



**Victorian
Public Sector
Commission**



Updates from the Commissioner

Known also as Commissioner's circulars, these communications outline important updates for public sector employees.

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New minimum standards for VPS executive pre-employment screening

Circular 2025-32. This circular applies to all public service bodies for executive officer recruitment

Circular Number	2025-32
Issue date:	15 May 2025
Application:	All public service body heads Public service executives
Resources:	Pre-employment screening and recruitment
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au

Key points

- The Victorian Public Sector Commissioner (Commissioner) recommends that public service body Heads adopt the updated minimum standards for pre-employment screening when recruiting Victorian Public Service (VPS) executives.
- These updated standards recommend that employers undertake more stringent misconduct validation and stricter reference checks, ensuring a more rigorous assessment of VPS executive candidates.
- By implementing these measures, employers can access critical information about a candidate's past employment history, enabling them to make more informed decisions about suitability for VPS executive roles.
- These changes have been incorporated into the Guide to pre-employment screening and [Guide to pre-employment misconduct screening](#).

Requirements

Due to the power and influence exercised by executives, the Victorian Public Sector Commission (VPSC) has updated these materials to reduce the risk of employees moving between employers without previous misconduct and other relevant information being known or appropriately assessed as part of the requirements of a position.

Strengthened misconduct validation checks

- While candidates are required to complete a misconduct declaration as part of the recruitment process, the current validation process for employers is voluntary.
- Under the new settings, the recommendation is that employers validate a preferred candidate's declaration if the recruitment process is for an executive role.
- Where a candidate has not declared any form of misconduct, employers should validate with:
 - their current/previous employer (depending on whether they are still employed).
- Where a candidate has declared some form of misconduct, employers should validate with:
 - the relevant employer and if different also their current/previous employer (i.e.

to determine if there have been any further matters that were not declared).

Tightened referee checks

- Preferred candidates should provide at least two reference checks, including but not limited to:
 - the candidate's current direct line manager (or most recent if the candidate is not currently employed)
 - where the candidate has been in any other role in the past five years, any other previous line manager.
- For candidates who have not been in any other role in the past five years, the second referee should be someone who is well placed to comment on the candidate's work performance and behaviour
- If it is not possible/appropriate to complete a referee check with the candidate's current/last direct line manager, the reference check should be conducted with the manager above the direct line manager, or the People and Culture executive of that organisation.
- At organisations' discretion, more than two reference checks may be warranted, for example where an executive has moved around a lot in recent years, or in those circumstances where the current/most recent line manager is not available or appropriate.

Date the recommended changes commence

It is recommended that public service body Heads align their internal pre-employment screening policies with these changes by 1 July 2025.

Scope

This circular applies to all public service bodies for executive officer recruitment.

A public service body is a Department, an Administrative Office established under section 11 of the *Public Administration Act 2004* and the Victorian Public Sector



Commission. Employers can use the VPSC's [list of public sector employers](#) to determine whether either change affects them.



Code of Conduct for Directors of Victorian Public Entities 2024

Circular 2024-29

Circular Number	2024-29
Issue date:	16 February 2024
Application:	<p>All directors (board members) of public entities^{②②} All other statutory office holders, as defined in section 4 of the Act, except:^{②②}</p> <ul style="list-style-type: none">• statutory office holders of a special body^②• statutory office holders excluded by a specific declaration issued by the Victorian Public Sector Commissioner.^②
Resources:	Code of Conduct for Directors of Victorian Public Entities 2024
Enquiries:	<p>Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au</p>



Key points

The Victorian Public Sector Commissioner has issued the Code of Conduct for Directors of Victorian Public Entities 2024 (the Code) to update and replace the previous 2016 Code.

The Code:

- clarifies what directors must and must not do in the performance of their duties
- introduces restrictions on lobbying activities that can be undertaken by board members
- includes declaration obligations for directors who previously engaged in lobbying activities that may relate to the public entity they serve
- modernises the language in the Code, making it easier to read.

It is vital that members of Victoria's public boards act – and be seen to act – in good faith and in the best interests of the public entity that they govern on behalf of all Victorians. The Code sets out the required behaviours that promote adherence to the [public sector values](#), including acting with integrity, honesty, fairness, due skill, care and diligence, and in an impartial and apolitical manner.

Date the Code commences

The Code takes effect on 1 March 2024.

Requirements

All board members of Victorian public entities must be aware of and comply with the binding obligations placed upon them in the Code.

I recommend that directors, and other public officials to whom the Code applies, familiarise themselves with the Code's requirements and discuss them with the other members of their board. Board members must comply with these requirements individually and collectively.

Summary of changes

The Code introduces restrictions that apply to directors that have been or are engaged in lobbying activities (item 3.13).

Directors **must not** engage in any lobbying activity that may relate to the functions of the public entity. Confirmation must be provided at the start of each board meeting.

If a director previously engaged in lobbying activities that may relate to the functions of the public entity, including activities undertaken in other jurisdictions, this must be declared to the board as soon as practicable.

Former lobbying activity must be declared regardless of whether it occurred:

- prior to the directors' appointment to the board, or
- prior to the commencement of the Code.

• Information about the new Code of Conduct for Directors

A new Code of Conduct for Directors commenced on 1 March 2024, find out more about the changes.

• Lobbying obligations as a public board director

Advice for boards, directors and their committees.

Background

The VPSC is committed to driving a public sector that is apolitical, accountable and trusted. In addition to the VPSC's role in setting public sector standards of behaviour, the [Independent Broad-based Anti-corruption Commission's Operation Clara report](#) recommended that the Code be updated to preclude board members undertaking lobbying activity that relates to the functions of the public entity.

The VPSC remains committed to supporting public sector directors and statutory office holders understand the importance of their roles and the responsibilities they have both to the board they serve on and the broader Victorian community.

Further resources to assist board directors can be found on the [Victorian government website](#).

Scope

The Code applies to and is binding on all directors (board members) of public entities^{②②} and all other statutory office holders, as defined in section 4 of the Act, except:^{②②}

- statutory office holders of a special body^②
- statutory office holders excluded by a specific declaration issued by the Victorian Public Sector Commissioner.



Referendum on altering the Constitution to recognise the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice

Circular 2023-28

Circular Number	2023-28
Issue date:	23 June 2023
Application:	All Victorian public sector employees
Resources:	Guidance for public sector employees Guidance for public sector employers
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au



Later in 2023, Australians will be asked in a referendum whether they approve a change to the Australian Constitution to recognise the First Peoples of Australia by enshrining a First Nations Voice to Parliament.

The Victorian Government is a signatory to a National Cabinet Statement of Intent and has agreed under this to '*support a constitutionally enshrined Voice to Parliament*' and to support the Commonwealth Government in '*ensuring Australians are afforded a free and fair referendum process*'.

For many people, the referendum is a sensitive topic with deep personal meaning. All Victorians, including those engaged in public sector roles, may wish to inform themselves about the subject matter of this referendum, so that they can form a view and if eligible, vote, in the referendum.

In doing this, Victorian public sector employees have the freedom to participate in the referendum process in their private capacity, including engaging in public discussion. At the same time all public sector employees need to also continue to comply with the seven [public sector values](#) in the [Public Administration Act 2004 \(PAA\)](#), and their obligations in the relevant [Codes of Conduct](#). This includes remaining apolitical, avoiding conflicts of interest, avoiding damage to the public's trust in how they do their job, and promoting an environment that encourages respect.

This means that while public sector employees may have personal views on the referendum, in expressing these views publicly they still need to comply with their public sector obligations either in or outside the workplace.

Above all, public sector employees should demonstrate the public sector value of respect. This means that racism or any form of discrimination is not permitted under the relevant [Codes of Conduct](#) and will not be tolerated.

It is therefore critical that public sector employees and employers maintain a respectful and considerate approach towards their colleagues, other public sector employees, and members of the Victorian community during what may be an emotional and challenging period for some. Particular care must be taken by employers to provide a safe working environment for Aboriginal and/or Torres Strait Islander employees, including setting expectations of behaviour for both managers and staff and providing additional support as appropriate.

In the lead up to the referendum, some employees in the Victorian public sector may be asked to undertake work which supports the Victorian Government's alignment with the National Cabinet Statement of Intent. The government of the day can lawfully ask public sector employees (other than employees in special bodies) to do this as these employees must implement the policies and programs of the elected government.

The guidance for [employees](#) and [employers](#) provides more details about the obligations and rights of Victorian public sector employees and employers in the lead-up to the referendum.

If you have any questions about this guidance or require further advice, please email integrity@www.vpsc.vic.gov.au

Guidance for public sector employees

Open allClose all

Can I affirm a 'Yes' or 'No' vote in my personal life?

Yes. The [Code of Conduct](#) does not prohibit public sector employees from engaging in political issues or expressing their personal values or moral choices in their personal capacity.

Consistent with other political events, like elections, you can share your views about the referendum in a private way with your friends and family. In case of any doubt, you should make it clear you are expressing your own personal views – and you need to be mindful of how 'publicly' you are sharing these views.

However, the [Code of Conduct](#), does impose limits on the conduct of public sector employees. It does so because rights and freedoms such as:

- the rights of freedom of expression and to participate in public life protected by the [Charter of Human Rights and Responsibilities Act 2006](#)
- the implied freedom of political communication under the Australian Constitution

can be subject to reasonable and proportionate limits. The [Code of Conduct](#) imposes limits to ensure the proper functioning of government.

Can I engage publicly with the referendum in my personal life, e.g. social media activity, or if supporting a campaign?

Yes, you can participate in the referendum in your own time, in a personal capacity (i.e., not connected in any way to your work or workplace).

This might include:

- distributing how-to-vote and educational materials at voting booths
- organising, engaging or attending campaign forums
- coordinating engagement activities (e.g. door knocking, phone calls, community engagement booths, social media posts etc)
- attending and participating in rallies and other public events
- wearing or displaying campaign materials outside of the workplace
- developing advertising or campaign materials.

However, at all times you are bound by the [Victorian public sector values](#) and [Code of Conduct](#), which means you need to take care in any public engagement.

You should ensure you familiarise yourself with all relevant aspects of the [public sector values](#) and [Code of Conduct](#) before publicly engaging with the referendum in your personal capacity. Some to be particularly aware of include the requirements to:

- be apolitical – this incorporates not acting in a manner that may lead a reasonable member of the community to believe that as a public sector employee, you are so entrenched in your position that you cannot put aside your personal views to behave impartially and respectfully at work
- avoid conflicts of interest
- avoid damage to your employer or the public sector's reputation and the public's trust in how you do your job
- promote an environment that encourages respect.

If you engage in discussion about the referendum you should make sure it is clear that you are expressing your own views, and that your engagement does not conflict with the particular circumstances of your public sector role.

What are some limits on my ability to engage publicly?

Some circumstances might make it more difficult for you to comply with the [Code of Conduct](#) while engaging in discussion about the referendum. You should consider, as a guide, the following factors when assessing your circumstances and any proposed public engagement in your personal capacity:

- **Seniority** – the more senior you are, the more likely the community is to believe that any comments you make, including in a personal capacity, are based on specialised insider information, or that you are somehow speaking in your professional capacity, despite any assertions you may make to the contrary.
- **Connection to duties** – personal engagement and public comment on the referendum in a personal capacity will be inherently riskier for employees whose professional duties are directly involved, for example, in administering any policies and programs that support the National Cabinet Statement of Intent signed by the Victorian Government. Again, it may be difficult for such staff to plausibly demonstrate a separation between their public duties and their personal views.
- **Expression** – how extreme your view is and how you express yourself. Your views should not be expressed in such a way that a reasonable member of the community believes that you can't put aside your personal views to behave impartially and respectfully at work. It is never acceptable to make racist or bigoted comments.

What can and can't I do in a workplace context?

This referendum is a sensitive topic, with deep personal meaning for many people. You should be particularly aware of not causing any distress by the way in which you reference this referendum with your colleagues, other public sector employees, and members of the Victorian community that you come into contact within the course of your work. You should not assume that others will vote the same as you, or that you

understand why someone may vote differently.

All of the [Code of Conduct](#) and legislated obligations apply to any behaviour in a workplace context. In the workplace it's particularly important that your conduct does not affect, or appear to affect, the apolitical nature of the public sector.

You should not engage in any campaign activities within the workplace, such as holding events which seek to encourage your colleagues to vote a particular way in the referendum.

You should not wear or display any campaign material in the workplace. You can, however, continue to wear materials that demonstrate support for First Nations staff without expressing a position on the Voice Referendum (e.g. lanyards and badges with the Aboriginal flag). You must also not use any work resources to support any campaign except if you are working by express direction on the Victorian Government's position.

Above all, this is a time to be thoughtful and respectful towards your colleagues, and in particular your Aboriginal and/or Torres Strait Islander colleagues.

Can I ask Aboriginal and/or Torres Strait Islander peers for their opinions about the referendum?

You are encouraged to do your own research to form your own position on the referendum.

If you would like to engage with Aboriginal and/or Torres Strait Islander peers on this topic, you should be mindful and respectful of the likely mental, emotional and cultural load Aboriginal and/or Torres Strait Islander people will be experiencing in the lead up to the referendum.

You should not expect Aboriginal and/or Torres Strait Islander people to provide their opinion to inform, challenge, or solidify your position. Be aware that, as with any group of people, First Nations communities are made up of a vast range of diverse perspectives, and Aboriginal and/or Torres Strait Islander people should never be expected to speak on behalf of their whole community.

What if the referendum gives rise to a conflict of values for me?

If your personal values conflict with the [Victorian public sector values](#) (as set out in the [PAA](#) and reflected in the [Code of Conduct](#)), the sector values are expected to have priority in the workplace. If you are unable to reconcile your personal values with what is expected of you at work, you are strongly encouraged to seek advice.

Talk to your manager, your employer's Employee Assistance Program, your integrity or governance area, a trusted colleague, or a counsellor – and make a decision that preserves both your integrity, your colleagues and that of the Victorian public sector.

What are the provisions in the Code of Conduct I need to be aware of?

You can read the full Code [here](#). Some relevant obligations include:

- continue to conduct yourself in an apolitical manner (item 2.2)
- only use official information for its official purpose and if you have approval (item 3.4)
- ensure any comments made in a private capacity are not related to any government activity you are involved in or connected to as a public sector employee, and make it clear you are expressing a personal view (item 3.5)
- where possible, avoid any conflicts of interest and manage those you can't avoid consistent with your employer's policies (item 3.7)
- ensure any paid work has been approved by your public service employer and that any active involvement with other organisations (paid employment or voluntary work) doesn't conflict with your public sector role (item 3.8)
- at work and in your private life, avoid damage to your employer or the public sector's reputation and the public's trust in how you do your job (item 3.9)
- only use work resources for appropriate purposes as authorised by your employer (item 5.3)
- promote an environment that encourages respect (item 6.1)
- value and promote diversity (item 6.4)

- treat others fairly and work to eliminate discrimination, harassment and bullying (item 7.1).

I've been asked to undertake work in support of the National Cabinet Statement of Intent – what should I be aware of in my work?

Some employees may be asked to undertake work which supports the Victorian Government's alignment with the National Cabinet Statement of Intent. If you are in this category, you will need to be particularly careful in any personal comments you might make on the referendum, given the connection to your official duties. You will likely have to be more careful in making public comments in your personal life than if you were not doing this work.

If you feel uncomfortable undertaking such work you may wish to speak to your manager. They may be able to arrange alternative duties in some circumstances for the period leading up to the referendum.

Are the rules different for Aboriginal and/or Torres Strait Islander employees?

The guidance in this document also applies to Aboriginal and/or Torres Strait Islander public sector employees.

There is one additional Charter right in respect of these employees – the right to enjoy culture and identity. Under the Charter, employers have additional obligations to consider the cultural rights, with other members of their community, of First Nations persons including their right to enjoy their identity and culture, to maintain and use their language, and maintain their kinship ties to members of their community. The Charter also recognises the special relationship First Nations peoples have with the land, water and resources in Victoria.

The [Code of Conduct](#) obligations otherwise apply equally to this group of employees.

Aboriginal and/or Torres Strait Islander employees may wish to draw on their managers for particular guidance or support, and may also wish to access the supports detailed below.

Where can I get support?

The VPSC acknowledges that the referendum may be an emotional and challenging event for some employees and their families.

Employees experiencing personal distress are encouraged to speak with their managers, human resources department or employee assistance programs.

First Nations employees can also access specialised support, including:

- **Yarning SafeNStrong** –Yarning SafeNStrong is a free and confidential counselling service provided by the Victorian Aboriginal Health Service for Aboriginal and/or Torres Strait Islander Peoples. You can contact Yarning SafeNStrong by visiting their [website](#) or calling 1800 959 563.
- **13YARN** – 13YARN is a national crisis support line for Aboriginal and/or Torres Strait Island Peoples who are feeling overwhelmed or having difficulty coping. You can contact 13Yarn by visiting their [website](#) or call 13 92 76

Where can I find further information about the referendum?

Information about the referendum is provided by the Commonwealth Government and can be accessed [here](#).

Questions about this guidance should be directed to the Victorian Public Sector Commission: integrity@www.vpsc.vic.gov.au.

Guidance for public sector employers

Open allClose all

Can I adopt a 'Yes' position for the organisation, or otherwise encourage employees to vote a particular way?

No. You must uphold the apolitical and professional nature of the public sector. The fact that the Victorian Government has signalled its intent does not mean that the public sector, or specific entities within the public sector, can adopt their own positions on the referendum. You must also ensure that you are providing a workplace that is safe for all employees, including culturally safe for Aboriginal and/or Torres Strait Islander employees.

Employers should not:

- adopt an entity-specific position on the referendum (as opposed to recognising that the Victorian Government supports the National Cabinet Statement of Intent). Such adoption of a position would be likely to impair the political neutrality of the Victorian public sector
- advocate that employees vote either 'Yes' or 'No' in the referendum. Doing so would likely impair the impartiality of the public sector
- encourage employees to express their personal views on the referendum in a workplace context
- encourage employees to wear expressly-designed 'Yes' or 'No' materials such as lanyards and badges in the workplace – in the case of 'Yes'-badged items, it is likely to be difficult to distinguish that a person wearing a lanyard is demonstrating the Government's position with respect to the National Cabinet Statement of Intent, rather than their own personal views. 'No'-badged items would also conflict with the apolitical requirements.



Can I ask employees to work on promoting the Victorian Government's position?

If your organisation is involved in work in support of the National Cabinet Statement of Intent, you can ask employees to be involved in this work.

However, you may wish to contemplate alternative duties for any employees expressing discomfort about being asked to do this work.

Can I inform employees about the Victorian Government's position on the referendum, and associated issues, e.g. relating to Treaty or the Uluru Statement from the Heart?

Yes. You can:

- inform employees about the Victorian Government being a signatory to the National Cabinet Statement of Intent in support of a constitutionally enshrined Voice to Parliament and explain why it is considered by the Government to be in Victoria's interests
- inform employees about the Victorian Government's existing policy of supporting the Uluru Statement from the Heart and describe the activities that have been taken in Victoria to progress the elements of that Statement.

You should also:

- promote respectful workplace conduct
- take actions to support the wellbeing of staff, particularly Aboriginal and/or Torres Strait Islander staff, including by providing mental health supports
- recognise that some employees may feel strongly about the Voice, and provide guidance on how they can comply with their obligations under [Codes of Conduct](#) and the [public sector values](#) in the specific workplace context, if they seek to engage in public discussions about the issue.

What should I do if I think an employee may have breached an obligation under the Code or public sector values in respect of their public comments about the referendum?

You should always respond to the behaviour of employees in a manner proportionate to the risk that the behaviour poses to the public's trust in the professionalism and impartiality of the public sector. Responses must be reasonable in the circumstances, including being guided by the principles listed in the employee guidance (e.g. seniority, connection to duties and expression), and take into account the nature and gravity of the employee's behaviour.

You can contact the VPSC for further advice on integrity@www.vpsc.vic.gov.au.

Where can I find further information?

Information about the referendum is provided by the Commonwealth Government and can be accessed [here](#).

Questions about this guidance should be directed to the Victorian Public Sector Commission: integrity@www.vpsc.vic.gov.au.

Update to conflict of interest resource suite 2024

Circular 2024-31

Circular Number	2024-31
Issue date:	31 May 2024
Supersedes:	Circular 2018-02: consensual personal relationships in the workplace (Conflict of Interest), issued 27 August 2018
Application:	<ul style="list-style-type: none">• All public sector employees, including:<ul style="list-style-type: none">- employees- managers- public sector body heads• contractors, consultants and labour hire employees whose contract requires them to comply with a public sector conflict of interest policy• Any other workplace participants that the organisation lists as being covered by its conflict of interest policy. <p>(For the purpose of this circular and the conflict of interest resource suite it refers to, all of the above are referred to as 'employees')</p>
Resources:	Conflict of interest resource suite (updated May 2024)
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au



Key points

The Victorian Public Sector Commission (VPSC) has updated the [conflict of interest \(COI\) resource suite](#) for public sector organisations and their employees.

It is the most wide-ranging update to these resources since 2016.

The resource suite will improve consistency across the public sector by:

- spelling out that having a conflict of interest is not in itself a sign of any wrongdoing
- providing examples and case studies of high-risk areas for potential conflict
- providing useful prompt questions to help employees identify if they have a conflict
- placing greater emphasis on matters which a reasonable person might perceive to be a conflict.

As public sector employees, when we perform our public duties, it's vital that our decision-making is impartial, which includes always behaving in a manner that is fair and apolitical. This helps to maintain the public's trust in public sector organisations and prevent corruption. Properly identifying and managing conflicts is an important way of delivering on this.

The updated documents include:

- [model policy](#)
- [model COI declaration and management plan form](#)
- [guidance for employees on key things to know and do, plus information on specific topics – for example, consensual personal relationships](#)
- [strategies for organisations to assist implementation.](#)

Although these resources are not binding on public sector organisations, it's expected that most public sector organisations adopt them. They set good practice standards to support compliance with obligations under the codes of conduct and values that apply to the entire public sector. They can be adapted to take into account your organisation's functions and operating environment.

Date commences

The new suite of resources took effect from the date of their publication on 31 May 2024.

Scope

This resource suite applies to:

- all public sector employees, including:
 - employees
 - managers
 - public sector body heads
- contractors, consultants and labour hire employees whose contract requires them to comply with a public sector organisation's COI policy
- any other workplace participants the organisation lists as being covered by its conflict of interest policy.

(For the purpose of this circular and the COI resource suite it refers to, all of the above are referred to as 'employees'.)



Gifts, benefits and hospitality

Circular 2024-30

Circular Number	2024-30
Issue date:	29 May 2024
Supersedes:	<u>Circular 2018-01: gifts, benefits and hospitality, issued 28 June 2018</u>
Application:	All public sector heads and CEOs Accountable officers under the Financial Management Act 1994 Public sector employees
Resources:	<u>Minimum accountabilities for gifts, benefits and hospitality</u> <u>Gifts, benefits and hospitality model policy</u> <u>Standing Directions 2018 (Instructions)</u>
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission <u>03 9922 8600</u> <u>integrity@www.vpsc.vic.gov.au</u>



Key points

The Victorian Public Sector Commissioner has:

- issued updated minimum accountabilities for gifts, benefits and hospitality under the *Standing Directions 2018* under the *Financial Management Act 1994*, and
- published an updated gifts, benefits and hospitality model policy to support these.

The model policy has been updated to provide greater guidance and to implement new requirements in the minimum accountabilities.

This is the first major update to the minimum accountabilities and model policy since 2016 and it is designed to set out clear and easy to follow obligations for public sector employees and organisations.

It is essential that each public sector employee understands that there are very strict requirements around the circumstances in which a gift, benefit or hospitality can be accepted and that they should not be solicited in any way.

To support this understanding, updates to the policy and minimum accountabilities include clearer definitions, practical examples and reflect changes in the way that suppliers, stakeholders and other parties make offers and seek to influence the public sector.

The updates also make clear that public sector organisations should adopt a 'thanks is enough' approach to dealing with any offers while maintaining detailed and transparent records of the circumstances where an offer is accepted.

This will increase transparency and ensure that trust in the public sector is upheld.

Date the minimum accountabilities commence

The minimum accountabilities commence from 1 July 2024.

Requirements

The minimum accountabilities are binding on public sector bodies that are subject to the *Financial Management Act 1994*.

The Accountable Officer under the *Financial Management Act 1994* must ensure that their agency develops policies and procedures that apply the minimum accountabilities.

The model policy can be adapted to meet local needs, providing there is compliance with the minimum accountabilities.

Scope

The minimum accountabilities apply to and are binding on all public sector bodies that are subject to the *Financial Management Act 1994*.



Release of Operation Daintree Special Report

Circular 2023-27

Circular Number	2023-27
Issue date:	5 May 2023
Application:	All Victorian public sector employees
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au

On 19 April 2023, IBAC released a Special Report on Operation Daintree, which identified:

- improper influence in relation to a procurement process, and
- conduct by senior public servants that fell short of the required Victorian public sector standards.

The Government has considered the recommendations and issued an [official response](#).



What the investigation found

The report includes a number of findings relating to ministerial advisers and raises issues of concern for the public service, including that:

- Proper and competitive processes for procurement and contract management were not followed, resulting in a poor use of public resources.
- The decision to award a contract to a particular supplier was based on the perceived preference of the Minister's office.
- Senior public servants did not provide full and frank advice on the procurement, as required under the *Public Administration Act 2004* and [Code of Conduct for Victorian public sector employees](#).

Why full and frank advice matters

As public servants we are overwhelmingly motivated to serve our community and advance the interest of Victorians. Victorian public servants work hard every day to be forward-looking, respectful and to deliver the highest quality work.

I want to remind all public servants that we are bound to work at all times in accordance with the seven public sector values and Code of Conduct.

One of these Public Sector Values is *responsiveness*. As the *Public Administration Act 2004* tells us, responsiveness requires frank, impartial and timely advice to the Government. This upholds the Westminster principle of an apolitical public service, which ensures that government has the information it needs to:

- make decisions for the benefit of the community
- use resources wisely.

Where to get support

The VPSC has produced [Informing and advising ministers in the Victorian Public Service \(VPS\)](#), which provides guidance on how to advise ministers if you're a VPS secretary,

executive or staff member.

The guidance emphasises the need for secretaries, executives and staff to:

- provide frank and fearless advice openly, transparently and apolitically
- support the provision of difficult advice by acknowledging issues and being responsive by offering possible options and solutions
- implement working arrangements that operate effectively in urgent situations
- uphold and model the public sector values
- build a trusting relationship with the Minister and their office through consistent practices and the provision of evidence-based advice consistent with the public sector values.

If you are unsure or lack confidence in how to balance these responsibilities, I encourage you to seek support from within your organisation.

- If you find yourself in a situation in which you are unsure of how to proceed in line with the Code of Conduct, I would encourage you to seek support and advice from your manager and colleagues.
- Should you feel uncomfortable raising this issue with your manager, I encourage you to speak to someone you trust in the public service.
- In addition, the Learning and Development team in your organisation will be able to provide you with advice on development opportunities.
- Finally, the Integrity or Governance team in your organisation will be able to assist or advise you in particular circumstances, including if you need to escalate a concern.

If you have serious integrity concerns about the behaviour of the public sector, you should consider formal processes for reporting this. For example through the [Public Interest Disclosure](#) process.

The Victorian Public Sector Commission is also here to provide advice to executives and staff in complex situations. Please email integrity@www.vpsc.vic.gov.au.

Guidance on the public sector values can be found on [our website](#).



Prevention of sexual harassment in the workplace guidance

Circular 2022-26

Circular Number	2022-26
Issue date:	26 September 2022
Application:	All Victorian public sector employees
Resources:	Model Policy for the Prevention of Sexual Harassment in the Workplace Guide for the Prevention of Sexual Harassment in the Workplace
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au



Key points

1. The Victorian Public Sector Commission (VPSC) is committed to ensuring that Victorian public sector workplaces are respectful and free from harm. Every employee has the right, and should have the expectation, of working in a safe, environment where they feel supported to speak up.
2. Sexual harassment is unlawful and prohibited. Sexual harassment in the workplace can take various forms and can be directed at all people. It can be physical, spoken or written. Unwelcome conduct does not need to be repeated; a one-off incident can be sexual harassment.
3. The VPSC has updated the Model Policy and Guide for the Prevention of Sexual Harassment in the Workplace (the Guide) to continue to promote consistent practice across the Victorian Public Service (VPS) and sector and help organisations prevent sexual harassment and support those who are harmed by such behaviour.

Update summary

1. Updates to the Model Policy and Guide include:
 1. Updating legislative and industrial references to reflect changes to the *Victorian Public Service Enterprise Bargaining Agreement 2020* and the introduction of the *Gender Equality Act 2020*.
 2. A new principle in the Model Policy acknowledging sexual harassment disproportionately affects some groups of workers and is often experienced with other forms of discrimination on the basis of disability, race, gender identity, sexual orientation, marital status and age.
 3. New sub-sections in the Model Policy on support and welfare, anonymous reporting and victimisation.
 4. Clarifying reporting options for persons who have experienced sexual harassment in the workplace.
 5. Use of consistent and more inclusive language including referring to 'reports' rather than 'complaints' of sexual harassment.
 6. Providing additional external support options.

Requirements

1. The *Equal Opportunity Act 2010* requires organisations to take proactive steps to eliminate sexual harassment in the workplace.
2. The *Gender Equality Act 2020* also requires defined entities to promote gender equality.
3. The Model Policy and Guide seek to support the VPS and sector to fulfil these positive duties.
4. When updating policies and procedures, specific organisational requirements should be taken into account.

Background

1. The Victorian Secretaries Board (VSB) released statements in March 2018 and November 2019 affirming its commitment to preventing sexual harassment from happening in the first place, and to responding at the earliest possible point when these behaviours arise.
2. The Model Policy and Guide was endorsed by VSB and first published by the VPSC in 2018.
3. Further updates, endorsed by the Public Sector and Administration Committee, were made to the Guide in December 2020 to incorporate recommendations arising out of the Victorian Auditor-General's Office report into sexual harassment in the VPS.

Scope

1. The Model Policy and Guide apply to the VPS. VPS bodies are encouraged to revise their policy and procedures on sexual harassment in line with the Model Policy. The Guide assists organisations in implementing their sexual harassment policies.
2. All Victorian public sector entities are encouraged to revise their policy and procedures on sexual harassment, ensuring these are informed by the Model Policy and Guide.

Date of application

26 September 2022



Guide for employees during election periods

Circular 2022-25

[03 9922 8600](tel:0399228600)

Circular Number	2022-25
Issue date:	11 April 2022
Application:	All Victorian Public Service employees
Resources:	Guide for employees during election periods Manager's guide for employees involved in elections
Enquiries:	Integrity and Advisory branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au

Key points

1. It is critical that the Victorian public sector maintains the confidence of the Government, members of Parliament and the wider community. This requirement is brought into sharper focus in the period leading up to and during local, state and

federal election campaigns.

2. With state and federal elections scheduled to take place in 2022, public sector employees should familiarise themselves with their obligations to maintain an apolitical public sector consistent with the Code of Conduct for Victorian Public Sector Employees (the Code of Conduct).
3. To assist public sector employees, the VPSC has developed guidance for employees during election periods to:
 1. remind employees of their obligations under the code of conduct
 2. provide advice on how to manage any potential conflicts of interest arising out of involvement in political activities
 3. advice on requirements and limitations for standing for election.
4. The VPSC has also developed the manager's guide for employees involved in elections, which assists managers to understand what they must do to inform their employees of their public sector employment obligations if they choose to involve themselves in election activities.

Background

1. A federal election is to be held 21 May 2022, followed by a state election that is scheduled for 26 November 2022.
2. While the code of conduct applies at all times, election periods can represent a heightened risk for employees. This includes the potential for employees to inadvertently breach their obligations under the code due to the possible intersection of professional responsibilities and private beliefs and activities.
3. Public sector employees need to be mindful of their obligations under the code of conduct to ensure they remain impartial, apolitical and professional and if necessary put in place appropriate arrangements to manage any conflicts of interest.
4. Employees who are considering standing for elections also need to be aware of the different requirements and the potential impact on their employment in the Victorian public sector.



Scope

1. All Victorian public sector employees are advised to review the guide for employees during election periods.
2. Public sector employees with managerial responsibilities are advised to review the manager's guide for employees involved in elections to familiarise themselves with their responsibilities.

Date of application

11 April 2022



Informing and advising Ministers

Circular 2021-24

Circular Number	2021-24
Issue date:	29 October 2021
Application:	All Victorian Public Service employees
Resources:	Informing and advising Ministers
Enquiries:	Integrity and Advisory branch Victorian Public Sector Commission integrity@www.vpsc.vic.gov.au

Key points

1. The Victorian Public Sector Commission has produced *Informing and advising Ministers* as high-level, principles-based guidance for Secretaries and senior executives about their obligations and responsibilities when informing and advising Ministers.
2. This was done in accordance with the independent functions of the Victorian Public Sector Commission under section 40(1)(a) of the *Public Administration Act 2004* to advocate for an apolitical and professional public sector.



3. *Informing and advising Ministers* outlines the legal obligations and responsibilities of departmental Secretaries in the context of the system in Victoria of responsible government and Ministerial accountability. It clarifies lines of responsibility and accountability between Secretaries, Ministers and the government, and highlights key areas of focus for Secretaries in meeting their responsibilities to be apolitical, manage their department's day-to-day activities and advise their Ministers to deliver on the government's priorities.
4. The guidance emphasises the need for Secretaries to:
 1. provide frank and fearless advice openly, transparently and apolitically
 2. support the provision of difficult advice by acknowledging issues and being responsive by offering possible options and solutions
 3. implement working arrangements that operate effectively in urgent situations
 4. uphold and model the public sector values
 5. build a trusting relationship with the Minister and their office through consistent practices and the provision of evidence-based advice consistent with the public sector values.
5. A key piece of advice offered by the guidance is that Secretaries should proactively brief their Ministers on all matters of significance, using their judgement and experience to determine what the Minister needs to know to administer their portfolio and account to Parliament. In considering a matter's significance, Secretaries should consider:
 1. its impact on a government program or service, or on the Victorian community
 2. its sensitivity and public interest in the matter
 3. any significant or material risks associated with the matter.
6. The guidance notes the importance of formally documenting advice and information provided to the Minister and any decisions made. It encourages departments to create work systems which embed as routine the documentation of key decisions, discussions and advice.

Background

1. On 2 July 2020, the Governor in Council, on the recommendation of the Premier, appointed a Board of Inquiry to examine aspects of Victoria's COVID-19 Hotel



Quarantine Program.

2. The Inquiry, chaired by the Hon Jennifer Coate AO, released its Final Report on 21 December 2020.
3. In relation to the role of the Victorian Public Service, the Inquiry recommended: "That the Public Sector Commissioner examines the evidence that emerged in this Inquiry as to the lines of accountability and responsibility as between Departmental heads and Ministers to give guidance across the public service as to the obligations on heads of departments and senior public office holders, both in law and in practice."
4. The guidance acquits this recommendation.

Scope

1. The guidance is directed at Secretaries and senior public service executives, recognising that such executives exercise the delegated authority of Secretaries.
2. All public service staff are advised to review the guidance for their own information.

Date of application

29 October 2021



Pre-employment misconduct screening for public entity executive recruitment policy and guide

Circular 2021-23

Circular Number	2021-23
Issue date:	30 June 2021
Application:	Prescribed Victorian public entities, except those excluded in the 'Scope' section below.
Resources:	Pre-employment screening and recruitment
Enquiries:	Integrity and Advisory branch Victorian Public Sector Commission integrity@www.vpsc.vic.gov.au

Key points

Integrity vulnerabilities in Victorian public sector recruitment processes, particularly in

pre-employment screening, have been highlighted in reports by the [Independent Broad-based Anti-corruption Commission \(IBAC\)](#), [Victorian Auditor General's Office](#), and the [Victorian Ombudsman](#).

To address these integrity vulnerabilities the Victorian Public Sector Commission (VPSC) has developed the Model Policy for Pre-employment Misconduct Screening – Executive Recruitment in Public Entities (the policy) and accompanying guide (the guide) as the minimum standard for prescribed entities to follow.

The policy seeks to prevent employees moving into public entity roles without disclosing a history of misconduct so that it may be appropriately assessed against the inherent requirements of the role.

This policy and guide will help entities comply with the binding [Public Sector Values, Employment Principles and Standards](#).

The guide provides practical advice about implementing the policy. It supports all entities, regardless of how big or small they are, in making the policy part of their executive recruitment practices.

The policy requires that a declaration and a consent form (collectively, the Form) be completed by candidates as part of the recruitment process for all executive positions in public entities. This is usually done at the preferred candidate stage. This includes preferred candidates already working in the organisation or within the Victorian public sector, at officer or executive level, as well as external candidates.

Under this policy, any offers of employment for executive roles must be made conditional to the outcome of screening checks.

The VPSC has issued a recommendation that prescribed public entities review their recruitment processes to determine whether adequate pre-employment screening is being undertaken, and align its current processes to conform with the Policy and Guide as the minimum standard for their executive recruitment process.

Update summary

This is the first version of the Model Policy for Pre-employment Misconduct Screening –

Executive Recruitment in Public Entities.

It applies to recruitment for executive roles at specific public entities as outlined in the scope below.

Read the [model policy and guide to implementation](#).

Requirements

In accordance with s 63 of the Act, the VPSC recommends that within a reasonable and practicable timeframe, your public entity:

- reviews its executive recruitment policies and processes to determine whether appropriate pre-employment misconduct screening is being undertaken, and
- align its current policies and processes to conform with the Model Policy and the Guide in relation to executive recruitment.

Public entity Heads have 14 days to adopt the recommendation. This means they agree with the recommendation and, within a reasonable and practicable time, will undertake a review of their executive recruitment policies and processes and align them with the model policy and guide.

If public entity heads do not accept the recommendation within 14 days, they must advise the Commission why not, within 14 days after the end of that period (i.e. 28 days after receiving the recommendation).

The policy requires preferred candidates to complete a declaration and consent form (the Form) as part of the recruitment process, covering a number of questions relating to misconduct in employment. The Form must be completed by all preferred candidates, including those who already work for the employer, unless one of the exceptions outlined in the guide applies.

Statutory declaration and consent form templates for executive roles are available online. Model (non-statutory) declaration and consent form templates are available

online where it is not possible to complete a statutory declaration in the first instance either electronically or in person.

The policy includes features to support natural justice and protect candidates from unlawful discrimination.

You will need to set up an independent consideration panel to review and assess misconduct declarations and verify information with past employers. This will be a person or persons with a high level of seniority, in addition to strong HR or investigative skills who can make decisions for the organisation.

The consideration panel makes a recommendation to the hiring panel on whether the candidate is suitable or not and never shares any other information with the hiring panel. This ensures the information provided by candidates is kept confidential and considered by someone with relevant expertise.

Candidates with an adverse conduct history are not necessarily precluded from employment. The policy is designed to enable you to assess the risk of any claims the candidate may make against your recruitment processes and have a robust process in place.

Only rule out candidates where their history of misconduct is relevant to the inherent requirements of the role and level of risk.

Employers are strongly encouraged to validate completed forms. Employers are strongly encouraged to do this even if the candidate is an existing or new executive or doesn't declare relevant misconduct, given the inherent risk in executive positions.

Background

Public sector employees occupy positions of trust in the community and must be accountable for their actions. Executives occupy particularly important positions and executive misconduct puts the community at risk and erodes public trust.

The policy and guide have been developed to lessen the risk of executive misconduct in the public sector.

Information on the Victorian Public Service pre-employment screening policy and guide

can be found online.

Scope

This policy applies to:

- all public entity executive roles (however described) covered by the [Public Entity Executive Remuneration Policy](#)
- all public entities prescribed under regulation 5 of the [Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards \(Prescribed Public Entities\) Regulations 2019](#) (as amended from time to time) or their successor entities not yet prescribed
- any other public entity referred to in section 5 of the PAA that the Victorian Public Sector Commission notifies in writing

This policy doesn't apply to:

- public entities that are health services covered by the Health Executive Employment and Recruitment Policy
- public entities already covered by or applying the Victorian Public Sector Commission's Victorian Public Service Pre-employment Screening Policy
- persons employed under Part 2.3 and Part 2.4 of the [Education and Training Reform Act 2006](#)

A public entity is an entity established under section 5 of the PAA and a public entity Head has the meaning given to it under the PAA.

Date of application

The recommendation is in effect from 30 June 2021.

Prevention of sexual harassment in the workplace guidance

Circular 2020-22

Circular Number	2020-22
Issue date:	18 December 2020
Superseded by:	Circular 2022-26 Prevention of sexual harassment in the workplace guidance , issued 26 September 2022
Supersedes:	Circular 2018-06 Prevention of sexual harassment in the workplace , issued 23 November 2018 Circular 2018-03 Model Sexual Harassment Policy and Practice Guide issued 25 September 2018
Application:	All Victorian public sector bodies
Resources:	• Prevention of Sexual Harassment in the Workplace
Enquiries:	Integrity and Advisory branch Victorian Public Sector Commission info@www.vpsc.vic.gov.au



Key points

Sexual harassment is unlawful and prohibited. Sexual harassment in the workplace can take various forms and can be directed at all persons. It can be physical, spoken or written. Unwelcome conduct does not need to be repeated; a one-off incident can be sexual harassment.

The Victorian Public Sector Commission (VPSC) has updated the **Guide for the Prevention of Sexual Harassment in the Workplace** (the Guide). The Guide supports the **Model Policy for the Prevention of Sexual Harassment in the Workplace** (the Model Policy).

Together, these documents promote consistent practice across the Victorian Public Service and sector. They will help organisations to ensure that they are working to prevent sexual harassment and support those who are harmed by such behaviour.

Update summary

The updates to the Guide include:

- new section 7.7 provides guidance on investigating allegations of sexual harassment where there are no independent witnesses;
- new section 7.8 provides guidance on information organisations can share with parties at the conclusion of an investigation;
- new section 7.11 provides guidance on reporting matters to external agencies/authorities;
- new section 8 and other changes to assist organisations to comply with the minimum standards in the new edition of the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) *Guideline: Preventing and responding to workplace sexual harassment – Complying with the Equal Opportunity Act 2010*;
- changes to reflect the prevention and response framework recommended by the Australian Human Rights Commission (AHRC) in the 2020 Respect@Work Sexual Harassment National Inquiry report;
- new content on the requirements under the *Gender Equality Act 2020* (Vic); and

- minor editorial updates.

Requirements

The *Equal Opportunity Act 2010* requires organisations to take proactive steps to eliminate sexual harassment in the workplace.

The Model Policy and Guide seek to support the Victorian Public Service and sector to fulfil this positive duty.

When updating policies and procedures, specific organisational requirements should be taken into account.

Background

The Victorian Secretaries Board (VSB) released statements in March 2018 and November 2019 affirming its commitment to a zero-tolerance approach to sexual harassment.

To progress this work, a working group of all departments and Victoria Police (the Sexual Harassment in the VPS Working Group), chaired by the Deputy Commissioner, has been meeting actively since March 2018 to develop and oversee comprehensive, whole of VPS, approaches to addressing sexual harassment.

The Working Group were instrumental in the development of the Model Policy and Guide, which were endorsed by VSB and published by the VPSC in 2018.

On 28 November 2019, the Victorian Auditor-General's Office (VAGO) tabled its performance audit report *Sexual Harassment in the Victorian Public Service* in parliament. The report includes three recommendations for the VPSC to provide further guidance for departments in relation to investigating allegations of sexual harassment and reporting matters to Victoria Police.

Scope

The Model Policy and Guide apply to the Victorian Public Service. Victorian Public Service bodies are encouraged to revise their policy and procedures on sexual harassment in line with the Model Policy. The Guide assists organisations in implementing their sexual harassment policies.

All Victorian public sector entities are encouraged to revise their policy and procedures on sexual harassment, ensuring these are informed by the Model Policy and Guide.



Gifts, benefits and hospitality reminder

Circular 2020-21

Circular Number	2020-21
Issue date:	15 December 2020
Application:	Victorian public sector employers and employees
Resources:	• Gifts, Benefits and Hospitality Resource Suite
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au

Key points

- December and through the new year period are times of giving and receiving in many cultures. The Victorian Public Sector Commission's [Gifts, Benefits and Hospitality Policy Guide](#) provides additional guidance on the minimum accountabilities, established in the [Standing Directions](#) issued by the Minister for Finance, required of Victorian public sector employees.

- The guidance provides practical information on how to manage, record and report any offers of gifts, benefits and hospitality. It also highlights the importance of public sector employees considering conflicts of interest and other risks when they are offered or provided with a gift, benefit or hospitality. Public sector employees should carefully consider any offer, and refuse gifts, benefits and hospitality not in line with the guidance, particularly where this concerns a current or potential supplier.
- To build and maintain public trust, Victorian public sector employees and employers must manage offers in line with community expectations. Public sector employees must ensure that their personal interests cannot reasonably be perceived to influence them in the performance of their duties. By avoiding such conflicts of interest, public sector employees can maintain integrity and avoid reputational damage to the sector.
- The gifts, benefits and hospitality minimum accountabilities came into effect in 2016. It requires employers to publish their gifts, benefits and hospitality register online from 1 July 2017.

Requirements

The minimum accountabilities for managing, gifts, benefits and hospitality are binding on Victorian public sector employees and their employers under the [Standing Directions 2018 under the Financial Management Act 1994](#).

Public sector employers should seek to provide information to their employees on the requirements of the guidance and in doing so:

- Highlight the importance of conflict of interest and risks when determining whether to accept or provide a gift, benefit or hospitality;
- Ensure their policies and procedures reinforce the Victorian public sector values of impartiality, integrity and accountability defined in section 7 of the [Public Administration Act 2004](#) and further described in the [Code of Conduct for Victorian Public Sector Employees](#) and the [Code of Conduct for Employees of Special Bodies](#); and
- Note that the [Supplier Code of Conduct](#) (the Supplier Code) provides minimum standards in guiding ethical, sustainable and socially responsible procurement.



The Supplier Code includes further guidance on the areas of conflict of interest and gifts, benefits and hospitality.

Background

The policy guidance was updated last in 2018. It is supported by the [gifts, benefits and hospitality resource suite](#) to assist public sector employees and their employers to apply the minimum accountabilities.

The Victorian Public Sector Commission has issued guidance to assist public sector employees and their employers manage their obligations under the [Code of Conduct for Victorian Public Sector Employees](#) and the [Code of Conduct for Employees of Special Bodies](#) when working remotely.

The [How to Maintain Integrity When Working Remotely](#) guide provides further insight into how public sector employees might maintain and apply the minimum accountabilities while working from home.

Scope

The minimum accountabilities in the policy guidance apply to all Victorian public sector employees and their employers.

Date of application

The requirements within the policy guide took effect from 1 July 2018.

Integrity guide for new board directors

Circular 2020-20

Circular Number	2020-20
Issue date:	13 November 2020
Application:	All Victorian public entities
Resources:	<ul style="list-style-type: none">• Integrity guide for new board directors• Board directors induction checklist for organisations
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au

Key points

We have developed a suite of resources on key integrity issues for new board directors.

The resource suite comprises the following integrity guidance notes:

- Duties and responsibilities of boards and board directors

- How to manage conflicts of interest and duty as a board director
- Gifts, benefits and hospitality as a board director
- Employing staff as a board director

We have also developed an induction checklist for organisations which outlines the key documents that should be included in an incoming board member's induction kit.

Public entities and departments supporting public entities pursuant to section 13A of the [Public Administration Act 2004](#) can draw on these resources in developing and delivering relevant localised induction for incoming board members.

Background

In October 2018, the VPSC accepted a recommendation made by the Victorian Ombudsman to develop an induction program for incoming Board and Chief Executive Officers (CEOs) and Managing Directors (MDs).

The resource suite is a component of the induction program.

Scope

The resource suite is applicable to public entities as defined by section 5 of the [Public Administration Act 2004](#).

Date of application

The resource suite was published on 13 November 2020.

Updated guidance for pre-employment screening

Circular 2020-19

Circular Number	2020-19
Issue date:	15 October 2020
Supersedes:	<u>Circular 2019-13: update to pre-employment screening in the Victorian Public Service policy, issued 23 December 2019</u> <u>Circular 2019-12: pre-employment screening in the Victorian Public Service, issued 13 September 2019</u>
Application:	All Victorian public sector employees
Resources:	<u>Victorian Public Service pre-employment screening</u>
Enquiries:	Integrity and Oversight Branch Victorian Public Sector Commission <u>03 9922 8600</u> <u>info@www.vpsc.vic.gov.au</u>



Key points

The Victorian Public Sector Commission (VPSC) has updated the [Victorian Public Service Pre-employment Screening Policy](#) (the policy) and associated Guide to Implementing the Victorian Public Service Pre-employment Screening Policy (the guide) in October 2020.

The policy addresses integrity risks associated with inadequate pre-employment screening of candidates seeking employment in the Victorian Public Service (VPS), and sets a minimum standard of pre-employment screening for both executive and non-executive positions within the VPS.

Update summary

These updates to the policy and guide do not reflect any changes in policy. They are designed to clarify the existing policy intent. The updates are:

- Clarifying that the policy applies to candidates who are internal to the VPS or to an organisation as well as to external candidates. This includes candidates at the executive level.
- Clarifying that a risk-based approach should be taken to validating declarations for roles with a higher risk rating, even where no misconduct has been declared on the form. This is to check that candidates for key roles have provided accurate information.
- A number of minor editorial changes.

Requirements

The policy requires candidates to complete a declaration and consent form (the Form) as part of the recruitment process, covering a number of questions relating to misconduct in employment. The Form must be completed by all candidates, including those who already work in the VPS, unless one of the exceptions outlined in the guide applies.

Statutory declaration and consent form templates for executive and non-executive roles are available at Appendices 1 and 2 of the guide. Model (non-statutory) declaration and consent form templates are available at Appendices 3 and 4 of the guide.

Candidates with an adverse conduct history are not necessarily precluded from employment within the VPS. The policy includes specific features to support natural justice and protect candidates from unlawful discrimination. The policy is designed to better inform employers to determine a candidate's suitability for a position based on an understanding of their past employment conduct history.

To ensure information provided by candidates is kept confidential and considered with relevant expertise, completed declarations are to be reviewed by a 'Consideration Panel'; a decision-maker or group of decision-makers independent from the hiring panel. Information conveyed to the hiring panel should be confined to a decision to rule out a candidate, or to continue with the hiring process as normal.

Employers are strongly encouraged, as part of a robust integrity approach, to validate a completed Form for all roles assessed by the organisation as higher risk. The guide includes some guidance on determining the risk rating of a role.

Background

Integrity vulnerabilities in Victorian public sector recruitment processes, particularly in pre-employment screening have been highlighted by several [Independent Broad-based Anti-corruption Commission \(IBAC\)](#) and [Victorian Ombudsman \(VO\)](#) investigations, such as IBAC's August 2018 research report [*Corruption and misconduct risks associated with employment practices in the Victorian public sector*](#).

On 30 October 2018, the VPSC issued the VPS Executive Pre-employment Screening Policy as an initial step towards the development of a whole of Victorian public sector pre-employment screening policy. The VPSC subsequently released the VPS Pre-employment Screening Policy to cover all non-executive appointments from 1 October 2019.

In December 2019, the VPSC combined the pre-employment screening policies and guides for VPS executives and non-executives into a single set of accessible documents

to cover all VPS appointments.

In May 2020, the Victorian Auditor-General's Office (VAGO) released its performance audit report [*Personnel Security: Due diligence over public service employees*](#). The report highlighted that agencies were not applying the VPS Pre-employment Screening Policy consistently across the VPS and recommended that the VPSC update the policy to clarify that pre-employment screening applies equally to internal and external candidates.

The policy has been developed with the agreement of the Victorian Secretaries Board.

Scope

This Circular applies to all public service bodies for both executive and non-executive officer recruitment.

A public service body is a Department, an Administrative Office established under section 11 of the [Public Administration Act 2004](#) and the Victorian Public Sector Commission.

Departments are obliged to notify Administrative Offices in their portfolio that this policy now applies.

Date of application

The policy came into effect on 30 October 2018 for executive officer recruitment and on 1 October 2019 for non-executive officer recruitment.

Guidance for public sector employees standing in local government elections

Circular 2020-18

Circular Number	2020-18
Issue date:	2 October 2020
Application:	All Victorian public sector employees
Resources	• Guidance During Election Periods
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au

Key points

Local government elections will be held in Victoria by post in October 2020. Public sector employees who choose to participate in this democratic process must familiarise themselves with their obligations to maintain an apolitical public sector and under the

Code of Conduct for Victorian Public Sector Employees (the Code of Conduct) and the analogous Code of Conduct for Victorian Public Sector Employees of Special Bodies.

The Code of Conduct sets out the standards of behaviour expected of public sector employees. It reinforces the core statutory public sector values of responsiveness, integrity, impartiality, accountability, respect, leadership and human rights.

While the Code of Conduct applies at all times, election periods can give rise to situations where you may need to carefully consider your obligations. For instance, if you are standing for election in the upcoming local government elections, it is important that you address any actual, potential or perceived conflict of interest with your public sector employer. This includes ensuring that you do not engage in political activities during work time or use workplace facilities, resources or information for political activities.

Guidance addressing public sector obligations in election periods is available on the Victorian Public Sector Commission website. If you are unsure about what the Code of Conduct means for you during an election period, you should speak with your manager or human resources unit.

Your obligations under the Code of Conduct assists to maintain the integrity of an apolitical public sector and to strengthen the community's trust in our organisations.

Updates

The Victorian Public Sector Commission (VPSC) has reviewed its existing resources in respect of local government elections. The following guidance remains up to date and relevant:

- [Guidance During Election Periods](#)

Requirements

Victorian public sector employees must be aware of the obligations that are placed upon them by the Code of Conduct.

The Code specifies the importance of being apolitical and this requirement is particularly relevant during election periods. The Code also specifies how to deal with conflicts of interest, limits the use of official information and resources and restricts the ability of a public sector employee to make public comment. An employee should be mindful of these requirements during election periods and when participating in an election by either campaigning or standing as a candidate.

Under section 61 of the Victorian Constitution, public sector employees cannot be disqualified from standing for election by reason of their employment in the Victorian public sector.

The Charter of Human Rights and Responsibilities Act 2006 also gives employees the right to participate in public life, which includes the right to vote and to be elected at state and local government elections. The freedom of political activities as a candidate is not inhibited by the code. An employee, however, must ensure that they remain apolitical during the course of performing their public duties.

Public sector employees are not required to resign to contest a local government election or if elected. For an employee who is successfully elected, the obligations in the Code and the Victorian Constitution will continue to apply and employer consent should be obtained, in line with the Code, before the employee commences duties as a local government official. Local government councillors are also likely to have separate obligations that they will be responsible for managing, for example under the Local Government Act 1989 or other applicable policies.

It is critical that the public sector maintains the confidence of the Government, members of Parliament and the wider community at all times. This requirement is particularly important during the period leading up to and during an election.

Background

The Victorian Public Sector Commission first issued guidance to assist public sector employees comply with their obligations under the Code of Conduct for the June 2016 Federal Election. These materials were subsequently updated in April 2018 ahead of the Victorian State Government Election later that year.



Scope

This Circular applies to Victorian public sector employees. All Victorian public sector employees are encouraged to review the guidance regardless of whether they are standing for election or actively campaigning.

Date of application

2 October 2020



Maintaining integrity when working remotely

Circular 2020-17

Circular Number	2020-17
Issue date:	18 August 2020
Application:	All Victorian public sector bodies
Resources	Short guide: how to maintain integrity when working remotely Long guide: maintaining integrity when working remotely (180KB, DOCX) Guide to engaging with lobbyists in the Victorian public sector
Enquiries:	Integrity and Advisory branch Victorian Public Sector Commission info@www.vpsc.vic.gov.au

Key points

As part of the Victorian Government's response to the COVID-19 pandemic, a significant proportion of Victorian public sector employees are required to work remotely. It is

anticipated that many will continue to work remotely in the future.

The Independent Broad-based Anti-corruption Commission (IBAC) Commissioner has noted that misconduct and corruption risks are heightened when there are changes in the way government services are delivered during times of crisis.

Victorian public sector employees have obligations under the Code of Conduct for Victorian Public Sector Employees (Code of Conduct), the Code of Conduct for Victorian Public Sector Employees of Special Bodies, and the Victorian Government Professional Lobbyists Code of Conduct (Lobbyists Code). While working arrangements have changed, these obligations remain the same.

Ensuring these obligations are met is essential to maintaining integrity in the public sector and public trust in government.

Updates

The Victorian Public Sector Commission (VPSC) has developed 3 new guides to assist Victorian public sector employees comply with their obligations under the Code of Conduct and the Lobbyist Code while working remotely:

- [Short guide: how to maintain integrity when working remotely](#)
- [Long guide: maintaining integrity when working remotely \(180KB, DOCX\)](#)
- [Guide to engaging with lobbyists in the Victorian public sector](#)

The Maintaining Integrity when Working Remotely guide provides practical advice that Victorian public sector employees can follow to ensure they continue to comply with the Code of Conduct while they work remotely. This guide supports the Code of Conduct by providing additional guidance in relation to the values of Responsiveness, Integrity and Impartiality, relating to issues that are particularly relevant to managing integrity risks, as identified by the IBAC Commissioner, while working remotely. While the guide has been drafted in specific reference to the Code of Conduct, it will also be useful for employees covered by the Code of Conduct for Public Sector Employees of Special Bodies.

The Engaging with Lobbyists in the Victorian Public Sector guide replaces the previous



guide titled Engaging with Lobbyists – Guidance for Public Sector Employees. It is designed to reaffirm Victorian public sector employees' obligations under the Code of Conduct and the Lobbyist Code when engaging with lobbyists and emphasise that they continue to apply when they are working remotely.

Requirements

Victorian public sector employees must be aware of the obligations that are placed upon them by the Code of Conduct and the Lobbyist Code.

Victorian Public sector employees are required to familiarise themselves and act in accordance with the Code of Conduct and the Lobbyist Code. They are also required to comply with any additional policies and processes at a local departmental or entity level that support the application of the respective Codes.

The purpose of the binding nature of the respective Codes is to promote behaviours that are essential to uphold and enhance the community's trust in government.

Background

A significant proportion of Victorian public sector employees are working remotely, and many are likely to do so into the future.

The Maintaining Integrity when Working Remotely and Engaging with Lobbyists in the Victorian Public Sector guides are to support Victorian public sector employees to meet their obligations under the Code of Conduct and the Lobbyist Code when working remotely.

Scope

This Circular applies to Victorian public sector employees. All Victorian public sector employees are encouraged to review the Maintaining Integrity when Working Remotely guide, or the short guide, and the Engaging with Lobbyists in the Victorian Public Sector guide.

Date of application

18 August 2020.



How to hire when working remotely guidance

Circular 2020-16

Circular Number	2020-16
Issue date:	29 April 2020
Application:	All Victorian public entities
Resources	How to hire when working remotely guide Quick guide on how to hire when working remotely
Enquiries:	Workforce and Engagement branch Victorian Public Sector Commission info@www.vpsc.vic.gov.au

Key points

The Public Administration Act 2004 (the Act) has an established purpose to: ‘provide a framework for good governance in the Victorian public sector and in public administration generally in Victoria’

This purpose creates an objective that requires that employment decisions are based on merit, as per section 3 of the Act.

In furtherance of the objectives and purpose of the Act, section 8 of the Act establishes the Public Sector Employment Principles (the Principles), which underpin employment processes within the Victorian public sector. The Principles require Victorian public sector employers to establish employment processes that will ensure that:

- Employment decisions are based on merit;
- Public sector employees are treated fairly and reasonably;
- Equal employment opportunity is provided;
- Human rights, as set out in the Charter of Human Rights and Responsibilities are upheld;
- Public sector employees have a reasonable avenue of redress against unfair or unreasonable treatment; and
- In the case of public service bodies, the development of a career public service is fostered.

Public sector employers must have processes in place that are consistent with the public sector employment principles and the binding Standards for the Application of the Victorian Public Sector Employment Principles (the Standards).

The VPSC has issued six standards that define essential elements of the employment principles:

1. Fair and Reasonable Treatment
2. Merit in Employment
3. Equal Employment Opportunity
4. Human Rights
5. Reasonable Avenue of redress
6. Career Public Service

Read more about [employment principles and standards](#)



Updates

- The VPSC has created a guide titled How to hire when working remotely – practical tips and a guide to complying with the law.
- This guide assists Victorian public sector employees adapt their recruitment processes and comply with the employment principles and standards in the [Public Administration Act 2004](#).

Requirements

Requirements of the Principles and Standards

The Principles and Standards guide the development of public sector employment processes. Public sector employers are guided and bound by the recruitment policies and processes that they establish to give effect to the Act and Standards. The Act and Standards do not prescribe specific processes.

However, any recruitment process needs to satisfy their requirements in addition to being consistent with an employer's established recruitment policies and processes.

The merit principle requires that employment decisions are based on a proper assessment of an individual's work-related qualities, abilities and potential against the inherent requirements of the role. There is a risk that a recruitment process that materially deviates from a department's established recruitment policies and processes, will give rise to a claim that the process failed to enable a 'proper' assessment of an individual's work-related qualities, abilities and potential. Accordingly, where specific processes such as in-person panel interviews are not appropriate, alternative methods should be explored by the selection panel. Should a hiring panel consider deviating from the department's typical processes in the absence of specific policy guidance or precedent, advice should be sought from HR or the VPSC.

Further, the merit principle requires that decisions to appoint employees are made on the basis of relative ability, and that processes are transparent and designed to identify a suitable field of qualified candidates. Recruitment processes need to be clear in their documentation as to how the relative ability of the applicants was determined by the

selection panel.

Transparency is an essential requirement of the merit principle. Transparency is also necessary to ensure that applicants have been treated fairly and reasonably. Recruitment processes must be conducted in a fair, clear, and consistently applied manner. Applicants should be informed how and on what criteria they will be assessed and should be advised about what to expect as part of the recruitment process from the point at which they apply. Failure to do so could risk claims being made that the recruitment process did not comply with the 'Fair and Reasonable Treatment' employment principle.

Finally, whatever process a selection panel determines to use, they must ensure documentation is completed that clearly articulates the basis for scoring of applicants. That documentation must be transparent and capable of effective review.

Right of Redress

Selection based grievances for employees of a public service body are reviewable under section 64 of the Act, provided an applicant can establish a significant deficiency in the recruitment process. In order to have a review accepted under the Public Administration (Review of Action) Regulations 2015 it is enough that an applicant for review raises an issue with the process that, if substantiated, would be a significant deficiency.

Significant deficiencies in process extend to circumstances where a Departmental recruitment policy is not adhered to, in addition to circumstances where a recruitment process did not comply with the Act and Standards.

If an application for review is substantiated, the reviewer can issue a recommendation under section 65 of the Act that the panel be reconstituted, or that the decision be remade.

Background

The VPSC has received enquiries about how to manage recruitment activities in accordance with physical distancing requirements while complying with the Principles and Standards, as well as other applicable legislative requirements and policies.

It is important that recruitment continues within the public sector, including while people are working remotely, so that the sector maintains its ability to support service delivery.

In response to this need, the VPSC has developed the How to hire when working remotely guide and the accompanying Quick guide on how to hire when working remotely.

Scope

The Guide applies to Victorian public sector employees and public sector bodies. It contains practical and user-friendly advice to assist HR teams and hiring managers in the VPS and public sector to design recruitment processes that are effective and compliant in a scenario of widespread remote working.

Date of application

29 April 2020



Victorian public sector entity executive bonus removal

Circular 2020-15

Circular Number	2020-15
Issue date:	5 February 2020
Application:	All Victorian public entities
Resources	Standard Public Entity Executive Employment Contract Public Entity Executive Employment Handbook
Enquiries:	Integrity and Oversight Branch Victorian Public Sector Commission 03 9922 8600 info@www.vpsc.vic.gov.au

Key points

- The Premier has approved the removal of bonus opportunities from public entity executive remuneration packages.
- The [Public Entity Executive Employment Handbook](#) has been updated to reflect this change to executive remuneration packages.



- The VPSC has published a Standard Public Entity Executive Employment Contract on its website as a resource for public entities. This is to be used for recruiting and employing executives and to support the standardisation of the bonus removal and compliance with mandatory contractual terms in the [Public Entity Executive Remuneration Policy](#) (PEER Policy).
- The updated Standard Public Entity Executive Employment Contract is to be used from 4 February 2020 for any new employment contract entered into between an employer and an executive.
- The updated Standard Public Entity Executive Employment Contract replaces the standard contract based on the former Government Sector Executive Remuneration Panel (GSERP) arrangements.

Updates

- The standard public entity executive employment contract and public entity executive employment handbook have been updated to reflect the Premier's decision.

Requirements

- The PEER Policy is made under section 92 of the [Public Administration Act 2004](#) and requires that public entities specified in the Order comply with whole of government remuneration policy. The PEER Policy was re-made on 4 February 2020.

Further queries

More information on the bonus removal and buy-out process can be found on the [Department of Premier and Cabinet website](#).

For any questions about the bonus removal offer process, please contact bonusremovaloffer@dpc.vic.gov.au

Scope

This circular applies to public entities as defined by the [Public Administration Act 2004](#).

Date of application

4 February 2020



Guidance for Victorian public sector employees – organisation of public ministerial events

Circular 2020-14

Circular Number	2020-14
Issue date:	24 January 2020
Application:	All Victorian public sector bodies
Resources	Guidance for Victorian public sector employees – organisation of public ministerial events
Enquiries:	Integrity and Oversight Branch Victorian Public Sector Commission 03 9922 8600 info@www.vpsc.vic.gov.au



Key points

- The Victorian Public Sector Commission (VPSC) has developed the Guidance for Victorian public sector employees: organisation of public ministerial events.
- Public sector bodies and employees serve the government of the day and are required to remain apolitical and professional throughout the performance of their duties as required by the Code of Conduct for Victorian Public Sector Employees (the Code), the public sector values and the [Public Administration Act 2004](#).
- Public sector employees' obligations under the Code extend to when they are engaged in activities supporting public Ministerial events.

Updates

- [Guidance for Victorian public sector employees – organisation of public ministerial events](#) is a new guidance note.

Requirements

- The VPSC has a legislated responsibility to advocate for an apolitical and professional public sector under section 40(1)(a) of the Act.
- Both public sector bodies and employees must be aware of the obligations that are placed upon them by the [Code of Conduct for Victorian Public Sector Employees](#) and the public sector values enshrined by the Act.
- The obligations conferred on public sector bodies and employees extend to the context of where they are required to assist in the coordination and organisation of events involving Victorian Parliamentarians and portfolio Ministers.
- Public sector bodies (including departments) can draw on the guidance note in framing any more detailed guidance or operating procedures they might require tailored to their specific requirements and operating context

Scope

This circular applies to all public sector bodies.

Date of application

The guidance note came into effect on 24 January 2020.



Update to pre-employment screening in the Victorian Public Service policy

Circular 2019-13

Circular Number	2019-13
Issue date:	23 December 2019
Superseded by:	Circular 2020-19: updated guidance for pre-employment screening, issued 15 October 2020
Supersedes:	Circular 2019-12: pre-employment screening in the Victorian Public Service, issued 13 September 2019
Application:	All Victorian Public Service bodies
Resources	Pre-employment screening of misconduct in the Victorian Public Service
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 info@www.vpsc.vic.gov.au



Key points

- The Victorian Public Sector Commission (VPSC) has developed the Victorian Public Service Pre-employment Screening Policy (the Policy) and associated Guide to Implementing the Victorian Public Service Pre-employment Screening Policy (the Guide) to assist departments and agencies.
- The Policy addresses integrity risks associated with inadequate pre-employment screening of candidates seeking employment in the Victorian Public Service (VPS), and sets a minimum standard of pre-employment screening for both executive and non-executive officer positions within the VPS.
- The Policy requires candidates to complete a Declaration and Consent Form (the Form) as part of the recruitment process, covering a number of questions relating to misconduct in employment. The Guide includes a model declaration for departments that are using digital recruitment processes.
- Candidates with an adverse conduct history will not necessarily be precluded from employment within the VPS. The Policy includes specific features to support natural justice and protect candidates from unlawful discrimination. The Policy ensures that employers are better informed to determine a candidate's suitability for a position based on an understanding of their past employment conduct history.

Updates

- The VPSC has combined the pre-employment screening policies and guides for VPS executives and non-executives into a single set of accessible documents to cover all VPS appointments. This is the second version of the policy and guide for both executive and non-executive officer appointments.
- The VPSC has also updated the version of the Statutory Declaration and Consent Form released with the executive materials on 30 October 2019 to comply with the requirements under the [*Oaths and Affirmations Act 2018 \(Vic\)*](#) for organisations that are still using paper-based statutory declarations.

[See the policy, guide and statutory declarations for executives and non-executives](#)

Requirements

- The VPSC has a legislated responsibility to maintain and advocate for public sector professionalism and integrity. The [Public Administration Act 2004](#) (PAA) provides a framework to ensure that employment decisions in the public sector are based on merit. Employees are required to conduct themselves in a manner that is consistent with the public sector values and employment principles set out in the PAA.
- The Policy requires completion of the required Form by candidates as part of the recruitment process either at the preferred candidate stage or at an earlier stage. Candidates must be advised of the requirement to undergo pre-employment screening at the interview stage.
- To ensure information provided by candidates is kept suitably confidential and considered impartially and with relevant expertise, completed declarations are to be reviewed by a 'Consideration Panel'; a decision-maker or group of decision-makers independent from the hiring panel. Information conveyed to the hiring panel should be confined to a decision to rule out a candidate, or to continue with the hiring process as normal.
- Employers are strongly encouraged, as part of a robust integrity approach, to validate a completed Form for all roles assessed by the organisation as having a high or medium risk rating. The Guide includes some guidance on determining the risk rating of a role.

Background

Integrity vulnerabilities in Victorian public sector recruitment processes, particularly in pre-employment screening have been highlighted by several [Independent Broad-based Anti-corruption Commission](#) (IBAC) and [Victorian Ombudsman](#) (VO) investigations, such as IBAC's August 2018 research report [Corruption and misconduct risks associated with employment practices in the Victorian public sector](#).

Investigations dating back to 2013 have included recommendations to strengthen the use of existing processes and consider adopting the use of statutory declarations of previous misconduct.

On 30 October 2018, the VPSC issued the VPS Executive Pre-employment Screening Policy as an initial step towards the development of a whole of Victorian public sector pre-employment screening policy. The VPSC subsequently released the VPS Pre-employment Screening Policy to cover all non-executive appointments on 13 September 2019.

The Policy framework has been developed with the agreement of the Victorian Secretaries Board.

Scope

This circular applies to all public service bodies for both executive and non-executive officer recruitment.

A public service body is a Department, an Administrative Office established under section 11 of the PAA and the Victorian Public Sector Commission.

Departments are obliged to notify Administrative Offices in their portfolio that this Policy now applies.

Date of application

The Policy came into effect on 30 October 2018 for executive officer recruitment and on 1 October 2019 for non-executive officer recruitment.



Pre-employment screening in the Victorian Public Service

Circular 2019-12

Circular Number	2019-12
Issue date:	13 September 2019
Superseded by:	Circular 2019-13: update to pre-employment screening in the Victorian Public Service policy, issued 23 December 2019 Circular 2020-19: updated guidance for pre-employment screening, issued 15 October 2020
Application:	All Victorian Public Service staff
Resources	Pre-employment screening of misconduct in the Victorian Public Service
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 info@www.vpsc.vic.gov.au



Key points

- The Victorian Public Sector Commission (VPSC) has developed the Victorian Public Service Pre-employment Screening Policy (the Policy) and associated Guide to Implementing the Victorian Public Service Pre-employment Screening Policy (the Guide) to assist departments and agencies.
- The Policy addresses integrity risks associated with inadequate pre-employment screening of candidates seeking employment in the Victorian Public Service (VPS), and sets a minimum standard of pre-employment screening for non-executive officer positions within the VPS.
- The Policy requires candidates to complete a Declaration and Consent Form (the Form) as part of the recruitment process, covering a number of questions relating to misconduct in employment. The Guide includes a model declaration for departments that are using digital recruitment processes.
- Candidates with an adverse conduct history will not necessarily be precluded from employment within the VPS. The Policy includes specific features to support natural justice and protect candidates from unlawful discrimination. The Policy ensures that employers are better informed to determine a candidate's suitability for a position based on an understanding of their past employment conduct history.

Updates

This is the first version of the Victorian Public Service Pre-employment Screening Policy for non-executive appointments and applies to all non-executive officer recruitment by public service bodies.

[Read the full policy](#)

Requirements

- The VPSC has a legislated responsibility to maintain and advocate for public sector professionalism and integrity. *The Public Administration Act 2004* (PAA) provides a

framework to ensure that employment decisions in the public sector are based on merit. Employees are required to conduct themselves in a manner that is consistent with the public sector values and employment principles set out in the PAA.

- The Policy requires completion of the required Form by candidates as part of the recruitment process either at the preferred candidate stage or at an earlier stage. Candidates must be advised of the requirement to undergo pre-employment screening at the interview stage.
- To ensure information provided by candidates is kept suitably confidential and considered impartially and with relevant expertise, completed declarations are to be reviewed by a 'Consideration Panel'; a decision-maker or group of decision-makers independent from the hiring panel. Information conveyed to the hiring panel should be confined to a decision to rule out a candidate, or to continue with the hiring process as normal.
- Employers are strongly encouraged, as part of a robust integrity approach, to validate a completed Form for all roles assessed by the organisation as having a high or medium risk rating. The Guide includes some guidance on determining the risk rating of a role.

Background

Integrity vulnerabilities in Victorian public sector recruitment processes, particularly in pre-employment screening have been highlighted by several [Independent Broad-based Anti-corruption Commission \(IBAC\)](#) and [Victorian Ombudsman \(VO\)](#) investigations, such as IBAC's August 2018 research report [Corruption and misconduct risks associated with employment practices in the Victorian public sector](#).

Investigations dating back to 2013 have included recommendations to strengthen the use of existing processes and consider adopting the use of statutory declarations of previous misconduct.

On 30 October 2018, the VPSC issued the VPS Executive Pre-employment Screening Policy as an initial step towards the development of a whole of Victorian public sector pre-employment screening policy.

The Policy has been developed with the agreement of the Victorian Secretaries Board.

Scope

This circular applies to all public service bodies for non-executive officer recruitment.

A public service body is a Department, an Administrative Office established under section 11 of the PAA and the Victorian Public Sector Commission.

Departments are obliged to notify Administrative Offices in their portfolio that this Policy now applies.

Date of application

The Policy comes into effect on 1 October 2019.



Engaging with Lobbyists

Guidance for Victorian public sector employees

Circular 2019-11

Circular Number	2019-11
Issue date:	12 August 2019
Application:	All Victorian public sector employers
Resources	Engaging with Lobbyists: Guidance for Victorian public sector employees (DOCX, 110KB) Superseded by guide to engaging with lobbyists in the Victorian Public Sector .
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 info@www.vpsc.vic.gov.au



Key points

- Victorian public sector employees consult with the community to inform public policies and the delivery of Government programs. In the performance of their duties, VPS employees may come into contact with professional lobbyists seeking to influence Government decisions.
- Employees of the public sector have a clear responsibility under the Code of Conduct for Victorian Public Sector Employees and also the Victorian Professional Lobbyists Code of Conduct when engaging with lobbyists.
- Public sector employees must be aware of their obligations in conducting themselves with integrity, impartiality and transparency where they are party to lobbyist engagement. Further, there are specific obligations that an employee must not knowingly or intentionally be party to lobbying conducted by a lobbyist who is not registered.
- Lobbyists must be registered and meet appropriate integrity standards. The Register of Lobbyists is maintained by the Victorian Public Sector Commission (VPSC). It is the obligation of the public sector employee to ensure that they are interacting with an appropriately registered lobbyist.

Updates

The VPSC has created a guide titled Engaging with Lobbyists – Guidance for Victorian Public Sector Employees. This guide assists Victorian public sector employees understand and comply with their responsibilities under the respective codes of conduct.

[Read the lobbyist guidance material](#)

Requirements

Public sector employers and their employees must be aware of the obligations that are placed upon them by the [Victorian Government Professional Lobbyists Code of Conduct \(Lobbyist Code\)](#) and the [Code of Conduct for Victorian Public Sector Employees \(Code](#)

[of Conduct](#)) where they engage with lobbyists. Ensuring these obligations are met is essential to maintaining public trust in Government and ensures transparency, integrity and honesty.

Employees are required to ensure that they are meeting with an appropriately registered lobbyist and must decline meetings or other contact with lobbyists if they are not listed on the Register. Employees are also required to not engage with lobbyists who do not provide information about their clients or their involvement in a government tender process.

Public sector employers may wish to develop guidelines that further clarify and support the two codes, including the requirements and situations that are specific to their workplace. The VPSC strongly encourages public sector employers in frequent contact with lobbyists to take this approach in developing additional materials.

It is important that Departments also promote the obligations when dealing with lobbyists to the public entities in their portfolio.

Background

The Lobbyists Code applies to public officials including public sector employees through:

- [Premier's Circular No 2013/1: Victorian Government Professional Lobbyist Code of Conduct and Register of Lobbyists \(PDF, 1.2MB\)](#)
- [The public sector codes of conduct](#) (The three codes issued by the VPSC for employees, employees of special bodies and directors).

Under section 66 of the Public Administration Act 2004, the VPSC must maintain a public Register in accordance with the Lobbyist Code.

Scope

The Guide applies to Victorian public sector employees and public sector bodies. The Guide provides context and clarifies the codes that are binding on Victorian public

sector employers and employees. Adoption of this Guide will ensure consistency across the public sector and guide a uniform approach to lobbyist engagement while safeguarding public trust in Government.

Date of application

The Engaging with Lobbyists: Guidance for Victorian public sector employees was published on 12 August 2019.



Guide for Offering Inclusive Employee Assistance Programs

Circular 2019-10

Circular Number	2019-10
Issue date:	23 July 2019
Application:	All Victorian Public Service employers
Resources	Guide for Offering Inclusive Employee Assistance Programs (DOCX, 120KB)
Enquiries:	Workforce and Engagement branch Victorian Public Sector Commission info@www.vpsc.vic.gov.au

Key points

- The Guide for Offering Inclusive Employee Assistance Programs (the Guide) provides a set of standards for Employee Assistance Programs (EAP) providers to meet.
- It is intended for use by those responsible for engaging EAP providers, including human resource staff, occupational health and safety officers, or other contract managers.



- It provides advice on setting contract terms and standards for EAP providers to ensure services are disability confident and culturally appropriate for all staff.
- The Guide is part of a commitment to creating inclusive workplaces for all employees including Aboriginal employees, employees with disability, Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) employees, those from diverse cultural and linguistic backgrounds, older employees, and those in regional or remote geographical locations.

Background

Consultation with VPS departments and EAP providers showed that the terms under which EAP services are contracted may not be inclusive, or uniformly applied across all diversity groups and the sector.

The Guide meets both the Barring Djinang Aboriginal Employment Strategy 2017-2022 and Getting to Work Victorian public sector disability employment action plan 2018-2025 commitments to review cultural appropriateness and disability confidence of EAP support services for Victorian public sector employees.

VPS departments, the Disability Employment Community of Practice, the Barring Djinang Advisory Group, the Barring Djinang Community of Practice, Human Resource Directors and the Enablers Network collaborated with the VPSC to develop the Guide.

The VPSC will continue to work with stakeholders to review and update this guide accordingly.

Scope

The Guide does not provide an exhaustive list of the diversity of employee or business needs, it can, however, be supplemented with additional department or agency requirements.

Date of application

The Guide for Offering Inclusive Employee Assistance Programs was published on 26 June 2019.



Respectful workplaces framework and prevention of sexual harassment — model action plan

Circular 2019-09

Circular Number	2019-09
Issue date:	15 July 2019
Application:	All Victorian public sector bodies
Resources	Respectful Workplaces Framework (DOCX, 920KB) Sexual Harassment Model Action Plan (DOCX, 120KB)
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au



Key points

- Sexual harassment is unlawful and prohibited. Sexual harassment in the workplace can take various forms and can be directed at anyone. It can be physical, spoken or written. Unwelcome conduct does not need to be repeated; a one-off incident can be sexual harassment.
- Building on the Victorian Public Sector Commission's (VPSC) *Model Policy for the Prevention of Sexual Harassment in the Workplace* (Model Policy) and *Guide for the Prevention of Sexual Harassment in the Workplace* (Guide), the VPSC has issued the *Respectful Workplaces Framework* (Framework) and *Prevention of Sexual Harassment – Model Action Plan* (Model Action Plan).
- Together, these documents seek to support departments and Victoria Police in preventing sexual harassment through improved systems and processes, and changing cultural norms.
- The Framework uses a gender equality approach to identify six best practice principles for the development of safe and respectful workplaces. Mindful of departments' differing approaches to address sexual harassment, it uses a maturity model approach to build consistent practice across departments and Victoria Police by June 2021.
- The Model Action Plan identifies possible activities, outcomes and performance measures against the six best practice principles. Departments and Victoria Police are encouraged to use the Model Action Plan to develop a tailored action plan that addresses their current organisational circumstances and priorities for achieving maturity over the next two years.
- The Framework includes a biannual progress report to the VPSC by departments and Victoria Police against their action plans (every September and March), using an agreed minimum data set. It also includes a consolidated annual report by the VPSC to the Victorian Secretaries Board (VSB), every December.

Updates

This is the first version of the Framework and Model Action Plan.

Requirements

The [Equal Opportunity Act 2010](#) requires organisations to take proactive steps to eliminate sexual harassment in the workplace.

The Framework and Model Action Plan seek to support the Victorian Public Service to fulfil this positive duty.

When developing action plans, specific organisational requirements should be taken into account.

Background

On 22 March 2018, VSB released a statement affirming its commitment to a zero-tolerance approach to sexual harassment in the Victorian public sector.

To progress this work, VSB endorsed that the Sexual Harassment in the Victorian Public Service Working Group (Working Group) be set up under the auspices of its Integrity and Corporate Reform Sub-committee (ICRS). This Working Group is chaired by the Deputy Commissioner.

The Working Group is undertaking a program of work to promote best practice prevention and response to sexual harassment in the workplace, and the delivery of consistent outcomes. A key focus of the Working Group is on ensuring that those who have experienced sexual harassment have confidence to come forward.

The Model Policy and Guide were endorsed by VSB and published by the VPSC in 2018. The Framework and Model Action Plan have also been endorsed by VSB.

Scope

This Circular applies to all public service bodies.

All Victorian public sector entities are encouraged to review their policies and strategies for preventing and responding to sexual harassment in the workplace, using the

Framework and Model Action plan as a guide.

Date of application

Effective 15 July 2019.



Public Entity Executive Employment Handbook

Circular 2019-08

Circular Number	2019-08
Issue date:	4 July 2019
Application:	Public Entity Executives
Resources	Victorian Public Entity Executive Employment Handbook
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au

Key points

- The Victorian Public Sector Commission (VPSC) has released the Victorian Public Entity Executive Employment Handbook (Handbook) on the VPSC website.
- The Handbook is the first dedicated public entity executive employment handbook. The Handbook covers a wide range of topics related to executive employment in public entities and is intended to:



- promote executive employment arrangements that are clear, consistent, effective, and transparent to ensure appropriate use of public funds and the minimisation of integrity risks
- assist public entities to manage employment contracts, remuneration and employment matters relating to executives
- inform executives, or those contemplating executive employment, about working conditions and responsibilities in the public sector.
- Human resources units and executives employed in public entities should ensure they are familiar with the content of the Handbook.
- The Handbook has been largely modelled on the existing Victorian Public Service Executive Employment Handbook.

Background

In October 2018 the VPSC accepted a recommendation made to it by the Victorian Ombudsman to develop an executive employment handbook for public sector entity executives, drawing on the approach adopted in the existing Victorian Public Service Executive Employment Handbook.

Following development of the Handbook and appropriate consultation, the Victorian Secretaries Board has approved the release of the Handbook.

Scope

This Circular applies to public entities as defined under section 5 of the [Public Administration Act 2004](#).

Date of application

Effective 4 July 2019.

NAIDOC week leave provisions

Circular 2019-07

Circular Number	2019-07
Issue date:	27 June 2019
Application:	All Victorian Public Service employers
Resources	Victorian Public Service Enterprise Agreement (2016)
Enquiries:	Aboriginal Employment Unit Victorian Public Sector Commission info@www.vpsc.vic.gov.au

Key points

- NAIDOC Week is an annual celebration across Australia each July to celebrate the history, culture and achievements of Aboriginal and Torres Strait Islander peoples.
- National NAIDOC Week is held in the first week (a Sunday to Sunday) of July that incorporates the second Friday, which historically was celebrated as 'National Aboriginal Day'.
- In addition to National NAIDOC week, a range of Victorian-specific NAIDOC events are coordinated by a Victorian NAIDOC Committee, and are often held in the week immediately preceding or following National NAIDOC Week.
- Under the provisions of the Victorian Public Service Enterprise Agreement 2016,



Aboriginal and Torres Strait Islander staff covered by this Agreement are entitled to NAIDOC leave, which is specified as follows:

53.1 NAIDOC Week Leave

a. An Employee of Aboriginal or Torres Strait Islander descent is entitled to one day of paid leave per year to participate in National Aboriginal and Islander Day Observance Committee (NAIDOC) week activities and events.

b. NAIDOC week leave will not accrue from year to year and will not be paid out on termination of the employment of the Employee.

- Section 53 does not distinguish between Victorian and National NAIDOC week activities for the purposes of accessing this entitlement.
- There is no requirement that NAIDOC leave be taken as a single continuous block. Providing that the total leave taken under this leave type does not exceed one day, employees may access this leave to attend NAIDOC events and activities on different days.

Background

Read a copy of the [Victorian Public Service Enterprise Agreement 2016](#).

'NAIDOC' originally stood for 'National Aborigines and Islanders Day Observance Committee'. This committee was once responsible for organising national activities during NAIDOC Week and its acronym has since become the name of the week itself.

Scope

This Circular applies to the Victorian Public Service. Victorian Public Service bodies are encouraged to review their leave policy and procedures to ensure consistency with the provisions of the Victorian Public Service Enterprise Agreement 2016.

Date of application

The Victorian Public Service Enterprise Agreement 2016 came into effect from 18 May 2016.



Prevention of Sexual Harassment in the Workplace

Circular 2018-06

Circular Number	2018-06
Superseded by:	Circular 2022-26: Prevention of sexual harassment in the workplace guidance issued 26 September 2022 Circular 2020-22: Prevention of sexual harassment in the workplace guidance issued 18 December 2020
Supersedes:	Circular 2018-03: Model Sexual Harassment Policy and Practice Guide issued 25 September 2018.
Issue date:	23 November 2018
Application:	All Victorian public sector bodies
Resources	Prevention of sexual harassment
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au



KEY POINTS

- Sexual harassment is unlawful and prohibited. Sexual harassment in the workplace can take various forms and can be directed at all persons. It can be physical, spoken or written. Unwelcome conduct does not need to be repeated; a one-off incident can be sexual harassment.
- Building on the Victorian Secretaries Board statement on sexual harassment, the Victorian Public Sector Commission (VPSC) has issued the **Model Policy for the Prevention of Sexual Harassment in the Workplace** (Model Policy). The Model Policy was developed by a Working Group under the auspices of the Integrity and Corporate Reform Subcommittee of the Victorian Secretaries Board.
- To support the Model Policy, a **Guide for the Prevention of Sexual Harassment in the Workplace** (Guide) has also been developed. Together, these documents promote consistent practice across the Victorian Public Service and sector. They will help organisations to ensure that they are working to prevent sexual harassment and support those who are harmed by such behaviour.
- Employees who have experienced sexual harassment are strongly encouraged to come forward. We all have the right to work in a safe, inclusive and respectful environment where we are all valued and feel supported to speak up. The Victorian Public Service and sector is focused on ensuring we all feel safe, respected and equal.
- Disclosures of sexual harassment will be treated with discretion in order to protect an employee's personal privacy and maintain confidentiality as much as possible.
- Bystanders, including colleagues, who witness or are aware of sexual harassment, can play an important role in preventing sexual harassment in the workplace. When grounded in behaviours of integrity and respect, action taken by colleagues can positively impact on defining workplace culture.

Updates

This is the first version of the Model Policy and Guide.

The Model Policy and Guide are now available on the VPSC website at <https://www.vpsc.vic.gov.au/resources/prevention-sexual-harassment-workplace/>



Requirements

The *Equal Opportunity Act 2010* requires organisations to take proactive steps to eliminate sexual harassment in the workplace.

The Model Policy and Guide seek to support the Victorian Public Service and sector to fulfil this positive duty.

When updating policies and procedures, specific organisational requirements should be taken into account.

Background

The Victorian Secretaries Board Statement on Sexual Harassment was released on 22 March 2018.

The Sexual Harassment in the Victorian Public Service Working Group (Working Group) was set up under the auspices of the Integrity and Corporate Reform Sub-committee of the Victorian Secretaries Board. The Working Group is chaired by the Deputy Public Sector Commissioner, and has representation from across departments, including Victoria Police.

The Working Group is undertaking a program of work to promote best practice prevention and response to sexual harassment in the workplace, and the delivery of consistent outcomes. A key focus of the Working Group is on ensuring that those who have experienced sexual harassment have confidence to come forward.

Scope

This Model Policy applies to the Victorian Public Service. Victorian Public Service bodies are encouraged to revise their policy and procedures on sexual harassment in line with the Model Policy. The Guide assists organisations in implementing their sexual harassment policies.

All Victorian public sector entities are encouraged to revise their policy and procedures

on sexual harassment, ensuring these are informed by the Model Policy and Guide.



VPS executive pre-employment screening policy

Circular 2018-05

Circular Number	2018-05
Issue date:	30 October 2018
Application:	All Victorian public service bodies for executive officer recruitment.
Resources:	VPS executive pre-employment screening
Enquiries:	Integrity and Oversight Branch Victorian Public Sector Commission 03 9922 8600 info@www.vpsc.vic.gov.au

Key Points

- VPSC, with the agreement of the Victorian Secretaries Board, issues the VPS Executive Pre-employment Screening Policy (the Policy) and associated guidance material.
- This Policy addresses integrity risks associated with inadequate pre-employment screening of people seeking executive employment in the Victorian Public Service,



and sets a minimum standard of pre-employment screening for VPS executives.

- It requires that a Statutory Declaration and Consent Form (the Form) be completed by candidates prior to a formal offer of employment being finalised for all VPS executive positions in public service bodies.
- Candidates with a misconduct history are not necessarily precluded from employment. However, the Policy ensures that employers can access the information required in order for them to determine a preferred candidate's suitability for a position based on a further understanding of their past employment history.

Updates

This is the first version of the VPS Executive Employment Pre-employment Screening Policy and applies to all executive level recruitment by public service bodies.

The Policy and associated guidance material are now available on the [VPSC website](#).

Requirements

The VPSC has a legislated responsibility to maintain and advocate for public sector professionalism and integrity. The [Public Administration Act 2004](#) (PAA) provides a framework to ensure that employment decisions in the public sector are based on merit. Employees are required to conduct themselves in a manner that is consistent with the public sector values and employment principles set out in the PAA.

The Policy addresses integrity vulnerabilities identified in recruitment processes and sets a minimum standard of pre-employment screening for VPS executives. The Policy seeks to prevent employees moving between employers without previous misconduct being known or appropriately assessed in the context of relevance to the inherent requirements of a position.

The Policy requires completion of the Form prior to any formal offer of employment to an executive role in the VPS. The purpose of the Form is to allow conduct history to be known and assessed prior to formalising an offer of employment. Preferred candidates make a declaration about their conduct history and provide consent for information to

be provided by previous employers to verify this history.

In most cases the Form should be completed once a preferred candidate has been identified. However, declarations made at earlier stages in the recruitment process may be appropriate for some roles.

Background

The Independent Broad-based Anti-corruption Commission (IBAC) released the report [Corruption and misconduct risks associated with employment practices in the Victorian public sector](#) on Tuesday 14 August 2018. Inadequate pre-employment screening and the recycling of employees with problematic histories are key findings.

The report draws on case studies from past investigations and echoes key findings of previous reports identifying integrity vulnerabilities in Victorian public sector recruitment processes, particularly in pre-employment screening.

Misconduct is defined in the *Public Administration Act 2004* as:

- a. contravention of a provision of this Act, the regulations or a binding code of conduct;
- b. improper conduct in an official capacity;
- c. a contravention, without reasonable excuse, of a lawful direction given to the employee as an employee by a person authorised (whether under this Act or otherwise) to give the direction;
- d. a refusal by an employee to perform duties assigned under Part 3 (public service employment) or Part 7A (emergency situations);
- e. an employee making improper use of his or her position for personal gain;
- f. an employee making improper use of information acquired by him or her by virtue of his or her position to gain personally or for anyone else financial or other benefits or to cause detriment to the public service of the public sector.

Scope

This circular applies to all public service bodies for executive officer recruitment.

A public service body is a Department, an Administrative Office established under section 11 of the *Public Administration Act 2004* and the Victorian Public Sector Commission.

Departments are obliged to notify Administrative Offices in their portfolio that this Policy now applies.

Date of Application

The policy came into effect 30 October 2018.



Executive vehicle cost to package calculator (revised)

Circular 2018-04

Circular Number	2018-04 (revised)
Issue date:	26 October 2018
Revised date:	20 December 2018
Application:	All Victorian public sector employers
Resources	Executive Vehicle Cost to Package Calculator
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au

Key Points

- The Victorian Public Sector Commission (VPSC) publishes the Executive Vehicle Cost to Package Calculator (the Calculator) to assist organisations to determine the cost to be deducted from the remuneration package of an executive who opts

to package a motor vehicle.

- In consultation with VicFleet, the VPSC has finalised an update of the Calculator. The updated Calculator maintains the core methodology while incorporating more relevant input data including current Fringe Benefits Tax rates, as well as running, registration and insurance costs which reflect contemporary fleet operations.
- In future, the VPSC will review the Calculator at least annually in consultation with VicFleet.
- The updated Calculator applies to any Victorian Public Service employee whose employment commenced on or after 10 October 2018.
- Following consideration by the Victorian Secretaries Board and on the advice of the Department of Premier and Cabinet, for Victorian Public Service employees who had commenced employment prior to 10 October 2018, the updated Calculator will apply from 1 July 2019.

Updates

This Circular has been revised to clarify its application to existing public service employees as at 10 October 2018.

The Executive Vehicle Cost to Package Calculator is now available on the VPSC website in the [Victorian Public Service Executive Resource Suite](#).

Requirements

Victorian Public Service employers who provide packaged vehicles to Victorian Public Service employees must apply the updated formula to any employee who commenced their employment on or after 10 October 2018.

Following consideration by the Victorian Secretaries Board and on the advice of the Department of Premier and Cabinet, for Victorian Public Service employees who commenced their employment prior to 10 October 2018, the updated Calculator will apply from 1 July 2019.

Background

The formula underpinning the Calculator is set out in the [Victorian Public Service Executive Handbook \(the Handbook\)](#) and is therefore binding on Victorian Public Service executives and their employers.

Scope

The Calculator is mandatory for the Victorian Public Service.

All Victorian public sector entities are encouraged to revise their policy and procedures on salary packaging of motor vehicles, ensuring these are informed by the Calculator and the Handbook.



Model Sexual Harassment Policy and Practice Guide

Circular 2018-03

Circular Number	2018-03
Superseded by:	Circular 2022-26: Prevention of sexual harassment in the workplace guidance issued 26 September 2022 Circular 2022-22: Prevention of sexual harassment in the workplace guidance issued 18 December 2020. Circular 2019-09: Respectful workplaces framework and prevention of sexual harassment – model action plan issued 15 July 2019 Circular 2018-06: Prevention of sexual harassment in the workplace issued 23 November 2018
Issue date:	25 September 2018
Application:	All Victorian public sector bodies
Resources	Sexual Harassment Model Policy for VPS organisations
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 integrity@www.vpsc.vic.gov.au



Key Points

- Sexual harassment is unlawful and prohibited. Sexual harassment in the workplace can take various forms and can be directed at all persons. It can be physical, spoken or written. Unwelcome conduct does not need to be repeated; a one-off incident can be sexual harassment.
- Building on the Victorian Secretaries Board statement on sexual harassment, the Victorian Public Sector Commission (VPSC) has issued the Sexual Harassment Model Policy (Model Policy). The Model Policy was developed by a Working Group under the auspices of the Integrity and Corporate Reform Subcommittee of the Victorian Secretaries Board.
- To support the Model Policy, a Sexual Harassment Practice Guide (Practice Guide) will also be issued. Together, these documents promote consistent practice across the Victorian Public Service and sector. They will help organisations to ensure that they are working to prevent sexual harassment and support those who are harmed by such behaviour.
- Employees who have experienced sexual harassment are strongly encouraged to come forward. We all have the right to work in a safe, inclusive and respectful environment where we are all valued and feel supported to speak up. The Victorian Public Service and sector is focused on ensuring we all feel safe, respected and equal.
- Disclosures of sexual harassment will be treated with discretion in order to protect an employee's personal privacy and maintain confidentiality as much as possible.
- Bystanders, including colleagues, who witness or are aware of sexual harassment, can play an important role in preventing sexual harassment in the workplace. When grounded in behaviours of integrity and respect, action taken by colleagues can positively impact on defining workplace culture.

Updates

This is the first version of the Model Policy. An associated Practice Guide will be published shortly.

The Model Policy is available in the [VPSC resource suite](#).

Requirements

The [Equal Opportunity Act 2010](#) requires organisations to take proactive steps to eliminate sexual harassment in the workplace.

The Model Policy and Practice Guide seek to support the Victorian Public Service and sector to fulfil this positive duty.

When updating policies and procedures, specific organisational requirements should be taken into account.

Background

The Victorian Secretaries Board released a statement on sexual harassment on 22 March 2018.

The Sexual Harassment in the Victorian Public Service Working Group was set up under the auspices of the Integrity and Corporate Reform Sub-committee of the Victorian Secretaries Board. Chaired by the Deputy Public Sector Commissioner this Working Group is leading work to promote best practice and the delivery of consistent outcomes. The Working Group is focused on ensuring that those who have experienced sexual harassment have confidence to come forward.

Scope

This Circular applies to the Victorian Public Service. Victorian Public Service bodies are encouraged to revise their policy and procedures on sexual harassment in line with the Model Policy. The Practice Guide will assist organisations to implement their sexual harassment policies.

All Victorian public sector entities are encouraged to revise their policy and procedures on sexual harassment, ensuring these are informed by the Model Policy and Practice Guide.

Consensual personal relationships in the workplace (Conflict of Interest)

Circular 2018-02

Circular Number	2018-02
Issue date:	27 August 2018
Superseded by:	Circular 2024-31 : Update to conflict of interest resource suite 2024 . Issued 31 May 2024.
Application:	All Victorian public sector bodies
Resources:	Conflict of interest guidance .
Enquiries:	Integrity and Oversight branch Victorian Public Sector Commission 03 9922 8600 info@www.vpsc.vic.gov.au



Key points

- Following consideration by the Victorian Secretaries Board (VSB), the Model Conflict of Interest Policy (Model Policy), issued by the Victorian Public Sector Commission (VPSC), has been updated. The Model Policy now includes high-level processes for the management of consensual personal relationships in the workplace. A Practice Guide to support implementation has also been prepared.
- Consensual personal relationships may, in many cases, occur without any concerns arising around potential or actual conflicts of interest in the workplace, and may continue privately without any need for disclosure. However, relationships should be confidentially disclosed where an actual, potential or perceived conflict of interest cannot be appropriately avoided.
- Consensual personal relationships involving people in a direct hierarchical relationship (i.e. in the same reporting line, where one person has supervisory or decision making authority over the other) represent a potential conflict of interest. To manage this conflict, the Model Policy requires employees to confidentially declare such relationships. This allows any necessary arrangements to be put in place, which may include changes to reporting or supervisory arrangements.
- The risks of potential conflict of interests are likely to be heightened for officers in senior leadership positions.
- Processes must avoid discrimination or action that unfairly impacts upon a person's employment and should be commensurate with the seriousness of the identified risk. Any decision to move one of the individuals should not automatically preference the senior individual and each case should be considered on its own merits. Processes should also protect personal privacy.

Updates

The updates to the Model Policy include:

- a definition of consensual personal relationships;
- reference to a designated disclosure officer and human resource representative as points of contact to discuss conflict of interest;
- a section that details the process for management of consensual personal

- relationships; and
- an appendix that provides further detail.

Requirements

Departments and public sector bodies should now review and revise their policies and procedures on identifying, reporting and managing conflicts of interest to reflect the updates to Model Policy.

When updating policies and procedures, departments and public sector bodies should take into account the potential impacts on employees, including avoiding discrimination and breaches of privacy.

The Model Policy requires employees to declare consensual personal relationships where a direct hierarchical relationship exists. This declaration can be made to either the employee's manager, a designated disclosure officer (e.g. human resources officer) or a designated management representative. Departments should now ensure such processes are in place.

Departments should also establish arrangements that can be put in place to manage the conflict of interest, following disclosure. These arrangements may include temporary or permanent changes to reporting or supervisory arrangements.

Background

Consensual personal relationships include consensual sexual, intimate and/or romantic relationships between adults of any sex or gender identity. Relationships of this kind may be on a casual, periodic or regular basis and may or may not constitute a primary relationship. A familial relationship of spouse or de facto partner also constitutes a consensual personal relationship.

Employees are required to conduct themselves in a manner consistent with the public sector values and employment principles set out in the *Public Administration Act 2004*. These values and principles are further defined through the [Code of Conduct for Victorian Public Sector Employees](#) and the [Code of Conduct for Victorian public sector](#)

[employees of special bodies](#) and [Standards](#) issued by the Victorian Public Sector Commissioner.

Scope

This Circular applies to Victorian Public Sector employers.

The VSB has agreed that compliance with the policy changes is required for public service departments.

Public sector entities in the Victorian Public Sector should aim for workplace policies that provide consistency across the sector. Public sector entities are encouraged to revise their policy and procedures on identifying, reporting and managing conflicts of interest, ensuring these are informed by the Model Policy and supporting guidance.

Date of Application

The Model Conflict of Interest Policy came into effect 19 July 2016.

The updated Model Policy was published 27 August 2018.



Gifts, benefits and hospitality

Circular 2018-01

Circular Number	2018-01
Issue date:	28 June 2018
Superseded by:	Circular 2024-30: gifts, benefits and hospitality, issued by 29 May 2024
Application:	All Victorian public sector bodies
Resources:	Gifts, benefits and hospitality resource suite
Enquiries:	Integrity and Oversight Branch Victorian Public Sector Commission 03 9922 8600 info@www.vpsc.vic.gov.au

Key points

- The VPSC has updated its [Gifts, Benefits and Hospitality Policy Guide](#) to provide additional guidance on implementing the minimum accountabilities, particularly on how to record and report any offers. The updated guide also highlights the importance of public officials considering conflicts of interest or reputational risks when they are offered or provide a gift, benefit or hospitality.



- To build public trust, Victorian public officials and their employers must manage offers in line with community expectations. Public officials must therefore ensure that their personal interests cannot reasonably be perceived to influence them in the performance of their duties. By avoiding such conflicts of interest, public officials set a strong foundation for integrity and avoid reputational damage to the public sector.
- The updates to the policy guide do not alter the minimum accountabilities, which came into effect in 2016 and which required employers to publish their gifts, benefits and hospitality register online from 1 July 2017.

Updates

The updates include:

- **Changes to accepting gifts** – Public officials may now accept ceremonial gifts on behalf of their organisation.
- **Changes to recording** – Public officials no longer need to record cumulative offers, although they still need to consider the potential conflicts of interest and reputational risks that may arise. Public officials no longer need to declare the official hospitality they are offered by public sector organisations, where their attendance is consistent with public sector functions, objectives and roles.
- **Changes to reporting** – Employers may now provide more generic information about the recipients and donors of declined offers; and publish role titles rather than individual names for accepted offers.

Requirements

The minimum accountabilities for managing gifts, benefits and hospitality are binding on Victorian public officials and their employers under the [*Standing Directions of the Minister for Finance*](#).

The updated implementation advice outlined in the policy guide comes into effect on 1 July 2018. Departments and administrative offices should review their existing policies and procedures against the policy guide. They should also:

- highlight the importance of conflict of interest and reputational risks when determining whether to accept or provide a gift, benefit or hospitality; and
- ensure their policies and procedures reinforce the Victorian public sector values of impartiality, integrity and accountability defined in section 7 of the [Public Administration Act 2004](#) and further described in the [Code of Conduct for Victorian Public Sector Employees](#) and the [Code of Conduct for Employees of Special Bodies](#).

Background

The policy guide (formerly framework) was last updated in 2016. It is supported by a [suite of resources](#) to assist public officials and their employers to apply the minimum accountabilities.

Scope

The minimum accountabilities in the policy guide apply to all Victorian public sector officials and their employers. The guidance should be adopted to ensure consistency across the public sector.

Date of Application

The updated policy guide takes effect from 1 July 2018.