



Government of Western Australia
Department of Justice

Code of Conduct



Acknowledgement of Country

The Department of Justice respectfully acknowledges the Traditional Custodians of the land as being the first peoples of this country. We embrace the vast Aboriginal cultural diversity throughout Western Australia and recognise their continuing connection to Country, water and sky.

We pay our respects to Elders past, present and emerging.

The Department is committed to fostering respectful partnerships with our Aboriginal colleagues, clients and those in our care.





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Message from the A/Director General

At the Department of Justice we conduct our business according to the highest standards of ethical conduct and I am grateful to all of our staff for the dedication you demonstrate every day in supporting our mission, values and principles.

Our Code of Conduct (the Code) is a public statement that sets out the minimum behavioural standards to which we are all bound. It guides us in maintaining our values and principles at the highest level, ensuring that we make decisions fairly and impartially, exercising appropriate judgment and initiative.

For those of us with management and supervisory functions, it is imperative that we not only abide by the Code but also promote its principles and serve as role models for our colleagues.

We understand that every situation we encounter will be different, and we cannot provide an exhaustive set of rules for every possible situation. Our code emphasises the importance of sound judgement, supported by evidence and guided by our values and principles.

Our Code promotes and encompasses the values expected of everyone - Respecting Rights and Diversity; Fostering Service Excellence; Being Fair and Reasonable.

As part of our employment obligations with the Department, and in order for us to have a clear understanding of the standards contained in our Code, we are all required to:

- Read the Code and use it as a guide to your behaviour and to assist in your decision-making.
- Complete the Accountable and Ethical Decision Making online course.
- Attend an Integrity and Ethics Awareness training session conducted by People, Culture and Standards (PCS).

As a member of our diverse workforce, we must all comply with the terms of the Code and relevant supporting legislation, policies, procedures, operating instructions and guidelines.

If you are ever in any doubt as to the meaning of the Code or its application in any given situation, please do not hesitate to seek advice from your manager, or PCS at:

corruptionprevention@justice.wa.gov.au.



Kylie Maj
A/Director General

Introduction

Our Code of Conduct (the Code) has been developed and implemented in accordance with the requirements of Public Sector Commissioner's Instruction 40 "Ethical Foundations" (including the Code of Ethics). It:

- Is consistent with and builds on the [Public Sector Code of Ethics](#).
- Promotes professionalism and excellence.
- Supports employees to understand the values of our Department.
- 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.

Our Code forms part of the Department's [Justice Integrity Framework](#). The Framework 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. Our 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 with or adhere to these provisions may result in improvement and/or disciplinary action and a consequence could be termination of employment or contract. This Code is reviewed regularly and updated as an integral accountability element in keeping with Government and community standards.



OUR MISSION

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.

Code of Conduct Standards

1. Personal behaviour

As representatives of the Department we work in positions of trust. We act honestly and with integrity in the performance of our duties, in our personal conduct and how we treat others. Decisions we make are in the public interest. We:

- Act honestly and impartially in the performance of our duties.
- Lead by example and strive for excellence by setting high standards in the discharge of our professional duties and personal conduct.
- Show respect to others, follow instructions, lawful orders and directions, cooperate and answer questions truthfully and work in collaboration with our supervisors and colleagues.
- Act without prejudice, do not engage in bullying behaviour, unlawful discrimination or harassment in any form based on any grounds including national origin, race, culture, appearance, language, gender, gender identity, sexual orientation, intersex status, age, place of residence, belief, religion, political affiliation, social, economic or health status, family responsibilities or marital status.
- Do not tolerate or engage in any form of harassment, including sexual harassment, for which there is zero tolerance.
- Ensure that our behaviour and actions, whether at work or in our private lives, do not bring the Department or ourselves into disrepute.
- Do not engage in any misconduct or criminal behaviour.
- Attend work fit to perform our duties unimpaired by drugs or alcohol.
- Maintain a safe, healthy workplace for our work colleagues, clients and the Western Australian community.
- 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.

- Inform our line manager if we are on medication that could affect our attendance or duties.
- Maintain and contribute to a safe and healthy work environment. This includes remaining awake and alert when working or on duty.
- Establish clear professional boundaries that help to protect everyone from misunderstandings or a violation of professional relationships.
- Do not engage in any form of intimate personal behaviour with any person who is in the care of the Department or for whom the Department has a responsibility. If a relationship of this nature is sought, a Conflict of Interest form must be submitted and approved prior.

Criminal charges and convictions

Within 48 hours of the event occurring, we report to our line manager and People Culture and Standards (PCS) in writing:

- If we are charged with any criminal offence.
- Our attendance at court as an accused person and the court outcome.
- If we are subject (restrained person) to any type of restraining order.
- The issuance of a drug diversion or any non-traffic related infringement.
- A suspension or loss of our driver's licence if holding a licence is part of our job requirements and/or we were driving a Department vehicle at the time of the incident.

If we have a professional registration required as part of our employment or role with the Department, we:

- Report all changes to the professional registration (such as the imposition of conditions, an investigation, a suspension of registration or misconduct finding) to our line manager within 48 hours. Managers must report these matters in writing to PCS.



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.

2. Expectations of behaviour

We engage with a 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 in our dealings with our colleagues and the community, including those in the Department's care, and children and young people.
- Acknowledge the complexities that can be associated with some people and always exercise our duties and responsibilities in accordance with our statutory requirements, policy and procedures, training, standards and experience.
- Ensure that our dealings with our colleagues, the broader community, those in our care and children and young people are always carried out respectfully, fairly, impartially, without bias or prejudice.
- Acknowledge that our actions and decisions need to be explainable and reviewable.

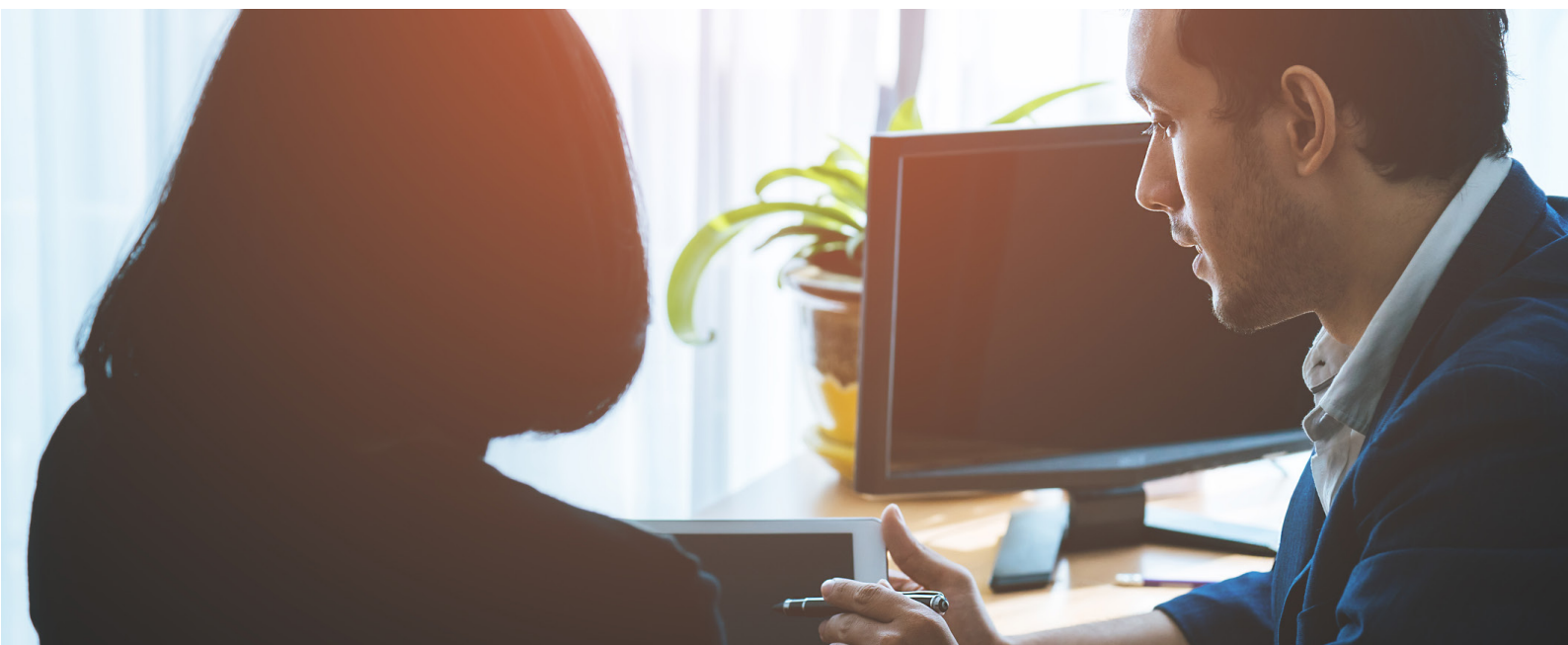
Additional expectations of behaviour when dealing with children and young people

All employees, contractors and volunteers are responsible for the safety and wellbeing of children and young people who are in our care or otherwise engage with the Department. All employees must familiarise themselves with the Department's [Child Safety and Wellbeing Policy](#). We:

- Act in accordance with this Code in our physical and online interactions.
- Give very close attention to ensuring that our conduct when dealing with children and young people is

professional and appropriate at all times and is not likely to be misinterpreted by a reasonable person.

- Behave respectfully, courteously and ethically towards children, young people and their families.
- Promote the legal and human rights and safety and wellbeing of all children and young people who engage with the Department.
- Prioritise the safety of children and young people and their families/caregivers.
- Immediately report to PCS all behaviour of which we become aware by an employee, contractor or volunteer, towards a child or young person that is not in alignment with this Code. This includes immediately reporting any allegations.
- Take immediate steps, if applicable, to reduce the risk of any harm to the child or young person.
- Seek instruction in relation to the management of allegations from PCS.
- Do not disclose allegations of employee misconduct without obtaining permission from PCS (unless we are the person lodging allegations through an approved mechanism).
- Ensure that we understand and abide by the requirements of the Working with Children legislation together with the requirements of the Department as stipulated in the Working With Children Check Policy and Working with Children Check Procedures.
- Report to PCS within 24 hours any negative notices or interim negative notices issued in relation to a Working with Children Card we hold.



We abide by the [National Principles](#) for Child Safe Organisations.

The Department complies with the Reportable Conduct Scheme: all employees must be familiar with and aware of reportable conduct requirements relating to children or young people. Refer to the Ombudsman WA [information sheets and guidance about the Reportable Conduct Scheme](#).

ETHICAL DECISION MAKING

The S.E.L.F. test is a tool that can help you make the right decisions, on a day-to-day basis.

S

SCRUTINY

Will your decision or behaviour withstand scrutiny from the community, the Department, the judiciary, the Corruption and Crime Commission or the Government?

E

ETHICAL

Does your decision or behaviour comply with the Department's values and Code of Conduct?

L

LAWFUL

Does your decision or behaviour comply with policies, procedures and legislation?

F

FAIR

Is your decision or behaviour fair for the Department of Justice, the community, your colleagues, family, or yourself?

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 are trusted as the custodians and protectors of our official information and records, including intellectual property.

We only access, share, or disclose agency-held information in the lawful execution of our duty, as authorised by policy or legislation. We seek advice about the appropriate release of information if we are unsure.

Public comment

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.

However, 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.

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).

4. Social media

We adhere to the Department's Social Media Policy.

Staff must uphold the standards of behaviour and conduct expected of Western Australian Government employees as expressed in the [Public Sector Code of Ethics](#), and by this Code.

When employees post any content on social media in either an official or personal capacity, it must be lawful. A reasonable person should not perceive it to be at any time:

- In breach of state, territory or federal laws.
- Affecting public confidence in the Department of Justice.
- Affecting an employee's ability to complete duties in an apolitical or impartial manner.
- Made on behalf of the agency or the Government.

When using social media, it is not acceptable to:

- Post content that could reasonably be interpreted as representing the Department, or making statements about the Department or its work, when we are not approved to do so.
- Post content that could bring an employee or the Department into disrepute, including policies, decisions, or confidential or personal information.
- Post images or videos of other employees or Department sites, offices, facilities, vehicles or equipment without approval. This includes images of staff behaving in a manner that may be inconsistent with the Code.
- Post content relating to work that is, or could be perceived as, offensive, threatening, harassing or discriminatory. This includes posts about the Department, employees, people in the Department's care or members of the public who interact with the Department.
- Post or engage in commentary that could give the perception we are unable to perform our duties in an unbiased, impartial or professional manner.
- Make comments that are unlawful, obscene, defamatory, threatening, harassing, discriminatory or hateful to, or about work, colleagues, peers, Members of Parliament, Ministers or political parties.

5. Fraudulent or corrupt behaviour

We act ethically and do not engage in any fraudulent or corrupt behaviour as outlined in the Department's [Fraud and Corruption Control Plan](#).

Personal entitlements

We accurately complete entries and claims that relate to salary, benefits and entitlements, and seek advice before claiming or making an entry if we are not sure.

We complete time sheets or other time recording systems, including leave, accurately with appropriate evidence, in-line with the instruments on the [Pay, Leave and Benefits](#) page.

Professional integrity

We ensure the powers we exercise are used lawfully and fairly.

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 criminal offence while acting or purporting to act in our official capacity.

6. Use of public resources

We are careful and scrupulous in the 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 and in accordance with relevant policies and not for any party political work or private financial gain.

We ensure that we do not seek or receive a personal benefit when using Departmental resources. This includes the accruing of frequent flyer points, loyalty points or any similar program. We purchase and procure goods and services in accordance with the Department's and Government policies.

We use information technology services provided by the Department, including computers, bandwidth and phones, for official use while adhering to the requirements of the [ICT Acceptable Use Policy](#).

We recognise that some content available on the internet represents a significant risk to the information technology services of the Department. Recognising this risk, we do not use Department provided IT equipment and services to download, stream or watch entertainment services which provide movie, television or similar content. Exceptions can only be made on a case-by-case basis at the discretion of and approval by senior management (director or site head).

Our private use of Departmental ICT resources should only be occasional and must not be excessive or unreasonable, in accordance with the ICT Acceptable Use Policy.





7. Recordkeeping and use of information

We comply with the requirements for recordkeeping outlined in the [State Records Act 2000](#).

We 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 Departmental 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.

We understand that unlawfully divulging information, or unauthorised use or access of a computer system (eg ICMS, TOMS, CBIS, etc) are criminal offences and may result in the matter being referred to the WA Police Force.

We are proactive in our management of information communications and technology to prevent unauthorised access (eg locking our workstation when unattended, not providing our passwords to any person).

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](#).

We do not falsify or damage records. We do not alter or destroy records unless authorised to do so. We ensure that information recorded is accurate, complete, up-to-date and truthful.



We ensure that Government information is properly recorded, managed and maintained.

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.

Use of artificial intelligence and non-Department data sources or online tools

With the emergence of artificial intelligence and associated tools and technology, including but not limited to ChatGPT and DeepMind, we are prohibited from using such systems in the course of our work and under no circumstances should Departmental data, information or correspondence be entered into these systems.

This is extended to include online word processing software not supported by the Department, such as Grammarly.

Risks include Departmental data being stored on external servers and being misused and unsecured.

8. 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. It is our own personal responsibility to understand what a conflict of interest is, know how to identify one and how to declare one.

Conflicts of interest

We perform our duties in the public interest, without favour or affection, malice or ill-will. We always resolve personal conflicts in favour of the public interest. We act in the best interests of the Department and the public, by taking reasonable steps to avoid conflicts of interest, declaring those that cannot be avoided and cooperating in their management if required.

We manage any conflicts of interest that arise in relation to 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.

If we are in an intimate relationship, or have a familial or close personal association with an employee at the same site/business area, particularly within the same management stream and one employee is senior to the other, we must submit a conflict of interest declaration.

The purpose of this is to have a management plan in place and to protect the employees from allegations of favouritism or inappropriate conduct.

Secondary employment

We do not undertake any form of employment, be it paid or unpaid, outside of the Department without prior approval.

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 or gratuities of any form in connection with our official duties.

Doing so may place us under an actual or perceived financial or moral obligation to a 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](#)).



9. Reporting suspected breaches of the Code or other conduct

We report immediately to PCS any suspected breach of the Code, including actual or potential misconduct, fraudulent, corrupt or illegal activities of which we become aware.

Victimisation of those reporting suspected breaches or adverse conduct is not tolerated by the Department. People reporting will be protected by the Department. Any person victimising someone who has made such a report will be engaging in misconduct.

Any alleged misconduct or breaches of the Code will be assessed, may be investigated and will be dealt with promptly and fairly.

Any action undertaken due to 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*, any other relevant legislation and the Department's policies, procedures and guidelines.

When assessing matters reported, PCS comply with any reporting requirements applicable to the Department as required by the *Corruption, Crime and Misconduct Act 2003*.

Breaches of the Code, including fraudulent or illegal activity, together with misconduct can be reported through several ways, including:

- The [Complaints and Referral Portal](#) on JustUs.
- Anonymously through Safe2Say.
- Reporting directly to your line manager.
- Safeline Reporting (operates 24 hours): 1300 880 532.
- Public Sector Commission: 6552 8888, via the website at www.wa.gov.au/organisation/public-sector-commission or email minormisconduct@psc.wa.gov.au.
- Corruption and Crime Commission: 1800 803 186, via the website at www.ccc.wa.gov.au or email reportcorruption@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*.

10. Examples of breaches of the Code of Conduct *(not an exhaustive list)*

1. Harassment: This includes any unwelcome conduct that creates a hostile or offensive work environment, such as sexual harassment, bullying, or discrimination based on race, gender, religion, or age.

2. Theft: This includes stealing Department owned property, such as equipment, supplies, or money, or misusing Departmental assets for personal gain.

3. Fraud: This includes intentionally misrepresenting information or engaging in deceptive practices to deceive others, such as falsifying time sheets or claiming entitlements to which you are not entitled.

4. Safety violations: This includes disregarding safety procedures or failing to follow workplace health and safety regulations, which can endanger employees and others.

5. Conflicts of interest: This includes situations in which an employee's personal interests or relationships interfere with their professional duties or decision-making, such as accepting gifts or favors from clients or suppliers. A failure to declare a conflict of interest or declare a gift, breaches the Code.

6. Misuse of Departmental time: This includes engaging in personal activities during work hours or using Departmental resources for personal reasons. It also includes sleeping or not being alert when on duty.

7. Falsifying reports: This includes submitting incident reports which contain information which a person knows or should reasonably know is false and also includes omission of relevant information. Truth in reporting and being open and honest are expectations placed on all employees.

8. Excessive use of force: This includes using more force than is reasonably necessary for the safe and effective performance of the duty being undertaken, having regard to applicable Statutes and Departmental policy and instructions in respect to the use of force.

9. Inappropriate personal behaviour: We are obliged by the Code to treat others with respect, which includes not only how we treat others in the workplace but how we expect to be treated in return. Talking down to or speaking rudely or aggressively towards colleagues is not acceptable.

10. Unauthorised access: Any Departmental system or records, electronic or hard copy, must only be lawfully accessed in line with our official duties. We do not access information out of curiosity. We only divulge information to persons lawfully entitled to receive it. Breaches of access or release may be criminal offences as well as breaches of discipline.

11. Lawful orders: A lawful order must be followed. This means any reasonable direction or instruction given by a senior employee that is in-line with duties reasonably expected of an employee. These do not need to be in writing or be formal and they must be complied with. It should be noted that while voluntary roles (such as Grievance Officers, Safety and Health Representatives, Union Delegates and Staff Supporters) are important and supported, employees cannot use these roles to unreasonably deny a supervisor or manager's instruction.

Employees must undertake their primary role with the Department for which they are engaged. Refer to the Department's [Standards for Workplace Representatives](#) and other relevant policies and procedures regarding these roles, including reasonableness of time spent conducting duties and any associated leave provisions.

Queries and feedback

For queries about this Code of Conduct or advice regarding its application or any aspects of it, including feedback, please contact Management Engagement and Intervention at corruptionprevention@justice.wa.gov.au.

***THE STANDARD YOU WALK PAST
IS THE STANDARD YOU ACCEPT***

It is your responsibility to report to PCS breaches of the Code you become aware of.

