



Northern Territory of Australia

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Northern Territory of Australia

Public Sector Employment and Management Act 1993

Revocation and Making of Employment Instruction

I, Vicki Telfer, Commissioner for Public Employment:

- (a) under section 16(1) of the *Public Sector Employment and Management Act 1993* and with reference to section 43 of the *Interpretation Act 1978*, revoke the Employment Instruction entitled "Employment Instruction Number 12 Code of Conduct" dated 25 June 2021 and notified in *Gazette* No. G26 of 30 June 2021; and
- (b) under section 16(1) of the *Public Sector Employment and Management Act 1993* make the Employment Instruction set out in the attached Schedule to take effect from 1 July 2022.

Dated: 30 June 2022

Vicki Telfer PSM
Commissioner for Public Employment

Schedule

Employment Instruction Number 12 – Code of Conduct

Part A: Applicable to all Northern Territory Public Sector Officers

1. Application

Section 16(1)(b) of the [Public Sector Employment and Management Act 1993](#) (the Act) provides the Commissioner for Public Employment (Commissioner) with the power to make rules, consistent with the Act, relating to the good management of the Northern Territory Public Sector (NTPS). These are known as Employment Instructions and may include a code of conduct to be observed in the NTPS (s16(2)(c) of the Act).

Employment Instruction 12 is the NTPS Code of Conduct (the Code). The Code stipulates the minimum standards of conduct expected of public sector officers. All public sector officers are bound by the Code.

A public sector officer (defined in s5F(2) of the Act to include the Commissioner for Public Employment, a Chief Executive Officer, or an employee) must comply with the Act and the Code. 'Employee' means a person employed in the public sector, other than the Commissioner or a CEO (per s3(1)).

Part A of the Code applies to all public sector officers regardless of whether they are employed on an ongoing, fixed period, full time, part time or casual basis. Part B of this Code applies ONLY to public sector officers to whom Part 4 (Chief Executive Officers) of the Act refers. This is in addition to Part A of this Code which also applies to Chief Executive Officers.

The Code applies to all public sector officers performing official duties and responsibilities including, but not limited to, representing the Northern Territory Government at conferences, training events, on business trips and attending work-related social events. The Code also applies to the personal conduct of public sector officers, insofar as it affects, or has a relevant connection to, the performance of their duties.

A CEO may also issue an agency-specific code which is consistent with the Act, its associated subordinate legislation, this Code and any other relevant legislation.

The Code is underpinned by the General Principles of the NTPS which are specified in Part 1A of the Act. These include the:

- Administration management principle (s5B)
- Human resource management principle (s5C)
- Merit principle (s5D)
- Equality of employment opportunity principle (s5E)
- Performance and conduct principle (s5F)

The General Principles relating to the NTPS are strengthened by the NTPS Values set out in Section 2 of the Code. Public sector officers will comply with all relevant legislation, awards, certified agreements, subsidiary agreements, directives, whole-of-government policies and standards relevant to their official responsibilities. Public sector officers must also adhere to the policies, organisational values and organisational documents of their employing agency.

Some public sector officers, such as health professionals and lawyers, are bound by codes of conduct, rules or ethics specific to their profession. In such cases, those public sector officers must have regard to the Code as well as their professional codes.

2. Northern Territory Public Sector Values

The NTPS Values form part of the Code of the Conduct. The NTPS Values underpin how public sector officers undertake their work.

2.1 Commitment to service

The NTPS is professional, hardworking, effective, innovative and efficient, working collaboratively to achieve the best results for the Northern Territory.

2.2 Ethical practice

The NTPS upholds the highest standards of practice and acts with integrity in all that it does.

2.3 Respect

The NTPS respects all people, and in particular their rights as individuals.

2.4 Impartiality

The NTPS is apolitical and provides the Government with advice that is objective, timely and based on the best available evidence.

2.5 Accountability

The NTPS is transparent and accountable in all its actions.

2.6 Diversity

The NTPS values the diversity of its workforce as well as the Northern Territory population it serves.

3. Breach of discipline

Behaviour contrary to the Code can undermine productive working relationships in the workplace, hinder customer service delivery, and damage public trust in their agency or the broader NTPS. It may also lead to disciplinary action. Breaching the Code and Part 1A of the Act or acting in a manner inconsistent with the conduct standards set out in this Code, is a breach of discipline under s49(a) of the Act.

4. Trust and confidence

It is essential for the proper workings of Government that a public sector officer establishes and retains the trust and confidence of an employer, colleagues and customers in the manner in which they discharge their official responsibilities.

5. Conduct standards

The Code establishes conduct standards for public sector officers of the NTPS. It represents a broad framework that guides public sector officers in their daily work performance.

In order to maintain public confidence in the integrity of the NTPS a public sector officer must exhibit, and be seen to exhibit the highest ethical standards in carrying out their duties, and must pursue, and be seen to pursue, the best interests of the people of the Northern Territory. The Code sets out the minimum standards of conduct and ethical behaviour for all public sector officers in order to maintain the integrity of the NTPS. The Code consists of nine pillars, namely:

Professional and courteous behaviour
Public comment
Handling of official information
Conflict of interest
Use of public resources
Outside employment
Acceptance of gifts and benefits
Criminal offences
Disclosure of wrongdoing

5.1. Professional and courteous behaviour

Public sector officers must:

- 5.1.1 carry out their duties objectively, impartially, professionally and with integrity
- 5.1.2 be accountable for their own actions and decisions
- 5.1.3 achieve high standards of public administration and perform their duties to the best of their ability
- 5.1.4 carry out their duties in accordance with the Act and all relevant legislation and policies and guidelines applicable to their role
- 5.1.5 treat other public sector officers, customers and all members of the public, particularly the most vulnerable, fairly, equitably and with proper courtesy, respect and consideration
- 5.1.6 apply the principles of natural justice in decision making
- 5.1.7 take all reasonable steps to ensure that information and knowledge relied upon to make decisions or take actions is evidence based, transparent, correct and current
- 5.1.8 comply with all lawful and reasonable direction given to them by a person with authority to give the direction
- 5.1.9 not be absent from duty without authority or good cause
- 5.1.10 report workplace accidents in accordance with work health and safety standards and programs as soon as practicable after they occur
- 5.1.11 take care for their own, and others, health and safety and follow reasonable directions relating to workplace health and safety

- 5.1.12 provide apolitical support and advice to the government of the day
- 5.1.13 regardless of which political party or parties are in office, ensure advice is provided competently, honestly, fairly and fearlessly
- 5.1.14 conduct themselves in a manner that demonstrates their commitment to an NTPS free from all forms of bullying, discrimination, sexual harassment and violence

Public sector officers must at all times ensure their personal conduct does not bring the NTPS into disrepute.

5.2. Public comment

Public sector officers must:

- 5.2.1 only make public comment in relation to their duties, the public sector or the Government, including policy and programs, when authorised to do so
- 5.2.2 only provide factual information, avoiding the expression of personal opinion unless expressed as part of their role

As members of the broader community also, public sector officers accept that while they have the right to make public comment and enter into public debate on political and social issues, they will not do so when:

- 5.2.3 they are directly involved in advising on or directing the administration or implementation of Government policy, or
- 5.2.4 a comment could compromise their ability to continue to do so in an efficient and professional manner, or
- 5.2.5 a public comment could give rise to the public perception that they are not impartial or not prepared to implement or administer the policies of the Government of the day

Public comment includes providing information to or making comment in any public forum including print media websites and social media and at speaking engagements.

5.3. Handling official information

Public sector officers must:

- 5.3.1 not access or attempt to access official information other than in connection with the performance of their duties and/or as authorised

- 5.3.2 not disclose official information acquired through the course of their employment unless as required by law or where appropriately authorised by their agency
- 5.3.3 not misuse information gained in their official capacity for personal benefit or gain or for the personal benefit or gain of another person
- 5.3.4 maintain the integrity and security of official information for which they are responsible
- 5.3.5 ensure that the privacy of an individual is maintained and only collect, use or disclose the personal information of individuals in accordance with the information privacy principles under the *Information Act 2002*

5.4. Conflict of interest

Public sector officers will:

- 5.4.1 avoid any perceived, potential or actual conflicts of interests between their personal interests and their public duties
- 5.4.2 ensure their personal or financial interests do not influence or interfere, or be perceived to influence or interfere, with the performance of their duties or role
- 5.4.3 ensure the interests of family, friends or associates do not influence or interfere, or be perceived to influence or interfere, with the performance of their duties and/or role
- 5.4.4 disclose in writing to the CEO or Agency head any perceived, potential or actual conflict of interest at the earliest opportunity, and comply with any lawful and reasonable direction by an authorised officer to manage the conflict of interest
- 5.4.5 disclose a declaration of bankruptcy to their CEO at the earliest possible opportunity

A conflict of interest occurs when the private interests of a public sector officer interferes with official duties. A conflict of interest may be improper if it is not adequately managed.

5.5. Use of public resources

Public sector officers must:

- 5.5.1 ensure the effective, efficient and appropriate use of public resources, including information and communication technologies and intellectual property at all times
- 5.5.2 only use public resources for permitted and authorised purposes

- 5.5.3 seek to obtain value for public money spent and avoid waste or excessive use of public resources

Public sector officers must exercise common sense and always be able to justify their use of ICT equipment such as computers, phones, email and printers. Reasonable personal use of these resources is permitted.

5.6. Outside employment

Public sector officers must:

- 5.6.1 not engage in paid employment outside their duties and/or role as a public sector officer except with the written approval of their CEO
- 5.6.2 Any permitted work outside employment or voluntary work must be performed wholly in a public sector officer's private time. Except in the case of voluntary work, private time does not include a public sector officer's normal working hours during periods of paid leave. (Normal working hours for a public sector officer who is on half pay means half of the normal working hours.)

Any permitted outside employment or voluntary work must be performed wholly in a public sector officer's private time. Except in the case of voluntary work, private time does not include a public sector officer's normal working hours during periods of paid leave.

5.7. Acceptance of gifts and benefits

Public sector officers must:

- 5.7.1 not seek or accept gifts, benefits or hospitality for themselves or others, including family, that could reasonably be perceived as influencing the performance of their duties, role, and functions as a public sector officer. Gifts and benefits can include consumables (food and drinks), tickets and tourism
- 5.7.2 comply with any policies of their agency in relation to declaring and/or recording the receipt of gifts, benefits or hospitality

Subject to agency policy, gifts or benefits (other than monetary) offered to public sector officers by representatives of other governments or non-government sources may be accepted if they are obviously mementos or gifts of a symbolic nature.

5.8. Criminal offences

Public sector officers must:

- 5.8.1 advise their CEO at the earliest opportunity in writing if they have been:
- a. charged with any criminal offence and the details of the charge(s) relating to the alleged criminal offence including court dates
 - b. convicted of any criminal offence including any sentence imposed
 - c. acquitted of any criminal offence

This obligation relates to any charge, conviction and acquittal of an offence which occurs during a period of employment with the NTPS.

It is unlawful to discriminate against a public sector officer on the basis of an irrelevant criminal record.

5.9. Disclosure of wrongdoing

Public sector officers must:

- 5.9.1 report workplace behaviour that a reasonable person would suspect is improper, violates any law, breaches the Code or is a danger to the health and safety of any person in the workplace

This obligation does not replace a public sector officer's obligations to report improper conduct under the mandatory reporting directions and guidelines for public officers to the Office of the Independent Commissioner Against Corruption (ICAC).

If a public sector officer is unsure of what constitutes improper conduct under any particular circumstance they should discuss the matter with their agency's nominated recipient, the Office of the Commissioner for Public Employment or ICAC directly.

Part B: Applicable to all Chief Executive Officers

Applies only to Public Sector Officers to whom Part 4 (Chief Executive Officers) of the Act refers (in addition to Part A of this Code)

CEOs are public figure responsible for providing leadership across the NTPS and within their agency.

CEOs are accountable to the relevant Minister for delivery of government priorities and budget decisions.

CEOs are expected to uphold and maintain the highest standards of conduct, behaviour and leadership (governance, employee relations, financial and professional).

A CEO's financial and accountability requirements are contained in the Act and the *Financial Management Act 1995 NT* (FMA), and other subordinate legislation.

As such, CEOs are required to comply with Part A, Sections 1 – 5 of the Code and with Part B, Section 6 (below) which refers to conduct requirements under the FMA.

6. Compliance with the *Financial Management Act 1995* (NT)

- 6.1 A CEO must comply with the requirements of the FMA and its related framework, which includes the Treasurer's Directions, Budget Papers, FMA subordinate legislation and Charter of Budget Discipline. A CEO must also comply with any staffing or labour expenses caps approved by government
- 6.2 In undertaking these duties CEOs must be transparent in the management of their finances within their approved agency budgets and exercise sound judgement.

Fiduciary Declaration

- 6.3 CEOs (including acting CEOs) must make written declarations, within 30 days of commencement, of private financial, business, personal and other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by the CEO. Where a CEO has no such private interests to declare, they must declare a nil return.

After a CEO makes an initial declaration, a fresh declaration must be made:

- as soon as practicable following any relevant change in a CEO's private interests
- as soon as practicable following a CEO's assignment to a new duty or role, or responsibility
- at least annually.

The declarations will be held by the appropriate Minister and the Commissioner for Public Employment.
