



Using power and authority appropriately

The public sector is in a position of privilege and power, placing a responsibility on all employees to undertake their role lawfully, respectfully and in the community's interest.

Know your role and its boundaries

Your organisation will have given you an induction or training when you started in the role you have been employed to perform. Your manager will have introduced you to your employment framework, which includes applicable code(s) of conduct, and sets out your duties, obligations and responsibilities.

You have certain delegated powers within your role, and you will be authorised to undertake specific functions. These are likely to be different from those of your supervisor or manager and those of employees you supervise.

Examples of these are:

- ▼ access to information that is not publicly available
- ▼ responsibility to ensure government resources are used in the best interests of the community
- ▼ authority to recruit, promote, discipline or terminate employment
- ▼ delegation to represent your organisation at meetings, conferences or to the media, and
- ▼ authority to enforce laws.

What is the misuse of power and authority?

Misuse of power and authority is a vast category of misconduct. It captures any situation where a person acts in a manner inconsistent with their duties, obligations and responsibilities as a public sector employee.

Misuse of power and authority applies to an employee's conduct that benefits themselves or others, causes harm to others, or causes reputational damage to their organisation. It is often associated with other forms of misconduct, such as conflict of interest and misuse of public resources. It is helpful to be aware of how these different forms of misconduct interact and enable one another.

Your employer treats misuse of power and authority seriously as it can violate the public's trust in the good-standing of government, place the community in unfair and intimidating situations, and result in criminal offences.

Key types of misconduct

Misuse of power and authority covers a wide range of behaviours and actions, including:

- ▼ use of office for personal gain
- ▼ abuse of power
- ▼ coercion of another employee
- ▼ endorsement of any product, service or enterprise
- ▼ violation of professional boundaries
- ▼ nepotism and favouritism, and
- ▼ exceeding delegations.



CASE STUDY

In 2019, the Western Australian Trade Commissioner to Japan, Craig Peacock, was found to have misused his position for over a decade to gain personal benefits.

Mr Peacock 'double-dipped' on his cost of living allowance, totalling close to \$500,000. He also claimed reimbursements for utilities that he was not entitled to, totalling \$65,000.

Mr Peacock reimbursed himself for his membership to the Tokyo branch of the Beefsteak and Burgundy club, where he was its chief wine master for 13 years. This also involved misusing his official passport in order to travel to China to attend a convention of the Beefsteak and Burgundy club.

Mr Peacock was found to have done favours for friends, and entertained them at the state's expense. He did not pay taxes in either Australia or Japan since 2010. He also destroyed a computer hard drive following directions to surrender it.

Mr Peacock also failed to report a car crash that he caused, driving a state-leased car while severely intoxicated. He registered a 0.35 blood- alcohol level, was imprisoned for two days and lost his licence for two years.

This misconduct resulted in Mr Peacock being fired, having his assets frozen, being forced to repay \$540,000.

Extracted from WA Corruption and Crime Commission [report](#)¹

How to prevent using power and authority inappropriately

If you are unsure about whether your conduct may be considered to be a misuse of power and authority, ask yourself:

- ▼ Am I acting lawfully and within my authorisations and delegations?
- ▼ Will my actions bring me or others any personal benefit?
- ▼ Could my actions make someone feel intimidated, bullied or powerless?
- ▼ Am I using my title, employment, or department to promote or endorse?
- ▼ Am I crossing boundaries with the people around me, particularly vulnerable persons?

If the answer is yes to any of the above questions, do not proceed.

If the answer is no to all five questions, it is likely appropriate to proceed.

If you still feel uncertain, seek advice from your supervisor.

¹ <https://www.ccc.wa.gov.au/node/545>



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