

9 Public sector conduct

- (1) A public servant must—
- (a) take all reasonable steps to avoid a conflict of interest; and
 - (b) declare or manage a conflict of interest that cannot reasonably be avoided; and
 - (c) when acting in connection with the public servant's job—
 - (i) comply with laws applying in the Territory; and
 - (ii) comply with any lawful and reasonable direction given by a person with the authority to give the direction; and
 - (iii) if dealing with a member of the public—make all reasonable efforts to help the person to understand the person's entitlements, and any requirement the person is obliged to meet, under a territory law; and
 - (iv) treat all people with courtesy and sensitivity to their rights and aspirations; and
 - (d) do the public servant's job with reasonable care and diligence, impartiality and honesty.
- (2) A public servant must not—
- (a) behave in a way that—
 - (i) is inconsistent with the public sector values; or
 - (ii) undermines the integrity and reputation of the service; or
 - (b) take improper advantage of the public servant's job or information gained through the public servant's job; or
 - (c) improperly use a Territory resource, including information, accessed through the public servant's job; or
 - (d) without lawful authority—
 - (i) disclose confidential information gained through the public servant's job; or
- Note* The *Crimes Act 1900*, s 153 (1) makes it an offence for a public servant to disclose information that it is the public servant's duty not to disclose.
- (ii) make a comment that reasonably appears to be an official comment; or

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- (e) when acting in connection with the public servant's job—bully, harass or intimidate anyone; or
 - (f) when doing the public servant's job—apply improper influence, favouritism or patronage.
- (3) For a misconduct procedure, failing to act in a way that is consistent with subsection (1) or (2) may be misconduct.

Note A **misconduct procedure** means a procedure set out in an industrial instrument or prescribed by regulation (see dict, def **misconduct procedure**).

- (4) A public servant (a **discloser**) must tell the following person about any maladministration or corrupt or fraudulent conduct by a public servant or a public sector member of which the discloser becomes aware:
- (a) the head of service;
 - (b) if the alleged maladministration or corrupt or fraudulent conduct is by the head of service—
 - (i) the director-general of the administrative unit in which the public servant is employed; or
 - (ii) if the head of service is the director-general of the administrative unit in which the public servant is employed—another director-general.
- (5) This section does not—
- (a) affect the operation of any other Act; or
 - (b) create or affect any other legal right.