

Commissioner's Instruction No. 8

Codes of conduct and integrity training

Commencement date: 3 July 2012

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Statement of intent

The purpose of this Commissioner's instruction is to establish the requirement for public sector bodies to develop their own code of conduct and to provide training to their employees and board members on accountable and ethical decision-making.

It identifies the official conduct requirements which must be included within a public sector body's code of conduct.

Scope and application

This instruction applies to all public sector employees, including Chief Executive Officers, Chief Employees and ministerial staff, and public sector bodies covered by the *Public Sector Management Act 1994* (PSM Act), which includes boards established under their own legislation.

The instruction rescinds and replaces the following Public Sector Commissioner's Circulars:

- *2009-03 Training on Accountable and Ethical Decision Making in the Western Australian Public Sector*; and
- *2009-08 Requirement for Public Sector Agencies to Develop Codes of Conduct*.

It also replaces certain residual subsidiary instruments made under the former *Public Service Act 1978*.

This instruction repeals¹ the following Public Service Administrative Instructions:

- 707 – Obligations of an Officer
- 712 – Fees, Rewards and Gratuities
- 726 – Private Employment

¹ under clause 5(1) of Schedule 5 of the PSM Act

References

This instruction should be read in conjunction with *Commissioner's Instruction No. 7 – Code of Ethics* and the PSM Act, particularly s9.

Section 9(a) of the PSM Act requires all public sector bodies and employees to observe the principles of conduct and to comply with the provisions of:

- the PSM Act and any other Act governing their conduct;
- the Commissioner's instructions, public sector standards and codes of ethics; and
- any code of conduct applicable to the public sector body or employee concerned.

Terminology

Public sector body: Includes departments, SES agencies, non-SES organisations (including boards established under their own legislation) and ministerial offices as defined under the PSM Act and all employees of these bodies, but excludes all entities listed in Column 2 of Schedule 1 of the PSM Act and their employees.

The *Chart of the WA Government* provides a listing of WA public sector bodies and their status under the PSM Act.

Instruction

1. Code of conduct

- 1.1. All public sector bodies are required to develop, implement and promote a code of conduct and to ensure compliance with that code.
- 1.2. A code of conduct shall set out the standards of conduct and integrity to be complied with by the public sector body and its employees.
- 1.3. A code of conduct is to be consistent with the principles of the Code of Ethics.
- 1.4. Public sector bodies are required to ensure compliance with the minimum requirements for a code of conduct (point 2 below), by 31 December 2012.

2. Minimum requirements for a code of conduct

- 2.1. Codes of conduct must specify to whom the code applies and what may or will occur as a result of non-compliance.
- 2.2. The conduct requirements to be included within a public sector body's code of conduct should be identified by that public sector body by undertaking a risk assessment.
- 2.3. Where a policy or other document, such as guidelines, is used to prescribe conduct requirements, the mandatory nature of such conduct must be explained within the code of conduct itself—that is, to become formally part of the code.

2.4. In conjunction with the above considerations, all codes of conduct must address the following seven areas:

- a) Personal behaviour
- b) Communication and Official information
- c) Fraudulent or corrupt behaviour
- d) Use of public resources
- e) Recordkeeping and use of information
- f) Conflicts of interest and gifts and benefits
- g) Reporting suspected breaches of the code

3. Accountable and ethical decision making training

- 3.1. The Public Sector Commission (PSC) has developed an accountable and ethical decision making (AEDM) training program to support public sector employees to make accountable and ethical decisions.
- 3.2. All public sector bodies shall provide AEDM training to their employees.
- 3.3. Board Chairs shall provide or arrange for AEDM training to be provided to their members or employees of the board.
- 3.4. The PSC is responsible for delivering AEDM training to Directors General, Chief Executive Officers and Chief Employees.

Supporting information

1. Conduct guide

The Conduct guide developed by the PSC provides a framework to assist public sector bodies to develop their own code of conduct. It provides guidance on the legislative framework and other accountability requirements that apply to conduct matters.

2. Accountable And ethical decision making training materials

The PSC will maintain the curriculum, training materials and support resources for use by public sector bodies to deliver this training to employees. Public sector bodies are encouraged to customise the training to meet their particular needs and reflect their code of conduct and associated policies and guidelines.

Where there is no in-house capacity to train employees, training services can be accessed via the *Training Courses Common Use Agreement 40304* administered by the Department of Finance to assist public sector bodies meet their obligations.

Further information

For information about Commissioner's instructions, see the Public Sector Commission's website at www.publicsector.wa.gov.au/publications-resources/instructions-standards-and-circulars/commissioners-instructions

Date of review: 31 December 2013