



More Frequently Asked Questions

1. Is it misconduct to help a friend if I am not pulling any strings to ensure they are awarded the contract?

It is OK to assist your friend in your private capacity. However, it is not OK to do so if it will influence or bias how you operate in your official capacity.

Professional boundaries protect you from being put in uncomfortable situations and prevent you from committing misconduct. If you maintain a clear divide between your personal help and assistance, and your professional role and knowledge, then you will be acting appropriately.

Be aware that it is misconduct if you:

- ▽ use information owned by your organisation when assisting your friend
- ▽ discuss their application with colleagues, or
- ▽ give them any advantage over another candidate.

2. If I include the phrase 'views are my own' in my social media posts, am I legally protected from any connection with my employment?

The disclaimer 'views are my own', while commonly used, actually has no legal effect. It does not protect you from liability and, in the event of a finding of misconduct, it will be unlikely to prevent you receiving a sanction, nor help you in an unlawful termination action.

3. Is it OK to write a job recommendation for someone on my official letterhead, even though we did not work together in the public sector?

It is only appropriate to use your official letterhead for official business, including writing job recommendations for people you worked with in the public sector. However, it does not extend to people that you worked with in the private sector.

4. If a power is connected to my delegated power, can I exercise it?

You can only exercise the powers that have been expressly delegated to you, even if a power is connected to your delegations.

5. If I don't receive a financial benefit, is it still considered a misuse of my position?

A personal gain does not need to be financial; it can be legal or social. A gain can be as small and seemingly harmless as helping out a friend or having someone 'owe you one'.

To determine if you are benefitting from your position, ask yourself if a reasonable person in your position would have made the same decision for the same reason. If the answer is no, you are likely to be receiving some type of gain.

6. Can I use my position to endorse or promote a cause that has broad government support, for example, Canteen's Bandana Day, when the government has been increasing funding for cancer research?

It is not appropriate to use your official position to endorse a private cause without authorisation, regardless of how worthy that cause may be.

While the government may have put funding into or created a program in an area such as cancer research, that does not mean it endorses every single cause or campaign related to that area.

It is also not appropriate for an employee to be seen to be using their position to promote a private cause, as the office of a public servant should only be used to fulfil their official duties.

7. My right to criticise the government is constitutionally protected – how can I be fired from my job in this case?

While there is an implied right to free speech in the Constitution, there are exceptions to this right, specifically concerning public sector employees.

Employees cannot share statements or opinions that would breach the relevant Code of Conduct. The High Court of Australia has upheld that a public servant can have their contract terminated for voicing criticism of the government. This was found in the case of *Comcare v Banerji*¹.

8. Can I use my work email to send personal emails in my lunch hour?

If your organisation has flexible computer use that allows you to use your computer for personal use during your break, you can use your work computer to send emails.

However, you should log in to your personal email account rather than using your work email account.

You should only use your work email account to conduct official business. If you were to use it for personal use, it may create an impression that you were using your position to obtain benefits in your personal capacity.

9. Professional boundaries protect vulnerable people from someone who may try to take advantage of or manipulate them. I just want what is best for my client, so do the boundaries apply?

Professional boundaries apply to everyone who interacts with members of the public.

It is irrelevant if you have good intentions and genuinely want to help the vulnerable person. Professional boundaries protect vulnerable persons not just from abuse and manipulation but from developing a dependency on others, all of which harm the wellbeing of the relevant person.

¹ [Comcare v Banerji \(hcourt.gov.au\)](https://www.hcourt.gov.au)



The Commission can help

We are available to provide support and assistance with identifying, reporting, investigating, managing and preventing misconduct: prevention@integrity.tas.gov.au or 1300 720 289.

For more Misconduct Prevention resources go to www.integrity.tas.gov.au/resources