



code of conduct

for Victorian parliamentary officers



2009

Acknowledgment

This Code has been developed in consultation with the Public Sector Standards Commissioner (PSSC).

Code of Conduct for Victorian Parliamentary Officers 2009

Code of Conduct issued by the Department Head

made under the

Parliamentary Administration Act 2005,

The *Code of Conduct for Parliamentary Officers* (the Code) has been developed consistent with the parliamentary officer values contained in section 5 of the *Parliamentary Administration Act 2005* (the Act). The purpose of the Code is to promote adherence to these values.

The Code and the values contained within the Code form part of each parliamentary officer's terms and conditions of employment. The Code is binding on all parliamentary officers and a contravention of the Code is capable of constituting misconduct.

"Department Head" means the Clerk of the Legislative Council, the Clerk of the Legislative Assembly and the Secretary of the Department of Parliamentary Services

1 Name of Code

This Code is the Code of Conduct for Victorian Parliamentary Officers 2009.

2 Purpose

This Code is issued to promote adherence to the values contained in the *Parliamentary Administration Act 2005* by employees of the Parliament

3 Commencement

This Code commences on 1 July 2009.

4 Application

This Code applies to and is binding on all Victorian parliamentary officers, as defined in s. 4 of the *Parliamentary Administration Act 2005*.

5 Revocation

This Code revokes the Code of Conduct for Employees of the Parliament of Victoria, dated February 1996

6 Declaration

We approve and issue the attached Code.

A handwritten signature in black ink, appearing to read 'Stephen O'Kane', written in a cursive style.

DR STEPHEN O'KANE

Secretary of the Department of Parliamentary Services

A handwritten signature in black ink, appearing to read 'Ray Purdey', written in a cursive style.

RAY PURDEY

Clerk of the Legislative Assembly

A handwritten signature in black ink, appearing to read 'Wayne Tunnecliffe', written in a cursive style.

WAYNE TUNNECLIFFE

Clerk of the Legislative Council

foreword

The publication of any code of conduct is important for a number of reasons. Apart from providing guidance to those who are bound by it, a code of conduct is a public statement about how a group or organisation expects to be perceived and, ultimately, judged.

The actions of each and every parliamentary officer, no matter what their role, will shape the way they, their department and the Parliament as a whole are perceived.

This new *Code of Conduct for Victorian Parliamentary Officers* amplifies the values contained in the *Parliamentary Administration Act 2005*. Both the values and this Code build on Parliament's long tradition of striving to meet the high standards the community rightly expects of it and reinforces the line of accountability from parliamentary officers to Department Heads to the Presiding Officers.

Although the workplace will continually evolve and change over time, it is essential that parliamentary officers maintain key attributes that will allow them to perform their role with the full confidence of the Parliament and the wider community. Those key attributes include an apolitical nature, responsiveness, effectiveness and accountability and it is precisely these things that the parliamentary officer values and this Code seek to reinforce and protect.

It is important that the values are expressed in a way relevant to the workplace. For example, the value of 'responsiveness' includes the concept of contributing to improvements in the way work is done. Perhaps more importantly, parliamentary officers are increasingly faced with new situations where they are expected to exercise judgement and initiative. In the absence of a detailed rule for every conceivable situation, organisations are placing more emphasis on guiding values and principles of behaviour. This Code reflects that approach.

The values contained in the Act and expanded on in this Code are relevant to the many and diverse operational roles which Victorian parliamentary officers perform. At the same time, it is recognised that they will need to be supported by additional information and guidance at the local level.

The Parliament of Victoria through its elected representatives is accountable to the

Victorian community for the provision and conduct of representative government in the interests of Victorians. The objective of all the Departments of the Parliament is to deliver apolitical, professional and innovative services to support the elected representatives and the Parliament as an institution. The parliamentary officer values, supported by this Code, help define how we can achieve these goals.

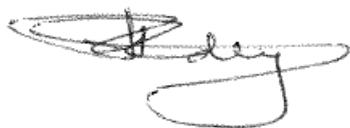
We urge all parliamentary officers to read this Code of Conduct and to actively engage with their colleagues and managers in understanding how they can best adhere to its requirements.

Parliamentary officers should approach the relevant Department Head if they require clarification or have any questions in relation to the content of this Code of Conduct.

This Code of Conduct has been endorsed by the Presiding Officers.



DR STEPHEN O'KANE
Secretary of the Department of Parliamentary Services



RAY PURDEY
Clerk of the Legislative Assembly



WAYNE TUNNECLIFFE
Clerk of the Legislative Council

parliamentary officers values

(*Parliamentary Administration Act 2005*, s. 5)

Responsiveness – parliamentary officers should demonstrate responsiveness by:

- (i) providing frank, impartial and timely advice to the Parliament; and
- (ii) providing high quality services to the Victorian community; and
- (iii) identifying and promoting best practice.

Integrity – parliamentary officers should demonstrate integrity by:

- (i) being honest, open and transparent in their dealings; and
- (ii) using powers responsibly; and
- (iii) reporting improper conduct; and
- (iv) avoiding any real or apparent conflicts of interest; and
- (v) striving to earn and sustain public trust of a high level.

Impartiality – parliamentary officers should demonstrate impartiality by:

- (i) making decisions and providing advice on merit and without bias, caprice, favouritism or self-interest; and
- (ii) acting fairly by objectively considering all relevant facts and fair criteria

Accountability – parliamentary officers should demonstrate accountability by:

- (i) working to clear objectives in a transparent manner; and
- (ii) accepting responsibility for their decisions and actions; and
- (iii) seeking to achieve best use of resources; and
- (iv) submitting themselves to appropriate scrutiny.

Respect – parliamentary officers should demonstrate respect for members of Parliament, colleagues, other public officials and members of the Victorian community by:

- (i) treating them fairly and objectively; and
- (ii) ensuring freedom from discrimination, harassment and bullying; and
- (iii) using their views to improve outcomes on an ongoing basis.

Leadership – parliamentary officers should demonstrate leadership by actively implementing, promoting and supporting these values.

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1. introduction

1.1 a binding code of conduct

This Code of Conduct prescribes the behaviour expected of parliamentary officers.

Parliamentary officers are required to familiarise themselves and act in accordance with the Code of Conduct. The Code of Conduct is binding on those employees to whom it applies and a contravention of it may constitute misconduct.

1.2 purpose of the code

The purpose of the Code of Conduct is to promote adherence to the parliamentary officer values prescribed in the *Parliamentary Administration Act 2005*. The Code is designed to help parliamentary officers understand these values and their responsibilities and obligations in relation to each value when performing their role as a parliamentary officer.

This Code prescribes standards of required behaviour rather than detailed policies and procedures. The behaviours described in the Code are essential in each parliamentary officer's relationships with Members of Parliament, the community and other parliamentary officers.

The Department Heads may develop and implement policies and procedures tailored to their own operating environment, to support the application of the Code. Parliamentary officers are required to comply with these policies and procedures.

1.3 pre-employment

The Code of Conduct can only bind parliamentary officers from the commencement of their employment. However, Parliament may wish to establish policies and procedures that include provisions for dealing with false, incorrect or misleading information provided in relation to applications for employment.

1.4 post employment

Although the Code of Conduct does not continue to bind parliamentary officers after they have left the Parliament for other employment, a parliamentary officer's obligations in relation to confidential information survive the termination of their employment (see 3.7 "Confidentiality").

1.5 contractors and consultants

The Parliament is to require contractors or consultants engaged in or by the Parliament (including contractors or consultants engaged through an employment agency) to comply with this Code of Conduct and relevant policies and procedures, where the contractors or consultants:

- supervise parliamentary officers;
- undertake work that is of a similar nature to the work undertaken by parliamentary officers at a premise or location generally regarded as a Department workplace;
- use or have access to parliamentary resources or information that are not normally accessible or available to the public; and
- interact with government officials and the community when working with a Parliamentary Committee.

1.6 other available guidance

In addition to conduct prescribed in this Code, there may be specific issues which are covered by other legislation, an industrial agreement or award, or a policy or procedure set down by the Parliament, or by some other relevant authority. Parliamentary officers who are unsure of the appropriate action to take in a particular situation should seek advice from the relevant Department Head.

1.7 professional codes of conduct

Certain professions have professional codes of conduct that establish specific behaviours relevant to that profession. This Code of Conduct specifies the behaviour expected of individuals as parliamentary officers and should be read in conjunction with any professional code of conduct. Relevant employees need to be aware of their professional code of conduct as well as the provisions of this Code.

Professional codes set out a range of matters relating to the profession including dealing with breaches of the professional code. A breach of a professional code may affect the capacity of a relevant employee to continue to act in that profession and may also affect the ability of that

employee to undertake their duties as a parliamentary officer. However a breach of the Code and any sanctions arising can only be determined in accordance with procedures established for this Code.

1.8 breach of this code

This Code is based on the Victorian parliamentary officer values and therefore relates to both performance and conduct behaviours.

Failure to behave in the ways described in the Code of Conduct may lead to action under relevant performance management or misconduct processes. These processes need to be consistent with the parliamentary administration employment principles outlined in the (*Parliamentary Administration Act 2005*, s. 6).

2. demonstrating responsiveness



Responsiveness –parliamentary officers should demonstrate responsiveness by:

- (i) providing frank, impartial and timely advice to the Parliament; and
- (ii) providing high quality services to the Victorian community; and
- (iii) identifying and promoting best practice.

(Parliamentary Administration Act 2005, s. 5)

2.1 providing advice

Parliamentary officers provide the same high standard of advice to all Members of Parliament in a frank, impartial and timely manner.

2.2 serving the Parliament

Parliamentary officers have a principal responsibility to provide effective apolitical support and assistance to the Parliament. Parliamentary officers may hold views on particular matters, but such views must not interfere with the performance of a parliamentary officer's duties.

Parliamentary Officers provide a service to the Parliament regardless of which political party or parties are in office.

2.3 services to the community

Parliamentary officers provide services to the community in an equitable, prompt and professional manner. They act within the level of their authority and in accordance with the relevant policies.

2.4 contributing to improvements

Parliamentary officers are committed to continuous improvement and adopt a best practice approach to the performance of their work. They identify and actively promote appropriate strategies, methods and processes that lead to improved performance.

3. demonstrating integrity



Integrity – parliamentary officers should demonstrate integrity by:

- (i) being honest, open and transparent in their dealings; and
- (ii) using powers responsibly; and
- (iii) reporting improper conduct; and
- (iv) avoiding any real or apparent conflicts of interest; and
- (v) striving to earn and sustain public trust of a high level.

(Parliamentary Administration Act 2005, s. 5)

3.1 honesty at work

Parliamentary officers act honestly in the performance of their duties. They are open and transparent when making decisions, bearing in mind the constraints of confidentiality. They give honest advice based on available facts and data. They ensure their advice is up to date.

3.2 using powers at work

Parliamentary officers use their power in a responsible way. They do not use their power to provide a private benefit to themselves, their family, friends or associates. They exercise power in a way that is fair and reasonable, and family or other personal relationships do not improperly influence their decisions. They respect the rights and dignity of those affected by their decisions and actions.

3.3 financial probity

Parliamentary officers observe the highest standards of integrity in financial matters and comply with the requirements of relevant financial management legislation, policies and procedures. They maintain a strict separation between work-related and personal financial matters and only use or authorise the use of public financial resources or facilities for work-related purposes.

3.4 official information

Parliamentary officers with access to official information ensure it is only used for official purposes and in an approved manner. Official and personal information must be handled according to relevant legislation and Parliament's policies and procedures.

Parliamentary officers only disclose official information or documents acquired in the course of their public employment when required to do so by law, in the legitimate course of duty, when called to give evidence in court, subject to the law of parliamentary privilege or when proper authority has been given. In such cases comments are confined to factual information only.

3.5 public comment

Parliamentary officers only make public comment when specifically authorised to do so in relation to their duties, by the Presiding Officers, Department Heads, or resolution of a Parliamentary Committee. Such comment is restricted to factual information and avoids the expression of personal opinion. Public comment includes providing information or comment to any media (electronic and print), the internet and speaking engagements.

When making a comment in a private capacity, parliamentary officers ensure their comments are not related to any parliamentary business that they are involved in or connected with as a parliamentary officer and make it clear they are expressing their own view. They ensure personal comments do not compromise their capacity to perform their role in an unbiased manner, and that their comments are not seen or perceived to be an official comment.

3.6 privacy and confidentiality

Parliamentary officers understand the importance of privacy and confidentiality. Confidential information requires special treatment and protection. Those people who provide confidential information to parliamentary officers have the right to expect this information will be treated as confidential. Parliamentary officers with access to such information must ensure it remains confidential, and at all times act in accordance with legislation and policies relating to dealing with private information.

3.7 maintaining confidentiality

Parliamentary officers receive and manage information in such a manner that its confidentiality will be maintained and that it will not be used to advantage a prospective employer or business and/or a particular political party or disadvantage the Parliament of Victoria.

Although the Code of Conduct does not continue to bind parliamentary officers after they have left

the Parliament for other employment, parliamentary officers continue to be bound by the provisions of confidentiality.

3.8 reporting unethical behaviour

Parliamentary officers comply with legislation, standing orders, orders of the Houses, resolutions of Parliamentary Committees, policies and lawful instructions in the performance of their work. Parliamentary officers report to the relevant Department Head workplace behaviour that violates any law, rule or regulation or represents corrupt conduct, mismanagement of public resources, may have an adverse effect on the reputation of the Parliament as an institution, or is a danger to public health or safety or to the environment.

3.9 conflict of interest

Parliamentary officers declare and avoid conflicts of interest to help maintain their integrity and credibility with Members of Parliament, community trust and confidence.

A conflict of interest can be actual, potential or perceived. This relates to circumstances where the employee is or could be directly influenced or where it is perceived the employee might be influenced.

Parliamentary officers ensure their personal or financial interests do not influence or interfere with the performance of their role. They seek to ensure the interests of family members, friends, or associates do not influence or could be perceived to influence their performance in the job.

If an employee is unsure about a possible conflict of interest they seek advice from their manager or the relevant Department Head.

3.10 other employment

Parliamentary officers are required to seek approval to engage in any other paid employment. They must comply with any policies of the Parliament in relation to engaging in other employment.

Parliamentary officers only engage in other employment where the activity does not conflict with their role as a parliamentary officer. Employment includes a second job, conducting a business, trade or profession, or active involvement with other organisations (paid employment or voluntary work). Department Heads can assist parliamentary officers to determine if such activities will cause an actual or perceived conflict of interest.

3.11 public trust

Parliamentary officers seek to build and maintain a high level of trust with the community. They behave in a manner that does not bring themselves or the Parliament into disrepute and diminish public confidence in it

Parliamentary officers avoid conduct in their private life that may bring the Parliament into disrepute.

3.12 criminal offences

Parliamentary officers shall advise their Department Head if they are charged with a criminal offence which is punishable by imprisonment or, if found guilty, could reasonably be seen to affect their ability to meet the inherent requirements of the work they are engaged to perform.

3.13 drugs and alcohol

Parliamentary officers carry out their work safely and avoid conduct that puts themselves or others at risk. This includes the misuse of alcohol, drugs or other substances when at work or when engaged in work related activities.

The misuse of alcohol, prescribed drugs, illegal drugs and other substances is an issue for both employers and employees as it impacts on both work and personal life and in some cases the reputation of their employer.

Parliamentary officers who are on medication that could affect their work performance or the safety of themselves or others must inform their manager or the relevant Department Head to ensure any necessary precautions or adjustments to work can be put in place.

4.

demonstrating impartiality



Impartiality – parliamentary officers should demonstrate impartiality by:

- (i) making decisions and providing advice on merit and without bias, caprice, favouritism or self-interest; and
- (ii) acting fairly by objectively considering all relevant facts and fair criteria.

(Parliamentary Administration Act 2005, s. 7)

4.1 decisions and advice

Parliamentary officers make decisions and provide advice that is free of prejudice or favouritism and is based on sound judgement. Before making a decision or providing advice, parliamentary officers consider relevant information and the impact on the Parliament, community and other parliamentary officers. Their decisions are not affected by personal influences.

4.2 gifts and benefits

Parliamentary officers do not — for themselves or others — seek or accept gifts or benefits that could be reasonably perceived as influencing them. Parliamentary officers do not give gifts or benefits that could be reasonably perceived as influencing others.

Parliamentary officers comply with any policies of the Parliament in relation to accepting, declaring and/or recording the receipt of gifts or benefits.

Parliamentary officers who are unsure about accepting a gift or benefit seek advice from their manager or relevant Department Head.

4.3 acting fairly

Parliamentary officers deal with issues consistently, fairly and in a timely manner. Parliamentary officers use fair criteria, and consider all relevant information in dealing with issues. Being fair means being just and working within commonly accepted rules.

5. demonstrating accountability



Accountability – parliamentary officers should demonstrate accountability by:

- (i) working to clear objectives in a transparent manner; and
- (ii) accepting responsibility for their decisions and actions; and
- (iii) seeking to achieve best use of resources; and
- (iv) submitting themselves to appropriate scrutiny.

(Parliamentary Administration Act 2005, s. 5)

5.1 working to clear objectives

The objective of all of the Departments of the Parliament is to deliver apolitical, professional and innovative services to support the elected representatives and the Parliament as an institution.

Parliamentary officers understand the objectives of their role. Managers and the relevant Department Head provide encouragement, support and a clear sense of direction and purpose. Employees who are unclear about their goals discuss this with their manager or supervisor.

5.2 being responsible for decisions and actions

Parliamentary officers make decisions and take actions within the scope of their authority that are lawful and consistent with relevant legislation and policies issued by Department Heads. They consider any impact of their decisions or actions on the Parliament, Members of Parliament, the community and other parliamentary officers.

5.3 work resources

Parliamentary officers use work resources and equipment efficiently and only for appropriate purposes as authorised by the Parliament.

Parliamentary officers seek to achieve value for money and use resources in the most effective way possible. They identify opportunities for improvement to achieve best possible efficiency and responsiveness.

Work resources include physical, financial, technological and intellectual property. Intellectual property includes copyright, trade marks, registered designs, patents (including patented business systems), semiconductors, circuit layout rights, and trade, business or company names, and all other proprietary rights, and any rights to the registration of such rights, including proprietary rights developed or created by employees in the course of their employment.

Ownership of all work resources does not vest in a parliamentary officer.

5.4 open to scrutiny

Parliamentary officers maintain accurate and reliable records as required by relevant legislation, policies and procedures. Records are kept in such a way as to ensure their security and reliability and are made available to appropriate scrutiny when required.

5.5 ability to meet essential requirements

Parliamentary officers notify the relevant Department Head of any loss, suspension of, or change to, a registration, accreditation, licence or other qualification that affects their ability to meet relevant essential requirements or to perform their duties.

5.6 compliance with legislation

Parliamentary officers ensure they are aware of and comply with all legislation relevant to the performance of their duties.

5.7 compliance with policies and procedures

Parliamentary officers ensure that they are aware of and comply with all policies and procedures developed by their employer relevant to the performance of their duties, in particular OH&S requirements.

6. demonstrating respect



Respect – parliamentary officers should demonstrate respect for members of Parliament, colleagues, other public officials and members of the Victorian community by:

- (i) treating them fairly and objectively; and
- (ii) ensuring freedom from discrimination, harassment and bullying; and
- (iii) using their views to improve outcomes on an ongoing basis.

(Parliamentary Administration Act 2005, s. 5)

6.1 fair and objective treatment

Parliamentary officers promote an environment that encourages respect.

Parliamentary officers are fair, objective and courteous in their dealings with all Members of Parliament, the community and other parliamentary officers.

6.2 equity and diversity

Parliamentary officers follow the spirit as well as the letter of the law relating to discrimination, harassment, bullying and victimisation. Parliamentary officers create an environment that is free of discrimination, harassment and bullying.

Valuing and promoting diversity is an important element of demonstrating respect.

6.3 improving outcomes

Parliamentary officers are conscientious and efficient in their work. They use their knowledge and expertise to deliver a high quality service, as well as identifying opportunities to improve service outcomes.

Parliamentary officers contribute both individually and as part of a team and engage constructively with their colleagues on work related matters. They share information with team members to support delivery of the best and most appropriate service outcomes.

7. demonstrating leadership



Leadership – parliamentary officers should demonstrate leadership by actively implementing, promoting and supporting these values.

(*Parliamentary Administration Act 2005*, s. 5)

7.1 leading by example

Parliamentary officers model the behaviours based on the parliamentary officer values and at all times act in an ethical manner. Leadership is about positive influence, inspiring and empowering others.

Providing sound advice, delivering high quality services and encouraging best practice **demonstrates responsiveness**.

Being honest, using powers correctly, identifying and dealing with inappropriate conduct, avoiding conflicts of interest and developing and maintaining public trust **demonstrates integrity**.

Making decisions that are free of bias, considering all relevant facts and ensuring policies and programs are implemented fairly **demonstrates impartiality**.

Being transparent, responsible, using resources efficiently and inviting scrutiny **demonstrates accountability**.

Treating others fairly, eliminating discrimination, harassment and bullying, and focusing on improving outcomes **demonstrates respect**.

7.2 managing staff

Managers and the relevant Department Head apply the parliamentary officer employment principles (*Parliamentary Administration Act 2005*, s.6). They provide a safe, encouraging and supportive work environment that recognises and values diversity, abilities and contributions. They give their employees a clear sense of direction and purpose.

7.3 supporting others

Parliamentary officers work co-operatively with their colleagues. They support and learn from them and accept differences in personal style.

They respect, and seek when necessary, the professional opinions of colleagues in their area of competence, and acknowledge their contribution.

Parliamentary officers, managers and the relevant Department Head provide other parliamentary officers with support and guidance.



VISION

Deliver apolitical, professional and innovative Services which will support our elected representatives and the Parliament as an Institution