

GOVERNMENT

Code of Ethics

for the South Australian public sector

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**Government
of South Australia**

Office of the Commissioner
for Public Sector Employment

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Please note that the content of this document was last updated January 2022.

The Government of South Australia acknowledges Aboriginal people as the first peoples and nations of South Australia.

The South Australian Government and public sector recognise and respect their cultural connections as the traditional owners and occupants of the land and waters of South Australia and that they maintain a unique and irreplaceable contribution to the state.

Introduction

The government is committed to ensuring that South Australia is a place where people and business thrive.

The public sector must serve this vision through a strong culture of service excellence, founded on a productive working relationship with communities and business.

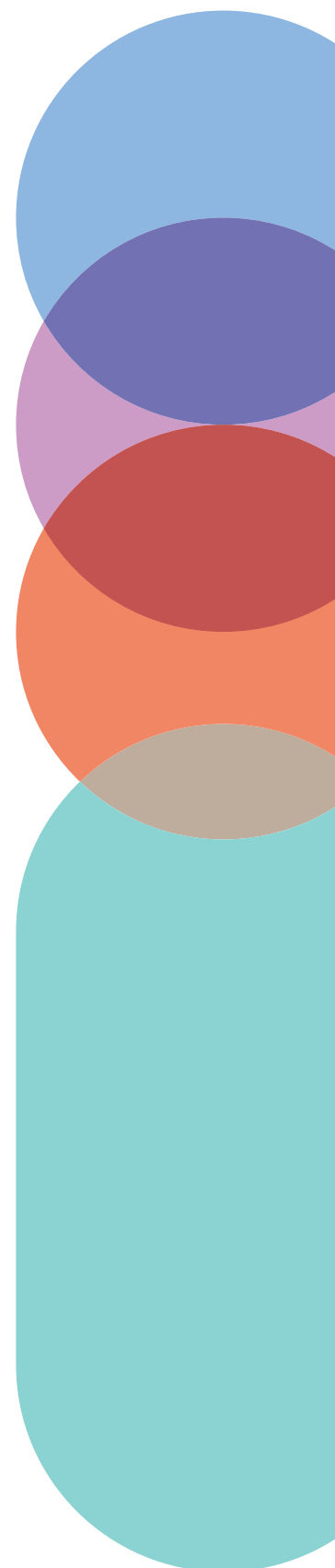
Above all, this relationship must be established on trust, and the guarantee that public sector employees will act effectively and with the utmost professional integrity.

This Code of Ethics for the South Australian public sector is the Code of Conduct for the purposes of the *Public Sector Act 2009*, and all public sector employees are bound by it.

One of the primary aims of the Act is to embed a culture of “one government” across the sector. Although public sector employees work in a diverse range of professions and organisations, they should be united by common values and standards of professionalism. These values and standards are articulated in this Code.

This Code has been updated to ensure its relevance to the opportunities and challenges that face modern South Australia. It incorporates the views provided by employees and other stakeholders since the Code was last issued in 2010.

It is intended that the Code will help employees challenge traditional ways of working while maintaining the essential principles of their profession and reliably serving the community and Government of the day.



Application of the code

All public sector employees are bound by the code of ethics

RESPONSIBILITY OF EMPLOYEES

This Code of Ethics for the South Australian public sector is the Code of Conduct for the purposes of the *Public Sector Act 2009*, and all public sector employees are bound by it regardless of:

- the nature or level of employment;
- employment status; or
- the nature of the public sector organisation in which an employee works.

Every public sector employee must familiarise themselves with the content of this Code and conduct themselves in a manner consistent with the values and standards of professional conduct that are set out herein.

Some public sector employees, such as health professionals and lawyers, are bound by codes of conduct specific to their profession. In such cases, employees must have regard to the Code of Ethics for the South Australian public sector as well as their professional codes.

RESPONSIBILITY OF CHIEF EXECUTIVES AND OTHER ORGANISATIONAL LEADERS

Strong and visible leadership is a critical factor in achieving support for, and adherence to, the values and professional conduct embodied by this Code.

Chief executives and other organisational leaders have a special responsibility to demonstrate publicly their support for both the spirit and letter of the Code through their actions.

In addition to exemplary personal behaviour, chief executives and other organisational leaders are responsible for raising awareness of the Code, promoting debate on application of its content, and responding to any issue – including requests for guidance – raised by employees.

STATUTORY RESPONSIBILITY OF THE COMMISSIONER FOR PUBLIC SECTOR EMPLOYMENT

It is the responsibility of the Commissioner for Public Sector Employment to issue this Code under Part 4, Section 14(1)(a) of the *Public Sector Act 2009*.

The Commissioner will also monitor and report to Parliament on the extent to which the Code has been observed. The Commissioner is required to keep the Code under review and may vary, or revoke and substitute the Code.

Four foundations

The values and standards outlined in this code build upon four foundations of public service.

DEMOCRACY

It is the role of the public sector to support the Government of the day, under law and the Constitution, in achieving the common good, primarily by providing services to the community. An emerging feature of South Australia's democracy is a higher level of collaboration between the public sector and the community in the design and delivery of services and the involvement of people in decisions that affect their lives.

IMPARTIALITY

Public sector employees must be detached from political influence and the influence of partisan interests within the community. Instead, public sector employees must rely on evidence to provide objective advice to Government and implement directions promptly and thoroughly.

ACCOUNTABILITY

Within a broad system of accountability under which ministers are accountable to Parliament, public sector employees are accountable for exercising their delegated authority and for performing their role within the values and standards of conduct outlined in this Code.

DIVERSITY

The South Australian public sector should be as diverse as the community it serves. The views and experiences of all people should be respected, regardless of nationality, gender, cultural or social background, sexuality, religion, age, or physical or intellectual ability.

Public sector values

Ministers, chief executives and other public sector employees have collectively defined values to guide the sector's long-term development.

The values are, in part, based on the traditional tenets of public service. Yet they also reflect the evolution of the sector, and the modern world in which it operates.

The values are articulated in the *Public Sector Values and Behaviours Framework*.

All public sector employees should endeavour to embody the values in their work.

Service

Proudly serve the community and Government of South Australia.

Professionalism

Strive for excellence.

Trust

Have confidence in the ability of others.

Respect

Value every individual.

Collaboration and engagement

Create solutions together.

Honesty and integrity

Act truthfully, consistently, and fairly.

Courage and tenacity

Never give up.

Sustainability

Work to get the best results for current and future generations of South Australians.

Professional conduct standards

Employees must exhibit the highest standards of professional conduct in order to maintain the integrity of the South Australian public sector.

These professional conduct standards are the disciplinary provisions of the Code of Conduct for the purposes of the *Public Sector Act 2009*.

Contravention or failure to comply with these professional conduct standards will constitute misconduct as defined by the *Public Sector Act 2009*. Any employee who fails to comply with these conduct standards may be liable to disciplinary action.

Public sector organisations may choose to issue agency specific conduct standards. Additional standards must be consistent with these standards, the *Public Sector Act 2009*, the *Public Sector Regulations 2010* and any other relevant legislation, industrial instrument or Government policy. Such conduct standards are not to be labelled as a 'code'.

This section of the Code outlines the standards of conduct regarding:

- Professional and courteous behaviour
- Public comment
- Handling official information
- Use of government/public resources
- Conflicts of interest
- Outside employment
- Acceptance of gifts and benefits
- Criminal offences
- Reporting unethical behaviour

PROFESSIONAL AND COURTEOUS BEHAVIOUR

Public sector employees will not at any time act in a manner that a reasonable person would view as bringing them, the agency in which they work, the public sector, or Government into disrepute; or that is otherwise improper or disgraceful.

Public sector employees will comply with a lawful and reasonable direction given to them as an employee by a person with authority to give such direction.

Public sector employees will at all times treat other persons with respect and courtesy.

Public sector employees will not be absent from duty without authority or proper explanation or excuse.

Public sector employees will be diligent in the discharge of their role and duties and not act in a way that is negligent.

PUBLIC COMMENT

Public sector employees will only make public comment in relation to their duties, the public sector or the Government – including policy and programs – when specifically authorised to do so. Such comment will be restricted to factual information and professional advice and avoid the expression of personal opinion. Public comment includes providing information or comment to or in any media (electronic and print), including posting comment on the internet and speaking engagements.

Notwithstanding the above, public sector employees may engage in a private capacity in conduct intended to influence public opinion on an issue, or promote an outcome in relation to an issue of public interest except in the circumstances set out in section 15(2) of the *Public Sector Act 2009*.

These provisions do not apply to certain statutory office holders (or other authorised officers or employees) who are entitled to make independent public comment, either through convention, under legislation or pursuant to delegated authority.

HANDLING OFFICIAL INFORMATION

By virtue of their duties, public sector employees frequently access, otherwise deal with, and/or are aware of, information about issues, facts and circumstances that they know, or where a reasonable person in the circumstances would know, needs to be treated as confidential.

Public sector employees will not access or attempt to access official information other than in connection with the performance by them of their duties and/or as authorised.

Public sector employees will not disclose official information acquired through the course of their employment other than is required by law or where appropriately authorised in the agency concerned.

Public sector employees will not misuse information gained in their official capacity, including, but not limited to:

- purchasing shares or other property on the basis of confidential information about the affairs of a business or of a proposed Government action; or
- seeking to use information for personal benefit or gain or for the personal benefit or gain of another.

Public sector employees will maintain the integrity and security of official information for which they are responsible. Employees will also ensure that the privacy of individuals is maintained and will only release information in accordance with relevant legislation, industrial instruments, policy, or lawful and reasonable direction.

USE OF GOVERNMENT/PUBLIC RESOURCES

Public sector employees shall use the Government/public resources that are the property of the Crown efficiently and only for appropriate purposes as authorised.

Government/public resources (Crown property) include physical, financial, technological and intellectual property.

The Crown retains ownership of these resources.

CONFLICTS OF INTEREST

Public sector employees will avoid actual or potential conflicts of interest.

Public sector employees will ensure their personal or financial interests do not influence or interfere with the performance of their role. They will ensure the interests of family members, friends or associates (as defined in the *Public Sector (Honesty and Accountability) Act 1995*) do not influence the performance by them of their duties and/or their role as a public sector employee.

Employees will disclose in writing to their chief executive or agency head any actual or potential conflicts of interest at the earliest available opportunity and comply with any lawful and reasonable direction issued by a person with authority to issue such direction to resolve the conflict or potential conflict, including written direction by a relevant authority pursuant to the *Public Sector (Honesty and Accountability) Act 1995*.

OUTSIDE EMPLOYMENT

Public sector employees must not engage in employment or other remunerative activity outside of their public sector employment where the activity conflicts with, or has the potential to conflict with, their role as a public sector employee, or if the performance of such outside employment or activity might affect their capacity to perform their public sector duties.

Public sector employees will obtain written permission from their agency head or delegate before engaging in any outside employment or remunerative activity (including any employment, work or service for which payment is made by way of pay, salary, honorarium, commission, fee, allowance or other reward).

In general, it is not necessary for employees to obtain permission to involve themselves in or undertake voluntary or unpaid activities or paid recreational activities (e.g. sport coaching) unless there is an actual or potential conflict of interest between such activity and their duties and/or role as a public sector employee.

Public sector employees who leave the public sector to work with a non-Government employer will avoid situations which would result in an unfair advantage for their new employer. This holds particularly in the case where the employer is bidding for a government contract or is competing for a grant or similar disbursement of public moneys.

ACCEPTANCE OF GIFTS AND BENEFITS

Public sector employees will not seek or accept gifts or benefits for themselves or others that could be reasonably perceived as influencing them in the performance of their duties and functions as a public sector employee.

Non-pecuniary gifts or benefits offered to employees by representatives of other governments may be accepted, as may gifts from non-Government sources if they are obviously mementos or gifts of a symbolic nature.

All employees will comply with any policies of their agency in relation to accepting, declaring and/or recording the receipt of gifts or benefits.

CRIMINAL OFFENCES

Public sector employees will at the earliest possible opportunity advise their manager (or if their manager is not available, some other person in management in the agency in which they are employed or working) if they are charged with a criminal offence and, if admitted or proven, there would be a connection between the offending conduct and the employee's public sector duties/role or position and/or status.

Reports to a manager or person in management will be in writing.

Public sector employees will comply with all legislation, industrial instruments, policies and procedures and lawful and reasonable directions relevant to their role as a public sector employee and/or to the performance of their duties.

REPORTING UNETHICAL BEHAVIOUR

Public sector employees will report to an appropriate authority workplace behaviour that a reasonable person would suspect violates any law, is a danger to public health or safety or to the environment, or amounts to misconduct. This obligation does not derogate from the obligations on public sector employees under the Directions and Guidelines issued by the Independent Commission Against Corruption, the Office for Public Integrity or the Ombudsman SA.

Public sector employees who are potential witnesses or are otherwise capable of assisting, will actively cooperate and assist with any investigation into the suspected or alleged conduct of another public sector employee that, if proven, would amount to misconduct (including corruption and maladministration as defined in the *Independent Commission Against Corruption Act 2012*) and any other processes relating to the management of such suspected or alleged conduct. This obligation does not impact upon the right against self-incrimination of employees suspected of committing or alleged to have committed misconduct.

Public sector agencies will inform employees of their rights and responsibilities under the *Public Interest Disclosure Act 2018*.

FURTHER INFORMATION

Legislation and regulations, including:

- *Public Sector Act 2009*
- *Public Sector Regulations 2010*
- *Public Sector (Honesty and Accountability Act) 1995*
- *Independent Commission Against Corruption Act 2012*
- *Public Corporations Act 1993*
- *Criminal Law Consolidation Act 1935*
- *Summary Offences Act 1953*
- *Equal Opportunity Act 1984*
- *Freedom of Information Act 1991*
- *Work Health and Safety Act 2012*
- *Public Finance and Audit Act 1987*
- *Public Interest Disclosure Act 2018*
- *Lobbyist Code of Conduct*
- *State Records Act 1997*
- *Disability Discrimination Act 1992* (Commonwealth Government)
- any other relevant agency-specific legislation

Public sector values and behaviours framework

Determinations and guidelines issued by the Commissioner for Public Sector Employment

Public sector-wide policies issued by the government, the Department of the Premier and Cabinet, the Department of Treasury and Finance, and the Commissioner for Public Sector Employment

Any agency-specific policies and conduct standards

Treasurer's Instructions

Directions and guidelines issued by the Independent Commission Against Corruption

The Office for Public Integrity

Independent Commission Against Corruption

Ombudsman SA

South Australia Police anti-corruption branch

Crown Solicitor's Office

The Office of the Commissioner for Public Sector Employment

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