benefits Policy and Procedures).
3.8. Reporting suspected breaches of the Code

All public sector employees need to understand and contribute to the integrity of the Department by ensuring that breaches of this Code are reported.

Victimisation of those reporting alleged misconduct, fraud or corruption is not tolerated by the Department. People reporting potentially fraudulent, corrupt or illegal activity will be protected by the Department. Any person victimising someone who has made such a report will be engaging in misconduct.

Reporting suspected breaches of the Code or other conduct

We report any actual or potentially fraudulent, corrupt or illegal activities, and any suspected breaches of the Code, of which we become aware and discuss with our line manager or relevant Officer of the Department.

We will ensure that we are familiar with, and will comply and facilitate compliance with the Department’s policies, processes and procedures for reporting any misconduct.

Any alleged misconduct or breaches of the Code will be assessed, investigated and dealt with promptly and fairly and any action for misconduct will consider the range of options available for breaches of this Code in accordance with the disciplinary procedures contained within the Public Sector Management Act 1994, other relevant legislation, the Department’s policies, procedures and guidelines including public interest disclosures under the Public Interest Disclosure Act 2003.

Fraudulent or illegal activity, together with misconduct can be reported through several ways, including:

- Reporting directly to our line managers.
- Safeline Reporting number (operates 24 hours): 1300 880 532.
- Online Misconduct Reporting.
- The Professional Standards Division Duty Director after hours number is 0419 607 956.
- Public Sector Commission: website, phone 08 6552 8888 or email integrity@psc.wa.gov.au.
- Corruption and Crime Commission: 1800 803 186 or info@ccc.wa.gov.au.
- WA Police Force: 131 444 or CrimeStoppers on 1800 333 000.
- A Public Interest Disclosure as per the Public Interest Disclosure Act 2003.

4. Review

The Department of Justice will continue to review and update this Code as necessary to ensure that it remains contemporary, relevant and continues to address current and emerging issues relevant to our operating environment.