

APPENDIX 3

CODE OF CONDUCT (BOWEN REPORT)

Code of conduct as recommended in *Public duty and private interest*, the Report of the Committee of Inquiry established by the Prime Minister on 15 February 1978, July 1979, pp. 31–33.

CODE OF CONDUCT

Under the system of government which operates in Australia the main legislative and executive functions of government are carried out by Ministers, Members of Parliament, public servants and statutory officeholders. Each category of officeholder has a duty to discharge responsibilities entrusted by the Constitution and the laws made under the Constitution according to the highest standards of conduct. The public is entitled to have confidence in the integrity of its government. Officeholders may be required by the nature of public office to accept restrictions on certain areas of their private conduct beyond those imposed on ordinary citizens.

The following Code of Conduct embodies principles which should be observed by all four categories of officeholders.

1. An officeholder should perform the duties of his office impartially, uninfluenced by fear or favour.
2. An officeholder should be frank and honest in official dealings with colleagues.
3. An officeholder should avoid situations in which his private interest, whether pecuniary or otherwise, conflicts or might reasonably be thought to conflict with his public duty.
4. When an officeholder possesses, directly or indirectly, an interest which conflicts or might reasonably be thought to conflict with his public duty, or improperly to influence his conduct in the discharge of his responsibilities in respect of some matter with which he is concerned, he should disclose that interest according to the prescribed procedures. Should circumstances change after an initial disclosure has been made, so that new or additional facts become material, the officeholder should disclose the further information.
5. When the interests of members of his immediate family are involved, the officeholder should disclose those interests, to the extent that they are known

to him. Members of the immediate family will ordinarily comprise only the officeholder's spouse and dependent children, but may include other members of his household or family when their interests are closely connected with his.

6. When an officeholder (other than a Member of Parliament) possesses an interest which conflicts or might reasonably be thought to conflict with the duties of his office and such interest is not prescribed as a qualification for that office, he should forthwith divest himself of that interest, secure his removal from the duties in question, or obtain the authorisation of his superior or colleagues to continue to discharge the duties. Transfer to a trustee or to a member of the officeholder's family is not a sufficient divestment for the purpose. If immediate divestment would work significant hardship on the officeholder, possession of the interest should be disclosed to colleagues or superiors and authorisation obtained for temporary retention pending divestment.
7. An officeholder should not use information obtained in the course of official duties to gain directly or indirectly a pecuniary advantage for himself or for any other person. In particular, an officeholder should scrupulously avoid investments or other transactions about which he has, or might reasonably be thought to have, early or confidential information which might confer on him an unfair or improper advantage over other persons.
8. An officeholder should not:
 - (a) solicit or accept from any person any remuneration or benefit for the discharge of the duties of his office over and above the official remuneration;
 - (b) solicit or accept any benefit, advantage or promise of future advantage, whether for himself, his immediate family or any business concern or trust with which he is associated from persons who are in, or seek to be in, any contractual or special relationship with government;
 - (c) except as may be permitted under the rules applicable to his office, accept any gift, hospitality or concessional travel offered in connection with the discharge of the duties of his office.

The impression should be avoided that any person can improperly influence the officeholder or unduly enjoy his favour.

9. An officeholder should be scrupulous in his use of public property and services, and should not permit their misuse by other persons.
10. An officeholder should not allow the pursuit of his private interest to interfere with the proper discharge of his public duties.