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## OFM CODE OF CONDUCT

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### ***At a Glance:***

- ◆ *Be familiar with OFM's code of conduct and its guidance on ethical conduct.*

OFM's Code of Conduct will assist you to:

- ◆ Understand the standards of conduct and behaviour that are required;
- ◆ Make decisions on how to deal with ethical problems you may have at work.

The Code has three underlying principles:

- ◆ The public has a right to expect the highest integrity and competence from our staff.
- ◆ The Government is entitled to impartial and accurate advice and prompt implementation of its policies.
- ◆ All staff have rights and obligations as employees.

### **PROCEDURES**

#### **1 Personal and Professional Behaviour**

##### 1.1 You must:

- ◆ Do your work conscientiously, honestly and fairly and keep up to date with advances in your area of responsibility;
- ◆ Be honest, reasonable, fair and sensitive in your dealings with members of the public and other staff;
- ◆ Give fair, unbiased and accurate advice to the government, and implement policies promptly;
- ◆ Follow relevant legislative, industrial and administrative requirements;
- ◆ Adhere to principles of equal employment opportunity, occupational health and Safety and the Ethnic Affairs Priorities Statement (EAPS)

##### 1.2 You should not:

- ◆ Behave in any manner which could be viewed as being unethical;
- ◆ Harass or discriminate against fellow workers or any members of the public.

##### 1.3 Duties that conflict with your personal views or beliefs:

- ◆ As an employee of OFM, you must always follow directions and requests given by authorised staff. It is understood that there may be circumstances where you conscientiously object to a particular course of action. Where this occurs you should discuss the matter with your Branch Director or Deputy Secretary/Executive Director as appropriate.

## **2 Corrupt Conduct**

2.1 You are responsible for reporting any suspected corrupt conduct, as well as maladministration and serious and substantial waste to public resources to an appropriate person.<sup>1</sup>

## **3 Fairness and Equity**

3.1 When considering issues or cases you must make all work related decisions consistently, fairly, and promptly. This involves dealing with matters in accordance with approved procedures, in a non-discriminatory manner, and in conformity with natural justice.

## **4 Conflicts of Interest**

4.1 If you have a personal interest that may conflict directly or indirectly with the performance of your duties, you must discuss the related matter with your Branch Director or Deputy Secretary/Executive Director as appropriate. Any actual or possible conflict of interest must be sorted out in favour of the public interest.

4.2 Conflicts of interest exist when it is likely that an employee could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their public duty. A conflict of interest that leads to partial decision making may constitute corrupt conduct.

4.3 Examples of issues that may give rise to a conflict of interest include:

- ◆ Having a financial interest in a matter the agency deals with or having friends or relatives with such an interest that the employee is aware of;
- ◆ Having personal beliefs or attitudes that influence the impartiality of your advice;
- ◆ Having personal relationships with the people that OFM is dealing with or investigating that go beyond a normal professional working relationship;
- ◆ Engaging in secondary employment that compromises the integrity of you and OFM;
- ◆ Being involved in party political activities that make adverse political comments that relate to OFM's work.

## **5 Acceptance of Gifts and Benefits**

5.1 Gifts and benefits, including hospitality, should not be accepted if they are meant to make you change how you do your work, or if other people could reasonably believe they were intended for that purpose.

5.2 Token gifts and benefits may be accepted if they are not likely to be seen as compromising you or OFM. Ensure that details of such gifts and benefits are recorded in the OFM register of gifts and benefits (held by CMU).

5.3 Invitations of significant value should not be accepted and must be discussed with your Branch Director or Deputy Secretary/Executive Director as appropriate. Generally:

- ◆ Invitations representing inconsequential or moderate acts of hospitality would generally be acceptable.
- ◆ Invitations involving free travel, substantial hospitality and accommodation should not be accepted.

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<sup>1</sup> Treasury's Anti-Corruption Policy Statement indicates the processes to be followed where corrupt conduct is suspected or has occurred - refer TPD 4.2.

## **6 Public Comment and the Use of Official Information**

### **6.1 General:**

As a citizen, you have the right to make public comment and publicly debate political and social issues. Public comments includes public speaking engagements, comments on radio and television or in letters to newspapers and expressing views in books, journals or notices where it is expected that the comments will spread to the community at large. However, you must always be careful to make it clear that you are not making an official comment on behalf of OFM or the public sector, but are commenting only as a private citizen.

### **6.2 Use of Official Information:**

Official documents and information must be kept secure and confidential. You may only reveal information from official documents if you have the authority to do so or if called to give evidence in court. You are however, not prohibited from disclosing information which is public knowledge or would be given to any member of the public seeking disclosure of that information. In such cases, you must keep to the facts, and not give any personal opinion about the matters.

Under no circumstances should official information be used for personal gain.

### **6.3 Paid Speaking Engagements:**

If you have obtained prior approval, you may accept speaking engagements relating to OFM activities with professional, educational and community groups. However if you receive a fee for the sector it must be paid into an appropriate OFM revenue account. You are unable to retain the fee.

## **7 Political Participation**

7.1 If you are active in any political party, or a representative for a political party, cause or movement, you must be especially careful about the possibility of conflicts of interest with the duties of your position in OFM.

7.2 You must ensure that you are always able to serve the government in a politically neutral manner. If you become aware of a potential conflict you must immediately inform your Branch Director or Deputy Secretary/Executive Director as is appropriate.

7.3 At the same time, you should not be required to perform duties that are of a political rather than public sector nature. If you consider that a duty is substantially political, you should discuss it with your Branch Director or Deputy Secretary/Executive Director.

## **8 Secondary Employment**

8.1 The duties of your OFM job must always come first. However, you may engage in other paid employment outside your official duties provided you meet certain conditions and have prior approval to do so.

You must consider whether the organisation offering secondary employment may adversely affect the performance of your public duties and responsibilities or give rise to a conflict of interest. This applies whether you are working full time, part time or on a temporary basis.

8.2 Applications for approval to engage in private employment or to significantly vary an existing approval must be submitted in writing to your Branch Director or Deputy Secretary/Executive Director and placed on your personal file.

8.3 Approvals will generally be given where it is clear that:

- ◆ The work does not arise from, nor will it interfere with, your work at OFM;
- ◆ The work will not involve a conflict of interest with your official duties;
- ◆ The work will be done outside working hours;
- ◆ The arrangements will not be significantly changed without further application.

## **9 Use of Official Facilities and Equipment**

9.1 You must use OFM property, facilities and equipment efficiently, economically and carefully.

9.2 Reasonable use of equipment for private purposes is permitted provided:

- ◆ It does not conflict with your work or the work commitments of another employee;
- ◆ It does not involve significant cost to OFM;
- ◆ The activity is done in your own time;
- ◆ You do not benefit financially;
- ◆ There is no commercial interest to you or any other person.
- ◆ Permission is gained prior to taking office equipment off site.

## **10 Post Separation Employment**

10.1 If you leave OFM you should not accept employment or engage in activities that will cast doubts on your integrity, the integrity of OFM or the Public Sector generally.

## **11 Breaches of the Code - Sanctions**

11.1 You should not use your position to obtain opportunities for future employment. You should not allow yourself or your work to be influenced by plans for, or offers of employment outside OFM. If you do then there is a conflict of interest and the integrity of you, OFM and the Public Sector is at risk.

11.2 Former employers should not use or take advantage of confidential information that may lead to gain or profit obtained in the course of their official duties, until it has become publicly available.

## **12 Relevant Legislation**

12.1 The main legislation that applies to OFM is the Public Sector Management Act 1988. The following legislation may also be relevant:

- ◆ Anti Discrimination Act 1977
- ◆ Crimes Act 1900
- ◆ Freedom of Information Act 1989
- ◆ Independent Commission Against Corruption Act 1988
- ◆ Industrial Relations Act 1996
- ◆ Ombudsman Act 1974
- ◆ Protected Disclosers Act 1994
- ◆ Public Finance and Audit Act 1983
- ◆ State Records Act 1998