

# 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 A public sector body may have the requirements under clauses 2, 4 and 5 met by another public sector body under a documented arrangement





### **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.