

ITEM PUBLIC COMMENT BY PUBLIC SERVANTS – GUIDELINES

POLICY Public comment refers to the dissemination of an officer's view or knowledge to the broader community in general or some section of it. Public comment involves any public speaking occasion and includes speaking at public meetings, on radio, television or on an impromptu basis. It also includes public written expression in books, notices, letters or articles in the press and the publication of articles or papers in professional or similar journals or where it is reasonably foreseeable that publication or circulation of the comment will flow to the broader community.

Relationship of public servants to government

Under the Australian system of parliamentary government, it is the role of ministers to publicly advocate, defend and debate the policies or administration of the government of which they are members.

The primary responsibility of public servants (as employees of the government) is to serve the public at the direction of the elected government.

- Within this system, the public servant is responsible through their departmental head for providing advice to the minister, and for maintaining or implementing government policies within the limits of assigned responsibilities. The minister, in turn, is responsible to the parliament, that is, the Legislative Assembly of the Northern Territory.
- Employees, in their attitude to their work and to the public, must always maintain the attitude and role of being politically neutral—able to serve equally well the government of the day, whatever party is in office, and to demonstrate personal integrity in their official activities.
- Employees must avoid comment which could cause embarrassment to the Territory Government's relationships with other governments.
- Employees must protect the confidentiality of such restricted information as
 - Cabinet and Executive Council documents
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 - matters classified as secret or confidential
 - information entrusted to the NT Government by other governments, private organisations or individuals
 - information that could impede law enforcement or assist criminal activities

- Employees must observe the spirit as well as the letter of the general policy expressed above.

Public comment – policy

The policy to be adopted throughout the Service is expressed in the *Public Sector Employment and Management Act 1993*, Employment Instruction Number 13.8

While employees, as members of the community, have the right to make public comment and enter into public debate on political and social issues, there are some circumstances in which public comment is inappropriate. These include

- the implication that the public comment, although made in a private capacity, is in some way seen to be an official comment of the Government or of the employee's Agency;
- where an employee is directly involved in advising on or directing the administration or implementation of Government policy and the public comment would compromise their ability to continue to do so in an efficient and professional manner; and
- where public comment, regardless of the connection (or lack of connection) with an employee's normal duties, amounts to criticism sufficiently strong or persistent to give rise to the public perception that the employee is not prepared to implement or administer the policies of the Government of the day as they relate to their duties.

Objectives of this policy

The philosophical objectives of the policies stated in the guidelines above are based on the concept of public service neutrality. They are intended to maintain the position of a politically unbiased and impartial public service.

Points for consideration

In making public comment (or in considering whether to do so) each individual will ultimately have to be guided by their own good sense, judgement and integrity.

Before making any comment publicly, employees should be guided by the following points

- Those whose responsibility it is to provide advice to government must avoid comment which could be controversial, and must take care not to abuse their position by the release of information acquired in their role as trusted employees.

- Employees must be careful that all the relevant facts are known so that a dishonest, incomplete, distorted or misleading statement is not made. This could have serious effects on the credibility of the government. In addition, irresponsible statements are likely to promote a tightening up of procedures and restriction of access to information so that efficiency is inhibited.
- No impression must be conveyed that comments are being made on behalf of the service, department, etc, unless the employee has been specifically authorised to do so by the head of his or her department.
- Personal attacks on members of the government or other public servants, directly or indirectly, must not be made under any circumstances.
- Employees must be mindful not only of what is said or written, but how it could be interpreted by the public at large—particularly when engaging in impromptu debate.
- Where an employee wishes to contribute a speech or article to a professional association for the purpose of advancing a particular branch of knowledge, departmental clearance should be obtained for the release of information not already publicly available.

Procedure for resolving ethical problems

Where an employee has a conscientious objection to acting on departmental instructions or to implementing the policies of a minister or the government, the employee should formally request to discuss the matter with senior management (or the departmental head) of her or his department. This is a matter of courtesy and personal integrity.

See also Principles for Dealing with Controversial Issues in Schools (SM–06.1.1) and Media Liaison (CM–01.2.1).

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