

**Building Capacity to be Ethical:  
A Critical Enquiry Based in the South Australian Public Sector.**



A thesis submitted for the Degree of Doctor of Philosophy, PhD (Ethics) (SocSc) *Flin.*

Natalie Ann Millicent Lewis BMgmt *UniSA*, GradDipPubAdmin., MPubAdmin *Flin.*

Flinders University of South Australia  
College of Business, Government and Law  
GPO Box 2100  
ADELAIDE  
SOUTH AUSTRALIA 5001

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## **Abstract**

This primary empirical research study is, based on the thoughts and *attitude* of the public employee participants, and ethical praxis in the public sector, Adelaide, South Australia. This was their story. This was their contribution to the public sector, and their thoughts and feelings. Despite governance in place delineating acceptable actions although not limited to behaviour, the perception of reality is at times somewhat erroneous. My research outcomes suggest that there are some historical aspects of the public sector that are so entrenched that they are evident despite the contemporary construct of governance, and a change in models of administration. As individuals and as a collective society, this research signifies the social importance of pushing out the boundaries of moral and ethical reasoning. Subsequently, to increase individual and collective ethical praxis in the public interest respectively. This research study falls within the paradigms of ethical ontology, and the field of established social science theory. The hypothesis (H<sub>1</sub>) for this research study was that the social practice of a witnessed oath through the lived experience builds memory and asserts a propensity of inspiration and desire within an individual to hold themselves true to the words of the taken oath. This research study demonstrates the potential of ‘mixed methods’ research.

To the best of my knowledge the ritual and power of oath taking has, never been researched for its effect on *attitude* and individual morality. This study was original research. Best explained by a witnessed sense of occasion, oath taking has been a significant part of human history and played a social importance in the construct of its time. This research of enquiry will concentrate on the need to develop capacity through increased knowledge and awareness, and memory building to develop foresight and therefore ethical praxis. The capacity for increased awareness and knowledge was conceptualised as a hypothetical oath specifically designed and developed by the



researcher – me for this primary study. The hypothetical oath is aptly, named the *Lewisēthikós Oath 2010*©Natalie Lewis.

Because of the qualitative findings and quantitative results of this research, the *Lewis Oath Theory* was, developed that forms a focus on the social practice of the witnessed occasion. This thesis argues for the social importance of research that will contribute to the understanding of, and respect for ethical praxis through encouraging capacity typified by education and awareness, and its increasing importance in the decision-making process. Without denying the contemporary concerns of the public sector, we owe it to ourselves and to future generations to push out the boundaries and explore moral and ethical *attitude* without dismissing complexity and uncertainty to co-create new possibilities and solutions. Subsequently, to motivate the individual to increase ethical praxis – practice that is distinguished from theory.

This thesis incorporates secondary research undertaken in a dissertation for my Degree of Master of Public Administration, titled *Building Capacity for Increased Awareness in Ethical Praxis: A secondary research review and critique*.

## Declaration of Originality

I certify that this thesis does not incorporate without acknowledgement, any material previously submitted for a degree or a diploma in any university; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

Natalie Ann Millicent Lewis  
*PhD Candidate* .....

25<sup>th</sup> July 2018  
*Date* .....

Dr Craig Matheson  
*Principal Supervisor* .....

25<sup>th</sup> July 2018  
*Date* .....

## Dedication

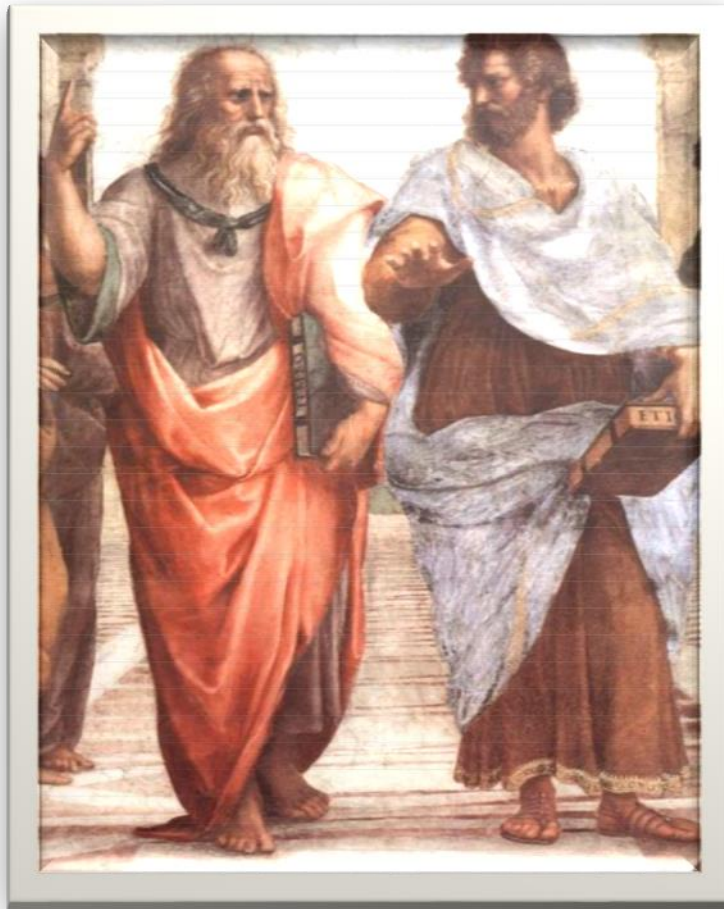
*For the public employees who choose to serve the public with integrity and honesty*

*For those who come forward with truthful disclosures*

*For those who risk their careers and their health to serve in the public interest*

*For those who face retribution despite truthful disclosures*

*For Aristotle considered the father of ethics*



*Plato and Aristotle as depicted in Rafael's fresco, School of Athens 1511.*

Source; *School of Athens Wiki 2015*, wiki article, n.p.<sup>1</sup>

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<sup>1</sup> Plato and Aristotle, Picture downloaded. School of Athens Wiki 2015, wiki article, viewed 2 February 2015, [http://en.wikipedia.org/wiki/The\\_School\\_of\\_Athens](http://en.wikipedia.org/wiki/The_School_of_Athens) - Artist, Rafael deceased. Further, authorised approval to reproduce this figure for PhD thesis under U.S. Const. Art. I, § 8, cl. 8. Fair Use - Section 107 of the Copyright Act.

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At no stage during the research study and production of this document has an editor or editorial services been utilised. The author is entirely responsible for the drafting and writing of this PhD thesis.

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## Acronyms

Australian Council of Healthcare Standards (ACHS)
Administrative Services Officer (ASO)
Anno Domini (A.D.)
American Medical Association (AMA)
Animal Liberation Front (ALF)
Australian Broadcasting Corporation (ABC)
Australian Capital Territory (ACT)
Before Christ (B.C.)
Case Study (CS)
Common Era (C.E.)
Centre for Policy and Development Systems (CPDS)
Chief Executive Officer (CEO)
Chief Finance Officer (CFO)
Chief Industrial Officer (CIO)
Chief of Staff (COF)
Clinical Surgery Consultant (CSC)
Commissioner for Public Employment (CPE)
Commonwealth (Com)
Companion for the Order of Australia (COA)
Critical Systems Heuristics (CSH)
Critical Systemic Thinking (CST)
Crown Solicitors Office (CSO)
Department for Planning, Transport and Infrastructure (DPTI)

Department for Transport, Energy and Infrastructure (DTPI)
Director of Public Prosecutions (DPPs)
Doctor of Philosophy (PhD)
Emotional Energy (EE)
Freedom of Information (FOI)
Freedom of Information Officer (FOIO)
Full-time Employees (FTEs)
Government Investigations Unit (GIU)
Human Resource Units (HRUs)
Hypothesis (H <sub>1</sub> )
Intensive Care Unit (ICU)
Independent Commission Against Corruption (ICAC)
Information Technology (IT)
Interaction Ritual (IR)
Justice of the Peace (JP)
Key Performance Indicators (KPIs)
Left (L)
Ministerial Advisors (MAs)
Ministerial Liaison Officers (MLOs)
Moral Foundations Theory (MFT)
Multiple and Mixed Methods Research (MMMR)
National Institute of Health (NIH)
New Public Management (NPM)
New South Wales (NSW)

Office for Ethical Standards and Professional Integrity (OESPI)
Office of Public Advocate (OPA)
Office of Public Integrity (OPI)
Office for the Public Sector (OPS)
Older Persons Mental Health Service (OPMHS)
Organisational Wide Instructions (OWIs)
People for Ethical Treatment of Animals (PETA)
Post-traumatic Stress Disorder (PTSD)
Public Service Association (PSA)
Public Private Partnerships (PPPs)
Randomized Control Trial (RCT)
Rec. Find Number (RFN)
Research Higher Degree (RHD)
Research Training Program (RTP)
Research Training Scheme (RTS)
Right (R)
South Australian Government Electronic Messaging System (SAGEMS)
Social and Behavioural Research Ethics Committee (SBREC)
South Australia (SA)
South Australian Police (SAPOL)
State Ombudsman (SO)
United States of America (USA)
What's the problem represented to be? (WPR)

## **Chapter One: Introduction Statement**

### **1.1 Introduction**

Chapter 1 will bring together broadly the main areas of discussion for this original research with a principle focus on preparing the reader for what this primary research study essentially reveals. The previously untold story of the South Australian public employee participant will describe deeply personal accounts, and individual perceptions of participants. The significance of this research will be, felt far beyond the boundaries of South Australia, where the reader will identify with the reality of the construct of the contemporary public employee participant. Prepare yourself to be moved, surprised and to be encouraged by the findings and results reported herein. This research endeavours to highlight the importance and significance for the individual to build upon the capacity for ethical praxis – being practice as distinguished from theory, for the sake of the individual, and a collective contemporary society and its interest. This chapter explains the demographics of the public servant and the public sector to prepare the reader with an understanding and platform to identify further with the topics discussed. This chapter discusses at length the motivation for the public employee participant and other constructs mentioned herein.

### **1.2 Purpose of this primary research study**

The purpose of this primary empirical research study was to stimulate debate and discussion about the social importance of pushing out the boundaries of individual moral and collective ethical reasoning to bring about ethical praxis. This primary

research study falls within the paradigms<sup>2</sup> of ethical ontology,<sup>3</sup> and the field of established social science theory. This research of inquiry will concentrate on the need to develop capacity through increased knowledge and awareness; to build upon memory to develop foresight<sup>4</sup> and ethical praxis – practice distinguished from theory within the individual. This discussion of inquiry will place focussed magnification on *attitude* surrounding individual morality and collective ethical praxis and the social practice of witnessed ritual participation. A hypothetical ethical oath was specifically developed and designed for this research by the researcher – me. This oath forms the symbol of focussed attention and named – the *Lewisēthikós Oath 2010*©Natalie Lewis.<sup>5</sup>

To achieve this, we must first define within the boundaries of existing literature the concept of public sector ethics. Preston and Sampford (2002, pp.15-16) explain that the boundaries of public sector ethics fall either ‘broadly or minimally’. ‘Broadly’ speaking ‘public sector ethics is good governance’. Whilst ‘minimally’ public sector ethics is referred to, ‘as aiming simply at the promotion of appropriate conduct in the administrative sphere of government’. In researching *attitude* and organisational ethics one cannot dismiss the significance of which the endogenous<sup>6</sup> factor – culture, environment and ethos plays in supporting employees in moral and ethical reasoning, and that of individual decision-making. Ethos<sup>7</sup> is an important aspect of culture, not limited to organisational culture whereby the underlying sentiment and attitude of individuals, and the collective society must be, acknowledged if we are going to achieve

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<sup>2</sup> Paradigm – a set of forms all of which contain a particular element; a framework containing the basic assumptions, ways of thinking, and methodology that are commonly accepted by members of a scientific community.

<sup>3</sup> Ontology – the set of entities presupposed by a theory; the branch of metaphysics that studies the nature of existence or being as such.

<sup>4</sup> Foresight – provision for or insight into future problems, needs etc.

<sup>5</sup> Ēthikós – Greek word translated in English as ethics.

<sup>6</sup> Endogenous – proceeding from within, derived internally.

<sup>7</sup> Ethos – the fundamental character or spirit of a culture, the underlying sentiment that informs the beliefs, customs and practices of a group.

ethical praxis. Culture, must be acknowledged for its significance, as organisational integrity is reliant on minimising the negative effects of unethical decision-making, misconduct and corruption within the public sector.

One participant explained it:

*I mean, you hear stories of corruption, and stuff, and I'm sure there are corrupt individuals. But generally, my feeling is that most people are just trying to do their jobs.*

Source; Participant in the Case Study Research # CS20 – 2 (b).

Graycar (2015, p. 87) argues '[c]orruption demoralises government and weakens the whole endeavour of policy formulation and its implementation. It diminishes services and causes fiscal stress, but most of all it undermines trust and corrodes legitimate community expectations'. Public sector employees form the conceptual underpinnings of organisational integrity, with the basis of integrity being identified by Larmour and Wolanin (2001, p. 87) as 'serving the public interest'. Meaning that the community relies upon public sector employees to be honest, and adhere to moral and ethical principles and be selfless. Another widely held view amongst philosophers in the ethical debate is the belief explained by Madison (2005, p. 80) that 'our environment determines our behaviour and directs us to behave rightly or wrongly'. Meaning that the culture and environment of which is fostered within a workplace determines whether, or not we behave rightly. This area of concern is extremely important not only for the public employees entrusted with providing a high standard of service to the community, but also to the government elected by voters – the people who put them there at a local and national level, to ensure that honest, transparent governance<sup>8</sup> is in place. The voting public are entitled to have complete assurance and trust in those

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<sup>8</sup> Governance – whereby government exercises its authority and control.

governing and managing the public purse, and in those developing and implementing social, economic or other policy<sup>9</sup> at a local and national level. Essentially, if we are going to discuss ethics truthfully, we must ourselves acknowledge the frailties of what it means to be human – the frailty of the human mind to think, the frailty of the human body to act and the frailty of the human spirit to have faith. This is their story, based on their perceptions, thoughts and feelings in order to make their contribution to the public sector.

### 1.3 Exploring the existing boundaries of moral and ethical reasoning

In exploring the boundaries of moral and ethical reasoning, and building capacity for ethical praxis<sup>10</sup>, one must have a depth of knowledge and understanding of all ethical paradigms of moral and ethical ontology and other relevant theory within the field of social science. Secondary research material from a wide and varied group of authorities in the area of ethics, oaths, public administration and management, policy and corruption<sup>11</sup> will form the basis of this primary research of inquiry and will therefore feature in the discussion and analysis. This is important as historical research material lays open the chasm<sup>12</sup> identified subsequently forming the basis of the hypothesis (H<sub>1</sub>). It is not until we explore the known can we begin to explore and identify the unknown. Comparisons with all four ethical paradigms of theory will be discussed as defined by McIntyre-Mills (2007, pp. 3-4) with contributions from other authors of relevant established theory. These being firstly, 'Idealism, a *priori*'<sup>13</sup> also known as 'non-consequentialist and deontology or duty based approach, based on taking

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<sup>9</sup> Policy – is a definite course of action adopted for the sake of expediency.

<sup>10</sup> Praxis – being practice as distinguished from theory.

<sup>11</sup> Corruption – corrupt or dishonest proceedings or acts, moral perversion of activity.

<sup>12</sup> Chasm – being a marked interruption of continuity, gap.

<sup>13</sup> *Priori* approach – the moral law sets out one's duty based on prior decisions on what constitutes ethical behavior.



decisions based on a moral law'. Secondly, 'Narrow Pragmatism, a *posteriori*'<sup>14</sup> McIntyre-Mills (2007, p. 4) or 'consequentialist approach based on considering the meanings of the ideas and practices for the majority of stakeholders'. Thirdly, 'Expanded Pragmatism' McIntyre-Mills (2007, p. 4) argues 'is thus based on caretaking for this generation of life and the next. It strives to consider self, other (including sentient<sup>15</sup> beings) and the environment'. Fourthly, Aristotle's '*Virtue Theory*', McIntyre-Mills (2007, p. 4-5) argues 'is based on the qualities of thinking and practice that make up or constitute an ethical life'. These four ethical paradigms were, explored at length to form the underpinning arguments for this research study, its findings and results discussed herein.

In discussing the varying paradigms of ethical philosophy, I will also draw attention to the debate as to, 'why is it necessary to develop ethical capabilities?' Nussbaum's (2011, p. 18) 'Capabilities Approach' will feature whose dogma is based on "what is each person able to do and to be?" Nussbaum (2011) in her own words defines this approach of which 'takes *each person as an end*, asking not just about the total or average well-being but about the opportunities available to each person'.

The metaphysics<sup>16</sup> of Nader's (1999) (cited in Miller 2010, pp. 39-43) explanation of how, 'human memory' is created will feature in this thesis. This is important as building memory is linked to the participant lived experience of the hypothetical oath-taking ceremony. From an established social science perspective, the social practice of the witnessed sense of occasion oaths invoke are best, explained by Collins's concept. Collins's (2004, p. 47) 'Interaction Ritual (IR)' theory of which

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<sup>14</sup> Posteriori approach – is, based on considerations to the meanings of ideas, ideology and practices for the majority, although not all stakeholders.

<sup>15</sup> Sentient – having the power of perception by the senses, conscious.

<sup>16</sup> Metaphysics – the underlying theoretical principles of a subject or field of inquiry.

‘involves focusing attention on the same activity, and becoming aware of each other’s involvement; and it has a shared emotional focus, which builds up as the ritual successfully proceeds’ (Collins 2004, p. 112). Collins’s (2004) ‘IR’ theory best explains the phenomena of what takes place as a collective group, subsequently witnessing each other in solidarity as they said the same words of the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7).

We must on an individual subjective personal level, through increased knowledge and questioning, thinking and the application of ‘*phronēsis*’ Crisp (2006, p. 158) explains as ‘the intellectual virtue of practical wisdom’ become more knowledgeable and aware to enable ethical praxis in search of ethical utopia<sup>17</sup>. Therefore, to enable ethical praxis we must develop ways to seek out ethical knowledge and awareness through the recognition of Brady and Hart’s (2006, p. 118) ‘intrinsic motivators’, such as, education and reflections. These are important as they lead us as Kraut (2006, p. 76) argues to ‘raise questions’ to better equip us when in times of ethical challenge. This research study sets out to fill the chasm where relevant legislation, policy and code – a system or collection of rules and regulations cannot assure the appropriate action, reaction or ethical conduct to the varied circumstances of which the public employee participant faced in the construct of public duty. To achieve this, and to frame the research study, six (6) central research questions were, developed to attain focus and attention.

- What is public sector ethics?
- How do we improve public sector ethics?
- Does the ritual of the *Lewisēthikós Oath 2010*©Natalie Lewis invoke emotional and bonding experiences?

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<sup>17</sup> Utopia – any visionary system of political or social perfection.

- Does the ritual of the *Lewisēthikós Oath 2010*©Natalie Lewis change *attitude*, and the perceived outlook on individual morality?
- Can the culture and ethos within the public sector prevent problems of an ethical nature?
- What are the current impediments to ethical practice within the South Australian public sector?

Through this study, it is my hope to create a greater respect for, and understanding of ethical praxis and its relevance to the success of public administration in its contemporary form. It also plays a role in preventing Preston's (2007, p. 42) concept of 'conflicts of interest', unethical decision-making, misconduct and corruption. Through the application, discussion and analysis of the research's qualitative findings and quantitative results herein there was confirmation of the H<sub>1</sub>. The H<sub>1</sub> was the social practice of a witnessed oath through the lived experience builds memory and asserts a propensity<sup>18</sup> of inspiration and desire within an individual to hold themselves true to the words of the taken oath. From the research findings and results a new theory has emerged, and defined as an oath theory – the *Lewis Oath Theory* forms a focus on the social practice of ritual<sup>19</sup> in the context of a witnessed oath.

#### **1.4 The motivation for this primary research study**

The motivation for this primary empirical research study came about through my individual experience of over fifteen (15) years in the South Australian public sector, and the witnessed situations of which affected my fellow colleagues – my co-workers. I believe in the public sector. I feel that we need systems in place to protect the most vulnerable in our society. I do not believe that privatisation or outsourcing as it is,

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<sup>18</sup> Propensity – a natural inclination or tendency.

<sup>19</sup> Ritual – being an established or prescribed procedure for religious or other rites or ceremonies.

commonly known is the answer to reviving a somewhat tired public sector. I say tired because participants reported that they were tired and struggling with the demands of higher responsibilities.

One participant explained it:

*Yeah [sic], I do. I do [sic]. Look, you know, I've often thought I really need to meet with one of the systems guys to find out how to structure my Outlook [Email account], so that I can capture everything that goes on around me. Because we have a limit, and that's something I need to do, and I talked earlier about soft skills of staff moving from an ASO5 [Administrative Services Officer] level to an ASO6 level. You've got to manage a lot more work, and I'm not quite there yet. Yeah [sic], so I'm getting confused, I'm getting tired.*

Source: Participant in the Case Study Research # CS13 – 3 (k).

Further, I say tired because of the individual emotional battles forged of which became apparent and identified in participant discourse.<sup>20</sup> These often ultimately become what I call *ethical crusades*. In finding a motivation that would ultimately sustain me throughout the longevity of doctoral research of this kind, this research study and its findings and results herein were dedicated to the public employees who choose to serve the public with integrity and truthfulness. To the participants of this research study, I sincerely hope that I have told your story in a way that does justice to your story and your experience.

The concept of this primary research came about through my role as a Justice of the Peace (JP), in the State of South Australia. At the time this voluntary position in society was bestowed upon me by the Attorney General for the state of South Australia, part of the initiation into this association was to take an oath delineated in the *Oaths Act 1936 (SA)* (Attorney-General's Department 2011). In situations that I was, challenged

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<sup>20</sup> Discourse – a communication of thought by words.

ethically, it was the taking of this oath, which assisted me. The social practice of the witnessed oath through the lived experience built on my memory and asserted a propensity of inspiration and desire within me to hold myself true to the words of the taken oath. It forms the basis for the praxis of continuous decision-making of which I am required to make in the construct of society and as a current South Australian public employee. Whilst delving into my own mind I asked, 'but what then of others?'

## **1.5 The construct and demographics of the public sector as an employer**

### **1.5.1 The construct of the public sector**

Decisions within the public sector are, perceived to change with the government of the day. The contemporary issues of centralisation versus de-centralisation have again provided debate, and counter argument in Australia, particularly from a federal government perspective. Currently, there is the rhetoric within South Australia, of centralisation to sustain the public sector primarily through financial savings. This is negatively influencing employee workloads and service delivery. On analysis of the four paradigms of ethical philosophy, it is characteristic of 'Idealism, a *priori*', which places emphasis on decisions that appear to be made for the period of government by the relevant parties, with little thought and consideration<sup>21</sup> for future generations, characteristic of the paradigm, 'Expanded Pragmatism, a *posteriori*'.

As rational beings, our ethical praxis is constantly, being challenged, tried and tested. Corruption, scandal and exploitation are constantly providing a challenge for public sector employees who by the very nature of their job descriptions or classifications are sometimes specifically, targeted. Perry (2001, p. 90) tells us that the

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<sup>21</sup> Consideration – refers to the degree to which a leader builds mutual trust with subordinates.

'media' plays a large part in advertisement in pursuit of those whose rhetoric is to flirt with unethical behaviour. This 'media' attention, as Grabosky and Larmour (2000, p. 6) explain has been 'instrumental in bringing about major anti-corruption inquiries'. A combination of which can see the fall of the government of the day and gives cause to scepticism, and an absence of trust and integrity amongst the general-public.

It is without a doubt that the Australian public service is one of the most ethically aware administrative bodies in the world in comparison to that of many overseas administrations. Unlike, that of the United States of America (USA) on a local level 'New Jersey' being one of the worst, as indicated in a Sky News interview with Graycar on the 16<sup>th</sup> August 2009, Prevention of Official Corruption. Although historically speaking, Australia has had some situations where there have been a number of significant poor judgements made by public employees with catastrophic consequences. When sustaining denial is no longer achievable the conventional response in Australia, as explained by Grabosky and Larmour (2000, p. 6) is the 'appointment of some formal inquiry, the most substantial which is a Royal Commission'.

It has been documented that South Australia, albeit a small population of 1.7 million (Estimated Resident Population States and Territories 2014), has perhaps enjoyed, as described by Perry (2001, p. 52) an 'overstated reputation for political cleanliness'. Public service ethics is about the political morality of public officials. It is how they exercise their power in an office of public trust. Ethics concerns values in decision-making processes, and how discretionary powers are justifiably utilised inclusive as Uhr (2005, p. 194) explains of 'probity'. Larmour and Wolanin (2001) argue that the public service is, intended to serve the 'public interest'. The quality of

the public service and its professionalism is dependent upon the public appreciation of the ‘integrity’ and impartiality of that service (Uhr 2005, pp. 191-192). Whilst Herbel and Maletz (2000, p. 40) remind us there is nothing more calamitous to a democracy than a situation where trust is ‘compromised and undermined’ where the people lack confidence in those administrators that stand in a position of trust – namely public employees and government.

### 1.5.2 The demographics of participant public sector administrative units

Research from the Office for the Public Sector (OPS) (2015, p. 11) indicates that as at June 2016, there were 68,887 employees, who identified female in gender out of a total number of 99,385 persons as at June 2016, in the general government sector (Figure 1.1).

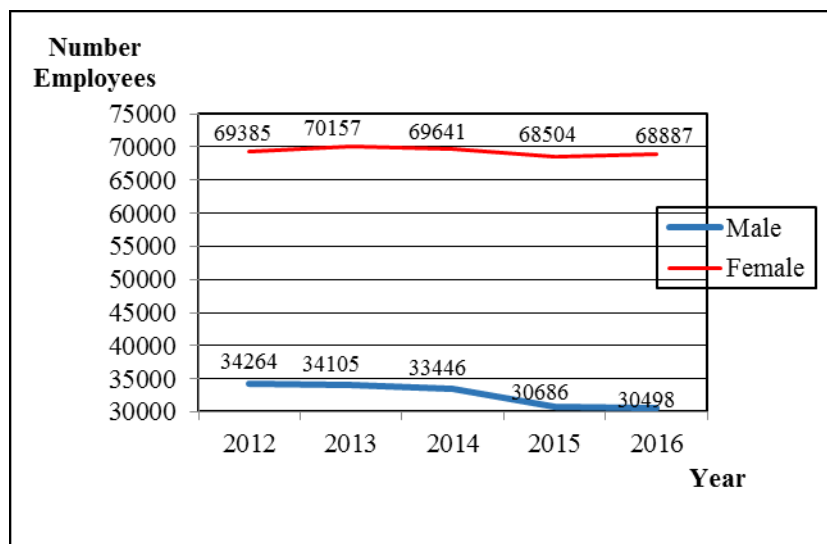


Figure 1.1 Fluctuations in public employee numbers between 30 June 2012 and 30 June 2016, Source: SA Public Sector Workforce Information Sector Wide Analysis – (Total – Age, Appointment Type and Gender), June 2016 (Table 3 – General Government Sector Employees by Age, Appointment Type and Gender, June 2016, OPS, p. 11).

Figure 1.1 explains the quantitative results of age, appointment type and gender in the public service over a five (5) year period from June 2012 to June 2016. Whilst public sector employee overall numbers have declined, historically speaking there has been a constant trend from 2012, with more than half of the public sector comprising of women. In 2016, more than half (69%) of employees within the public sector identified their gender, female. This demographic roughly runs parallel with the demographic of the research participant group as explained in the subsequent pages of this chapter.

## **1.6 The construct and demographics of the public officer as an employee**

### **1.6.1 The construct of the public officer**

The many tasks repetitively performed to serve the government of the day and the general public, were implemented by participants who were perceived to be struggling with, but not limited to the entrenched superseded model delineated by Hughes (2003, p. 17), as the ‘model of public administration’. Characterised by following instructions, in preference to the contemporary ‘public management’ (Hughes 2003, p. 44) model, that requires one to be accountable and responsible (Hughes 2003, pp. 1-2). Not to diminish the significant role that, a public employee plays as a white-collar employee of society. It is common knowledge that the role of the public employee is not regarded as having significant social status in comparison to that of a private sector employee, with the higher public service being described by Matheson (1998, p. 22) at best as a “semi-profession”. However, despite this low level of status there have been many widely publicised cases in Australia, where public employees have come forward with truthful disclosures. These disclosures have uncovered unethical decision-making and corruption, and brought about investigations, such as, a



Royal Commission. It is recognised by Preston and Sampford (2002, p. 169) that ‘human capital’ can be very important ‘in smoothing over the areas where reform has been incomplete, imperfect, or blocked’. Preston and Sampford (2002, pp. 169-170) argue that it was the ‘human capital’ educated on ethics within some of Queensland’s important institutions that ‘allowed corruption to be identified and addressed in the 1980s’. Pearson (2001, pp. 42-43) adds further comment relating to the focus on the actions of public officials, ‘often obscures the underlying wider responsibility of states to provide an environment in which corruption is not tolerated or condoned’. Further, I argue that community standards must be, considered and upheld. Not limited to, community standards are truthfulness, open disclosure of the facts, spending public money wisely, integrity, common sense decision-making and lawful actions.

The moral responsibilities of the non-elected public official as Gutmann and Thompson (1990, p. 93) explain are ‘completely captured by the injunction, “obey or resign”’. Critics of this concept Gutmann and Thompson (1990) argue that it ‘underestimates the discretion that administrators exercise in modern governments’. Further, identified is the argument that ‘neither the law nor their superiors can determine all their decisions, and they must use their own judgement in many matters’. Another valid argument is that those of strong moral character would resign. As a result, the public sector would, soon be occupied with employees who never had the ‘inclination to disagree with anything the government decided to do’. Personal judgments and reflection may warrant that public employees stay within the service to voice by appropriate means their objection, and opposition to policy and management concerns ultimately providing benefits to society. In further justifying this view, Gutmann and

Thompson (1990) provide the sentiment that a democratic society inevitably benefits from ‘permitting moral dissent’.

The capacity for praxis is, displayed by the quality of the decision-making and judgments that are, displayed in practice, opposed to theory. Public law and even ethical law cannot cover every contingency or situation. Jones (cited in Uhr 2005, p. 192) concept of ‘idealism reminds us of the need for an ethos of civic virtue’. Consequently, a majority of public sector decision-making requires discretion and indeed the prudence of public employees. Further, Uhr (2005, p. 197) explains whilst acting ‘consistently with the law but in areas where the law is either silent or at best vague’. Consequently, public sector employees are left with, no alternative than to apply discretion based upon their own subjective experiences. I would ask, ‘can we really trust this?’ A persuasive argument is drawn by Rawls (1999, p. 66), who emphasises resistance and highlights ‘laws supported merely by force are grounds for rebellion and resistance’.

This research study has uncovered a counter side to what is continually and portrayed negatively in the South Australian media regarding the public sector employee. It is my hope that this study helps to portray the public sector employee in a better light. In South Australia, the findings and results of this research study suggest that public sector employees are trying hard to be ethical. Although, those who participated in this research study reported finding themselves trapped at times, in an erroneous<sup>22</sup> culture and environment that runs counter to the expectation of the general public and in some cases that of governance. Bound by Geirsson and Holmgren’s (2010) idea of ‘*prima facie* duties’, this was particularly so in the areas of reporting

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<sup>22</sup> Erroneous – straying from what is decent and moral, wrong.

alleged corruption or misconduct by informants. Their experiences were defined by, consequence and retribution. Characteristic of the universal phenomenon of reprisal namely described by McShane and Travaglione (2009, p. 205) as ‘bullying’, which took place predominately, but not exclusively at the local organisational level.

One participant explained it:

*I've seen bullying and I've seen other people suffer, yes.*

Source: Participant in the Case Study Research # CS01 – 3 (q).

The experience of ‘bullying’ in the workplace Lewis and Gun (2007, p. 644) argue ‘impacts negatively on the psychological well-being of those who experience, witness or are simply bystanders to it (Lewis and Sheehan 2003)’. ‘In line with many academic paradigms, there are no universally agreed definitions of workplace bullying although there is agreement that bullying is best represented as events that are systematically negative, resulting in social, psychological and psychosomatic problems for the recipient (Einarsen *et al.* 2003)’. The findings and results herein have uncovered a belief that many public employees have a respect for their unique and privileged position in society, which includes a profound, genuine concern for the ‘public interest’. Certainly, in their realistic appreciation of the public sector and their recollections, participants were sentimental in their experiences shared and specifically when they recounted their experience of ‘bullying’.

One participant explained it:

*I'm here because I enjoy my work and I care about the people in my team. I care about the people in other parts of the organisation too.*

Source: Participant in the Case Study Research # CS10 – 3 (q).

During the research study, participants displayed a genuine care and concern for the public sector, and the society in which they served as their sentimental accounts were exposed they, became somewhat emotional in their responses. With varying degrees of emotion displayed subjective to the individual, it was evident to me that there was a real sense of the genuine participant that came through, as this research study progressed through the two (2) separate research studies – qualitative and quantitative. When asked, ‘do you think that they’re motivated to serve the public interest, as opposed to perhaps financial gain?’

One participant explained it:

*Definitely. Oh, it's definitely in the public interest, that's what the public sector is for. It's to help the people, not to help yourself.*

Source; Participant in the Case Study Research # CS07 – 5 (b).

What this means is that participants reported that they served in the ‘public interest’. The argument participants were making was that they held serving in the public’s interest a priority when employed in the public sector. They held the position that to be motivated to serve in the public’s interest was more important than that of individual financial gain. As discussed in chapter 2, Gabris et al. (1995) (cited Houston 2000, p. 713) argue ‘that the public employee is motivated by a sense of service not found among private employees’. Characterised by Houston (2000, p. 714) ‘as a calling, a sense of duty, rather than a job’ conventional wisdom ‘holds that public employees are different than their private-sector counterparts’. This is because public sector employees as Houston (2000, p. 715) claims ‘are less motivated by financial rewards than are private employees’.

Although, not limited to the ideal of serving in the interests of the public it is, considered central to the role of the public sector employee. It has also highlighted that participants were somewhat struggling to implement governance that in many cases does not reflect the realistic concerns at a local organisational level, and community level. Public employees are supposed to be responsible for a high standard of service delivery. They are, expected to deliver that service with respect, honesty, and accountability, whilst being governed by relevant legislation, policy, code,<sup>23</sup> and other localised documents. Despite governance documents that exercise government authority and control, the research study's findings and results herein highlight that the South Australian public sector culture and ethos, was at times erroneous. This was despite the best efforts of individual conscience<sup>24</sup> that continues to conceal the universal phenomenon that is unethical decision-making and unethical praxis. This was not exclusive to lower level employees and was cause for distress amongst genuine employee participants.

Due to a lower level of autonomy experienced by employee participants' and an ethical system based on a mistaken sense of duty, this research study has uncovered a system of which is perceived to be failing them and management. Subsequently, this is failing the community, as it does not permit employees to make ethical decisions based on their capacity for knowledge and awareness outside of the law. This argument was based on the analysis of Aristotle's *'Virtue Theory'*, that concentrates on 'matching the right knowledge to an issue based on a) experiential wisdom, b) an appreciation of the many different kinds of knowledge and c) the ability to apply the right knowledge to an issue based on dialogue' (McIntyre-Mills 2007, p. 4). Aristotle in his own words (cited

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<sup>23</sup> Code – a system or collection of rules or regulations.

<sup>24</sup> Conscience – inner sense of what is right and wrong in one's conduct or motives, impelling one toward right action.

in Rist 2002, p. 84) argued that ‘the better our mind (and thus the better our moral decisions) the “better” or more valuable we are’. It is widely understood that governance cannot cover every contingency or situation. MacKenzie and Hafken (cited in Uhr 2005, p. 192) are persuasive in their argument that when it comes to ethical governance ‘the hard part is accomplishing what the law cannot guarantee’. Uhr (2005, p. 192) explains that ethical praxis is a matter for:

self-regulation, where the capacity for self-regulation is displayed by the quality of discretion and judgment individuals bring to the job including the capacity for justification of job performance displayed through dialogues of accountability among relevant stakeholders that are witnessed.

Source; Uhr, J 2005, *Terms of Trust: Arguments over ethics in Australian Government*, University of New South Wales Press Ltd., p. 192.

As this study peeled back the multitude of layers to the public sector employee participant, focused magnification has uncovered that moral, ethical sentiment was important to employee participants individually, and that they placed great importance in serving society’s interest. Although, as they themselves come to terms with their constructed reality they too are concerned that in spite of their best efforts to include moral and ethical sentiment they were, overshadowed by a perceived sense of wrongness that runs counter to moral and ethical reasoning and praxis. Sometimes it runs counter to community expectations. As you read their shared experiences, participants identify that the difficulties lie in decisions and *attitudes* that were perceived to be coming from the top and filtering down through the layers of management, as a direct result of individual ego and a public sector perceived to be too politicised. This is their story, based on their perceptions, thoughts and feelings in order to make their contribution to the public sector.

## 1.6.2 The demographics of the research study participant

Human persons who volunteered for this research study identified as either male or female in gender. It was important to discuss gender in the ‘Case Study (CS)’ (Robson 2002, p. 177) (Figure 1.2), and the ‘Randomized Control Trial (RCT)’ (Robson 2002, p. 124) (Table 1.1) as there are some specific conceptualisations, and typologies of which align with this construct, such as, employment and promotional opportunities in the public sector.

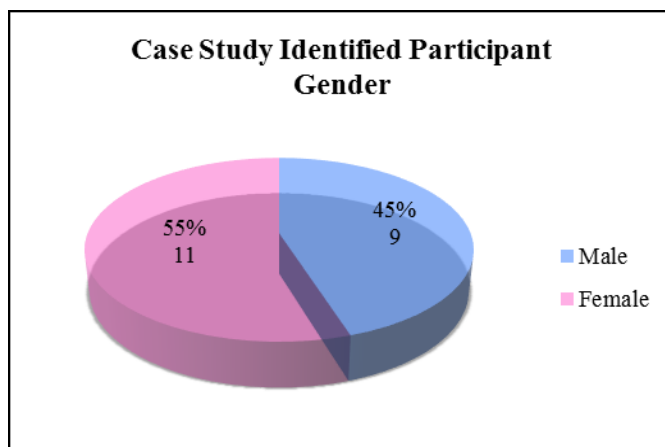


Figure 1.2 Identified Gender and the Case Study (CS) Participant Group

Figure 1.2 explains the identified gender of those in the participant group from the target population. In the qualitative research Part 1 – ‘Case Study (CS)’ nearly half (45%) of the participants identified as male, and over half (55%) identified as being female in gender. This is reflective of the proportion of male and female employees in the South Australian public sector, where more than half (69%) as explained in Figure 1.1 in 2016, of public sector employees identified as female in gender.

Table 1.1 explains the frequency relating to the identified gender and the participant control group from the target population, for the quantitative research study.

In Part 2 – ‘Post-test-only Randomized Controlled Trial (RCT)’, less than half (40.0%) identified as being male, and more than half (60.0%) identified as being female in gender.

Table 1.1 Identified Gender and the Randomized Control Trial (RCT) Participant Control Group

<b>Gender</b>				
	Frequency	Percent	Valid Percent	Cumulative Percent
Male	6	40.0	40.0	40.0
Female	9	60.0	60.0	100
Total	15	100	100	

Table 1.2 explains the frequency relating to the identified gender and the participant experimental group from the target population, for the quantitative research study. In Part 2 ‘Post-test-only Randomized Controlled Trial (RCT)’, more than one-quarter (28.6%) identified as being male, and more than half (71.4%) identified as being female gender. The ‘missing values’ (Field 2009, pp. 77-78) were representative of more than half (56.3%) of the ‘RCT’ recruited participants that were ‘*randomly assigned*’ (Robson 2002, p. 116) to the experimental group.

Table 1.2 Identified Gender and the Randomized Control Trial (RCT) Participant Experimental Group

<b>Gender</b>				
	Frequency	Percent	Valid Percent	Cumulative Percent
Male	2	12.5	28.6	28.6
Female	5	31.3	71.4	100
Total	7	43.8	100	
Missing 999	9	56.3		
Total	16	100		



Table 1.3 explains the frequency of the range of the employment categories that participants from the target population identified with, for the quantitative research study. Of those, that participated in Part 2 ‘Post-test-only Randomized Controlled Trial (RCT)’, more than half (54.5%) identified with the employment category Administrative Services Officer ASO5-ASO8. The employment category ASO5-ASO8 is considered to be somewhat made up of middle to high management administrative positions. The ‘missing values’ were representative of more than half (21.4%) of the ‘RCT’ recruited participants that were ‘*randomly assigned*’ to the experimental group of whom did not attend on the day for reasons unknown to me.

Table 1.3 Employment Categories and the Randomized Control Trial (RCT) Participant Group

		<b>Employment Category</b>			
		Frequency	Percent	Valid Percent	Cumulative Percent
	ASO1-ASO4	4	14.3	18.2	18.2
	ASO5-ASO8	12	42.9	54.5	72.7
	MAS1- MAS3	2	7.1	9.1	81.8
	PO1-PO6	4	14.3	18.2	100
	Total	22	78.6	100	
Missing	999	6	21.4		
Total		28	100		

Employee participants from the target population who identified with the employment category ASO5-ASO8 are not required to hold University tertiary education unless otherwise stated in Employment Classification documents. Of those that identified as being classified the employment category MAS1-MAS3, nearly one-tenth (9.1%) participated in the ‘RCT’. The employment category’s MAS1-MAS3 are, considered high-level management positions.

## 1.7 Ethical governance currently in place

On the 26 November 2009, the South Australian government released a *draft* document for comment, titled the Code of Ethics for the South Australian Public Sector 2010, through the Office for Ethical Standards and Professional Integrity. Throughout this document, there was constant reference to a number of examples of right ethical decisions, and guidelines for public sector employees to follow in minimal circumstances, based on 'Idealism, a *priori*'. Whilst this is a mindful attempt to provide an authoritative source for communicating the importance and relevance of ethics, it is thought that codes can also be seen as, Preston (2007, p. 220) argues punitive or 'in their regulatory capacity, they undermine the possibility of a mature, open ended, autonomous and reflective ethical response', that ultimately prevents personal responsibility'. The Code of Ethics for the South Australian Public Sector 2010, was developed to increase the values and principles of the, *Public Sector Act 2009* (SA) (Attorney-General's Department 2010).

On the 16<sup>th</sup> July 2009, the parliament of South Australia, enacted the *Public Sector Act 2009* (SA) (Attorney-General's Department 2010), in an attempt to put to rest an era of excessive emphasis on the centralisation of management authority within a framework of rigid rules, regulations and procedures. The objective of the Code of Ethics is a:

Recognition that public sector employees in striving for excellence in a changing world need to be encouraged to be more creative and to rely on the exercise of mature judgment and common sense rather than a set of rigid rules in the performance of their everyday work.

Source; Office for Ethical Standards & Professional Integrity 2009, *Code of Ethics South Australian Public Sector*, CPE, Adelaide, p. 2, viewed 1 December 2009, <http://www.espi.sa.gov.au/page.php?id=351>

In reading the Code of Ethics 2009, much of what is contained in the document reflects the former Code of Conduct for South Australian Public Sector Employees 2009 (Office for Ethical Standards and Professional Integrity 2009). My opinion, based on research and analysis of this historical document, also confirms that the Code of Ethics contradicts its own objectives. Within the document, the Code of Ethics also notes:

Professional standards include the observance at all times of lawful direction, policies and procedures and other instruments, which define what is expected or required of public sector employees.

Source; Office for Ethical Standards & Professional Integrity 2009, *Code of Ethics South Australian Public Sector*, CPE, Adelaide, p. 9, viewed 1 December 2009, <http://www.espi.sa.gov.au/page.php?id=351>

In 2015, the Code of Ethics 2009, was revised thus reconfirming, its position regarding compliance to the following objectives:

Public sector employees will comply with all legislation, industrial instruments, policies and procedures and lawful and reasonable directions relevant to their role as a public sector employee and/or to the performance of their duties.

Source; Office for the Public Sector 2015, *Code of Ethics South Australian Public Sector*, OPS, Adelaide, p. 13, viewed 13 July 2017, <https://publicsector.sa.gov.au/policies-standards/code-of-ethics/>

As defined in 2009, in addition to compliance to the law and policy, employees could also ‘rely on the exercise of mature judgment and common sense rather than a set of rigid rules in the performance of their everyday work’ (Office for Ethical Standards and Professional Integrity 2009). It is important to highlight that this directive is no longer present in the Code of Ethics 2015. A persuasive argument is that yet another addition to the existing multiple documents delineating behaviour only adds further to ethical vexedness-ethical confusion. Ethical approaches based on the paradigm of ‘Idealism, *a priori*’ are based on pre-determined ideals because ‘the moral law sets out one’s duty, based on prior decisions on what constitutes ethical behavior’ (McIntyre-

Mills 2007, pp. 3-4). The real 'test for the moral law is the being prepared to live with the decisions as if they were applied to oneself and one's own children'.

Provis (2008, p. 2) from the University of South Australia, in a report to the Public Service Association (PSA) discusses many relevant examples relating to ethics and the *SA Public Sector Bill 2008* (SA). Provis (2008) cites issues, such as, renaming an existing code focussing primarily on regulation at the expense of aspiration suggesting that the code is more of an 'instrument of control' than working towards a concerted effort to encourage and support ethical behaviour. Provis (2008) further reports that it 'is noticeable that references in the Bill to the Code of Conduct seem confined to the Code and breaches of the Code and do not extend to any systematic ethics programme of which the Code might be a part'. Further, Codes can also be seen as punitive or characterized as a status symbol or a public relations exercise as Preston (2007, p. 220) further argues, 'designed to protect the organization or profession and its monopoly of a certain practice or commerce'.

This argument based on a subjective, and objective social construct of realism that a failure to incorporate Aristotle's '*Virtue Theory*' is a contemporary issue that is a contributing factor in unethical decision-making and misconduct. The phenomenon of ethical codes characteristic of the past two decades was largely brought about Brien (2001, p. 62) explains, as 'a result of widely publicized ethical failures that have affected many people and have caused disquiet within the government and the professional, business and civic community about the behaviour of powerful sectors within the societies concerned'. Whilst I am against nihilism, and a proponent of policy and code that address legislative requirements, we need also to apply Aristotle's '*Virtue Theory*', as 'the emphasis on practical wisdom ensures that the moral life is more than

one of good intentions' (Preston 2007, p. 50). To reflect again, Aristotle in his own words argued that 'the better our mind (and thus the better our moral decisions) the "better" or more valuable we are'. The contemporary reliance on governance documents as the only means for ethical praxis is lending ourselves to the, idea to that of a quasi-public sector. This resembles a public sector of which cannot make an ethical decision without constantly referring to such – governance. This could have catastrophic consequences when dealing with situations outside of the law.

At the local organisational level, repeated requests to refer to policy, organisational wide instructions or equivalent documents only serve to delineate a systematic process. Participants reported referring to such documents knowing that in their conscience they were disregarding their innate knowledge and awareness of ethics. Alternatively, what they felt was a 'good' thing to do. Torn between as Uhr (2005) puts it as the 'right' and the 'good' ethical decision to make, to include what Bartol et al. (2001, pp. 38-39) explains as the 'bureaucracy' of policy and other similar documents, left participants vexed. I am not suggesting we abandon policy and code and support nihilism. Although, the findings and results reported herein that it does raise questions that require reflection. Why is it that although we have governance in place that there still continues to be media reports of alleged corruption, misconduct and unethical decision-making within South Australia? It could also be argued that this reality has manifested and entrenched itself because such documents fail to address the metaphysics of what McIntyre-Mills (2007, p. 4) explains as 'virtue' ethics. Through 'matching the right knowledge to an issue based on a) experiential wisdom, b) appreciation of the many different kinds of knowledge and c) the ability to apply the right knowledge to an issue based on dialogue'.

## 1.8 Contemporary concerns

There were many typologies<sup>25</sup> discussed herein, which were exposed in this study. When answering individual questions participants appeared to be somewhat sentimental in their response. The sentimental participant has somewhat exposed themselves to bring their story to life on paper. Whilst there were many issues exposed, some were more prevalent than others were. This is not to say that those issues exposed that were not so prevalent are not important. However, as a researcher it is not possible to give all of the issues exposed the attention they deserve. Although, the plethora<sup>26</sup> of information that participants freely gave has built a picture of the contemporary issues affecting the employee participant, and specifically the organisational culture and ethos in the moment of now.

Some of the contemporary issues, but not limited to, were concerns regarding policy and governance. Policy and governance are discussed in, chapter 4. The public sector needs not only to comply with internal public sector policy or governance that governs public employees in their day-to-day duty. Policy compliance also involves society – community of which they serve. There were recalled accounts, of micro management and overuse of policy and governance documents not related to legislation. Micro management is discussed in, chapter 4. The effects of micro management in terms of internal policy and governance left participants feeling, demeaned, undervalued and frustrated that common sense could not, prevail in certain circumstances that warranted such. It was, reported that micro management was not assisting participants to perform their job descriptions. It was particularly the case for professional employee participants that were governed by, their own individual professional standards, such as,

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<sup>25</sup> Typology – the doctrine or study of types or of the correspondence between them and the realities of which they typify.

<sup>26</sup> Plethora – overabundance, excess.

engineers or lawyers. In terms of external policy involving the public in which participants serve, they felt a lack of respect for the fact that they could not tell the public ‘sorry, we got it wrong, lets fix it’. Where public consultation took place participants reported feeling used, by their agency-government, because of the relationship formed with community and the inability to implement what essentially the consultation uncovered.

The universal phenomenon of “whistleblowing” (Tucker 1995, p. 475) was, also raised by participants. This was, identified by raising concerns or issues within the environment or requesting improvements of policy development and implementation. The reality of “whistleblowing” was also aligned with reprisal and ‘bullying’. The effects of ‘bullying’ on both the individual concerned and the organisation has serious ramifications. It was, identified in participants’ responses that there was no place for ‘bullying’ in a contemporary public sector. It was reportedly taking place predominately, but not exclusively at the local organisational level of the public sector.

In terms of gender, it was disappointing that despite the equal opportunity movement, that woman were still somewhat exposed to, discrimination. Situations of career progression for those who choose to have a family and cultural difficulties in managing women were some of the circumstances exposed in participant discourse. Gender and the public sector is discussed in, chapter 4. It left me thinking that perhaps women were still, exposed to the historical effects of gender bias. This was despite anti-discrimination governance in place within the public sector and despite the fact that the public sector workforce is, made up of more employees identifying their gender as female.

This research study also highlighted the fact that participants reported that the public sector is too top heavy. Discussion regarding whether or not the public sector is too top heavy occurs in chapter 4. There was a perception that there were not enough ground level employees with too many management positions-high level positions in the public sector. The public sector appears to have a reported high level of management positions that were, filled with people who are not responsible for the day-to-day duties of the public sector. This affects the individual participant who reported that they were in some cases working above their employment classifications and with certainty performing the roles perceived to be that of at least two (2) people. Discussion regarding whether or not the public employees are working above their employment classification occurs in chapter 4. These scenarios placed great pressure on participants and in some, it had negative effects on their health and wellbeing.

Legal maladministration, wasting public money thought to be previously no longer in existence, is in fact taking place in the contemporary public sector. Legal maladministration is, discussed in chapter 5. Whilst not, illegal in the construct of the law, it raises serious doubt and casts a shadow over the capacity to effectively manage and govern the public sector. Another aspect, building hierarchies was, reported. This is nothing new, as people forge alliances with people they have something in common with or whom they simply like. These situations bring about a level of frustration and somewhat anger in the employee participant who encountered the negative ramifications of such. It particularly affects those wanting to progress through the ranks of the public sector that considered themselves to be trustworthy, hardworking employees who have to watch, and endure people less qualified, less motivated and less trustworthy be promoted.



These qualitative typologies exposed, and the quantitative results discussed in the research findings and results herein from a sentimental employee participant hold a place of importance. The typologies were important because they put into dialogue participant discourse from the target population. The quantitative results from the target population were important because, of the significance between the two groups for some of the closed quantitative questions. Although, despite inviting everyone to participate in the study there were limitations, which attributed to a small sample size preferred not to generalize to other populations. Although, contained in this thesis were more accounts or issues of discussion with thought provoking relevance. Especially, so for the participants, who were brave and somewhat courageous in, trusting enough in me – the researcher to tell the previously unknown story of the South Australian employee participant. It was indeed a privilege.

### **1.9 The concept of the ritual of oaths**

The power and somewhat allure of obedience surrounding the ritual of oaths, has not been previously researched in the world to the best of my research and knowledge. This research study seeks to identify the conceptualisation of the witnessed ritual, a specifically designed (by the researcher – me) hypothetical ethical oath with *attitude*, the perceived outlook of individual morality and the public sector. Historically speaking, the concept and meaning of the oath has somewhat changed with time, although not in significance. The impact of oaths is as relevant in contemporary society as it was in past eras. This is, substantiated in the qualitative findings and quantitative results reported in chapter 6. Chapter 6 discusses at length the relevance of oaths, albeit a hypothetical oath. The emotional and sentimental significance of oaths is both

relevant and important. It is relevant and important because of the experience shared that a witnessed oath taking ceremony invokes, albeit a hypothetical oath taking ceremony as the one performed for the purpose of this primary research study has uncovered. A component of this primary study was to research the effects of a hypothetical oath and its ability to affect individual morality. Participants reported surprisingly positive *attitudes* about oaths per se. Reported qualitative findings were mostly positive with counter arguments raised and discussed. With some, quantitative results reporting, significance. In 2014, significance was, reported between the two groups, saying an ethical oath in the company of others and whether or not, it would not increase participants' inspiration to act, ethically. Further, the emotional and bonding experienced by participants reported between the two groups were significant. With significance reported in both July 2013, and January 2014. The research results reported herein the effects that the witnessed hypothetical oath invoked on participants did not diminish over time, but in fact got stronger. This was, explored to see what could happen over time. Would the memory of the hypothetical oath diminish over time? Would the emotional and bonding experience felt between July 2013, and January 2014, diminish over time? This was pertinent, confirming the research H<sub>1</sub> for this research study. From the research findings and results a new theory has emerged, and defined as an oath theory – the *Lewis Oath Theory* forms a focus on the social practice of ritual in the context of a witnessed oath. These results herein cannot be, dismissed as their significance highlights previously unknown facts. The allure and somewhat obedience surrounding oaths builds memory and asserts a propensity of inspiration and desire within an individual to hold themselves true to the words of the taken words oath

– albeit a hypothetical oath that had no legal or other ramifications for participants outside of the research experiment setting.

### **1.10 The research project**

As the researcher, I must stress from the beginning that this research study is not about behaviour. It was about *attitude*. This research of inquiry will concentrate on the need to develop capacity through increased knowledge and awareness and to build upon memory to develop foresight and ethical praxis – practice distinguished from theory within the individual. In addition, it is important to mention that currently there is no such oath for public employees in administrative tiers, anywhere in the world to the best of my research and knowledge.

This research study sets out to provide research outcomes regarding the capacity to expand on knowledge and awareness that the participation of a witnessed ritual ceremony invokes, albeit a hypothetical oath ceremony to enable ethical praxis amongst public sector employee participants. From the research's qualitative findings and quantitative results a new theory was developed – the *Lewis Oath Theory*. This research study ultimately sets out to fill the chasm where relevant legislation, policy and code which is a system or collection of rules and regulations, cannot assure the appropriate action, reaction or ethical conduct to specific circumstances public employees face in the line of public duty. It also seeks to explore the conceptualisations of the public employee participant around identifying contemporary typologies. This primary research study provides the qualitative typologies and findings, and quantitative statistical analysis and significant results reported herein by participants. To research the chasm identified out of the historical known established literature and theory to

research an ethical enquiry of the unknown, I had to employ methods, which did just that.

The theory of choice for this study was a ‘Pragmatic Approach’. Robson (2002, p. 43) explains that a ‘Pragmatic Approach’ is whereby the researcher uses ‘whatever philosophical or methodological approach works best to a particular research problem at issue’. In turn this leads to ‘mixed-method’ studies where both quantitative and qualitative approaches are adopted’. This approach was chosen due to the ‘so-called “paradigm wars” endemic in the social sciences whereby ‘positivists (empiricists, quantitative researchers) and constructionists (phenomenologists, qualitative researchers)’ differ in opinion.

This research was, identified in the literature as Hunter and Brewer (2015a, p. 621) (cited in Romm 2017, p. 2) argue as “mixed method” research. This research study falls within the paradigm of ‘postpositivist’ and ‘constructivist’ (Romm 2017, pp. 24-25). A ‘postpositivist’ approach ‘involves mixing quantitative and qualitative types of measurement and analysis with a view to theory development to get closer to the truth’. A ‘constructivist’ approach ‘involves using different research methods while recognising that both quantitatively directed and qualitatively directed processes issue in *constructions of realities* (which have the status of stories)’. Placing faith in a ‘constructivist’ approach was a ‘starting framework to guide my belief that what was going to be “found” via the research would have to be admitted to be a *product of the specific interactions* that were set up during the research process’ (Romm 2017, p. 27). Furthermore, it was important that I ‘regard myself as accountable to participants as well as to wider audiences (in this case, readers of the book that I was planning)’. A certain amount of earned ‘trust thus engaging in dialogue’ was required.

This research has an ‘interdisciplinary framework’ (McIntyre-Mills 2014, p. 91). McIntyre-Mills (2014) argues that ‘[t]he case for social change is made through exploring interdisciplinary frameworks to address greed, the commodification of the powerless and the environment’.

The design of enquiry for this study was, based on the works of West Churchman. West Churchman’s (1979a, 1982) (cited in McIntyre-Mills 2007, p. 3) “Design of Inquiring Systems”, which is ‘effective in engaging with others to achieve “best matches” and better decision making that is mindful of perceptions, values and emotions’. For researchers one of the main aims of doing primary research of this kind is to influence policy and policy development. To do this one needs to incorporate ‘Critical Systems Heuristics (CSH)’, which considers ‘the practice of boundary critique’ (Reynolds & Ulrich 2010, p. 243). This involves thinking about what information to include or exclude and why and who will be included or excluded in the process of decision-making. Often with policy streamlining policy or policy development, the challenge is ‘what approaches need to be applied to the success of policy analysis?’ This research study has incorporated Bacchi’s (2009, p. 1.) concept of “what’s the problem represented to be? (WPR)”. This approach offers a change in the way we think about policy.

The epistemological context was, based on ‘Constructionism’ (Crotty 1998, p. 42). Through our desire as Crotty (1998, p. 132) explains to ‘make realities our own’ a constructionist approach brings together both objectivity, and subjectivity. Applying Crotty’s (1998, p. 42) ‘Constructionism’ to this research allowed for the partnership in the generation of meaning as human beings construct the world and its objects. Public

sector employees were required to construct meaning from their experience within the public sector and its relation to ethical praxis and their perceived attitude.

### **1.11 Benefits of the research**

Importantly, this research study has provided the fields of ethical ontology and social science philosophy with primary research never previously undertaken to the best of my research and knowledge. This was original research. The research study findings provide qualitative typologies and findings, and quantitative analysis and significant results herein previously unknown to the world. It adds new knowledge to the relevant fields of dialogue. This is also the previously untold story of the public sector employee participant in South Australia. This is their story, based on their perceptions, thoughts and feelings in order to make their contribution to the public sector. Sentimentally exposed there have been some significant typologies. Some of the typologies were, previously thought to be no longer in existence in a contemporary public sector. Although despite relevant governance they exist, and in some cases thrive. Subsequently, they must be, acknowledged especially given the seriousness of some of the typologies and their consequence.

The key stakeholders comprise members of the public who place great faith in their state public employees to be accountable, transparent and honest and to govern as Uhr (2005, p. 194) explains with ‘integrity’. Reflexively, this means that ‘officials and their decision-making processes are “whole” in the sense of wholly focused on public duty, and not divided or conflicted or undermined by competing private interests’. Both federal and state governments will benefit from the research findings and results herein through identifying the need for Nussbaum’s (2011) ‘Capabilities Approach’. This is

because ‘laws and even ethics laws, cannot cover every contingency’ and a majority of ‘public decision-making calls on the discretion and indeed prudence of many participating officials’. Public employees will only benefit from the research findings and results herein if government acknowledges Aristotle’s *Virtue Theory*. Aristotle in his own wisdom did not support nihilism either in reference to, ‘what makes us good citizens?’ This lies in Aristotle’s dialogue “obedience to the laws” (Schofield 2006, p. 306). Although, ethical solutions not merely that of ‘Idealism, a *priori*’ ‘duty’ bound approach to ethics, where policy and code do not relate to legislation must be, considered. The effects of which could counteract the current emotive amongst participants, by alleviating complexity and confusion, through permitting public employees to make informed and knowledge based ethical decisions when challenged outside of the law. In doing so, government must acknowledge the research findings and results reported in this thesis herein and the impact of Collins’s (2004) ‘Interaction Ritual (IR)’ theory on participants in this research study.

### **1.12 The structure of the thesis**

Chapter 1 provides an overview of the entire thesis. The following chapters go into my qualitative findings and quantitative results in more depth. Although, logically done in the relevant context regarding the subject and research topic. This document sets out to address the identified research questions in the following six chapters.

Chapter 2 delineates the historical research material on which H<sub>1</sub> is, based. It discusses the contemporary concerns within the public sector, including the endogenous factor, identified as culture, environment and ethos. It focuses on the historical aspects of the social practice of the witnessed ritual of oaths. This chapter also addresses the

first research question. My aim in this chapter is to provide expositional<sup>27</sup> conceptualisations for this research study, and identify where in the known secondary research the chasm exposed the unknown to me. This is important as the historical research material lays open the chasm identified, subsequently forming the basis of the H<sub>1</sub>. It includes debate centred on the established ethical paradigms and their position within the construct of a contemporary public sector. The literature discussed in this chapter is, based on the collective research found in journal articles, books and other cited works that were, published in English. Predominately, but not exclusively the secondary research is based on publications from Australia, the United Kingdom and the United States of America.

Chapter 3 sets out to delineate the research method chosen for this primary research study identified in the literature. This chapter delineates both the fixed and flexible approaches, and the instruments chosen to gather the data for this primary research study. The two (2) separate research studies comprised of both qualitative and quantitative methods of which were, chosen to determine the thoughts and participant *attitude* regarding this research area as delineated in this chapter. This chapter acknowledges the epistemological context that is a crucial part of doing research. It brings together the collective methods to describe the data gathered to essentially test the H<sub>1</sub>, and answer the research questions for this study.

Chapter 4 sets out to discuss the thinking public sector employee. This is their story, based on their perceptions, thoughts and feelings in order to make their contribution to the public sector. Discussion acknowledges the issues affecting and causing the most concern to the public sector participant of which were not exclusive to

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<sup>27</sup> Expository – setting forth or explaining.



lower levels of employment classifications. It incorporates the signified importance that culture, environment, and ethos are conceptualised within the public sector and its effect on morale, ethical reasoning and praxis. This chapter addresses the sixth research question. Chapter 4 contains discussion regarding the centric themes and typologies of governance, political influence, gender and the public sector, nepotism, micro management, working above employment classifications, bullying and public private partnerships.

Chapter 5 sets out to discuss participant responses regarding how ethics, can be morphed into the public sector environment, culture and ethos to save itself from itself. This chapter explains the importance of ethical reasoning through communication and its relationship with ethical praxis. It touches on the vulnerabilities – both internal and external that public employee participant faced by the very nature of their public roles to include legal maladministration. This chapter also highlights the typologies regarding areas of concern disclosed during discourse with participants. Chapter 5 contains discussion regarding the centric themes and typologies of ethics and workplace culture and environment, communication, exploitation, legal maladministration and the importance of accountability to independent authorities.

Chapter 6 sets out to discuss building the capacity to be ethical. It highlights participant responses regarding the importance that knowledge, and awareness plays in building capacity and building memory plays in developing foresight. Also explained is the detailed account of the journey to replicate a hypothetical oath taking ceremony. It debates in context the social ritual of taking a witnessed hypothetical oath. It places focused attention on the thoughts, feelings and *attitude* of participants. This chapter addresses the third and fourth research questions. This chapter also discusses the

findings and results herein of the individual questions put to participants pertaining to the hypothetical oath of which confirmed the research H<sub>1</sub>. Chapter 6 contains discussion regarding the centric themes and typologies of the oath as a sense of occasion, failure of oaths in the construct of reality, the *Lewisēthikós Oath 2010*©Natalie Lewis and the concept of time and creating memories to build capacity to be ethical.

Chapter 7 sets out to be the concluding chapter, which summarises the main research typologies reported by participants. It provides discussion regarding the research outcomes and recommendations, and the capacity for future research. This chapter also addresses the second and fifth research questions. Chapter 7 contains discussion regarding the centric themes and typologies of the freedom to choose, fairness, capacity for humanness within culture and environment, exposure to ethics, ethos and the effects on participant health and future research. This chapter brings together the centric themes of the main discussion and elements from the preceding six chapters.

## **Chapter 2: The Conceptualisation of Public Sector Ethics in the Literature**

### **2.1 Introduction**

The literature of review undertaken in this chapter discusses the secondary research and historical literature in a time gone by with parallel comparisons made to the contemporary concern for ethical praxis within the South Australian public sector. This chapter seeks to place historical literature and will lay open the known to expose the unknown of which identifies and develops the hypothesis (H<sub>1</sub>) for this primary research study. In acknowledging established ethical ontology and social science theory, we must also consider counter debate and discussion. The critical aspect of this chapter will expose the cultural influences, such as, leadership and communication that are, known to have an effect on the individual and social relations within the working environment. This is important, as organisational integrity is reliant on minimising the negative effects of corruption within the public sector. Public sector employees form the conceptual underpinnings of organisational integrity with the basis of integrity being, identified as placing the interests of the public above all else of which this will be discussed in the findings herein for this construct. This chapter answers the first research question.

In highlighting the significance of the witnessed oath, this chapter will discuss the historical aspect of social ritual in its construct, in search of the desire to bring about ethical praxis. To push out the existing boundaries of moral and ethical reasoning we must first analyse the patterns of documented history with a parallel to that of the social construct of now. The literature discussed in this chapter is, based on the collective research found in journal articles, books and other cited works that were, published in

English. Predominately, but not exclusively the secondary research is based on publications from Australia, the United Kingdom and the United States of America. This chapter incorporates historical research undertaken in a dissertation for my Degree of Master of Public Administration, titled *Building Capacity for Increased Awareness in Ethical Praxis: A secondary research review and critique*.

## **2.2 Defining public sector morality**

Firstly, it was necessary to define, ‘what is public sector ethics?’ To answer this first research question of this primary research study I look to the established definition discussed by Preston and Sampford (2002, p. 15) who explain that ‘public sector ethics may be conceived either broadly or minimally’. Broadly speaking ‘good governance’ explains the agenda of public sector ethics including the ability to ‘mould the practice and policy of government in service of the common good’. Preston and Sampford (2002, p. 15) go on to explain that this:

embraces social values in policy development as well as measures of due process in administrative law like Freedom of Information legislation or Judicial Review, in addition to best practices in human resources management such as equal employment opportunity.

Source; Preston, N & Sampford, C 2002, *Encouraging Ethics and Challenging Corruption*, The Federation Press, Australia, p. 15.

Speaking narrowly Preston and Sampford (2002, pp. 15-16) explain the concept of public sector ethics being defined and understood as ‘aiming simply at the promotion of appropriate conduct in the administrative sphere of government’. Such an ‘infrastructure will include a range of elements; special bodies responsible for ethics, effective accountability and control mechanisms, key values and codes, political support, and capacity for investigation and prosecutions’. Fundamentally, Preston and

Sampford (2002, p. 16) argue that ‘public sector ethics is derived from and understanding of the purposes of public office’. This approach, ‘informed as it is by role morality, sees public sector ethics as a species of professional ethics focussed on a role or agency ethics’. In a contemporary public sector Larmour and Wolanin (2001, p. 87) explain that serving in the ‘public interest’ is an ideal to be upheld. Although, Preston and Sampford (2002, p. 16) argue that the problem lies in that this ‘is an elusive term, open to various interpretations and definitions’. Whilst public employees are required to be attentive to the ‘public interest’, they are also accountable to the government of the day and numerous stakeholders. Nevertheless, this is important as it signifies a primary motivation and centred focus for the public sector employee. Brignall and Modell (2000 p. 287) argue that:

The presence in public services of numerous stakeholders and multiple dimensions of performance imply a situation of considerable complexity in which large numbers of interactions and trade-offs across the dimensions must be managed in order to satisfy the interests of differing stakeholders

Source; Brignall, S and Modell, S 2000, ‘An institutional perspective on performance management in the “new public sector”’, *Management Accounting Research*, p. 287, vol. 11, no. 3, viewed 8 March 2017, [http://ac.els-cdn.com/S1044500500901367/1-s2.0-S1044500500901367-main.pdf?\\_tid=4987f0dc-03c0-11e7-98bc-00000aacb362&acdnat=1488951186\\_325bbf45deb922488c6a6bdb7d59b4b9](http://ac.els-cdn.com/S1044500500901367/1-s2.0-S1044500500901367-main.pdf?_tid=4987f0dc-03c0-11e7-98bc-00000aacb362&acdnat=1488951186_325bbf45deb922488c6a6bdb7d59b4b9)

### **2.3 Restricted by the duty of idealism**

For this primary empirical research study, it was necessary to review the historical aspects of duty and ethical ontology. The Code of Ethics for the South Australian Public Sector 2015, (Office for the Public Sector 2015) is the current document governing ethics within the South Australian public sector. This document was, developed to increase the values and principles of the *Public Sector Act 2009* (SA) (Attorney-General’s Department 2010). Analysis of this document identifies that it was

developed as a definite course of action adopted for the sake of expediency and code, which indicates a dedication to McIntyre-Mills (2007, pp. 3-4) delineation of 'Idealism, *a priori*', which is 'a *non-consequentialist and deontological* or duty-based approach, based on taking decisions based on a moral law'. As the 'moral law sets out one's duty based, on prior decisions on what constitutes ethical behaviour', it is '*a priori*'. The real 'test for the moral law is the being prepared to live with the decisions as if they were applied to oneself and one's own children'. Rawls (1999) (cited in McIntyre-Mills 2007, p. 4) further discusses consequences in relation to self, and explains in "The Law of Peoples" that the 'veil of ignorance approach is the basis for liberal democracy'. Totalitarian systems of which primarily focus on command and control over the collective inevitably fails in achieving long-term sustainability. Boleslaw (2009, pp. 470) provides the argument that 'command and control' over the collective 'may create short-term balance through autocracy but not long-term sustainable balance'. On the contrary, Spreitzer (2007) (cited in Boleslaw 2009, p. 469) argues that in a contemporary society, citizens request more inclusion and 'open and egalitarian decision-making in civic and political matters'. Responsible government and business understands the need for 'undertaking long-term strategic actions in full respect and understanding of the mutual expectations of all stakeholders' (Boleslaw 2009, p.470). Does Aristotle's '*Virtue Theory*' (McIntyre-Mills 2007, pp. 4-5) hold any common ground with deontological learnings?' Brodie (2006, pp. 352-353) believes so, and argues that Aristotle 'is not a consequentialist'. Aristotle in fact has 'common-sense deontological learnings' as she explains:

virtuousness and the virtues as dispositions for right or appropriate action and emotion (toward the appropriate people, at the appropriate moment, in the appropriate amount, and so on), but

without ever being promoted to state a set of rules to which these responses would generally confirm.

Source; Broadie, S 2006, 'Aristotle and Contemporary Ethics, in R Kraut (ed.), *The Blackwell Guide To Aristotle's Nicomachean Ethics*, Blackwell Publishing Ltd., United States of America, pp. 352-353.

Decisions within the public sector appear to change with the government of the day. The contemporary issues of centralisation versus de-centralisation have again provided debate and counter argument in Australia. Predominately, but not exclusively from a federal government perspective there is sufficient evidence of centralisation within each of the states. Currently, there is the rhetoric of centralisation to assist the South Australian public sector in improving customer service and maximise finances through the implementation of centralising business services that are, shared by all government departments. In September 2006, 'Shared Services SA' (South Australian Government, n.d.) was implemented 'to streamline and simplify internal corporate and business support services to deliver savings that can be redirected to community facing services'. On analysis, McIntyre-Mills's (2007) definition of 'Idealism, *a priori*' places emphasis on decisions that appear to be made for the period of government by the relevant parties with little thought and consideration for 'this generation of life and the next', characteristic of the paradigm 'Expanded Pragmatism' (McIntyre-Mills 2007, p. 4). Future generations must, be considered to include ethical consideration as Held (cited in McIntyre-Mills 2007, pp. 9-10) argues for the requirement of an idealistic "global covenant" based on social democratic ideology. Nussbaum (cited in McIntyre-Mills 2007, pp. 7-8) provides further emphasis and the need for 'ethical consideration to be given irrespective of reciprocal benefit and the notion of reciprocity (linked with the veil of ignorance) or consequences and to consider the needs of the disabled, weak and voiceless'. McIntyre-Mills (2007, p. 5) provides further debate about the long term,

through her convincing argument that ‘thinking in terms of one political term is absurd when generational futures are at stake’. Whilst Ross (cited in Geirsson and Holmgren 2010, p. 185) further argues for a “*prima facie* duties” based approach, Jones’s (cited in Uhr 2005, p. 192) concept of ‘idealism reminds us of the need for an ethos of civic virtue’. It does not bring about Brady and Hart’s (2006, p. 118) ‘intrinsic’ motivated individual moral reasoning, and ethical praxis.

LaFollette (2007, p. 22) claims ‘deontology’, ‘a *priori*’ accounts for ‘that we should act in ways circumscribed by moral rules or rights and that these rules and rights are at least partly independent of consequences’. In justifying ‘Idealism’, McIntyre-Mills (2007) writes that we can ‘use idealism as a basis for decision making and be guided by moral laws’. Despite acceptance, opposing philosophers doubt that ethical life is based on a set of principles or rules of reason that requires as Preston (2007, p. 49) claims ‘deliberation and calculation’. A persuasive argument is addressed by Rawls (1999, p. 66) who emphasises resistance and highlights ‘laws supported merely by force are grounds for rebellion and resistance’. Preston (2007, p. 41) who debated Kant’s moral philosophy declares, “[a]ct only according to that maxim by which you can at the same time will that it should become universal law”. The Kantian theory is enshrined in his principle about ‘consistent’ respect for persons and ‘rationality’ (Rachels & Rachels 2007, p 17). In opposition, philosophers argue that Kantian theory relies too heavily on human ‘rationality’, and as Preston (2007, p. 42) explains ‘cannot resolve conflicts between absolute rules’, that may in fact cause a ‘conflict of interest’ (Preston 2007, p. 156). Finally, codes fundamentally as Preston (2007, p. 220) argues in their capacity of regulation ‘undermine the possibility of a mature, open-ended, autonomous and reflective ethical response, diminishing personally responsibility’. Furthermore, codes



can be seen as punitive<sup>28</sup> or characterised as, a status symbol or a public relations exercise, as Preston (2007) further argues ‘designed to protect the organization or profession and its monopoly of a certain practice or commerce’. Reflecting on this rhetoric it is not to support nihilism by way of total rejection of established laws and legislation that ultimately provide parameters and guidelines for co-existing with others in a social context. As Sterba (1998, p. 12) reminds us that actions in other contexts, such as, murder or stealing that are morally wrong, that an applied ‘ethics of duty or principles does seem to have a comparable primacy over an ethics of virtue’.

The hermeneutics<sup>29</sup> of Christian ritual and spirituality has also incited thesis and antithesis within ethical doctrine and theological thought. Frankl (1955) (cited in McIntyre-Mills 2008, p. 198) in *Reconsidering Relationships Across Self – Others* stresses the rejection of the ‘nihilism of non-believers’ of spirituality and holds the belief that ‘people can use their will (he believes this is rooted in spirituality consciousness) to construct their circumstances’. Nietzsche (cited in McIntyre-Mills 2008) who first highlighted the concept argues in defence of the ‘human *will* and *desire* to construct their circumstances in the way they choose’ and holds the belief ‘in personal choices’ believes that people ‘can set aside ideals and limitations posed by religion and ideologies’. I however think not. I hold the belief that we are all born with an innate sense of what is right and wrong, placed there by God our maker, where in moments of self-protection and preservation we appear to be in a zone of focussed attention innately knowing how to react. Then as we develop and interact with our social construct, life is experienced and lessons learnt that shape our thinking and

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<sup>28</sup> Punitive – relating to, involving, or with the intention of inflicting punishment.

<sup>29</sup> Hermeneutics – the science of interpretation, especially of the Scriptures.

capacity for moral and ethical reasoning individually, and subsequently collectively. It requires individual acknowledgement that parameters and guidelines are required for co-existing with others in a social context.

#### **2.4 A case for the majority when governance is developed**

For this primary research study, it was essential to review the existing literature on governance and ethical ontology. Historically, public sector ethics was based on as Thomas McCollough (1991, p. 57) tells us the ‘notion of the common good’. Linked with the ‘utilitarian principle’ that equated to the ‘greatest good of the greatest number fails to include the good of those comparative few who are powerless, poor, and most needy’. Although, there are circumstances, such as, McCollough (1991, p. 59) argues as ‘flouridation’ of which warrant ‘some governmental measures that would be difficult to support on strictly individualistic grounds’. Evidence has also uncovered a credible case for the majority; characteristic of the paradigm McIntyre-Mills (2007, p. 4) explains as ‘Narrow Pragmatism, a *posteriori*’ approach when policy or governance documents are developed with the South Australian public sector. This ‘consequentialist’ or ‘utilitarian’ approach to ethics is ‘based on considerations to the meanings of ideas and practices for the majority’, although not all stakeholders. As ‘a *posteriori*’, it articulates ‘the need for cultivated judgment and gives habit a pivotal role in moral life’ and that ‘meaningful inquiry originates in practice’ not obligation, such as, the moral law (LaFollette 2007, p. 216). Those uninfluenced by this approach as McCollough (1991, p. 53) tells us are concerned with the ‘minority’, such as, the disabled and the powerless. In the case of the South Australian public sector, this was conceptualised as the lower skilled administrative employees, including the disabled or

the weak whose voice is powerless against senior management and somewhat muffled – not heard. This could be attributed to what McShane and Travaglione (2009, p. 326) claim localised ‘silos of knowledge’. Further contributing factors are debated, such as, Bartol et al. (2001, p. 506) describes ‘bureaucratic control’ and a ‘top-down approach’ to communication, to include misconduct and unethical decision-making. Critically speaking, McCollough’s (1991, p. 53) explanation of ‘utilitarianism’ argues that it ‘fails to provide a satisfactory account of the moral obligation of the individual or a basis for the qualitative ethical evaluation of public policy’. Another concern is that this approach may lead to what Lewis (2009, p. 5) argues ‘conclusions that run counter to people’s moral instincts’.

Most governance, documents fail to achieve their outcomes and be properly, implemented at a local organisational level and community level within, the South Australian public sector. These failures are the subject of constant protest. This is conceptualised through Sommerville’s (2004, p. viii) work in her book *The Ethical Canary* discussing the need to consider the issues of the day that give us direction to determine whether the outcomes are positive or negative providing judgment on how we are faring. The ‘canary’s role is to drop seeds along different paths that might be taken in engaging in ethical analysis of the matters it addresses’. Sommerville (2004) argues that some believe we can, be directed to a path ‘into an ethical future on the basis of just reason and logic and taking into account only material reality’. Moreover, others believe, that ‘we also need a sense of something beyond ourselves and of the metaphysical’. Sommerville (2004) further adds that ‘*The Canary* sings its song from a perch within the latter group’. It requires us to make decisions in “ethics time” which ‘is not on the same scale as “science time”, “medical time”, “business time” or “political

time” (Sommerville 2004, p. 280). Parsons (1995, pp. 607) tells us that democratic societies hold ‘the belief that policy-making can and will make differences’. The argument observed by Harrop (cited in Parsons 1995, p. 607) concludes that ‘the impact of public policy is in reality far more limited than is generally supposed’. Looking at this debate from a different angle Brady and Hart (2006, p. 118) explain that ‘a person may be inclined to act on principle and demonstrate rule-guided behavior; another person may prefer to base his or her actions on intrinsic motivation and to take personal responsibility for those actions’. Brady and Hart (2006) further add that although we would like rules to be ‘designed so that they bring about precisely the results’ we would like, ‘the letter of the law and the spirit of the law do not usually coincide completely’.

## **2.5 Ethical conscience within the South Australian public sector**

For this primary research study, it was necessary to review the literature relative to individual and collective ethical conscience. Without reservation despite relevant policies, codes and governance systems in place, Sommerville’s (2004) ‘canary’ is conceptualised as the employees who are singing within the South Australian public sector. This echoes a discerning perception that not all is well. There were constant displays in 2010-2012, which saw main arterial roads in the square mile of Adelaide closed due to protests by the Public Service Association (PSA). With Union members forming the view regarding the South Australian government’s unethical decision to allegedly breach the ‘South Australian Wages Parity (Salaried) Enterprise Agreement 2010’ (Public Service Association n.d.). Further analysis of the current governance systems indicates McIntyre-Mills’s (2007, p. 4) explanation of ‘Narrow Pragmatism, a *posteriori*’ reflecting the ‘consequentialist approach’ to ethics. This approach

emphasises the need for ‘cultivated judgment’ LaFollette (2007, p. 216) argues that ‘gives habit a pivotal role in moral life’ and includes meaningful inquiry that originates in practice without obligation, such as, the moral law. It takes into account what McIntyre-Mills (2007, p. 2) explains as the various ‘points of view of stakeholders in specific contexts’.

Consideration of ‘self, other (including sentient beings) and the, environment’ is echoed by McIntyre-Mills’s (2007) account of ‘Expanded Pragmatism’. Sommerville’s (2004, p. xv) symbolic idea of the ‘yellow feather’, that when the ethical canaries sing we know that we are in trouble and must tread carefully also believes that ‘we must pay more attention than we might have been doing to the songs of the ethical canaries’. For this research study, I have conceptualised Sommerville’s (2004) ‘canaries’ were being reflective of the employee participants that were singing about the South Australian public sector. Their somewhat sentimental and at times emotional accounts of what was taking place in a contemporary public sector, participants displayed courage and bravery in coming forward with unethical situations and truthful disclosures that do not make for a fairy-tale ending. Meaning that, it does not end happily or fortunate. Particularly, for those whom assumed the duty of informant.

Going against orthodoxy, Vickers (2004, p. 279) stresses that managing was not an ‘activity that could be quantified or rationalized or put into some algorithm’. It involves the human ability to make ‘judgments about the nature of situations, judgments about possible actions and their consequences and values’. Mill (1962, p. 262) confirms that ‘utilitarianism’ is concerned with the rational implications of thinking and practice for all things that are ‘desirable’. This is reflexive and requires one to strive as McIntyre-Mills (2008, p. 207) in *Reconsidering Relationships Across Self-Others*

argues for ‘the greatest good for the greatest number of people’. Moreover, not as Mill (1962, p. 263) tells us bring about the unhappiness of others or ‘mitigation of unhappiness’. ‘Expanded pragmatism’ extends further as McIntyre-Mills (2007, p. 4) explains to ‘consider self, other (including sentient beings) and the environment. Its aim is to support social and environmental justice for this generation and the next’. This requires one to make critical decisions that “unfold” values and “sweep in” social, cultural, political and environmental considerations when considering the consequences for this generation of life and the next’.

Utilitarian philosopher Singer (1999) writes of Unger’s (cited in Singer 1999, p. 316) attempts to reconcile responses that are intuitive<sup>30</sup> as ‘devastating’ from the view that we should test out sound theory based on intuitive responses to particular cases. Unger’s (cited in Singer 2009, p. 1) explanations show that ‘our intuitive judgments are based on things that are obviously of no moral significance at all’. Singer (1999, p. 2) provides the counter argument in questioning, ‘why should adding or deleting intermediate options affect our intuitive judgments of pre-existing options?’ Singer (1999) goes on to argue that if organisations are reliant on intuitive judgments regarding particular situations, then our ‘institutions are systematically unreliable’. Sidgwick (1874) (cited in Singer 1985, p. 651) prefers principles accepted by ‘common sense morality’. Sidgwick (1874) (cited in Singer 1985, p. 25) explains this phenomenon as being the morality ‘accepted by most people without systematic thought’. Contemporary interpreter MacIntyre (1981) (cited in Preston and Sampford 2002, pp. 24-25) is persuasive in the debate stressing that ‘virtue based ethics provides a way forward’. In agreement with both MacIntyre (1981) (cited in Preston and Sampford

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<sup>30</sup> Intuitive – perceiving by intuition, as a person or the mind.

2002) and Singer's (1999, p. 1) conceptualisations, pragmatically it is not realistic to label intuitive responses as the norm. Further, I argue that intuition is self-evident and axiomatic<sup>31</sup> relative to the individual concerned and relative to the subjective human experience.

Somerville (2006, p. 2) in her interpretation of 'ethical imagination' cites the importance of the human spirit, and of the 'importance of using the full richness of our human ways of knowing to "do ethics" in our contemporary societies'. Somerville (2006) engages us with her philosophy of shared ethics characterised by a 'deep respect for all life, in particular human life; and profound respect for the human spirit'. Somerville's (2006) conceptualisations start with the '*secular sacred*' that we can all incorporate that includes implementing a 'basic presumption in favour of the natural as the starting point for our decision-making about ethics'. Aristotle provides us with an insightful feature of which we are all born with as Popov (1977, pp. 2-3, emphasis added) (cited in Hursthouse 2006, p. 113) explains Aristotle's premise is that 'we have virtues from the moment we are born'. It is claimed that "all children are born with all the virtues," "in potential," "waiting to grow," and that "authentic self-esteem and real happiness come *naturally* as children experience the emergence of virtues". As with Aristotle's philosophy that shows regard for the virtues within, Somerville (2006, p. 3) also believes that there are some 'innate fundamental principles that can guide us, and we must find them', in spite of our individual belief systems or interpretations regarding the religious or supernatural. As with Aristotle and Somerville's thoughts but not in totality, I too believe in an innate<sup>32</sup> sense of knowledge that we have to utilise which can support us in situations requiring ethical praxis. German philosopher Habermas's (cited

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<sup>31</sup> Axiomatic – pertaining to or of the nature, self-evident truth that requires no proof.

<sup>32</sup> Innate – existing in one from birth, inborn, native.

in Somerville 2006, p. 47-48) approach speaks of the ‘deep human intuitions as to what is right or wrong and describes these as constituting an “ethics of the species”’. Hart (1994) (cited in Preston and Sampford 2002, p. 28) provides a convincing argument in relation to cardinal virtues, which ‘are core or fundamental, not derived from one another, but from which other moral virtues are derived’.

It is at this point that I bring conscience<sup>33</sup> into the debate and whilst there are a number of arguments to consider, conscience does have a place in the ethical debate. Theologian Breck (1998, p. 43) refers to conscience as a ‘God-given faculty’, which guides us as we consider before and after our actions around moral decisions. Essentially, Orthodox theology defines conscience as either ‘persuasive or dissuasive’. I am particularly concerned with the ‘dissuasive’ conscience, which shepherds us away from evil acts, behaviours and thoughts and fills us with a sense of wrongness, distinctly opposing to the sense of good. Briggie and Mitcham (2012, p. 38) explain that Socrates throughout his time ‘justified the ethical claim that death should not be feared (*Apology 29a*) by appeal to an inner voice (*Apology 31c*)’. Socrates claimed that ‘to disobey this inner voice and create an unsettled conscience is far worse than any wrong that someone else could perpetrate against him’. Singer (2011, p. 261) argues that this “internal voice” absolves individuals of the responsibilities of rationality and seeks to make decisions based on one’s judgement of all the situational factors relating to the construct of individual social realism. Singer (2011) further explains that the inner voice ‘is more likely to be a product of one’s upbringing and education than a source of genuine ethical insight’. Further, I hold a belief that there is an inner sanctum of the human being, which our creator God placed as part of our human design – our original design to help

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<sup>33</sup> Conscience – the inner sense of what is right or wrong in one's conduct or motives, impelling one toward right action, to follow the dictates of conscience, ethical or moral principles.



guide us. Protecting us from evil and danger in both the physical and the psychological of which manifests itself in a deep emotional sense of wrongness. Ultimately providing the human being a sanctum – an inviolable<sup>34</sup> place within us for choice in thought and importantly, prior action. I also hold the belief that as we move through our social realism of life experienced, that we develop our own sense of self-awareness, the choice in thought and prior action is further developed and heightened for the next experience.

Not in totality, I hold the view that government can rely on the knowledge, experience and skills of each public employee to make good decisions when faced with ethical dilemma. This (thought) is conceptualised by those public employees who were ostracised, faced reprisal, risked their career and in some cases their health to come forward courageously with disclosures of a co-worker's misconduct or unethical decision-making. The universal phenomenon of "whistleblowing" (Tucker 1995, p. 475) is widely documented amongst philosophers and scholars. Although, 'should it attract the negative attention that it does? In the labelling of the individual in such a way, that it draws unwanted attention and scrutiny. Further, I argue that coming forward with a co-worker's misconduct or unethical decision-making must be, managed in such a way that it becomes a common daily occurrence and not something that draws unwanted attention and retribution.

## **2.6 The importance of ethical discourse within the public sector**

For this primary research study, it was essential to review the literature and discuss the importance of ethical discourse. Crucial elements of organisational effectiveness are good organisational 'communication', and interpersonal processes

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<sup>34</sup> Inviolable – incapable of being violated, incorruptible.

(Bartol et al. 2001, p. 426). Characteristic of what Bartol et al. (2001, p. 401) describes as the 'autocratic' style of leadership, leaders display distinctive qualities reflective of 'unilateral decisions'. In 'unilateral decisions' they 'dictate work methods; limit worker knowledge about goals to the next step to be performed' or provide some individuals with pertinent information whilst excluding others, and provide 'feedback that is punitive'. Consequently, these situations have contributed to preventing equitable, ethical and transparent decision-making and discussion to include valuable ideas or innovation that remain hidden as McShane and Travaglione's (2009, p. 20) 'silos of knowledge'. These 'silos' have encouraged and enforced a behaviour of which is dysfunctional, unproductive lacking veracity<sup>35</sup> and prevents effective conflict resolution. It fails to incorporate as McIntyre-Mills's (2008, p. 148) argues in *Systemic Ethics: Expanding the Boundaries of Rights and Responsibilities* for 'systemic' ethical solutions through 'collaborative decision-making'. Christakis (2006) (cited in McIntyre-Mills 2008, p. 148) adds further that 'compartmentalization has led to people thinking and acting in isolation without understanding the ripple effects and feedback loops'. These 'silos' have the potential to undermine an organisation's potential for effective decision-making, particularly when decisions of a complex nature are required, and impacts negatively on knowledge management (McShane and Travaglione 2009, p. 326). As Faerman et al. (2007, p. 46) claims effective communication within organisations is vitally important as dysfunctional communication and conflict can result in 'both interpersonal and organisational problems'. For the individual poor communication often results in interpersonal problems so 'people begin to experience conflict, resist change and avoid contact with others'. Organisationally, 'poor

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<sup>35</sup>Veracity – conformity to truth or fact, truth in speech or statement.

communication often results in low morale and low productivity'. When managed properly Faerman et al. (2007, p. 97) argues conflict can potentially lead to stronger organisational performance and be a positive, productive force in decision-making. Healthy conflict should be 'encouraged in order to allow new ideas to surface and to create positive forces for innovation, and change'. Appropriately engaging employees 'can be a positive and productive force in decision making', not only the employees themselves but also for the organisation.

A comparison drawn from literature cites 'upward communication' (Lemoine and Raspberry 1986, p. 93) in which subordinates transfer information to management is equally as important as 'downward communication' where information is, transferred from 'top management to subordinates' (Lemoine and Raspberry 1986, p. 89). Lemoine and Raspberry (1986, p. 93) provide the argument of a conceptualised two-way orientation in which one not only 'speaks but also one which listens'. There are many contributing factors to poor 'upward communication', which forms the locus of 'silos of knowledge'. The size and the complexity of the organisation is the most common barrier to upward flows of communication particularly at the lower levels of the organisation. The flow of 'upward communication' is effected as Lemoine and Raspberry (1986, p. 94) claim through 'filtering, and consequential distortion of messages, particularly when management wants to portray that everything is positive' when the reality is quite the opposite. The motivation for the false appearance was unclear. It could be that management does not want to look inferior to that of their subordinates. Withholding information whether it be for the benefit of management or not should never be encouraged. Although, it could also, be recognised that perhaps the individual does not know how to deal with the specific situation at hand and is subject

to human frailty. Despite individual egos that are at play, it is important to remember that the needs of the organisation are more important and requires far more attention to that of the individual ego withholding information, usually for their benefit only.

One solution identified by Longstaff (1994, p. 4) explains that one crucial way to ensure the process of reporting wrongdoing, is to make it an ‘integral part of the systems in place within an organisation’. Supporting the conceptualisation that “ethics is an eternal conversation” McIntyre-Mills (2008, p. 148) in *Systemic Ethics: Expanding The Boundaries of Rights and Responsibilities* further stresses that ‘communication processes are needed to match perceptions to outcomes’. I believe that if dialogue was able to take place in a transparent manner based on truth, situations may be able to be, openly and transparently discoursed and therefore managed effectively. This includes reporting to the relevant authority before they escalate to a serious breach of relevant legislation, and ethical code. Existing literature indicates that subordinates unquestionably benefit from truthful dialogue through shared meaning, openness and respect for others, and what Achua and Lussier (2004, pp. 194-195) state ‘relationship orientated’, the hallmark of Aristotle’s *Virtue Theory* McIntyre-Mills (2007, p. 4-5). Through balancing advocacy with inquiry, shared meaning, self-awareness and skillful discussion, dysfunctional conflict, Ross (1994, pp. 386-390) tells us can be minimised through building a deeper meaning among team members. I believe that if employees experience the social practice of emotion within the context of a positive working environment, then these practices build upon an experience shared. An experience shared fights negative emotions, such as, feeling ostracised, alienated or feelings of aloneness, and replaces it with feelings of belongingness and acceptance. Kraut (2006,

p. 76) completes this debate by explaining that reflections lead us ‘to raise questions about the nature of the very process we are going through’.

Chen (2006, p. 107) advises that the human relations perspective implies that conflict is an ‘inevitable natural occurrence’. Another valid method is the ‘interactionist’ approach that goes beyond the pluralistic toleration and management of conflict that encourages both ‘conflict stimulation and conflict resolution’. These perspectives are in contrast to the ‘traditional’ perspective which views conflict as a ‘malfunction within the group since conflict is regarded as bad and harmful to group development’. Preston and Sampford (2002, p. 169) add further to this debate providing the argument that ‘individuals need to be a key part of the process through which ethical codes are articulated and implemented’. Ethical discourse,<sup>36</sup> communication of thoughts through conversation or writing encourages us as Preston (2007, p. 31) explains, and ‘opens the way for the recognition that others may have a different ethical viewpoint from which we may all learn’. The social practice of communication may in fact ‘facilitate the search for so-called core, community values’ that facilitates and improves policy development and ethical consideration. Finally, Kraut (2006, pp. 76-77) argues that ethical inquiry is our ‘attempt to become wiser about practical matters’. I cannot emphasise enough that the quality of veracity is most important when addressing the spectrum of communication. Truthful exchanges in dialogue are paramount not only so that the correct information is, passed along, but also that the facts are, exposed in order for effective ethical decision-making to take place.

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<sup>36</sup> Discourse – communication of thought by words, talk or conversation.

## 2.7 Conflicting interests within the public sector

For this primary research study, it was necessary to review the literature on conflicts of interest, and its effect on the public sector. Public employees have a responsibility to others within the public sector to be accountable and to make transparent decisions inclusive of veracity. Conflicts inevitably occur when non-elected public employees do not agree with government policy or the policy development or implementation process or there is a perception of politicisation. Vigoda (2000, p. 326) argues that:

Theoretical arguments suggest that politics often interferes with normal organizational processes (eg. decision making, promotion, and rewards) and damages productivity and performance on individual and organizational levels.

Source; Vigoda, E 2001, 'Organizational Politics, Job Attitudes, and Work Outcomes: Exploration and Implications for the Public Sector', *Journal of Vocational Behavior*, vol. 57, p. 326, viewed 8 March 2017, [http://ac.els-cdn.com/S0001879199917426/1-s2.0-S0001879199917426-main.pdf?\\_tid=ec8e4280-03c6-11e7-99ef-00000aab0f02&acdnat=1488954036\\_af88fcee597c9baa215bc31340f63114](http://ac.els-cdn.com/S0001879199917426/1-s2.0-S0001879199917426-main.pdf?_tid=ec8e4280-03c6-11e7-99ef-00000aab0f02&acdnat=1488954036_af88fcee597c9baa215bc31340f63114)

Politicisation, a term identified by Stewart (2009, p. 143) is cause for value conflict for public employees who are attracted to serving the public to 'play a role in defining and developing a view of the public interest'. Politicisation guarantees that public employees have less autonomy than would be implied by a managerial system. A managerial system 'requires (as far as possible) a separation from the political'. Mulgan (1998, p. 4) confirms the definition of politicisation being:

In effect, the concept of politicisation, as commonly used in this debate, has wider reference than simply the making of appointments (and dismissals) on party political grounds. It refers to any personnel decisions which are typical of a 'politicised' style of public service where newly elected governments expect to replace the senior public servants appointed by the previous regime with appointees of their own.

Source; Mulgan, R 1998, 'Politicisation of Senior Appointments in the Australian Public Service', *Australian Journal of Public Administration*, vol. 57, no. 3, September 1998, p. 4, viewed 8 March 2017, <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-8500.1998.tb01277.x/full>

Conflicting interests are another rhetoric widely debated within the public sector. Preston (2007, p. 157) discusses this phenomenon raising the counter argument that ‘conflicts of interest are not in themselves unethical’. The ethical challenge resides in the ‘*recognition and disclosure* of the conflict’. Fundamentally, Preston (2007) says ‘conflicts of interest’ are significant as they compromise the impartial objective decision-making that is the hallmark of the rational and democratic government. The phenomena of ‘nepotism’<sup>37</sup> Graycar (2015, p. 87) argues is one such example of a ‘conflict of interest’, described as the patronage or favouritism bestowed based on a family relationship. Ethical analysis indicates a definite lack of awareness or perhaps arrogance on the part of the public employee who employs a spouse. It fails to apply the bare minimum of ethical praxis characteristic of McIntyre-Mills’s (2007) explanation of the paradigm ‘Idealism, a *priori*’ based on duty, as government policy outlines clearly, what one is to do in circumstances such as this. Rist (2002, p. 185) provides a convincing rationale to account for a failure to practice any ethical philosophy and suggests that the ‘reasons may be connected with a relationship between being able to identify oneself and being a responsible agent’. From a contractarian perspective that holds the position of the “autonomous” adult’ (Rist 2002, p. 184), these persons are rarely, noticed and ‘cannot be fitted into any ontology’ (Rist 2002, p. 185). Rist (2002) continues this discussion in regards to limiting maximisation to the opportunity of choice then experience becomes ‘less important’. If we consider, rationality and minors, and adults for instance. Rawls (2002, p.185) argues that ‘[s]ome are certainly capable of *choosing*, and even of rational choice, as are adults who have learned little from their experience’. If considerations are placed upon modern

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<sup>37</sup> Nepotism – patronage bestowed or favoritism shown on, the basis of family relationship, as in business and politics.

philosophical explanations, such as, Rawls or Gauthier ‘of what we mean by planning rationally for the good life, we find ourselves in an unexpected universe’ (Rist (2002, p. 183). Rist (2002) further argues that ‘even if we accept that as a rule experience makes a difference to the rationality of our choices we still have to recognize that it is precisely this sort of experience of which we should be deprived if we were taking our decisions behind the veil of ignorance’. What Rist (2002) is arguing is that if we are making our decisions ‘behind the veil of ignorance’ then both experience and rationality are unimportant.

## **2.8 The influence of culture and ethos**

For this primary research study, it was necessary to review the literature on the effects that culture positively or negatively affects individual attitudes and behaviour. Collectively, endogenous factors, such as, culture and leadership are, known to contribute to the environmental factors. A view widely shared amongst philosophers, Madison (2005, p. 80) provides another perspective in the ethical debate in the belief that ‘our environment determines our behaviour and directs us to behave rightly or wrongly’. Madison (2005) asks, ‘[a]re we all products of our society?’ Participants in this study were, perceived to be struggling. It has been identified that they were struggling with the entrenched superseded as Hughes (2003, p. 17) explains ‘model of public administration’, characterised by following instructions. Whereas the, contemporary ‘public management’ model requires one to be accountable and responsible’ (Hughes 2003, p. 2). The traditional ‘model of public administration’ is, further characterised as:



an administration under the formal control of the political leadership, based on a strictly hierarchical model of bureaucracy, staffed by permanent, neutral and anonymous officials, motivated only by the public interest, serving any governing party equally, and not contributing to policy but merely administering those policies decided by the politicians. The traditional model of public administration remains the longest standing and most successful theory of management in the public sector, but is now being replaced.

Source; Hughes, OE 2003, *Public Management & Administration*, 3<sup>rd</sup> edn, Palgrave Macmillan, New York, p. 17.

### The new 'public management' model explains that:

it represents a major shift from traditional public administration with far greater attention now being paid to the achievement of results and the personal responsibility of managers. Secondly, there is an expressed intention to move away from classic bureaucracy to make organizations, personnel, and employment terms and conditions more flexible. Thirdly, organizational and personal objectives are to be set clearly and this enables measurement of their achievement through performance indicators. Similarly, there is more systematic evaluation of programmes, in more rigorous attempts than before, to find out whether or not government programs are achieving their goals. Fourthly, senior staff are more likely to be politically committed to the government of the day rather than being non-partisan or neutral. Fifthly, government functions are more likely to face market tests, in separating the purchaser of government services from the provider, in other words separation of "steering from rowing" (Savas, 1987). Government involvement need not always mean government provision through bureaucratic means. Sixthly, there is also a trend towards reducing government functions through privatization and other forms of market testing and contracting, in some cases quite radically. All these points are linked in that, once the focus changes from process to results, each successive step seems necessary.

Source; Hughes, OE 2003, *Public Management & Administration*, 3<sup>rd</sup> edn, Palgrave Macmillan, New York, p. 44.

Advocates of the 'public management' model, such as, Hughes (2003, p. 45) argue that it offers 'a new way of looking at and carrying out management functions within the public sector'. Although, criticisms have been made of this new approach as opponents 'regard it as simply an unquestioning adoption of the worst features of private management which pays no regard to the fundamental differences in the public sector environment'. This is because it is seen by critics 'as somehow against the

traditions of public service, inimical to service delivery and undemocratic'. If individuals are to be, held responsible and accountable for their own ethical decisions as the contemporary 'public management' model requires, Pratchett (2000) (cited in Chapman 2000, p. 119) argues then 'organizational and institutional pressures which may shape their understanding of particular contexts need to be taken into account'. I further debate that whilst the new 'public management' model has less bureaucratic controls and focuses on results, and individual responsibility and accountability it is mismatched with the motivations of public sector employees. Moreover, more so where Hayllar and Wettenhall (2010, p. S1-S7) argue that 'Public Private Partnerships (PPPs)' are evident. This is because participants were motivated to serve in the interests of society. It is widely perceived and somewhat widely debated as Gabris et al. (1995) (cited Houston 2000, p. 713) argue 'that the public employee is motivated by a sense of service not found among private employees'. Characterised by Houston (2000, p. 714) 'as a calling, a sense of duty, rather than a job' conventional wisdom 'holds that public employees are different than their private-sector counterparts'. This is because public sector employees as Houston (2000, p. 715) claims 'are less motivated by financial rewards than are private employees'. Specifically, Crewson (1997) (cited Houston 2000, p. 714) argues that public sector motivation is 'characterized as a reliance on intrinsic rewards over extrinsic rewards'. I further debate that feelings of self-worth obtained through what Houston (2000, p. 713) describes as 'intrinsic' motivation rather than the 'extrinsic' motivation of financial benefits; prestige and social status were enduring qualities displayed by participants in this research study that must be captured, explored and increased for the benefit of ethical praxis in society's interest.

What then of the rhetoric of ‘free will (Madison 2005, p. 80)?’ Are we free to follow human will without consequence? We are free in the sense that we are as human beings free to choose to be lawful citizens’ or not. Nevertheless, if we choose not to follow the law then there are consequences for doing such and rightly so. Madison (2005) discusses the argument regarding freedom to choose, that we are all ‘autonomous individuals with the capacity to choose, even under dire circumstances between good and bad’. In recognising that, ‘[w]e are therefore responsible for our choices and must either pay the consequences or reap the rewards’. In a social context this is interpreted through responsibility, responsibility for our own choices and decisions that at an end have consequences that can be either rewarding or not. Marx (1977) (cited in Madison 2005, pp. 80-81) reminds us that our realities are always being constructed by ourselves individually, but not always on our ‘own terms’. Adding further to the debate, ‘is it as Madison (2005, p. 81) discusses “nature or nurture that guides our ethical behaviour?”’ Politically, will is a leader’s unwavering commitment to prevent corruption and misconduct as Langseth et al. (1999) (cited in Kpundeh & Staphenurst 1999, p. 131) in National Integrity Systems argues that creating popular opposition to corruption is the ‘key to successful anticorruption policies’. In discussing ambiguity and vexedness within public service ethics, Pratchett (2000) (cited in Chapman 2000, p. 112) explains that ‘achieving a comprehensive and transferable definition of ethics which has meaning in both contemporary structures of public administration, and potentially evolving patterns of public service, is a complex and somewhat impossible task’. McConkie et al. (1988) (cited in Pratchett 2000) provide further discussion through their argument that ‘our individual self-confidence, each remains unsure that his or her personal value commitments are shared by colleagues as

the basis for the renovation of administrative theory and practice'. Lawton (1998) (cited in Pratchett 2000) provides a convincing argument regarding the “virtue” among public service managers is a key feature which mediated between abstract values and defined principles on the one hand and ethical behaviour in specific contexts on the other’. This precipitates into a continuance of moral behaviour, which ‘originates in the fundamental values held across society, and culminates into ethical practice’.

Government must consider McIntyre-Mills’s (2008, p. 148) idea in *Systemic Ethics: Expanding The Boundaries of Rights and Responsibilities* argument for a ‘systemic’ ethical approach. McIntyre-Mills (2007, p. 5) explains that thinking and engaging ‘mindful’ connections brings a ‘more accountable practice’. This thought leads us as Kraut (2006, p. 76) claims to ‘raise questions about the nature of the very process we are going through’ that bring about inner virtue. The alternative as Grabosky and Larmour (2000, p. 2) explain corruption is perceived to be ‘corrosive to the legitimacy of government itself’. On discussing prevention of corruption Graycar (2009) in a Sky News Interview *Prevention of Official Corruption* – a television recording, advised that ‘anti-corruption Commissions can be very very [sic] effective and we’ve seen some very effective ones around the world’. Graycar and Villa (2011, p. 420) argue ‘corrupt behaviour hurts people; it causes outrage to victims and those who value civil society, and it impedes good government and administrative practice’. Graycar and Villa (2011) further argue ‘because of its pernicious effects, in modern societies, corruption is regarded as highly undesirable and numerous efforts are made to contain and combat corruption, especially when related to the search for private economic gain’. Graycar and Villa (2011, p. 420) confirm the definition of corruption being:

Activities that involve bribery and graft, extortion, kickbacks, misappropriation theft fraud by virtue of one's position, self-dealing, patronage, abuse of discretion, creating or exploiting conflict of interest, nepotism, clientelism and favouritism, as well as political manipulation are all generally agreed to constitute corrupt behaviour.

Source; Graycar, A & Villa, D 2011, 'The Loss of Governance Capacity through Corruption', *Governance: An International Journal of Policy, Administration and Institutions*, vol. 24, no. 3, July 2011, p. 420, viewed 15 February 2015, <http://www.scopus.com/record/display.url?eid=2-s2.0-79959753240&origin=inward&txGid=0AD8D7ADDAF354D76FDEA7A1A76A4887.ZmAySxCHIBxxTXbnsoe5w%3a1#>

Langseth (2007) (cited in Graycar and Villa 2011, p. 421) identifies three main levels of corruption. These are:

A first level implies petty corruption. This involves primarily low-level civil servants in small acts (such as a police officer taking a bribe to negate a traffic ticket). A second level is grand corruption, where political leaders, high-level public servants, or major elected officers perform acts that affect the credibility of the system and the basis of its functioning (e.g., a political leader personally benefiting from major development projects, a judge who takes a bribe to resolve a case). Finally, state capture implies the manipulation by those not formally in power, of the institutions of the state and its economic direction (e.g., business interests "controlling" politicians and relying on their patronage to allow them to own and profit from formerly state-owned enterprises and assets). In this sphere, the state itself functions as a corrupt mechanism.

Source; Graycar, A & Villa, D 2011, 'The Loss of Governance Capacity through Corruption', *Governance: An International Journal of Policy, Administration and Institutions*, vol. 24, no. 3, July 2011, p. 421, viewed 15 February 2015, <http://www.scopus.com/record/display.url?eid=2-s2.0-79959753240&origin=inward&txGid=0AD8D7ADDAF354D76FDEA7A1A76A4887.ZmAySxCHIBxxTXbnsoe5w%3a1#>

I believe that corruption is very destructive, even the speculation of corruption has negative consequences, and it goes to the core of the basic principle of what is right; it with certainty runs counter to individual morality and collective ethical praxis. As Graycar and Villa (2011, p. 419) argue that '[c]orrupt behavior causes outrage to victims and those who value civil society, it impedes good government and administrative practice'. Gyimah-Boadi (2000, p. 197) argues that 'nepotism' in the public sector creates many issues of concern:

In the public sector, however, it means that the most suitable candidate fails to get a post or a promotion, and the public as a whole suffer as a consequence - not to mention the person who, had

there been no nepotism, would have won the position. Or it can mean that a less competitive bid wins a government contract at the cost of the tax payers [sic]’ money.

Source; Gyimah-Boadi, E 2000, ‘Conflict of Interest, Nepotism and Cronyism’, in R Pope (ed.), *Confronting Corruption: The Elements of a National Security System (TI Source Book)*, p. 197, viewed 8 March 2017, <https://bsahely.files.wordpress.com/2016/10/21.pdf>

Further, corruption collides with the ideals of a well-meaning public service and that of the community at large. If we are going to address corruption, we must consider the community. Although, ‘what of community participation?’ Doesn’t the community have the right to be, engaged? Especially so given that it is community standards being, upheld. Plagakis (2008, p. 1) explores participation providing the argument that an ‘informed and educated public will be able to more effectively participate meaningfully in decisions relating to economic policies and how these affect and relate to social and environmental policies’.

Philosophers have persistently argued about the distinction between what Uhr (2005, p. 205) discusses as ‘concepts of the *right* and *good* ways which still have value’. Typically speaking, distinctions between the ‘rightness and goodness’ are roughly paralleled between ‘thin versions of public integrity and these richer versions well above the usual bar’. German philosopher Kant (1724-1804) (cited in Uhr 2005, p. 206) ‘put little distance between the social conventions of ethics and the sterner obligations of morality’. Contrastingly, British ethicist Sidgwick (1838-1900) (cited in Uhr 2005) ‘held that the good is more encompassing than the right, referring as it does to personal happiness and not simply to conventional duties’. Contemporary scholar Hare (cited in Uhr 2005) endorses ‘Kant’s distinction between the ethics of right conduct and the morality of good conduct’. When governments refer to ethics seriously, they mean ‘ethics as rightness based on an ethics of role’. Kant (cited in Uhr 2005) is persuasive in

his argument that ‘right conduct is consistent with duty’. Conduct that is right is ‘commendable but it is not admirable, it is simply doing what is expected of one in a particular role’. Uhr’s (2005) interpretation sheds light on the cynical analogy that ‘right conduct is more worried about what could go wrong (bad consequences) than with what should go right (good intentions)’. Good conduct Uhr (2005, p. 207) argues is ‘closer to moral excellence than is ethical or right conduct because good conduct is distinguished by the moral deliberation’. Further, interpretation is relevant to German philosopher Hegel’s (cited in Uhr 2005) view and counter argument that the “good” captured by morality is less valuable than the “right” of the social relationships captured by ethics’. Uhr (2005, p. 208) provides further debate that ‘rightness relates to duties of sector or role; goodness relates to desires for wholeness and complete humanity-virtue understood in its original sense of human excellence’. Whilst Hegel (cited in Uhr 2005) stresses that ‘morality is personal; ethics is political’.

The typology of existing research continues in the direction of motivation. Philosopher Emmet (cited in Uhr 2005, p. 208) provides analysis regarding the conceptualisation that ‘right deals with duties to observe extrinsic values, while the good deals with desires for intrinsic values’. As Uhr (2005) argues doing ‘right may not always require a good person’ as it is also possible for ‘good persons to fail to do the right thing’. Further, it is argued that many public organisations require “ethics committees” to advise on the implementation of codes of conducts’, policymakers do not require the ‘establishment of “morals committees”, and usually do not push beyond codes of ethics to explicit “codes of morality”’. Although, I would argue that when determining what is moral, and what is ethical we must continue to define new boundaries for the common right and the common good. We must not be satisfied with

the boundaries of today. We must continue to explore moral and ethical boundaries so that the boundaries of today are not the boundaries of tomorrow. As human beings, we must continue to become more ethical and better people. Human beings can and must do better.

It has been discussed that ethics laws work more effectively when policy developers appreciate what Uhr (2005, p. 192) discusses as the ‘limits of the law and provide officials with opportunities to demonstrate their capacity for trust, to include their capacity to accept public accountability for their discretionary exercise of public power’. MacKenzie and Hafken (cited in Uhr 2005) provide the argument that when it comes to ethical governance ‘the hard part is accomplishing what the law cannot guarantee’. Ethical praxis is a matter for ‘self regulation [sic]’ where the capacity for praxis is displayed by the quality of the decision-making and judgments that are, displayed. Euben (1989) (cited in Pearson 2001, p. 41) provides further argument to the governance debate stating that ‘corruption is a disease of the body politic’. Euben (1989) (cited in Pearson 2001) goes on to inform us that ‘it has less to do with individual malfeasance than with systematic and systemic degeneration of those practices and commitments that provide the terms of collective self-understanding and shared purpose’.

Reflexively regarding Uhr’s (2005, p. 192) comment to ‘what the law cannot guarantee’, we must on a personal level develop foresight that includes self-awareness to become more ethically attuned and build on the capacity for knowledge and awareness. As Aristotle (cited in Reeve 2006, p. 211) proclaims through ‘practical wisdom’ we must become more ethically aware. Alternatively, as Fluker (2009, p. 161) explains, that ‘human development requires an ethical anchor, a structure in which



leaders themselves must be central participants. To enable praxis, we must also develop ways of improving ethical awareness and knowledge through the recognition as Brady and Hart (2006, p. 118) explain of 'intrinsic motivators', such as, education and through reflections. This leads us to as Kraut (2006, p. 76) claims 'raise questions' of which determine practical understanding. Although, 'what then of individual rights?' Recent developments have included the possible development of what John McMillan (1994, pp. 10-11) discusses as a 'Bill of Rights' within Australia for the protection of individual rights. This has previously occupied secondary consideration to the adoption of a responsible, transparent government and a democratic process within Australia. The judiciary has always been in support of the 'protection of individual liberty against an excess of government authority'. However, in the absence of a 'Bill of Rights', McMillan (1994) argues that the judiciary has 'no overt duty to protect individual rights'. Philosophically important, legislation 'inconsistent with an implied right is invalid' (McMillan 1994, p. 11) as parliament inevitably suffers from a denial of 'its right to implement a policy that infringes an implied principle'.

The typology of existing research continues in the direction of gender and the public sector. Although, 'what of the rights of women in the public sector? Connell (2006, p. 440) argues that:

Many participants described a change in public sector workplaces that corresponded to this larger picture of social change. In some cases this de-gendering is clearly associated with a change in the labour process and organizational structure.

Source; Connell, C 2006, 'The Experience of Gender Change in Public Sector Organizations', *Gender, Work and Organization*, vol. 13, no. 5, p. 440, viewed 8 March 2017, <http://onlinelibrary.wiley.com/doi/10.1111/j.1468-0432.2006.00316.x/full>

Although, as Connell (2006, p. 442) further argues that ‘[i]n other sites, women participants point to continuing workplace sexism, both inside and outside the public sector, and mention arrogant and oppressive men remaining in management’.

## **2.9 Preventing corruption within the South Australian public sector**

In the endeavour to prevent misconduct and corruption, it is necessary to review the governance in place and the secondary literature that had made it into the public domain for this primary research study. The South Australian government was at crossroads. At the time I commenced this research in April 2011, the system implemented utilised a somewhat unknown stealth – secret like organisation staffed by public employees – the Government Investigations Unit (GIU). It could also be argued that the GIU operates under what Deland (2005, p. 1) describes as a ‘veil of secrecy’. Subsequently, this is the attempted ‘dumbing down of the Australian people’ by repressive governments. Reflecting, this could also be characteristic of Preston’s (2007, p. 156) argument concerning ‘conflict of interest’. Discourse with the GIU in May 2010, identified that the responsibility lies with individual chief executives and general managers to apply their own judgements on whether or not an issue is deemed serious enough to report to the Crown Solicitor’s Office (CSO). The obligation of public sector employees to report unethical behaviour and improper conduct is outlined in Part 3 – Public sector principles and practices – (6) Ethical behaviour and professional integrity, *Public Sector Act 2009* (SA) (Attorney-General’s Department 2009, p. 10). It is further reinforced by the *Public Sector (Honesty and Accountability) Act 1995* (SA) (Attorney-General’s Department 2010), which was formally the *Public Sector Management Act 1995* (SA) (Attorney-General’s Department 2010).

In 2010, discourse with the GIU indicated that it is public employees investigating public employees in relation to what the *South Australian Whistleblowers Protection Act 1993* (SA) (Attorney-General's Department 2009, p. 1) defines as 'illegal, dangerous and improper conduct'. The 'veil of secrecy' Deland (2005, p.1) argues must be lifted allowing the public to be fully informed and notified of the facts. Restriction to the 'right to know must be fought' as it limits transparency and participatory consultation. Specifically, the *Act* identifies with Rawls (1999) (cited in McIntyre-Mills 2007, p. 4) "The Law of Peoples" as the 'veil of ignorance approach' that is the basis for a liberal democracy assuming that we all know nothing. Rawls's (1999) (cited in McIntyre-Mills 2007) 'veil of ignorance approach' aligns ethically with 'Idealism, a *priori*' that is 'based on prior decisions on what constitutes ethical behavior'. Rawls (2006, p.80) argues that the 'principals include the principle to honor human rights and a principle to provide assistance to peoples in need; and principles to respect and not use aggression against other peoples (LoP: 37)'. However as long as the 'veil' provides immunity – limiting *phronēsis*<sup>38</sup> and accountable decision-making, thus drawing on 'diverse stake-holder inputs' (McIntyre-Mills 2007, pp. 3-4), social commentators and philosophers will continue to be critical of government policy and governance. The perception of South Australian public sector employees when they come forward with alleged 'illegal, dangerous and improper conduct' to those above is that the Government Investigation Unit (GIU) manages it internally. This practice was without a doubt as Preston (2007) describes as a 'conflict of interest'. The process of reporting internally and locally provides further evidence of 'Idealism, a *priori*' paradigm, which is further, supported within the *Public Sector Act 2009* (SA)

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<sup>38</sup> Phronēsis – the Greek word translated in English meaning the intellectual virtue of practical wisdom.

(Attorney-General's Department 2009). How can public servants investigating and confirming allegations of 'illegal, dangerous and improper conduct' reported by public servants not be a conflict of interest? Further exploration of this statement could take place as it could be not only for the government itself, but also for the informant. It becomes as Preston (2007) explains a 'conflict of interest' because the moment one 'blows the whistle' as defined in the '*South Australian Whistleblowers Protection Act 1993 (SA)*' (Attorney-General's Department 2009, p. 1) there is no control over confidentiality for the informant, and to where and to whom the information goes. As Longstaff (1994, n.p.) explains there is no protection against the realism of localised 'retribution'.

It is important to note that during the research for this study in June 2011, which the Attorney-General for South Australian announced a new anti-corruption model. In a press release titled *\$4 m to launch ICAC in budget* cited on Adelaide Now (2011, p. 1) – an internet publication that the 'State Budget will include almost \$4 million' for The Office of Public Integrity (OPI). Furthermore, this "integrated model" is not an Independent Commission Against Corruption (ICAC). Shortly following this announcement, there was a change in leader within the governing labour party with an announcement that an ICAC would be, implemented. Although, I have concerns as, the first point of reporting misconduct within the South Australian public sector will be, screened by the OPI, which will still be, implemented. I raise concerns regarding this decision because it is unclear if the OPI will be staffed by former GIU employees (not of their own doing), and will only add a barrier to directly access the ICAC. Although, the Australian Broadcasting Corporation (ABC) (2011, n.p.), media reports indicate that 'it will accept public complaints on any issue'. Furthermore it was, reported that the

South Australian (SA) version of the ICAC would be unlike the New South Wales (NSW) version in that it will not provide full disclosure to the public of allegations and investigations as to provide the presumption of innocence until proven guilty.

Unfortunately, at the beginning of this research study, prior to 2013 (before the implementation of the South Australian Independent Commissioner Against Corruption ICAC), the historical precedence regarding unethical conduct and public employees was unable to be accurately identified within the South Australian public service and therefore can't be accurately discussed in this thesis. Historically speaking and prior to 2013, the GIU managed this concern – a paradox.<sup>39</sup> Upon a formal request, the Attorney General's Department, Freedom of Information Officer (FOIO) informed me that GIU documents, are held and managed by the, Crown Solicitors Office (CSO). During research for my Masters Dissertation, secondary research into unethical conduct in the South Australian public sector, de-identified quantitative information was, respectfully requested through the GIU manager. Subsequently, release of that information was, denied by the CSO. Later I requested similar de-identified quantitative information through the *Freedom of Information Act 1991* (SA), (Attorney-General's Department 2011) which was also subsequently, denied. The reason cited by the Attorney-General's Department, FOI Officer being that the CSO is, listed under Schedule 2 – Exempt agencies (Attorney-General's Department 2011, p. 39) of the *Act*. Whilst prior to 2013, the historical precedence of unethical or illegal conduct within the South Australian public sector cannot be accurately identified and discussed in this thesis, on occasion evidence of corruption is released to the public

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<sup>39</sup> Paradox – an opinion or statement contrary to commonly accepted opinion.

through the media. The first case study I will refer to was reported in The Sydney Morning Herald (2009, p.1) – a newspaper publication reported that in South Australia in 2009, that police had identified ‘two corruption rings within the state’s Department for Transport, Energy and Infrastructure (DTEI) (currently the Department for Planning, Transport and Infrastructure (DPTI)), with 32 people charged’. Police alleged:

two organised and systematic corruption rings were taking bribes to illegally manipulate the DTEI computer system to remove defects on motor vehicles, remove the wrecked status of motor vehicles and alter driver licence records so that people could obtain driving licences they were not qualified for.

Source; Sydney Morning Herald 2009, *Corruption rings smashed in state transport department: 32 charged*, p. 1, viewed 28 April 2011, <http://www.smh.com.au/national/corruption-rings-smashed-in-state-transport-department-32-charged-20091129-jyik.html>

The statement from South Australian police cited in the Sydney Morning Herald (2009, p. 1) said:

five DTEI public officers faces a total of 71 corruption offences, while another public officer was apprehended for making a false statement to the registrar of motor vehicles and 26 people were charged with a total of 73 corruption offences-predominately for bribing a public officer.

Source; Sydney Morning Herald 2009, *Corruption rings smashed in state transport department: 32 charged*. p. 1, viewed 28 April 2011, <http://www.smh.com.au/national/corruption-rings-smashed-in-state-transport-department-32-charged-20091129-jyik.html>

A second case study that I will refer to was highlighted more recently in 2017, but with reported issues of concern dating back to the 1980’s is that of the Oakden Older Persons Mental Health Service (OPMHS). The report of the ‘Oakden Review’ conducted by Dr Aaron Groves, Chief Psychiatrist highlighted that:

in the 1980’s many examples of significant scandals, together with reviews showing poor standards of care and in some cases systemic abuse and failure to ensure peoples basic rights led to widespread calls for significant reform and the efforts of both levels of Government to work together to achieve these outcomes.

Source; SA Health 2017, *The report of the Oakden Review*, Adelaide, p. 9, viewed 10 May 2017, <http://www.sahealth.sa.gov.au/wps/wcm/connect/public-content/sa+health+internet/about+us/reviews+and+consultation/review+of+the+oakden+older+persons+mental+health+service>

Many years later the Oakden facility has found itself embroiled in a review that found that not much had changed in that period, despite the facility being ‘only accredited for 12 month periods’ from 2001 to 2007. Accreditation for short periods less than the desired outcome ‘should have raised attention’. However, ‘following the Commonwealth review of Oakden in December 2007, the facility failed 25 of the Commonwealth’s 44 standards for aged care and sanctions were imposed. ACH Group entered into a joint partnership with the Health service to assist with the operations of the services through until 2010’. Further, ‘in 2010, the facility returned to the full responsibility of the local Mental Health Services with Commonwealth funding for Makk and McLeay. At that time, ‘Oakden was found by the Aged Care Safety and Accreditation Agency to have met all 44 standards’ (SA Health 2017, p. 25). Since then, concerns had also been raised by, the Office of the Public Advocate (OPA).

The Office of the Public Advocate (OPA) has concerns about Oakden that include, the use of restrictive practices, reports of assaults, lack of knowledge of some staff about legislation, lack of clarity about about unlawful detention, staffing ratios, limited inclusion programs, lack of stimulation, excessive noise an inability to access their own bedrooms, reports of physical abuse by staff, activities being cancelled and that requests by staff for equipment and supplies for therapy and activities being declined because of funding. (Summary of submission by Public Advocate)

Source; SA Health 2017, *The report of the Oakden Review*, Adelaide, p. 76, viewed 10 May 2017, <http://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/about+us/reviews+and+consultation/review+of+the+oakden+older+persons+mental+health+service>

At the heart of the organisation in question was the culture at Oakden. The review Report highlights a culture of cover up. The review Report identified that consumers had ‘been detained in an area of the facility in which they could not leave and where no other person would be present’ (SA Health 2017, p. 83). However, ‘these episodes of seclusion were not being routinely reported as is mandated in SA’. It was found that failing to report ‘as is mandated in SA’, indicated ‘not only a serious breach

of reporting it shows a secretive approach to performance and an unwillingness to be scrutinised, both of which show a failure to acknowledge the need to improve'. The review Report in its findings that at Oakden 'there was a failure of governance, particularly clinical governance, at the Oakden OPMHS' (SA Health 2017, p. 89). Apart from the clinical warning signs, such as, '[injuries, medication errors, unexplained bruising and education; training and professional development that should underpin excellent care was seriously deficient]' there was evidence of maladministration (SA Health 2017, pp. 89-90). The administrative failings or maladministration, that were highlighted by the review Report, were that, '[leadership was poor; staff were frightened to report when things went wrong; open disclosure was rare, and external scrutiny was not encouraged; professional accountability was weak; the priorities to at Oakden were never clear to staff and there was no culture to learn by these mistakes]'. These issues raise serious questions about the culture at Oakden.

Concerns around the care of older persons in Australia, sadly is not limited to the public sector. In 2014, it was uncovered in the private sector involving the biggest private aged care provider, BUPA Australia. It was reported on the ABC television program PM with Mark Colvin on the 16 June 2014, that aged care resident Mrs Beryl Watson died following what New South Wales coroner, Michael Barnes 'concluded a series of mistakes at the nursing home led to her demise' (ABC 2014, n.p.). Mr Clive Watson, the son of Mrs Watson told the ABC, that '[o]bviously the accreditation process needs serious looking at. The staffing levels and the way they are, achieved are not acceptable. And what the Government is doing now is trying to get the majority of aged people to be cared for at home, which is going to increase the number of respite positions and people requiring respite' (ABC 2014, n.p.).



In Australia, executives and senior management are not immune to unethical or improper conduct. Categorically, a majority of the issues within South Australia from a realistic appreciation perspective are due to Bartol et al. (2001, p. 506) argument of 'bureaucratic control' and a 'top-down' approach. In recognition of high-level misconduct Davies (2005, n.p.) cites the 'Queensland Public Hospitals Commission of Enquiry' as corruption and misconduct at the highest level within the Queensland Health Service. This is relevant as corruption is historically identified and reported as Sedigh and Stapenhurst (1999, p. 3) in 'public officials of every rank'. Senior management does not exclusively own the situation of covering up, as it can occur on occasion in the reverse. As Longstaff (2008, p. 1) explains the reverse effect occurs when unaccountable ministerial advisors protect those above them. This is identifiable when public employees shield Ministers from the consequences of their actions. Subsequently, Longstaff (2008) explains the 'doctrine of ministerial responsibility is dismembered'. This is not only detrimental to the informant employee, as it has significant consequences for the whole of government. The Centre for Policy and Development Systems (CPDS) (n.d., n.p.) highlights this crisis in relation to governance in Australia, and due to the 'erosion of moral foundation of individual liberty' as a concern in relation to the distressed and ineffectual public administration in Australia. Fitzgerald QC (1989) (cited in Longstaff 1994, p. 1) talks of this phenomenon through a convincing argument that it is 'enormously frustrating and demoralizing for conscientious and honest public servants to work in a department or instrumentality in which maladministration or misconduct is present or even tolerated or encouraged'. Nye (cited in Pearson 2001, p. 35) adds further to this debate arguing that the negative effects of corruption on 'governments include instability, reduction of administrative

capacity, loss of legitimacy, waste of government resources and investment distortions’. Although in 2010, discourse with the Chief Industrial Officer (CIO) of the relevant Union further draws attention to the imbalance of fairness in relation to another element – punishment. Senior management and upper-level executives were, treated differently to that of lower level employees, who historically ‘receive harsher penalties when being judged on their behaviour’.

Another documented rhetoric is, based on those whom are responsible for developing the very policy and governance documents that public employees are, bound by duty to follow. The realistic appreciation of this concern was, based on the complex nature of individual interests and promotion of those interests or at least the interests of those whom they favour or have dealings with more frequently. Idealists provide the counter argument, such as, Bentley (cited in O’Toole 2000, p. 79) who refute the existence of the “social whole” and simply acknowledge that ‘state organs and agencies have their own varied interests, which they will pursue in competition with other interests’. Other philosophers, such as, O’Toole (2000) (cited in Chapman 2000, p. 79) provide the argument that such decisions maybe aligned with ‘limits on knowledge or ability (cf. Simon, 1955) or the fact that politicians and officials are merely corruptible and self-interested, as all humans are’. Although, Preston and Sampford (2002, p. 169) claim ‘human capital’ can be very important ‘in smoothing over the areas where reform has been incomplete, imperfect, or blocked’. Preston and Sampford (2002, pp. 169-170) argue that it was the ‘human capital’ educated on ethics within some of Queensland’s important institutions that ‘allowed corruption to be identified and addressed in the 1980s’. From an Aristotelian premise, the Spartan placed too much emphasis on physical attributes and appearance. Whilst few women would deny their

self the opportunity to tame a Spartan warrior in her private chamber, myself included, Aristotle (cited in Lawrence 2006, p. 68) famously criticised the Spartans for failing to acknowledge the ‘critical aspect of education’. However, it is not only the capacity for education and its importance that needs consideration. In addition, the environment in which one is working needs consideration, reflected upon and addressed. Pearson (2001, pp. 42-43) adds further debate relating to the focus on the actions of public officials solely ‘often obscures the underlying wider responsibility of states to provide an environment in which corruption is not tolerated or condoned’.

McIntyre-Mills (2008, p. 147) in *Systemic Ethics: Expanding The Boundaries of Rights and Responsibilities* argues that a ‘systemic’ ethical approach requires us to ‘embrace complexity, diversity and freedom’. McIntyre-Mills (2008) in her own words reminds us that ‘fortunately today mapping can help us to make sense of more than a few variables simultaneously when we make decisions based on “if then” scenarios within context’. Christakis and Bausch (2006) (cited in McIntyre-Mills 2008, p. 147) explain that the ‘modelling process should be used to support dialogue and contextual decisions’. This reason of thought could support us to be ‘more mindful of our values, emotions and so-called, “enemies within”, namely “religion, politics, morality and aesthetics”’. Aristotle’s (cited in Broadie 2006, p. 353) emphasis on dialogue and virtuousness is the ability to give the ‘right or appropriate action and emotion (toward the appropriate people at the appropriate moment, in the appropriate amount, and so on)’ without being, prompted by a set of pre-determined rules. Historical literature has uncovered one approach that highlights the issue of boundaries as documented in the works of West Churchman (1971, 1979a) (cited in McIntyre 2005, pp. 173-174) who stresses the importance of ‘systemic thinking’ though consideration of the “social,

political, economic and environmental factors” when making connections. These challenges can be counteracted through the dialectical tools McIntyre (2004, p. 50) argues of “unfolding” and “sweeping in”. Conceptually, we can try to create the outcome McIntyre (2004) explains to ‘co-create meanings from thesis and antithesis and then synthesize meaning’.

This is cause for the somewhat current erroneous environment reported in this research in South Australia to change, requiring ethical leadership and envisioning ethical capability. There is also cause for Somerville’s (2006, p. 2) ‘imagination’, where the province of leaders is able to imagine new futures. Further, Fluker (2009, p. 83) explains the need to face ‘various challenges and problems of the present’, and not succumb to the fears of ‘Chicken Little’ who proclaims, ‘the sky is falling!’ It requires the courage of government to re-evaluate its way of thinking and its management of corruption, misconduct and unethical decision-making that has been the magnified focus of the debate in this chapter. It requires as McIntyre-Mills (2008) explains a ‘systemic’ ethical approach that brings about awareness and knowledge. Whilst Herbel and Maletz (2000, p. 37) discuss the rhetoric that:

ethics programs and agencies seek methods to define and expose the public official who takes bribes, maintains financial ties with external persons or firms and makes decisions with the goal of improving opportunities.

Source; Herbel, J and Maletz, D 2000, ‘Beyond Idealism: Democracy and Ethics Reform’, *The American Review of Public Administration*, vol. 30, no. 19, p. 37.

Although, notably missing in agency programs Herbel and Maletz (2000) explain is a concerted direct attempt at either a state or federal level to foster ‘high-level ethics’ characterised by ‘high levels of virtue, character, and mind, on the other hand, is a far more difficult task’. Structures and strategies must incorporate a system in which

Fluker (2009, p. 161) explains ‘leaders themselves must be central participants’. I hold the belief that ignorance is not an acceptable excuse when public employees proclaim that they were not aware or advised of information that contributed to an objectionable result. Thompson (1987, p. 59) argues that ‘if ignorance in general were a valid excuse, the innocence of some public officials would be irreproachable’. Singer (1993, p. 327) further identifies the phenomenon of human nature when ethics and self-interest coincide arguing that a ‘natural conscience that gives rise to guilt feelings when we do what we know to be wrong’ is one example. Another example gives thought to the ‘benevolent or sympathetic inclinations that make us concerned about the welfare of others’. Singer (1993) engages us with his own words regarding the acknowledgment of the ‘strength of those benevolent desires or feelings of guilt’ when questioning the possibility of suppression.

In addressing prevention, we also need to consider what Robeyns (2003, p. 5) explains as ‘capabilities’. One widely debated theory is Nussbaum’s extension of Sen’s (cited in Robeyns 2006, p. 352) ‘capability’ approach. The ‘capability’ approach is a broad normative framework for the evaluation of ‘individual well-being and social arrangements, the design of policies and proposals about societal change’. The main characteristic of the ‘capability’ approach is its central dogma based on what ‘a person’s functionings, which are her beings and doings (for example, being well fed or literate), and her capabilities (the genuine opportunities or freedoms to realize these functionings)’ (Robeyns 2006, p. 351). Sen (cited in Robeyns 2003, p. 9) provides the argument through criticism of Rawls’s concentration on primary goods, as it fails to include the significance of the ‘diversity of human beings’. Robeyns (2003) adds further to the debate based on the non-utility information, which is ‘excluded by

utilitarianism', such as, a physical handicap or moral and social aspects. Robeyns (2003, p. 13) argues that 'capability' is similar to the idea of opportunity, but as 'Sen warns, this should not be understood in the limited traditional sense, but more as a positive notion of overall freedom'. Whilst Flood (1995), and Jackson's (1991) work (cited in McIntyre 2004, p. 41) argues the need for 'complementary and interdisciplinary approaches to address problem solving'. Zhu (2000) (cited in McIntyre 2004) also stresses the need to 'take into account areas of knowledge that can be called objective, subjective and intersubjective'.

Nietzsche's (cited Tarnas 2010, p. 370) prophesy of the 'highest truth' was centred on 'the self-creating power of the will' within each man. Considered an essential element in human knowledge, 'the will' Tarnas (2010, p. 369) explains as with 'imagination' pushes the boundary of human existence forward to higher levels of awareness and creativity. It could be said that for one to be ethically aware, one must have veracity, firstly with oneself and examine perceptions. Further, it could be argued that Brady and Hart's (2006, p. 118) 'extrinsic' factors make life comfortable but they do not allow one to be at peace in the mind or provide one with an 'intrinsic' sense of worth. The social practice of distinguishing what Preston and Sampford (2002, p. 25) explain 'between external and internal goods' as developed by Aristotle has sparked contemporary interest. Organisationally, there is 'a bias that may undermine the goods internal to a practice (and hence the virtues) around which an organisation is formed' (Preston and Sampford 2002 p. 27). Although, a predominant feature addressed by Preston and Sampford (2002) argues that individually the force of 'pull towards power and status (external goods) of public sector agencies may stifle the practice of virtue by individuals within an organisation'. The counter argument is conceptualised in terms of

difference. We are all different persons with varying differences in knowledge, experience and understanding of which is particularly evident from a national, and or global perspective. As there is little in the way of 'extrinsic' benefits in the public sector other than individual promotion, there must be an appreciation at a local management level to consider the importance of the 'intrinsic' value of education.

To enable praxis, we must develop ways of pushing out existing boundaries of moral and ethical reasoning, and improve individual capacity through increased knowledge and awareness, to build upon memory to develop foresight. I base this argument on Aristotle's (cited in Rist 2002, p. 84) own words that 'the better our mind (and thus the better our moral decisions) the "better" or more valuable we are'. It is here that I will draw on the need to include the concept of Collins's (2004, p. 47) 'interaction ritual' theory to increase 'emotional energy (EE)' (Collins 2004, p. 121) in the individual through the feeling of 'solidarity' and morality obtained by 'micro-rhythms' through 'group membership', which places emphasis on object 'symbolism' (Collins 2004, pp. 47-48). This will need to be a consideration when I am conducting the experimental quantitative section of the research study. I will need to set the scene as to replicate feelings amongst participants that are symbolic and invoke a sense of group cohesion. McIntyre (2005, p. 207) argues that we must not allow people to rest on the idea 'that people are unable to re-construct archetypes and to design new possibilities and remake consciousness through choices'. McIntyre (2005) has a convincing argument that 'to imagine that we are programmed by genetic structures of consciousness is inaccurate (fortunately), as it would be very limiting'. I believe that we must also in raising awareness hold thought provoking attention. We must know our minds intimately so that we first must acknowledge, reflect and then process our

thoughts and feelings to bring about thoughtful ethical actions. We need the desire and will to shape values, and to overcome individual and collective basic counteractive motivations. It is about being accountable and reflexive as McIntyre-Mills (2008, p. 234) in *Systemic Ethics: Social, Economic and Environmental Implications of Eating Our Yellow Cake in Australia* points out that ‘people can make choices based on an ability to think about their thinking’. Imagine a public management system that permits that.

It is important to note that straying away from what is right in consideration of what is wrong is not a new phenomenon. Doing wrong has been part of the human identity since the beginning of the existence of man. Firstly, the motivation for us must lie in identifying wrongness. Secondly, we must find ways to prevent it occurring we, must develop foresight. This poses a significant challenge as Aristotle explains. From the beginnings of early writings, we should acknowledge that at II.3.II04b21 Aristotle says, ‘in relation to pleasures and pains, that people become bad “by pursuing them and running away from them” (Hursthouse 2006, p. 101). In terms of us, “the central doctrine” (II.6.II06b22-3) of “the mean” does not correlate with what we know it to be, a quantifiable mathematical statistic. Aristotle simply notes it at II.9.II09a25, as ‘the centre of a circle’ (Hursthouse 2006, p. 107). What this means for us is that, ‘*qua* the centre of a circle, “the mean” does not involve excess and deficiency’ (Hursthouse 2006, p. 108). If we fail to hit the middle, then these failures ‘cannot be divided up into those that are excessively or deficiently off target’. It is a thought that doesn’t require mathematical or statistical precision, but rather that in hitting “‘the centre of a circle’, “the mean”, “there are many ways of going astray...whereas there is only one way of getting it right”’ (Hursthouse 2006, p. 109).



## **2.10 Rituals of human existence**

### **2.10.1 Ritual and the social rite**

For this primary research study, it was necessary to review the evolution of rituals within the human context. Because it is upon the experience of such, that one builds memory through real life experience and therefore develops foresight – predict or insight into future problems. For their part, rituals have long been associated with the human existence and performed for many and varied reasons. Historically, rituals were primarily associated with birth and death, and then later with religion. Muir (2005) best explains that:

rituals provided rightfully directed actions that enmeshed humans in a vast support system of socially prescribed activities that helped them through difficult transitions, especially those involving life and death.

Source: Muir, E 2005, *Ritual in Early Modern Europe*, 2<sup>nd</sup> edn, Cambridge University Press, United Kingdom, p. 17.

Both the vulnerability and risk of birth Muir (2005, p. 28) in his own words claims ‘created an enormous demand for ritual protection for both the physical and social survival of the infant’. Baptism fulfilled this requirement essentially for Christianity, which replaced the ‘old law of Leviticus’ (Muir 2005, p. 29) meaning that Christians no longer were bound to the laws of the Jewish faith. As Muir (2005, p. 21) states baptism was only one part of the ‘rites of passage’ for newborns and a woman in her childbearing years. Some although linked with Biblical authority were, not heightened to the distinction bestowed to that of a sacrament – something possessing a sacred character. After the birth of Christ Muir (2005, p. 29) claims, Christian theologians doubted ‘whether sex, pregnancy, and giving birth itself made a woman impure at all’. However, the women themselves found the ritual “Churching of

Women”, a passage of necessity for many reasons although primarily that of celebration for her ability to birth life, and define her role within the community and the church. Understood to be the length of forty days and detailed in Hebrew scripture women “shall touch nothing that is holy, and shall not enter the sanctuary till her days of purification are complete”. It was, thought that the postpartum bleeding of which women experience after giving birth defined in the social realism of its time considered them ‘impure’. Like baptism, this ritual has survived throughout time and survived in spite of unsuccessful attempts to prevent this practice through ‘Reformation’. Between 1400 and 1700 A.D. the practice survived albeit a modified version in both ‘Catholic and Protestant’ nations. It is important to note that any attempts to reform this ritual inflamed social contentions. This was primarily due to the ‘distribution of power’ within the social constructs for both the individual in the community and groups (Muir 2005, p. 232). Today, this rite is actively practiced, and performed by Orthodox Christians. Mainly in part to rest and bond with their, newborns.

Similarly, death a certainty for all living human beings also involves rituals for both the individual and the community. Devout Christians are, theologically edified throughout one’s life in preparation for the finality of the soul, which belongs to God separating out of the physical human from. First, Muir (2005, p. 52) explains that the last rite ‘served to assist souls in their final test before God and to separate the departed from their kin’. Secondly, the ‘funeral rites reasserted the ties of kinship among the survivors and the obligations the living had to the dead’. Thirdly, the payers of the living for those departed from this world through which Muir (2005, p. 78) tells us ‘All Souls’ Day’ represents. Muir (2005, p. 49) tells us that the ‘solemn oath’ taken at marriage between a man and a woman signified an extension of their families and an

obligation under Christianity to raise children under the doctrine of the church. Interestingly the ceremony or ritual of marriage did not become a Christian ‘sacrament until 1439’ (Muir 2005, p. 37). Those distinctly considered a sacrament of the church were rituals thought to be favourable in ‘promoting ethical behavior’ (Muir 2005, p. 9). Prior to this the churches involvement in marriage Muir (2005, p. 37) claims was more ‘legal than sacramental, consisting of a responsibility to define the prohibited degrees of incest, to judge the legitimacy of disputed unions, and to dissolve unsuccessful ones’.

Each of these rites and rituals of their time have themselves a micro level of ceremonies and or carnivals which essentially promoted the art of dance, theatre, music, social commentary, writing and even rebellion. Muir (2005, pp. 95-100) advises us that the drama of these carnivals or festivals procured a social occasion, such as, in the time leading up to Lent, or fertility concerns or the arrival of a season, to name a few, which mirrored the social realism of their time. Historically, one physical and symbolic act of unity Muir (2005, p. 116) explains performed was that of a ‘kiss’ which was notably significant as a pact of impending marriage that also signified ‘a physical warranty whereby men joined their mouths to pledge their bodies as an assurance that they would forswear future assaults’. Given as an oath, those who violated a ritual that was, performed in the view of ‘holy relics or the host’ found themselves at the mercy of ‘supernatural punishment’. This is not to say oaths made under these circumstances never failed, in fact ‘peace pacts’ were frequently broken of which were confirmed in documented historical events.

### **2.10.2 Historical concepts of the oath**

For this primary research study, it was necessary to review the historical aspects of the oath as the oath forms the symbol of the ritual experience. The concept of the oath dates back to ancient Greek and Roman times. However, Hirst (2009, p. 51) tells us that ‘the Greeks were superior to the Romans in nearly all branches of learning, but not in law’. After being ruled by kings, the republic of Rome was established around 500 B.C. due to a revolt (Hirst 2009, p. 73). Devotion to the republic was defined by putting ‘all personal and private ties aside and serve the public good’ (Hirst 2009, p. 76). This is what the Romans called ‘*virtus* republican virtue necessary if the republic was to survive without the tie of allegiance to a king’. Historically, Hirst (2009, p. 77) explains ‘*The Oath of the Horatii*’ depicts the sons of Horatius ‘who were chosen to fight as champions of Rome when Rome and one of its enemies resolved not to fight in battle but to allow their dispute to be settled by three men from each side fighting each other’. Horatius is depicted ‘swearing his sons to their allegiance to Rome’ (Figure 2.1).



Figure 2.1 Jacques-Louis David, The Oath of the Horatii, 1784.

Source; The Oath of the Horatii, 1784. Picture downloaded, Jacques-Louis David.<sup>40</sup>

Figure 2.1 is artwork captured in 1784, depicting the sons of Horatius swearing their ‘allegiance to Rome’. The women in the picture to the right; are thought to be the wives and family distraught by the thought that each fights to his death until the victor is the only one standing. It is the oldest known picture depicting the witnessed occasion of an oath.

Collins (2004, p. 210) argues that the historical nature of the oath ‘invoked symbolic objects’. Collins (2004) explains that:

one said not merely “*I swear,*” but “*I swear by...*” a god or religious object, one’s own honor, or some other object held in high regard. The vocabulary of today’s exclamations carries over to some extent from historical oaths. The counterpart of the formal public oath, binding oneself in front of witnesses to a course of action, was, on the negative side, a formal cursing. This was a communal action not merely an individual one.

Source; Collins, R 2004, *Interaction Ritual Chains*, Princeton University Press, United States of America, p. 210.

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<sup>40</sup> The Oath of the Horatii, 1784. Picture downloaded, Jacques-Louis David, viewed 2 February 2015. [https://www.google.com.au/search?q=oath+of+horraitti&rlz=1C1GCEA\\_enAU806AU806&oq=oath+of+h&aqs=chrome.0.69i59j0j69i57j0l3.4295j0j8&sourceid=chrome&ie=UTF-8](https://www.google.com.au/search?q=oath+of+horraitti&rlz=1C1GCEA_enAU806AU806&oq=oath+of+h&aqs=chrome.0.69i59j0j69i57j0l3.4295j0j8&sourceid=chrome&ie=UTF-8) – Artist, Jacques-Louis David deceased. Further, authorised approval to reproduce this figure for PhD thesis under U.S. Const. Art. I, § 8, cl. 8. Fair Use - Section 107 of the Copyright Act.

Essentially as Collins (2004, p. 53) explains ritual is a ‘bodily process’ with movement of humans ‘into the same place’, precipitating the ‘ritual process’. Collins’s (2004) ‘interaction ritual (IR)’ (Figure 2.2) is identified in the literature as ‘the process in which participants develop a mutual focus of attention and become entrained in each other’s bodily micro-rhythms and emotions’ (Collins 2004, p. 47). Collins’s (2004, p. 44) idea provides guidance regarding ‘IR’ theory which determines ‘the conditions under which beliefs become salient, by rising and falling in emotional loading’. Collins (2004) argues that ‘rituals are constructed from a combination of ingredients that grow to differing levels of intensity, and result in the ritual outcomes of solidarity, symbolism, and individual emotional energy’ (Collins 2004, p. 47).

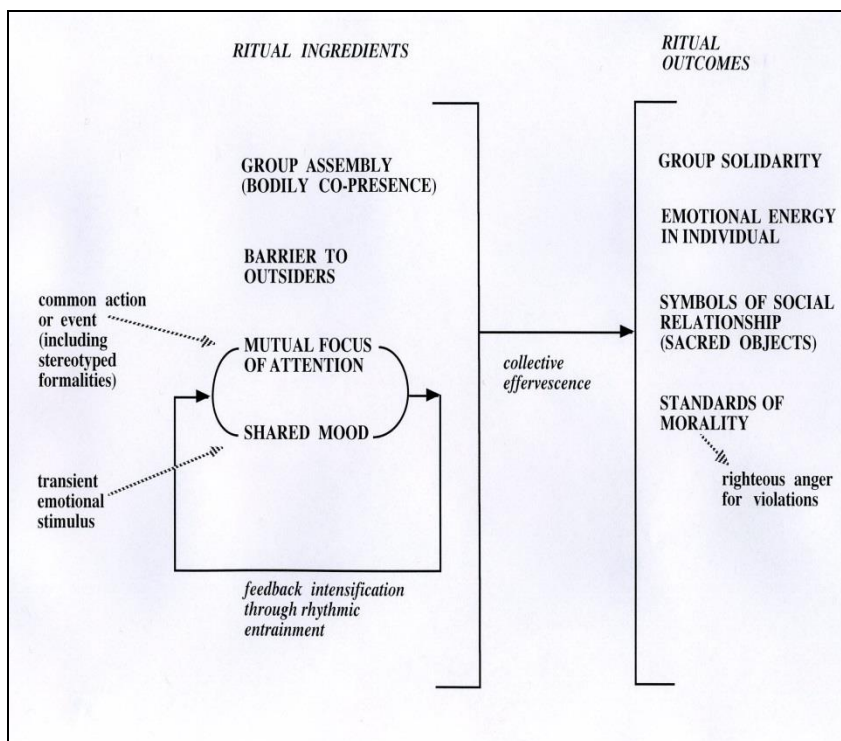


Figure 2.2 Randall Collins’s Interaction Ritual

Source; Collins, R 2004, *Interaction Ritual Chains*, Princeton University Press, United States of America, p. 48.<sup>41</sup>

<sup>41</sup> Randall Collins’s (2004) Interaction Ritual Figure 2.2. Authorised approval to reproduce this figure for PhD thesis, Professor Randall Collins, 1st June 2011. Further, under U.S. Const. Art. I, § 8, cl. 8. Fair Use - Section 107 of the Copyright Act.

Figure 2.2 explains the ritual ingredients and ritual outcomes linked by collective effervescence as explained by Collins's (2004) 'Interaction Ritual' theory. I am grateful to Professor Collins who authorised permission for me to reproduce the figure for this research thesis. Professor Collins 'Interaction Ritual' theory best explains what occurs in a witnessed sense of occasion experienced by the participant group in the 'Randomized Control Trial (RCT)' experimental group. As discussed further in chapter 6.

The ritual of oath taking albeit a hypothetical oath for this research study identifies with Collin's (2004, p. 112) 'power rituals' (Collins 2004, p. 112). Collins (2004) explains that 'power rituals', identified insofar that:

power operates on the micro-interactional level by all those factors that bring together individuals who are unequal in their resources such that some give orders and others take orders, or more generally dominate the immediate interaction. This is an interaction ritual, insofar as it involves focussing attention on the same activity, and becoming aware of each other's involvement; and it has a shared emotional focus, which builds up as the ritual successfully proceeds.

Source; Collins, R 2004, *Interaction Ritual Chains*, Princeton University Press, United States of America, p. 112.

The H<sub>1</sub> for this research study is that the social practice of a witnessed oath through the lived experience builds memory and asserts a propensity of inspiration and desire within an individual to hold themselves true to the words of the taken oath. Pragmatically, this thought could, not have been better explained than by the words of Ms Nancy Wake. *The Advertiser* – a South Australian newspaper, reported that Ms Wake was affectionately known Mulvey (2011, p. 16) claims as the 'White Mouse' for her courage and kindness towards her fellow human beings which saw her save the lives of many allies during World War II. Ms Wake, a young resistance fighter in France had witnessed the atrocities of Hitler's regime and her brave and courageous actions to save

thousands of lives in spite of the apparent dangers to herself, which saw her at the top of the Gestapo's list of most wanted. In 2004, at Australia House in London, Ms Wake was finally recognised by, the Australian government with a Companion of the Order of Australia (COA). Ms Wake was reportedly, honoured to receive this recognition and had said after the event:

I hope I'm worth it, I hope I will be able to live up to the oath that I made to my country. And the people in it and those that will come after us.

Source; Mulvey, P 2011, 'Nancy Wake - the White Mouse – has died', *The Advertiser*, 9 August, p. 16.

The significance of Ms Wake's reported comments after she was honoured by the Australian Government made more of an impact on me as a researcher, as I was analysing the dates. It was poignant that her reported comments about, the oath she took to her country was remembered and verbalised when Ms Wake was, approximately aged, 91 years. Although, it is unreported at what point in history that Ms Wake had taken the oath to her country, the fact remained that Ms Wake had remembered that ritual of human experience late in her life – in her nineties. Nancy Wake left this world an amazing and somewhat very human legacy and completed her own final journey of human existence in this life on the 9<sup>th</sup> August 2011, aged 98 years. Although, over time, cherished memories fade as we struggle with reflective concentration to remember what time has erased. LeDoux (1996) (cited in Sprenger 1999, pp. 75-76) explains one thought, which is relatively undisputed amongst neuroscientists.



Without a doubt, emotional memory strategies are the most powerful. Many of these strategies also activate other memory storage areas that make them even more powerful. Both positive and negative emotions cause the brain to release certain neurotransmitters that aid in memory retention.

Source: Sprenger, M 1999, *Learning & Memory The Brain in Action*, Association for Supervision and Curriculum Development, United States of America, pp. 75-75.

### **2.10.3 An oath for all time**

On review of the historical aspects of the oath one such oath, albeit modified for contemporary society that is historically significant is the ‘Hippocratic Oath’ (cited in Hirst 2009, p. 50) (Figure 2.3). Historically developed by the Greek philosopher Hippocrates (considered the father of western medicine), who resided in Athens and lived during the golden age in the ‘fifth century B.C.’. A modernised version of the ‘Hippocratic Oath’ is verbalised today in the contemporary form of the ‘Physician’s Oath’, at a Qualifying Ceremony by the School of Medicine, Flinders University of South Australia (2010). The School of Medicine, University of Adelaide, performs a similar ‘Declaration Ceremony’. These ceremonies are, performed separately to that of graduation ceremonies due to the significance they hold.

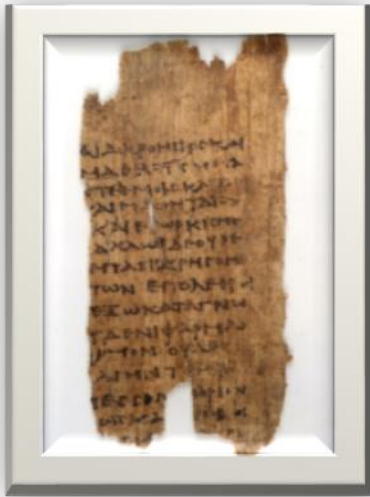


Figure 2.3 Papyrus fragment of the Hippocratic Oath, 200s CE.

Source; Science Museum, Brought to Life, Science & Society, Exploring the History of Medicine – The Hippocratic Oath.<sup>42</sup>

Figure 2.3 is a reproduced copy of the original ancient papyrus, which was, used as paper, is today. The transcription reported by Archaeologists' is that of ancient Greek. The contained discourse translated in English is, known to be that of the original 'Hippocratic Oath' first evident in the 200s C.E.

A compilation, Hirst (2009, p. 50) explains was thought to be of several authors 'working according to his methods and principles'. Hippocrates laid a 'heavy obligation on doctors to be moral, discreet people committed to the wellbeing of their patients'. Defining the profession of medicine in Hippocrates' time, the oath reads:

The regimen I shall adopt shall be for the benefit of the patients according to my ability and judgment, and not for their hurt or for any wrong. I will give no deadly drug to any, through it be asked of me, nor will I counsel such, and especially I will not aid a woman to procure abortion. Whatsoever house I enter, there will I go for the benefit of the sick, refraining from all wrongdoing or corruption, especially from any act of seduction, of male or female, of bond or free. Whatsoever things I see or hear concerning the life of men, in my attendance on the sick or even apart there from, which ought not

<sup>42</sup> The Papyrus fragment of the Hippocratic Oath, 200s CE. Picture downloaded. Science Museum , Brought to Life, Exploring the History of Medicine – The Hippocratic Oath, viewed 23 April 2011 <http://www.sciencemuseum.org.uk/broughttolife/themes/controversies/hippocraticoath.aspx> - Authorised approval to reproduce this figure for PhD thesis, Science Museum, Science & Society, Picture Library, 23<sup>rd</sup> July 2018. Further, under U.S. Const. Art. I, § 8, cl. 8. Fair Use - Section 107 of the Copyright Act.

be noised abroad, I will keep silence thereon, counting such things to be as sacred secrets. Pure and holy will I keep my life and my art.

Source: Hirst, J 2009, *The Shortest History of Europe*, Black Inc., Australia, pp. 50-51.

Results published in the American Medical Association (AMA) of research on influence and practice completed by Antiel et al. (2011, p. 470), which looked at the relevant codes, oaths and individual theological practices of medical physicians in the United States of America (USA) argued that:

One in 4 physicians (26%) indicated that physician oaths exerted “a lot” of influence on their practice. The rest indicated that oaths had influenced their practice “some-what” (37%), “not very much” (24%), or “not at all” (13%). When asked about other sources of moral guidance that had “significantly” influenced their professional practice, few physicians (16%) cited the AMA Code of Ethics. Many more said their “personal sense of right and wrong” (92%), great moral teachers (35%), and specific traditions (28%) influenced their practice.

Source: Antiel, RM, Curlin, FA, Hook, CC & Tilbert, JC 2011, ‘The Impact of Medical School Oaths and Other Professional Codes of Ethics: Results of a National Physician Survey’, *The American Medical Association*, vol. 171, no. 5, March 14 2011, p. 470.

In considering Antiel et al. (2011, p. 470) research results cited above it is clear that there are a number of facets to individual physician influence not limited to oath taking. However, the results show that ‘one in 4 physicians (26%) indicated that physician oaths exerted “a lot” of influence on their practice’. It poses a further question regarding influence, ‘what would become of the individual physician in the absence of such?’ Likewise, in the absence of the physician’s oath. Collins (2004) argues that:

these kinds of verbal incantations are intrinsically social, entraining the group into a collective, heightened mood. They also have a place in the internalized and quasi-internal rituals of thought, exemplifying a range of favourite personal expressions that individuals use to keep up their flow of attention, and to keep oneself orientated in a direction of intended projects. The stronger the entrainment felt (or sought for), the more the impulsion to utter the expression aloud. Similarly, with cursing: there is relatively little forcefulness in cursing in inner conversation. The motor action of speech is central to feeling like you are ex-pressing a true curse;

and via the James-Lange principle of bodily action enhancing the emotion, the emotional resonances are felt more strongly when the cursing is aloud.

Source; Collins, R 2004, *Interaction Ritual Chains*, Princeton University Press, United States of America, pp. 210-211.

The act of speech is vital to the ritual experience. Sociologist Bernstein (cited in Douglas 2010, p. 24) holds the ‘idea that there are two basic categories of speech, distinguishable both linguistically and sociologically’. Firstly, distinguishable by a local small-scale social situation where the actors access the same fundamental assumptions with restricted speech closely relating to religion where ‘every utterance is pressed into service to affirm the social order’. Secondly, unrestricted speech is distinguishable in social settings by individual perceptions and assumptions where actors can voice explicit intentions and ‘do not accept or necessarily know one another’s fundamental assumptions’. Bernstein’s (1970) (cited in Douglas 2010) work holds the attention of anthropologists due only to his sensitivity towards the work of Durkheimian knowledge of sociology ‘by comparing ritual as a medium of communication in tribal and in industrial society’. As with linguistic projection, the concept of emotions is noticeably present in historical ethical research. A social phenomenon it is stressed by Nussbaum (2001) (cited in McIntyre-Mills 2008, p. 204) in *Reconsidering Relationships Across Self – Others* who outlines the importance of emotions for examining ethics. Her approach further emphasises that ‘we cannot and should not pretend that we have no emotions, but this does not mean that we should strive for reasoned decisions that are based on a careful examination of emotions and values’.

In support of the view that ethics is innate and based on instinct, Aristotle (cited in Preston 2007, p. 49) and other virtue philosophers doubt that an ethical life is based on a set of principles or rules of reason that requires ‘deliberation and calculation’.

Frankena (cited in Sterba 1998, p. 291) disputes this view stressing the counter argument that ‘virtues are dispositions or traits that are not wholly innate; they must be acquired, at least in part, by teaching and practice, or, perhaps, by grace’. Millgram (2005, p. 137) and others provide further counter arguments concerning Aristotle’s ‘*Virtue Theory*’ through the association of will, advocating that it is flawed as ‘virtue lapses into *akrasia* (or weakness of will)’. West Churchman (1982) (cited in McIntyre 2004, p. 49-50) is persuasive in stressing the requirement of greater understanding that a ‘greater striving to understand ethics and human meanings and values is essential’. This can be achieved through the ‘dialectic thus looks inwards and outwards at issues to achieve greater understanding’ (McIntyre 2004, p. 50). Reeve (2006, p. 205) explains that ‘Aristotleian ethics’ is not exclusively about instinct and innateness but that of education, increased awareness, practical experience and capacity for knowledge. It is inclusive of what Kraut (2006, p. 76) explains as ‘reflective living’ and the ability to question to seek the truth. Aristotle in his own wisdom did not support nihilism either in reference to ‘what makes us good citizens?’ This lies in Aristotle’s dialogue “obedient to the laws” (Schofield 2006, p. 306). When Aristotle refers to the political scope of “laws”, he means citizens need to employ the behaviour and attitude to bring about a ‘virtuous’ life, and he also speaks of the requirement of ‘laws covering “the whole of life”’. Collins’s (2004, p. 210) viewpoint draws on the idea that a formal public oath ‘is a ritual of commitment, binding one’s will, better yet, will-enhancing or even will-creating’. Further, this primary research study has identified that the idea of the social phenomena of the oath as a witnessed ritual, could in fact counteract a criticism of Aristotle’s ‘*Virtue Theory*’ by Millgram (2005, p. 137) and others through the association of will. Opponents’ argue that Aristotle’s theory is, flawed as ‘virtue

lapses into *akrasia* (or weakness of will)'. It could be argued, perhaps repeating the words *I will* within the context of the hypothetical oath – the *Lewisēthikós Oath* 2010©Natalie Lewis (appendix 7) becomes somewhat of a mantra of repetitious thought for ethical ideals – statements that were designed to bring about ethical praxis.

The power and allure of oaths has managed to elude philosophical research throughout history and time. Could it have been to Hitler's regime the same as it is for Christians who claim to 'swear by God' (Kane 2002, p. 2) as our supreme ruler? Is it coming together collectively as a witnessed ritual of social importance? What we do understand historically is that oaths had such an impact on those who took them that sometime later they were legally, implicated in war crimes after World War II. What I am speaking of here is the experienced 'interaction ritual' of Kane's (2002, p. 13) dialogue of 'The Military Oath of Loyalty, Obedience and Disobedience' that was taken by members of Hitler's military officers. Kane (2002) tells us in his own words that 'the oath is not "mere" words'. This is thought provoking especially as the oath historically refers to the symbolism of God as the supreme witness of the collective group of oath takers, which transcends the individual moral commitment. This is where I feel ethics separates out from the hermeneutics of Orthodox theology. Especially so, if the hidden meaning or intention behind the oath is primarily designed to obey an individual ego rather than the ideals, and virtues of ethical morality, that essentially sees us turn on ourselves to destroy and provoke cruelties on all sentient beings. Specifically, I am thinking of the horrific ethnic cleansing of Jews in Auschwitz at the hands of Hitler's soldiers to name only one example. Historically speaking prior to 1945, soldiers in western countries would, be called to swear collectively the oath to God. However, due to countries forming their own individual identities later evidence

shows that swearing to God in some countries has been replaced with affirming their allegiance 'or have eliminated the phrase "so help me God" or "by God" altogether' (Kane 2002, p. 14). Contemporary versions have, been modified for the oath, which takes on legal consequences between essentially the government and the soldier. Very few oaths today swear to the symbolism of God or living persons. One such oath in the United Kingdom swears allegiance to the reigning sovereign, whilst others *swear* one to give their life in the defence of their country if so required. As difficult, as it was to find this historical dialogue of Hitler's reign, it has been, confirmed that members of the German armed forces took the following oath:

I swear by God this sacred oath that I shall render unconditional obedience to Adolf Hitler, the Führer of the German Reich, supreme commander of the armed forces, and that I shall at all times be prepared, as a brave soldier, to give my life for this oath.

Source; Kane, RB 2002, *Disobedience and Conspiracy in the German Army, 1918-1945*, McFarland & Company, Inc., Publishers, United States of America, p. 2.

Further, I will discuss the darker side of the power and allure of oaths over the oath taker. This is not to justify immoral or unethical acts against humanity as the next example explains, but to highlight the significance and influence of oath taking on an individual. The power and allure of oaths over the oath taker was, best highlighted in the 'Nuremberg war crimes trials' of which identified the fact that being under oath was no excuse in 'which the soldier can use to justify immoral acts after the fact' (Kane 2002, p. 15). In cases where lower ranking soldiers were called upon to act out punishments that include 'illegal or immoral acts', the Nuremberg judiciary found that individually they must find the "moral courage" within 'to disobey those orders'. Despite the penalties for disobeying such orders, it is encouraging for the human species that many have done so. Such examples of morality and mutinies in war as mentioned

by Kane (2002, p. 16) were historically recorded by the ‘French Army in 1917’, and documented in the ‘German Navy in October 1918’, when soldiers and sailors essentially ‘lost confidence’ in the cause and ‘in their superiors’ after exposure ‘to leftist propaganda’. It is for this reason that I stress those ethical oaths or any other oaths for that matter is carefully, designed. That oaths do not honour an individual human being or ego of which is vulnerable to the frailties of what it means to be human – the frailty of the human mind to think, the frailty of the human body to act and the frailty of the human spirit to have faith. However, rather take on a healthy design of ethical awareness that ultimately sets out ideals for the collective good, for the whole of society. Moreover, oaths should never honour a God or God like figure for the justification of cruel and inhumane acts. That would directly contradict the meaning and ethos of Christianity.

Durkheim’s (1912) (cited in Alexander and Smith 2005) philosophy of ritual included ritual in society and not just that of religion. Durkheim’s theory has, been completely captured recently by other ritual philosophers, such as Randall Collins (2004). Whilst Durkheim (1912) (cited in Alexander and Smith 2005, p. 184) does not authorize “symbolic interpretation”, he does refer to “emblems” from observed events. Durkheim (1912) (cited in Alexander and Smith 2005) explains the social enactment of ritual brings about “collective effervescence” which retains primacy over a world filled with symbolic meanings in which the social and the religious are thought to be interchangeable. Durkheim (1912) (cited in Alexander and Smith 2005) cites ritual as not being exclusive to the human world but also most common in the animal world especially among primates. However, as Alexander and Smith (2005, p. 187) claim non-human animal ritual is ‘always indexical’ without symbolism being that it points to



reality in that moment of time, and not based on contingencies for the future although based on ‘sex and aggression’. Anthropologist Douglas (2010, p. 35) argues in her own words that ritualism fails to exist ‘today in middle-class European and American communities’ mainly because of a:

process of socialization in which the child never internalizes a pattern of social statuses and never experiences authoritative control which exalts the self-evident property of a social system to command obedience. Symbols of solidarity and hierarchy have not been part of his education.

Source: Douglas, M 2010, *Natural Symbols*, Routledge Classics, New York, p. 35.

Anthropologist Turnbull (cited in Douglas 2010, p. 14) revised the common thought that all primitive societies were ritualistic until he researched ‘the pygmies of Ituri forest’ in Africa. Whilst pygmies offer an ‘extreme case’, similarities could be drawn from that of a contemporary society. The seemingly lack of social structure within the contemporary home could be best explained through the pressures of the postmodern lifestyle. In the context of Bernstein’s (cited in Douglas 2010, p. 36) ‘personal family’ there would be an absence of hierarchy; the absence of sharing a family meal together, and perhaps ‘individual’ meals served to appease ‘individual’ requirements. With mothers attempting to base a timetable on the ‘individual’ needs of multiple offspring, and a lack of structure or boundaries and experience in ‘communally exerted authority’.

#### **2.10.4 Capacity for oaths within South Australia**

In South Australia, the governance presiding over oaths is legislative, overseen by the Attorney-General’s Department (2011) is delineated in the *Oaths Act 1936* (SA). Oaths are required to be taken by the Governor, members of the Executive Council, all

Ministers, judicial officers, those making statutory declarations, commissioners for taking affidavits and police officers who take declarations and attest instruments (documents in writing) (Attorney-General's Department 2011, pp. 3-8). Legislative requirements regarding oaths within South Australia date back to the *Promissory Oaths Act 1869* (SA) that was subsequently repealed by the principal Act (Attorney-General's Department 2011, p. 10).

The findings and results herein from this primary research study confirmed that participant responses pushed out the existing boundaries of moral and ethical reasoning. The *Lewis Oath Theory* is justified as being that the social practice of a witnessed oath through the lived experience builds memory and asserts a propensity of inspiration and desire within an individual to hold themselves true to the words of the taken oath. If the findings and results herein from this research study were acknowledged and accepted by government 'where would the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis fit with current legislation?' Firstly, it could, be acknowledged in the legislative requirements within the South Australian, *Oaths Act 1936* (SA) (Attorney-General's Department 2011). Secondly, it could fit in with the legislation of other states and territories within Australia pertaining to oaths. This argument was, based on the reported qualitative findings and quantitative results of this research herein as discussed in the subsequent chapters.

## **2.11 Protection for those who come forward with truthful disclosures**

On discussing the literature around protection, it was necessary to review the historical literature of the experiences of those who have formally come forward with truthful disclosures. As previously discussed in this chapter, I was unable to confirm

accurately the level of corruption and unethical decision-making within the South Australian public sector prior to 2013. To use Perry's (2001, p. 52) terms, I believe that South Australia has perhaps enjoyed an 'overstated reputation for political cleanliness'. What little is known, was data compiled by Graycar and Smith (2011, p. 446) who identified disclosures in South Australia pertaining to the *South Australian Whistleblowers Protection Act 1993* (SA). Graycar and Smith (2011, p. 446) reported the following disclosures – '2006-07 101; 2007-208 86; 2008-09 82; 2009-10 NA'. Although, I can discuss circumstances, that through the media made it into the public domain. Some of the examples may not be specifically about South Australia. Although, the circumstances do have similar underlying attitudes about how people were poorly treated – mistreated.

Historically, those who are brave enough and demonstrate what Preston (2007, p. 88) explains as the 'character' to come forward with alleged 'illegal, dangerous and improper conduct' inevitably suffer for doing so. Sufficient enough, Brown and Smith (cited in Brown and Smith 2008, p. 125) confirm that 'reducing the incidence of bad treatment of whistleblowers by co-workers remains important'. One well-publicised example comes to mind. Dr Bolsin (cited in First Do No Harm 2007) an Anaesthetist at the centre of a Canberra hospital investigation. Dr Bolsin advised the ABC television program Four Corners that out of the three most significant health care cases within the last 10 years: Bristol, Bundaberg and Canberra hospitals that 'none of those clinicians that blew the whistle on those situations has ever been able to work in those organisations since the exposure occurred'. Similarities in treatment were, cited in Hoffman's (cited in At Deaths Door 2005) account of her genuine concerns for improper conduct discussed on the ABC television program Australian Story, when she

reported them to senior management at Bundaberg Hospital. Initially, management dismissed her concerns as being a ‘personality conflict’. Hoffman’s well-documented experiences are alike of others who have assumed the position of “whistleblower” (Tucker 1995, p. 475) in relation to her treatment when she came forward with alleged medical malpractice.

McIntyre (2005, p. 198) writes that the ‘closest we can get to truth is through dialogue that explores paradoxes’. So, ‘why is it that in a majority of cases senior managers dismisses what many rational beings would determine as genuine concerns?’ Secondary research provides indication that there is a litany of examples where those who have blown the whistle have suffered personally and professionally for telling the truth. Often they were left, feeling vexed by the situation in which they find themselves for being simply honest persons. Graycar and Smith (2011, p. 431) advise us that ‘the term whistleblower is widely credited to consumer advocate Nader (1972), who contrasted whistleblowing to organizational loyalty’. Nader (1972) (cited in Graycar and Smith 2011) ‘described the whistleblower as a person who believes “the public interest overrides the interest of the organization which he serves” and publically “blows the whistle” if the activity is corrupt, fraudulent or harmful’. There is no what Preston (2007, p. 49) explains ‘virtue’ in assuming the duty of informant. However, many government officials have praised “whistleblowers” for their courageous disclosures. Former president of the United States of America George W. Bush (cited in *The Whistle* 2006, p. 3) argued that ‘a true whistleblower is a public servant of the highest order’. Although, it is worth considering that “whistleblowers” have as reported by the publication *The Whistle* (2006, p. 3) ‘routinely faced firing, transfers, reprimands, loss of promotion and harassment, not to mention criminal sanctions in some instances’.

If government is going to endorse policy and code, and claim to support true governance and commitment to preventing what Grabosky and Larmour (2000, p. 1) explain as the ‘universal phenomenon’ that is corruption, then at the very least it is essential to enable the right environment. There needs to be a cultural ethos that permits employees to come forward confidentially without fear, harassment, intimidation or retribution. Sadly, these documented experiences were similar to the experiences that participants in this study, reported. Whether it was, directly inflicted upon them or indirectly in, witnessing it of others. “Whistleblowers” are, known to have been, exposed to a vast spectrum of negative connotations imposed on them. Many ‘have been labelled as psychologically disturbed, unbalanced, unstable and vindictive, and by their actions deserve or provoke reprisals’ (Calland & Dehn, 2004; Vandekerckhove, 2006) (cited in Graycar and Smith 2011, p. 433). The dire consequence that “whistleblowers” inevitably face, not of their own doing we must all find a way to extirpate or improve. It has been suggested by Brown (2008) (cited in Graycar and Smith 2011, p. 433) that ‘it may be desirable to minimize the use of the term whistleblower and use instead the term “public interest disclosure”, as much legislation already does, as a more neutral, less emotive term’. Graycar and Smith (2001, p. 433) argue that using:

the term “public interest disclosure” could also encourage the perception that a person reporting on corruption and misconduct in an organization is simply a witness, like other types of witnesses, acting in the public interest and not to be considered so different from other forms of disclosure, such as reporting illegal or sexual misconduct, terrorist activity, or malpractice by professionals.

Source; Graycar, A and Smith, R 2011, Handbook of Global Research and Practice in Corruption, Edward Elgar Publishing, Inc., United Kingdom, p. 433.

Brown (2008, p. 9) argues 'that there is now a substantial consensus in Australian public policy, that irrespective of the challenges it might involve, whistleblowing is a crucial resource in modern effort to pursue public integrity'. There must be justice to ethical solutions as Deland (2005, p. 1) stresses that 'as socialists, we continue to demand justice for all'. Deland's (2005) discussion in relation to asylum seekers that were, presented as terrorists by the Howard government were, not dissimilar to how "whistleblowers" are portrayed in social construct of realism. Deland's (2005, p. 1) 'veil of secrecy' must be lifted allowing the public to be fully informed of the facts, in which transparency is in its totality and restriction to the 'right to know must be fought'. Government in an attempt to endorse policy and code through its own admission claims to support McIntyre's (2004, pp. 39-40) 'systemic governance' with a commitment to preventing what Grabosky and Larmour (2000, p. 1) explain as the 'universal phenomenon' that is corruption. Historical research indicates that government has failed to support the very people who it relies on to have the courage to disclose alleged acts of misconduct and corruption, and enable them to do so without fear of retribution. The rhetoric concerning governance is clear in that situations must be transparently progressed to the appropriate independent organisation in genuine attempts to prevent alleged misconduct or corruption within the South Australian public sector. Furthermore if this, was not happening then 'why not?' Are there individual egos at play with their own agendas? What the motivations are behind this behaviour are unclear. This is a bold statement, although one with grounds for discussion given the research findings and results reported herein this thesis. In their own words Lemoine and Raspberry (1986, p. 94) best explain one example, which is identified as a tendency to delay sending bad or unwelcomed news in the hope that the

issue will be ‘resolved or eliminated before those above must be told or involved’. The meaning of the information is ‘distorted and filtered intentionally and unintentionally’. This is evident in an organisation where managers are fearful of having subordinates receive credit for ideas and accomplishments that could make the ‘manager look weak, unproductive, or uncreative’. In 2010, discourse with the Chief Industrial Officer (CIO) of the relevant Union further highlights the weakness of the *South Australian Whistleblowers Protection Act 1993* (SA) (Attorney-General’s Department 2009). When coming forth with information defined in the *Act*, that is alleged ‘illegal, dangerous or improper conduct’ (Attorney-General’s Department 2009, p. 1), this Union encourages its members to engage the relevant Union and not apply the *South Australian Whistleblowers Protection Act 1993* (SA). At the time, this was the only way one could prevent retribution and provide confidentiality to the informant.

A solution for this contemporary debate is for all state governments within Australia to support and implement an Independent Commission Against Corruption (ICAC) (2010). Specifically, South Australia and base it on the Australian Capital Territory (ACT) model to protect informants further. During research for the literature review in 2012, I found that unlike the Government Investigations Unit (GIU), the ACT ICAC assures that the *Protected Disclosures Act 2012* (ACT) (Australian Capital Territory Government 2012) further protects informants. This enables public employees to be, protected legally against workplace reprisals for those who make protected disclosures. This includes ‘anonymous reports’ (Independent Commission Against Corruption 2011, p. 41). Corruption by its nature Grabosky and Larmour (2000, p. 2) explain is also ‘corrosive to the legitimacy of government itself’. Langseth et al. (1999, p. 130) in involving Civil Society adds further to this debate regarding

initiatives arguing that a successful anticorruption initiative requires a visionary leader ‘who recognizes the high costs of a venal bureaucracy’. Ethics concerns values in decision-making processes and how discretionary powers are justifiably utilised inclusive of ‘probity’ (Uhr 2005, p. 194). The public service is intended to serve as Larmour and Wolanin (2001, p. 87) explain in the ‘public interest’. Moreover, the quality of the public service and its professionalism is dependent upon the public appreciation of the ‘integrity’ and impartiality of that service (Uhr 2005, pp. 191-192). As Herbel and Maletz (2000, p. 40) remind us there is nothing more calamitous to a democracy than a situation where trust is ‘compromised and undermined’ whereby the people lack confidence in those administrators that stand in a position of trust.

It was at this time important to note that towards the middle of this research study both the political and ethical landscape changed in South Australia. Along with it an acceptance that the state did in fact need an ICAC. In September 2013, the ICAC became a reality for South Australia (Williamson 2013, para. 1). Lead by a former Federal Court Judge, Justice Bruce Lander, keen interest will, be taken in relation to the important responsibility and power to investigate misconduct, corruption or maladministration in the South Australian public sector. Further in July 2016, there was strong support for the *South Australian Whistleblowers Protection Act 1993* (SA) to be ‘repealed and replaced by the *Public Interest Disclosure Bill* as recommended by Mr Lander’ (Holderhead 2016, para. 6). A view I strongly support given my literature review in 2012. In the 2015-2016 ICAC and OPI Annual Report (Independent Commissioner Against Corruption, 2015-2016, p. 37) the ‘general nature of referrals to public authority’ were:



- 57% - Inappropriate conduct, bullying and harassment, coercion, not complying with policy or procedure
- 20% - Inappropriate use of confidential information
- 7% - Conflict of interest
- 6% - Failure to exercise / inadequate exercise or inappropriate exercise of power
- 5% - Description associated with employment or appointment to public office
- 5% - Misuse of public money

Source; Independent Commissioner Against Corruption, 2017, ICAC and OPI 2015-2016 Annual Report, Department of the Premier and Cabinet, South Australia, p. 37, viewed 1 May 2017, <https://icac.sa.gov.au/content/annual-reports>

It is important to note that in the 2015-2016 ICAC and OPI Annual report that of the ‘total complaints and reports’ that ‘77% [were from] state government’ (2015-2016, p. 28). With the ‘general nature of matters investigated by the commissioner’ being:

- 72% - Abuse of power
- 11% - Theft / misappropriation / fraud / deception
- 7% - Improper use of information
- 7% - Bribery
- 3% - Assault

Source; Independent Commissioner Against Corruption, 2017, ICAC and OPI 2015-2016 Annual Report, Department of the Premier and Cabinet, South Australia, p. 31, viewed 1 May 2017, <https://icac.sa.gov.au/content/annual-reports>

As a result of these investigations carried out by Justice Lander, it is encouraging that ‘10 public offers were charged after ICAC investigation’, ‘3 public offers charged after joint ICAC and SAPOL investigation’ and ‘4 matters awaiting decision of DPP [Director of Public Prosecutions]’ (2015-2016, p. 33).

## **2.12 Conclusion**

The significance of the literature review was that it enabled me to construct from the historical literature and place vital information and research that has gone before us. This chapter answered the first research question. Its significance is captured through a time gone by, and an interest in laying open its formidable existence in a contemporary

place that allowed discussion. It allowed me to analyse the patterns of history with a parallel to that of the social construct of now. As with all literature, there are complexities with the social construct of realism. Despite literature confirming what is known of the public employee in that it has attracted the description of being described by Matheson (1998, p. 22) at best a “semi-profession” to that of their private sector counterparts. It is important to discuss that public sector employees are, faced with many complexities within their roles that may not necessarily be present within the private sector. Some of these complexities may even conflict with their own personal morality, such as, governance. The literature review played a vital role and held an important place in identifying the chasm in historical literature regarding this concern. This chapter has highlighted the historical research that enabled the chasm to appear out of the known, which lead to the unknown, and thus the identification and development of the research H<sub>1</sub>. Secondary literature reported that oaths had been, used since ancient Greek and Roman times. Although, not widely embraced perhaps because of the absence of research into their effectiveness in increasing the *attitude* regarding individual morality and ethical praxis. This chapter has embraced the researcher’s – my own grasp of the unknown for building capacity to further push out the existing boundaries of moral and ethical reasoning. On an individual level, we must make a genuine effort to become more ethically aware and thoughtful and base our choices on the ability to question our thoughts and feelings. Without denying the contemporary concerns of the public sector, we owe it to ourselves and to future generations to push out the existing boundaries and explore moral and ethical reasoning and foresight. Failure to do so and justification of our current position will deny the self-evident truth

of misconduct, unethical decision-making and corruption within the South Australian public sector and undermine the quest for the truth in the society's interest.

## Chapter 3: The Research Method and Approach

### 3.1 Introduction

This chapter will delineate how the chasm, out of the known historical literature lead to the unknown – the research hypothesis ( $H_1$ ) that was effectively researched, analysed and reported herein. My goal for this original research was to promote truthful discussion and realistic appreciation of the contemporary concerns and the ethical debate facing public employees in the moment of now. Researching, and analysing the thoughts and *attitude* of public sector employee participants regarding ethical praxis requires an understanding of not only established theory of the public sector and ethics, but also the construct of the social realism. For one to do that, one needs to have experience in both to include the social realism of culture and public sector ethos. This primary empirical research study draws upon the thoughts and feelings of participants to peel back the layers and expose the complexities faced by public sector employee in the moment of now. Ethics within the public sector is a sensitive subject so individual questions were, derived essentially to focus on the six (6) research questions and to explore contemporary issues. The research method and design comprised of established methods identified in historical literature. This chapter also discusses the risks associated with performing primary research of this kind. It explains the concept of mirroring a reflection of what takes place in the social ritual of oath taking ceremonies and the effects that a witnessed hypothetical oath invoked on participants.

### 3.2 The research theory of strategy

The theory of choice for this primary research study was a ‘Pragmatic Approach’ (Robson 2002, p. 43). A ‘Pragmatic Approach’ or ‘pragmatism’ as it is commonly known ‘is itself a philosophical position with a respectable, mainly American, history going back to the work of Peirce, William James and Dewey (Cherryholmes, 1992; Howe, 1988)’. For those who align themselves with this approach or those ‘pragmatists’ mentioned previously, truth is “what works”. Reichardt and Rallis (1994, p. 85) (cited in Robson 2002, p. 43) argue that this approach ‘is feasible because the fundamental values of current quantitative and qualitative researchers are actually highly compatible’. A ‘pragmatic approach’ includes the following benefits:

- the value-ladenness of enquiry;
- the theory-ladenness of facts;
- that reality is multiple, complex, constructed and stratified; and
- the under determination of theory by fact (i.e. that any particular set of data is explicable by more than a single theory).

Source: Robson, C 2002, *Real World Research*, 2<sup>nd</sup> edn, Blackwell Publishing, Australia, p. 43.

Robson (2002, p. 43) notes the arguments of Tashakkori and Teddlie (1998, 99 3-1) regarding the ‘qualitative/quantitative debate, while it might have been necessary in the 1980s and early 1990s, has now become increasingly unproductive (see also Datta, 1984)’. A criticism of this opinion is ‘that this is because it is now clear that there is a basic incompatibility between the two approaches’. Whilst an alternative is to follow the ‘lead of Bryman (1988a), who points out that in practice there is a greater rapprochement between workers in the two traditions than would appear to be the case from studying their philosophical underpinnings, and hence a greater compatibility of

approach in practice'. Robson (2002, p. 43) argues that 'this is probably true of those working in applied fields'. However, others including myself have adopted, a 'pragmatic approach'. This approach is also fundamental in addressing so-called 'wicked problems' (Mertens 2018, p. 7). There was a perception that the South Australian Public Service has many. Further, Mertens (2018, p. 7) argues that:

Mixed methods are particularly appropriate for addressing these wicked problems and other problems that are couched in complex texts because they allow evaluators to have a common language to discuss methodology with colleagues, to address the needs of diverse stakeholders who can be accommodated by using a variety of methods, and to provide information for policy makers about the nature of problems and solutions in a more nuanced way (Gomez, 2017)

Source; Mertens, DM 2018, Mixed Methods Design in Evaluation, Sage Publications, Inc., California, pp. 3-4.

Using 'multiple methods' for collecting research data Robson (2002, p. 371) argues that it permits 'triangulation' of which has been reported to be very 'valuable and widely used' (Robson 2002, p. 174) as it 'involves the use of multiple sources to enhance the rigour of the research' and 'used in a complimentary fashion to enhance interpretability' (Robson 2002, p. 371). Thus essentially reduce '*inappropriate certainty*' (Robson 2002, p. 370). As discussed in chapter 1, Hunter and Brewer (2015a, p. 621) (cited in Romm 2017, p. 2) argue for "mixed method" research. Research using "mixed method," 'include a *mix of quantitative and qualitative methods*'. Hunter and Brewer (2015a, p. 621) 'consider that what is generally called mixed methods research (MMR) involves use of "different types of data and modes of analysis"'. Explained in Robson (2002, p. 265) 'purposive' sampling was applied to research participants and therefore was 'built up which enables the researcher to satisfy her specific needs' of the research study. Research data, was usually collected by several visits into the field with subsequent analysis until the data spread has been

‘saturated’ (Robson 2002, p. 192) for the ‘Case Study’ component of the research study. Secondly, this research study employed the ‘Randomized Control Trial (RCT)’, that in many fields of research is considered the method of choice as it provides the ‘best evidence for effectiveness, for whether something “works”’ (Robson 2002, p. 116).

### 3.3 The design of enquiry

As discussed in chapter 1, the design of enquiry for this primary research study was, based on the works of West Churchman. West Churchman’s (1979a, 1982) (cited in McIntyre-Mills 2007, p. 3) “Design of Inquiring Systems”, which is ‘effective in engaging with others to achieve “best matches” and better decision making that is mindful of perceptions, values and emotions’. McIntyre (2008, p. 148) in *Systemic Ethics: Expanding The Boundaries of Rights and Responsibilities* argues that ‘systemic approaches’ inclusive of West Churchman’s work ‘strive to match areas of concern to policy and practice’ (McIntyre-Mills 2007, p. 3). This was, achieved with consideration of the following:

1. Subjective ideas that are brought into intersubjective processes;
2. Logical relationships across ideas;
3. Empirical data for the big (broad) and small (detailed) picture;
4. Idealism (not thinking about the consequences), because the moral law states that we need to treat people as ends in themselves and not a means to an end;
5. Dialectical relationships that explore one argument versus another antithetical argument and then co-create shared meaning based on dialogue within the context;
6. Pragmatic contextual considerations based on considering the consequences.

Source; McIntyre-Mills, J 2007, ‘Ethics, Boundaries and Sustainable Futures’, Plenary paper, Proceedings of the 13th Australian and New Zealand Systems Sciences Conference, Systemic Development: Local Solutions in a Global Environment, Auckland New Zealand, 978-07916888-9-5 and published in Sheffield, J 2009, *Systemic Development: local solutions in a Global Environment*, ISCE Publishing, p. 3, viewed 11 January 2011, [http://isce.edu/ISCE\\_Group\\_Site/web-content/ISCE\\_Events/Auckland\\_2007/Papers/Plenary/63\\_McIntyre-Mills.pdf](http://isce.edu/ISCE_Group_Site/web-content/ISCE_Events/Auckland_2007/Papers/Plenary/63_McIntyre-Mills.pdf)

This is relevant to this research study due to the construct of the social complexities within the public sector, and that public sector governance exists to manage diversity. McIntyre (2003, p. 489) writes that Churchman based his work on the basis that systems are ‘open’. Churchman ‘believed in the need for open systems and multiple viewpoints, in order to achieve better social inquiry outcomes’. McIntyre (2003) further explains that ‘participatory democracy is based on active, creative participation in policy making, not merely on voting’. This is achieved pragmatically by “sweeping in, unfolding, being mindful of values (religious, aesthetic, moral and political, the so-called enemies within” and their implications for the way we define and address problems’.

As discussed in chapter 1, this research falls within the paradigm of ‘constructivist’ and ‘postpositivist’ (Romm 2017, p. 25). A ‘constructivist’ approach:

involves using different research methods while recognising that both quantitatively-directed and qualitatively-directed processes issue in *constructions of realities* (which have the status of stories). MMMR, well practised, implies being cognisant of how researcher/research participant relations contribute to the data that becomes generated/constructed. At the same time it implies encouraging emic (“insider”) perspectives in the interpretation of data. MMMR [Multiple and Mixed Methods Research] works with the understanding that the stance taken towards data generation & interpretation is more important than the method used.

Source; Romm, NRA (ed.) 2017, ‘Practising Multiple and Mixed Methods Research Responsibility: Some Paradigmatic Considerations’, Chapter 9, *Responsible Research Practice: Revisiting Transformative Paradigm for Social Research*, Springer, New York, (in preparation), pp. 24-25.

A ‘postpositivist’ approach:

involves mixing quantitative and qualitative types of measurement and analysis with a view to theory development to get closer to the truth. Social scientists can use a range of methods in the service of knowledge seeking aimed at discerning patterns (by being prepared to falsify any claimed assertions). When they compare observations from different modes of observation and analyses (quantitative and qualitative) this can aid their knowledge seeking and lead them closer to the truth about that which is being observed and striven to



be understood. All statements made about reality must, however, remain tentative.

Source; Romm, NRA (ed.), 2017, 'Practising Multiple and Mixed Methods Research Responsibility: Some Paradigmatic Considerations', Chapter 9, *Responsible Research Practice: Revisiting Transformative Paradigm for Social Research*, Springer, New York, (in preparation), pp. 24-25.

Creswell and Plano Clark (2007) (cited in Mertens 2018, pp. 3-4) explain mixed methods in research:

is a research design with philosophical assumptions as well as methods of inquiry... Its central premise is that the use of quantitative and qualitative approaches, in combination, provides a better understanding of research problems than either approach alone.

Further, Johnson, Onwuegbuzie, and Turner (2007, p. 123) (cited in Mertens 2018, pp. 4) offer the following demarcation of mixed methods:

Mixed methods research is the type of research in which a researcher or team of researchers combines elements of qualitative and quantitative research approaches (e.g., use of qualitative and quantitative viewpoints, data collection, analysis, inference techniques) for the purposes of breadth and depth of understandings and corroboration.

Source; Mertens, DM 2018, *Mixed Methods Design in Evaluation*, Sage Publications, Inc., California, pp. 3-4.

The specific "mixed method" design of which was, chosen to evaluate the research interventions, was the 'Use Branch: Randomized Controlled Trial with Qualitative Methods'. The 'Use Branch', aligned with the theory of choice for this research being a 'pragmatic approach'. Mertens (2018, p. 41) argues that a 'pragmatic paradigmatic' position notes that:

the RCT can only indicate if a treatment is effective. It cannot account for the level of treatment effectiveness, nor can it provide insights as to whether the treatment was implemented as planned without having an additional component of qualitative data collection. For example, RCTs are designed to control for effects of participant dropouts by random assignment to conditions; they cannot explain the processes that lead to individuals to decide to drop out. Use branch evaluators argue that different methods are right for answering different questions; therefore, to answer questions mentioned in this paragraph, qualitative data are useful.

Source; Mertens, DM 2018, *Mixed Methods Design in Evaluation*, Sage Publications, Inc., California, p. 41.

As discussed in chapter 1, for researchers one of the main aims of doing primary research of this kind is to influence policy and policy development. To do this one needs to incorporate ‘Critical Systems Heuristics (CSH)’, which considers ‘the practice of boundary critique’. If we incorporate a, ‘systems’ approach then we must be open to ‘handling systems boundaries critically’ (Reynolds & Ulrich 2010, p. 243). Ulrich (1983) developed ‘CSH’ to:

support reflective practice. In its most simple formulation, CSH uses a set of 12 questions to make explicit the everyday judgements on which we rely (consciously or not) to understand situations and to design systems for improving them. The boundary questions try to make sense of a situation by making explicit the *boundaries* that circumscribe our understanding. Such boundaries inform all our thinking about situations and systems; they constitute what in CSH we call our “reference systems”. Broadly speaking, the boundary questions may be understood to cultivate a more holistic awareness of situations.

Source; Reynolds, M and Ulrich, W 2010, ‘Critical Systems Heuristics’, in S Holwell & M Reynolds (eds.), *Systems Approaches to Managing Change: A Practical Guide*, Springer, London, pp. 243-245, viewed 9 May 2017, <https://link.springer.com/book/10.1007/978-1-84882-809-4/page/1>

Table 3.1 explains the concept of Critical Systems Heuristics (CSH). ‘CSH’ is a framework for reflective professional practice organised around the central tool of boundary critique’ (Reynolds & Ulrich 2010, p. 243).

Table 3.1 The boundary categories and questions of Critical Systems Heuristics (CSH)

<b>Sources of Influence</b>	<b>Boundary judgements informing a system of interest (S)</b>			
	<i>Social roles (Stakeholders)</i>	<i>Specific concerns (Stakes)</i>	<i>Key problems (Stakeholding issues)</i>	
<b>Sources of motivation</b>	1. <i>Beneficiary</i> Who ought to be/is the intended beneficiary of the system (S)?	2. <i>Purpose</i> What ought to be/is the purpose of S?	3. <i>Measure of improvement</i> What ought to be/is S's measure of success	<b>The involved</b>
<b>Sources of control</b>	4. <i>Decision maker</i> Who ought to be/is in control of the conditions of success of S?	5. <i>Resources</i> What conditions of success ought to be/are under the control of S?	6. <i>Decision environment</i> What conditions of success ought to be/are outside the control of the decision maker?	
<b>Sources of knowledge</b>	7. <i>Expert</i> Who ought to be/is providing relevant knowledge and skills for S?	8. <i>Expertise</i> What ought to be/are relevant new knowledge and skills for S?	9. <i>Guarantor</i> What ought to be/are regarded as assurances of successful implementation?	
<b>Sources of legitimacy</b>	10. <i>Witness</i> Who ought to be/is representing the interests of those negatively affected by but not involved with S?	11. <i>Emancipation</i> What ought to be/are the opportunities for the interests of those negatively affected to have expression and freedom from the worldview of S?	12. <i>World view</i> What space ought to be/is available for reconciling differing worldviews regarding S among those involved and affected?	<b>The affected</b>

Source; Reynolds, M and Ulrich, W 2010, 'Critical Systems Heuristics', in S Holwell & M Reynolds (eds.), *Systems Approaches to Managing Change: A Practical Guide*, Springer, London, p. 244, viewed 9 May 2017, <https://link.springer.com/book/10.1007/978-1-84882-809-4/page/1>

As discussed in chapter 1, often with policy streamlining policy or policy development, the challenge is ‘what approaches need to be applied to the success of policy analysis?’ This research study has incorporated Bacchi’s (2009, p. 1.), ‘approach [which] offers a different way to think about policy’ by asking, “what’s the problem represented to be? (WPR)”. This approach offers a change in the way we think about policy. To incorporate the concept of ‘WPR’ we need to ask the following questions.

1. What’s the “problem” (e.g. of “problem gamblers”, “drug use/abuse”, domestic violence, global warming, health inequalities, terrorism, etc.) represented to be in a specific policy?
2. What presuppositions or assumptions underlie this representation of the ‘problem’?
3. How has this representation of the “problem” come about?
4. What is left unproblematic in this problem representation? Where are the silences? Can the “problem” be thought about differently?
5. What effects are produced by this representation of the “problem”?
6. How/where has this representation of the “problem” been produced, disseminated and defended?  
How could it be questioned, disrupted and replaced?

Source; Bacchi, CL 2009, *Analysing Policy: What’s the problem represented to be?* Pearson Australia, New South Wales, p. xii.

### Thinking in this manner:

differently challenges the all-too-common tendency to describe policy makers as “problem solvers”, as if “problems” sit outside the policy process, waiting to be addressed and “fixed”. By contrast WPR approach recommends “working backwards” from concrete proposals to reveal what is represented to be the “problem” within those proposals.

Source; Bacchi, CL 2009, *Analysing Policy: What’s the problem represented to be?* Pearson Australia, New South Wales, p. 3.

Whilst I did recognise that Flinders University of South Australia is situated on Kaurna land and that the Kaurna people are the custodians of the Adelaide region, out of respect for their deep attachment to the land and their cultural and heritage beliefs, this research does not fall within the paradigm of ‘Indigenous’ (Romm 2017, pp. 24-25). As

discussed in chapter 1, McIntyre-Mills (2014, p. 91) argues that '[t]he case for social change is made through exploring interdisciplinary frameworks to address greed, the commodification of the powerless and the environment'. It is 'informed by debates on ethics, human reasoning capability, emotions and environmental politics and the practical implications for social democracy (Judt 2010)'. In *Systemic Ethics and Non-Anthropocentric Stewardship* (McIntyre-Mills, 2014) stresses, that collaborative praxis strives to:

1. Enable 'evolutionary development', rather than 'development for growth'. It addresses the difference between (a) development for growth which is unsustainable, because it 'forgets' the 'externalities of poverty' and pollution and (b) evolution that is based on responding to the environment, adapting (Giddens 2009) and evolving designs that are socially, economically and environmentally sustainable.
2. Caretaking for this generation and the next as well as testing out ideas with those who are to be affected by the decision-making process. This is based on the principle of subsidiarity and the Ashby's rule/principle (1956) drawn from socio-cybernetics.
3. Reflects on the relevance of participation for science, democracy and governance.
4. Explores the idea that participation in and of itself enables/enhances connections and a sense of wellbeing. It is the subject of ongoing testing in a range of research contexts, because we believe it will make a difference to complex environmental challenges.
5. Makes a plea for exercising greater mindfulness (based on larger assemblies of ideas) and the better match of development responses to context. Climate change and poverty are examples of 'wicked' problems, to use Rittel and Webber's (1984) concept, in that we have to address many diverse variables that are interrelated and that have a strong value and emotional dimension. People are prepared to make an effort to become engaged in respectful discussions (Habermas 1984) pertaining to essential concerns, in order to test out ideas together, in order to reach robust conclusions. Achieving quality of life through health, housing, education and employment within liveable cities are dimensions of a complex, interrelated social justice and wellbeing challenge posed by climate change (Stern 2007; Flannery 2005). These are the sine qua non of wellbeing.

Source; McIntyre-Mills, J (2014), 'Extending Our Horizons: Implications for Transdisciplinary, Democracy, Governance and Ethics', in J McIntyre-Mills (ed), *Systemic Ethics and Non-Anthropocentric Stewardship*, Springer, New York, pp. 91-92.

### 3.4 The epistemological context

Participants 'Constructionism' (Crotty 1998, p. 42) was, operationalised through the analysis of thought and *attitude* by the epistemological context 'Introspection' (Collins 2004, p. 185). Firstly, through our desire as Crotty (1998, p. 132) explains to 'make realities our own' a constructionist approach brings together both objectivity, and subjectivity. Crotty (1998, p.42) goes on to explain that 'constructionism' holds the belief that:

all knowledge, and therefore all meaningful reality as such, is contingent upon human practices, being constructed in and out of interaction between human beings and their world, and developed and transmitted within an essentially social context.

Source; Crotty, M 1998, *The Foundations of Social Research Meanings and Perspective in the Research Process*, Allen & Unwin Pty. Ltd., Australia, p. 42.

Human beings are constantly interpreting meanings that are, constructed as they experience and engage with the world in which they live. Because of the very relationship between the human experience and its object, Crotty (1998, p. 45) argues that 'no object can be adequately described in isolation from the conscious being experiencing it, nor can any experience be adequately described in isolation from its object'. Applying Crotty's (1998, p. 42) 'Constructionism' to this research allowed for the partnership in the generation of meaning as human beings construct the world and its objects. Public sector employees were required to construct meaning from their experience within the public sector and its relation to ethical praxis and their perceived *attitude*. Crotty (1998, p. 54) further justifies 'Constructionism' arguing that it 'embraces the whole gamut of meaningful reality'.

Secondly, Collins's (2004, p. 185) 'Introspection' is the method for researching thought. These thoughts could be that of 'the researcher's own' or the recalled thoughts

of participants of which may be, discussed spontaneously. Sociologists have, long been intrigued by thought and the patterns, which may exist when considering empirical observations, inclusive of theoretical questions. Collins (2004) suggests that:

there are several types of thought, and that these arise in particular situation of external IR chains and follow particular patterns of internal flow, it appears that – as a crude initial generalization – there is no reason to rule out any particular kind of introspective data as invalid.

Source; Collins, R 2004, *Interaction Ritual Chains*, Princeton University Press, United States of America, p. 186.

### **3.5 Access to the South Australian public sector employee participant**

#### **3.5.1 Partnership research**

Initially, I approached the Commissioner of Public Employment (CPE), Mr Warren McCann regarding the intention of this research study. Subsequently, a conversation took place between the Office for Ethical Standards and Professional Integrity (OESPI), Ms Jan Ellis, Director, Office for Ethical Standards and Professional Integrity (OESPI) and I. A meeting was set up with Ms Ellis on the 16<sup>th</sup> February 2011, to establish a relationship with government, and to discuss a broad overview of the research study to determine the level of support that was available. I was not requiring specific endorsement from the CPE, as that would have required me to provide all the documents regarding the research study to the CPE, which was determined to be detrimental to the research outcomes, specifically regarding anonymity of participants and ownership of the research data. It was disappointing that because of Mr McCann's views regarding endorsement that no support was, given for assistance in advertising this research from the CPE or the OESPI. Following a discussion with Dr Craig Matheson, Primary Supervisor, it was then determined that individual Chief Executive

Officers (CEOs) of the individual government departments be engaged directly. Subsequently, dialogue took place and sponsorship from the individual government CEOs was, formed due to the origin of this research study. Support for what Robson (2002, p. 177) explains as ‘Case Study’ research was sought from individual CEOs, who are identified as what David Hall and Irene Hall (1996, p. 17) describes as the ‘gatekeeper’ to government employees. Firstly, preapproved posters under the Flinders University of South Australia crest were strategically placed in each government department (who confirmed participation or were not excluded from the research by the SBREC) delineating the research criteria for Part 1, ‘Case Study (CS)’ (Robson 2002, p. 177) (appendix 1). Secondly, preapproved detailed emails for this ethical research of enquiry were distributed to public employees under the Flinders University of South Australia crest, delineating the research criteria for Part 2, ‘Post-test-only Randomized Controlled Trial (RCT)’ (Robson 2002, p. 124) (appendix 9).

Further, a partnership was, formed with Mr Peter Christopher, Chief Industrial Officer, Public Service Association (PSA). Mr Christopher granted permission for preapproved material advertising the research study to be, placed at the reception desk of the PSA for union members to access. This enabled union members visiting the PSA the opportunity to participate in Part 1 ‘Case Study (CS)’ (appendix 2). Mr Christopher also permitted preapproved detailed emails for this ethical research of enquiry to be distributed to PSA members under the Flinders University of South Australia crest, delineating the research criteria for Part 2 – ‘Post-test-only Randomized Controlled Trial (RCT)’ (appendix 10).

The partnerships, which were, formed between the individual CEOs, the PSA and I, enabled participative research with the opportunity for the partnership



organisations, essentially government and the relevant union to engage with me so that they could discuss and collaborate on any information that may be, gathered as part of the research study. Subsequently, this may make a contribution to the public sector's 'own information gathering or evaluation of services' (Hall and Hall 1996, p. 18) or policy, and culture and may assist the PSA in identifying issues of concern for union members.

### **3.6 The role of the researcher**

#### **3.6.1 Real world enquiry**

There were many cases in social science research literature that defines the role of the researcher in their enquiry of the real world. Importantly the knowledge of the area of enquiry and the context of the culture and ethos of the relevant organisation needs to be completely understood. Robson (2002, p. 540) tells us that we 'need to be able to show the link between "internal" issues and the research questions'. It is important to disclose, that as the sole researcher performing this study, I have been a South Australian public sector employee since February 2002, upon graduating from my undergraduate bachelor degree in 2001. I have been a permanent employee since May 2003, gaining valuable realistic experience in the workings and in particular the culture and ethos of the public sector. It is out of my own 'Constructionism' (Crotty 1998, p. 42) that conceptualisations have been imagined and formed around this ethical enquiry. Essentially, this research study came about because of nine (9) years' experience in the South Australian public sector.

A research study and enquiry of this kind also requires good communication skills (Robson 2002, p. 540). Communication of the research design and objectives to

participants is paramount, and equally important is the communication with University supervisors, mentors and organisational stakeholders. Moreover, in researching a subject, such as, ethics sensitivity must be ensured particularly when in discourse with participants. Persuasion is also required as Robson (2002, p. 540) explains to “sell” the research study in good faith and in connecting the outcomes from the research to the various stakeholder groups, namely the South Australian government and the PSA. General abilities, such as, exercising initiative, responsibility, being able to work with others, and flexibility are also required of the researcher in addition to the technical and academic skills of planning and executing a primary research study of this kind (Hall and Hall 1996, p. 20). As with all things in the human life, circumstances do not always go to plan and that includes research plans. With that in mind there also needs to be an ability on the part of the researcher to disengage his or her emotions so that one can remind oneself of the overall facts and the goals of the research. An ability to remain flexible at all times is an important attribute in conducting primary research, as one cannot always predict what will happen next when researching human subjects.

### **3.6.2 Ethical considerations**

Ethical considerations within the construct of research are vital not only for the individual researcher, but also in complying with research governance. This research study employed Aristotle’s *‘Virtue Theory’* in viewing *‘eudaimonia’* as the ‘common starting-point that the greatest good we can get is a successful life’ (Lawrence 2006 p. 50). This application could also prevent a ‘conflict of interest’ (Preston 2007, p. 156). Ethical consideration was not limited to the requirement as a researcher, but also the consideration that I was also a current public sector employee. McCollough (1991, pp.

44-45) stresses that ‘if public officials saw themselves as a person-in-community rather than an individual-in-society, representing the general moral standards of society and individual conscience that it restrained the individual in his pursuit of self-interest’. This means that I was, held to a higher standard of moral and ethical praxis and that there were consequences for not meeting those standards. Although I applied the practicality of wisdom, I also needed to be mindful of the boundaries regulating research on human beings.

I opposed the implementation of Kant’s ethical approach to moral philosophy for this research study as it relies too heavily on ‘a moral principle which is binding on all rational beings’ and fails to acknowledge consequence (Preston 2007, p. 41). As Preston (2007) explains, Kant refers to this as ‘the *Categorical Imperative*’ because ‘it commands absolutely, regardless of desires or circumstances’. As Preston (2007) explains, that Kant’s moral philosophy ‘stressed the autonomy of each individual by locating the authority for moral decision within the person, not in some external authority like God or even the law’. The Kantian theory is enshrined in his principle about ‘consistent’ respect for persons and ‘rationality’ (Rachels & Rachels 2007, p 17). The counter argument was based on, the fact that Kantian theory relies too heavily on human ‘rationality’. Further, Preston (2007, p. 42) explains that it ‘cannot resolve conflicts between absolute rules’ that may in fact cause a ‘conflict of interest’. Although, there is support regarding the Kantian theory as argued by Rachels and Rachels (2007, p. 17) who explain that ‘Kantian theory is enshrined in his principle about consistent respect for persons and rationality’. Aristotle’s philosophy of the ‘capacity for self-maintenance’, and self-realization as Nussbaum (1978, p. 60) explains is to maintain functional states through self-nutrition and to reproduce but always

*'proceeding towards the same thing'* the end-state grasped by intuition, but not subject to the rational argument (Nussbaum 1978, pp. 166-167). Aristotle's object of ethical appetite is conceptualised by "the apparent good" and that appetite is therefore something interpretative and selective, a kind of intentional awareness' (Nussbaum (1993, p. 252). Aristotle in his own wisdom did not support nihilism in reference to, 'what makes us good citizens?' This lies in Aristotle's dialogue "obedience to the laws" (Schofield 2006, p. 306). Aristotle also emphasises thought brought about through what Reeve (2006, p. 205) argues 'experience gained from reflective living', leading us to raise questions, truthful dialogue and practical wisdom. Combined with what Lawrence (2006, p. 68) claims 'proper education to equip us to engage in such activities', that is within each of us.

The ethical paradigm 'Idealism, a *priori*', as defined by McIntyre-Mills (2007, pp. 3-4) is reflected in contemporary legislation conceptualised as the guidelines and requirements of the Flinders University of South Australia, Social and Behavioural Research Ethics Committee (SBREC), will be complied with in totality. On the 30 January 2012, this primary research study was finally approved, and granted the SBREC – Project Number 5420. Data was stored and retained in accordance with the 'Australian Code for the Responsible Conduct of Research 2007' (Australian Government 2011), and the Flinders University of South Australia policy. On completion of the research study, written data was stored in a de-identified form, and securely stored at the Flinders University of South Australia, Southern Adelaide Health Service for a minimum of seven (7) years – the requirement for research on South Australian government departments. All research data were stored in a de-identified form at my place of residence and secured in a fireproof locked case.

### 3.7 The research methods for data collection

This study applied a research method identified in the literature as a '*Combined Strategy Design*' (Robson 2002, p. 121). The design for this research study is made up of multiple research methods as explained by Robson (2002, p. 371) in a 'complimentary fashion to enhance interpretability'. This primary research study employed both qualitative and quantitative research, which will be, discussed later in this chapter. Using multiple research methods for collecting data allows for a 'reduction of *inappropriate certainty*' (Robson 2002, p. 370). Robson (2002) argues that 'using a single method and finding a pretty clear-cut result may delude investigators into believing that they have found the "right" answer'.

I undertook a 'Case Study (CS)' of the South Australian Public Sector. I have tried to represent the views of participants as accurately as possible. Firstly, this research study employed a prior 'set of individual case studies' (Robson 2002, p. 181) and then performed a 'Randomized Control Trial (RCT)' (Robson 2002, p. 116). For, the purpose of providing additional qualitative typologies and exploration, the prior pilot 'Case Study (CS)' (Robson 2002, p. 177) was, employed to permit 'triangulation' (Robson 2002, p. 371) and minimise '*inappropriate certainty*' through the removal of 'specious certainty'. 'Triangulation' has been reported to be very 'valuable and widely used' (Robson 2002, p. 174) as it 'involves the use of multiple sources to enhance the rigour of the research'. The sampling frame was, based on 'purposive' sampling (Robson 2002, p. 265). However, this method is not without its critics. Opponents of Robson's (2002, p. 163) 'flexible' designs 'criticize the absence of their "standard" means of assuring reliability and validity, such as [sic] checking inter-observer

agreement, the use of quantitative measurement, explicit controls for threats to validity, and direct replication' (Robson 2002, p. 168).

Everyone in the target population was, given the same opportunity to participate in this research. Volunteers were indirectly recruited through that of a preapproved poster detailing the research study and the contact details of the researcher – me. The criteria for this approach required participants to be, persons 18 years and over and in permanent positions within the South Australian public sector. My extensive experience in the construct of the social realism of the public sector through employment was, drawn upon. This is supported by Blumer's (cited in Robson 2002, p. 188) argument that ethnography be used 'to "lift the veils" and to "dig deeper", illustrating his realist assumptions'. The sample size for the 'Case Study' was, based on the understanding of 'saturation' (Robson 2002, p. 199). This was determined when I made the decision that nothing further could be, learned because of 'further data collection'. Essentially no further conjectures or new themes were discovered, warranting the 'call for further data collection'.

Even though I had a very small sample size I developed descriptive statistics with a view to giving the reader a better understanding of an under researched area in the public sector. The findings and results demonstrate the potential of "mixed method" research involving a 'constructivist' approach and 'postpositivism', West Churchman's "Design of Inquiring Systems" and Critical Systems Heuristics (CSH) and an 'Interdisciplinary' framework. Secondly, this research study employed the 'RCT', that in many fields of research is considered the method of choice as it provides the 'best evidence for effectiveness, for whether something "works"' (Robson 2002, p. 116). Suitable for an age of accountability, the 'RCT' was the method of choice due to the

quantitative research required for this study. Considered the pinnacle of quality research, a well run 'RCT' generates significant, 'highly trustworthy data'. Another factor that needed consideration for this study was the sensitivity of the research subject – namely ethics. This requires Robson (2002, p. 98) states the researcher to 'remain at a greater physical and emotional distance from the study' so that participants can freely and truthfully respond to the instrument questionnaire. Based on the realistic appreciation that I had as a current employee of the South Australian public sector, it was preferable that I 'assume a "detached" researcher to guard against the researcher having an effect of the findings of the research' to avoid the '*experimenter effect*'. Rosnow and Rosenthal (1997) (cited in Robson 2002, p. 98) explain that the 'beliefs, values and expectations of the researcher can influence the research process at virtually all of its stages' so it was important that I made a significant effort 'to counter them'. The sampling frame was, based on 'purposive' sampling (Robson 2002, p. 265). However, this method is not without its critics. Ann Oakley (2000) (cited in Robson 2002, p. 117) tells us that 'RCTs' tend to yield equivocal results'. Qualitative research arose out of the inability of quantitative approaches to achieve the very real understanding of social phenomena. Pawson and Tilley (1997) (cited in Robson 2002, p. 119) further debate one other critical aspect of this method, which is, centred on causal problems, such as, the 'allocation of participants to experimental or control groups by the experimenter removes that choice from the participants'. To counteract causal problems this research study was, performed based on voluntary participation.

Everyone in the target population had the equal opportunity to participate in the quantitative research. Volunteers were indirectly recruited through that of a preapproved email detailing the research study and the contact details of the researcher

– me. This email was, distributed through the SA Government email system by the individual CEOs of the participating government departments. I personally confirmed with participants the criteria for this approach of which required participants to be persons 18 years and over and in permanent positions within the South Australian public sector. Further, that they had not previously taken an oath listed under the *Oaths Act 1936* (SA) (Attorney-General’s Department 2011, pp. 6-7) or others, such as, the *Evidence Act 1929* (SA) (Attorney- General’s Department 2013, p. 11). It was also confirmed prior to random selection that they hadn’t experienced any other witnessed or any other form of oath taking ceremony, such as, Scouts who in Australia take a voluntary ‘Scout Promise’ (Scouts Australia 2013, para. 1 & 2). This was done to ensure that participants had no prior experience of any legal and non-legal oath taking ceremonies and the like and therefore no predetermined thoughts and attitudes about oath ceremonies per se. The marital status of participants was not a concern for this research study because a witnessed declaration of love and commitment experienced in a marriage ceremony is to one person only, and not to a collective society, such as, in the case of a hypothetical oath. This was, done to permit statistical analysis and draw comparisons between the control and experimental groups (Table 3.1).

Table 3.2 describes the response of participants in the ‘Randomized Control Trial’ Participant Group regarding the following question. Have you ever taken or been under oath listed in the *Oaths Act 1936* (SA)? All 22 participants (100%) answered No to the preceding question. The cases, which caused the ‘missing values’ (Field 2009, pp. 77-78) weren’t ‘*remove[d]*’ as they were a result of participants that had been ‘*randomly assigned*’ (Robson 2002, 116) to either the control or experimental groups, but for reasons unknown to me, they didn’t arrive on the day of the ‘RCT’.



Table 3.2 Previous Oath Experience and the Randomized Control Trial (RCT) Participant Group

<b>Taken an Oath</b>			
	Frequency	Percent	Valid Percent
No	22	78.6	100
Missing 999	6	21.4	
Total	28	100	

Everyone in the target population was, given equal opportunity to participate in this research. Volunteers were indirectly recruited then ‘*randomly assigned*’ (Robson 2002, p. 116) to either the control group or the experimental group who received the intervention the hypothetical oath. The assumption is that enthusiasm for this research study will be similar in each of the two groups (Robson 2002, p. 119). Robson (2002) points out that ‘the act of volunteering merely marks a moment in a whole evolving pattern of choice’. Identified by Robson (2002, p. 123) as the ‘simplest true experimental design’ the ‘RCT’ rules out any possible threats to internal validity. Any ‘*selection*’ threats can also be, ruled out due to random allocation. It is also important to note that the two groups were, kept physically separate from each other. ‘*Maturation*’ caused by issues, such as, aging and fatigue were, also counteracted initially as both groups were, tested at the same time at the conclusion of random allocation. However, it could not, be ruled out for the deliberate re-testing of both the control and intervention groups at six (6) months after the initial testing. Further additional testing was, incorporated to draw on the *attitude* conceptualised by participants in both groups and to test out whether or not the experience of a witnessed ritual verbalising the hypothetical oath had diminished over time for the experimental group. Furthermore,

too provide additional research data. Similarly, '*instrumentation*' was, eliminated as both the control and the intervention groups were tested and observed using the same instrument or questionnaire. '*History*' was unable to be, eliminated as the control and intervention groups were, re-tested at six (6) months after the initial test using the same test questionnaire. Although, it is important to note that all of the participants, that took part in July 2013, also took part in January 2014.

### 3.8 The research questions

The design of the research questions to focus on participants' *attitude* regarding ethical praxis came about through the application of social 'Constructionism'. It was, employed to enable participants to interpret meanings that were, constructed as they experience, and engage with the world in which they live both subjectively and objectively. It also sets out to research the capacity to expand on knowledge and awareness. To the best of my research and knowledge, never before in the world had a hypothetical oath been, specifically designed, developed and researched to indicate its impact on thought and *attitude* and the perceived outlook on individual personal morality. The six (6) research questions not only framed the research study, but also acknowledged the importance of the social construct between individual and organisational conceptualisations to achieve a shared understanding of ethical praxis.

- What is public sector ethics?
- How do we improve public sector ethics?
- Does the ritual of the *Lewisēthikós Oath 2010*©Natalie Lewis invoke emotional and bonding experiences?
- Does the ritual of the *Lewisēthikós Oath 2010*©Natalie Lewis change *attitude*, and the perceived outlook on individual morality?

- Can the culture and ethos within the public sector prevent problems of an ethical nature?
- What are the current impediments to ethical practice within the South Australian public sector?

### **3.9 The research intervention**

The hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7) was conceptualised through foresight and the sole idea of the researcher – me. It was conceptualised and developed to fill the chasm of the unknown. Whereby relevant legislation, policy and code – a system or collection of rules and regulations, cannot assure the appropriate action, reaction or ethical conduct to specific circumstances public employees face in the line of public duty. Foresight was, constructed to enhance the chasm of the unknown developed out of ‘what the law cannot guarantee’ (Uhr 2005, p. 192). On an individual level, we must make a genuine effort to become more ethically aware and thoughtful and base our choices on our ability to question our thoughts and feelings. The hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7) forms a dialectical relationship between human beings, their intrinsic virtue and a contemporary social construct to bring about ethical praxis.

How the dynamics of the witnessed ritual affected participants is best explained by Collins’s (2004, p. 47) theory on ‘Interaction Ritual (IR)’. Collins (2004) explains:

1. Two or more people are physically assembled in the same place, so that they affect each other by their bodily presence, whether it is in the foreground of their conscious attention or not.
2. There are boundaries to outsiders so that participants have a sense of who is taking part and who is excluded.
3. People focus their attention upon a common object or activity, and by communicating this focus to each other become mutually aware of each other's focus of attention.
4. They share a common mood or emotional experience.

Source; Collins, R 2004, *Interaction Ritual Chains*, Princeton University Press, United States of America, p. 47.

The research H<sub>1</sub> argues that the social practice of the witnessed oath through the lived experience builds memory and asserts a propensity of inspiration and desire within an individual to hold themselves true to the words of the taken oath. Subsequently, giving cause to thoughtful actions by public sector employees particularly, but not exclusively when ethically challenged. Personally speaking as a Justice of the Peace for South Australia, the oath, which I took at the Magistrates Court Civil and Criminal, South Australia, certainly acts as a mental prompt when ethically challenged within this role. It is a constant reminder that I am under oath (in both my public and private life), and that I am obligated to reject unethical conduct and behaviour and that there are consequences for such conduct to include this honorary position being publicly stripped from me.

The name of the hypothetical ethical oath reflects my paternal surname – *Lewis* in recognition of my Australian heritage. The Greek word *ēthikós* interpreted in English means ethics. I decided to include the Greek translation in acknowledgement of my maternal heritage, and in the recognition of the contribution that ancient Greek philosophers played in the birth of western ethics. In developing the ideals<sup>43</sup> and the subsequent dialogue of the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis

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<sup>43</sup> Ideals – the ultimate aim or endeavour, especially one of high character.

(appendix 7) it was important to me that upon reflection that the oath incorporated the ethos of a contemporary society with a respect for established literature and oaths. Ethos<sup>44</sup> is an important aspect of the endogenous factor – culture and the environment in which one belongs as a society. The ethos or the underlying sentiment and attitude of individuals and society were extremely important when determining the ideals of an ethical oath. Careful thought went into developing each ideal within the hypothetical oath to ensure that upon reflection the ethos and character of nobility to the highest echelon<sup>45</sup> was contained within its dialogue.

Each participant in the experimental group was given a personally signed ribbon bound (in Flinders University colors) copy of which had the print (in black ink) of my right (R) thumb to validate it, an authorised copy of the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7). It details the carefully constructed ideals developed to incorporate the ethos of a contemporary society.

### **3.10 The research questionnaire**

#### **3.10.1 Flexible design - case study**

The research questionnaire required a research design that allowed for flexibility. A ‘Case Study Plan’ (Robson 2002, p. 184) detailed the procedure for data gathering to include the general rules that were to be followed (Robson 2002, p. 183). The type of ‘Case Study’ that was employed for this study was a ‘set of individual case studies’. This gave me a detailed account of ‘a small number of individuals with some features in common’ (Robson 2002, p. 181). The focus of the pilot qualitative

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<sup>44</sup> Ethos – the fundamental character or spirit of a culture, the underlying sentiment that informs the beliefs, customs and practices of a group.

<sup>45</sup> Echelon – a level of achievement, worthiness or reputation.

questionnaire was ‘to find out what people know, what they do, and what they think or feel’ (Robson 2002, p. 272). This enabled me to design research questions that lead ‘respectively to questions concerned with *facts*, with *behaviour*, and with *beliefs* or *attitudes*’. A ‘*semi-structured interview*’ (Robson 2002, p. 270) was, applied which comprised of:

predetermined questions, but the order can be modified based upon the interviewer’s perception of what seems most appropriate. Questions wording can be changed and explanations given; particular questions which seem inappropriate with a particular interviewee can be omitted, or additional ones included.

Source; Robson, C 2002, *Real World Research*, 2<sup>nd</sup> edn, Blackwell Publishing, Australia, p. 270.

Interviews were audio-recorded requiring prior consent from adult participants. I clearly and slowly read out the interview questions systematically as detailed in the Case Study Research Questionnaire (appendix 8). Due to the sensitive nature of the subject of ethics within the public sector, an alternative method was, employed being a ‘telephone interview’ (Robson 2002, p. 282). Thus, participants were, given a choice. The ‘interpretive’ (Robson 2002, p. 24) approach of participants’ social ‘constructionism’ was, operationalised through the analysis of ‘introspection’ – *thought*. Norman Bradburn and Seymour Sudman (1979) (cited in Robson 2002, p. 282) argue that ‘rapport may be more difficult to achieve, but this is compensated for by evidence of smaller interviewer effects and a lower tendency towards socially desirable responses’. Qualitative data review as Punch (2005, p. 89) argues provides a more holistic viewpoint stressing the social construction of reality and its ‘constant negotiated and renegotiated meanings’. In linking the valuable fields of reality, supporters of a literature of review argue that ‘a good literature review is extremely valuable as it ties the field together and shows the state of knowledge in the area, to include its trends and

gaps' (Punch 2006, p. 49). This enabled me to form generalisability regarding the findings that enabled me to place thus, 'putting forward concepts or propositions for testing in further research' (Punch 2005, p. 146). Anyone who met the research criteria and indicated that they wanted to contribute to the research study, were consented and interviewed. A total, of twenty (20) research interviews were, conducted.

### **3.10.2 Fixed design – randomized control trial**

The research questionnaire required a research design that allowed for comparisons of the 'post-test[s]' to be, drawn between two groups, namely the control and experimental groups. A further deliberate comparison through re-testing both the intervention and control groups was completed six (6) months after the initial 'post-test[s]' to draw on the *attitude* conceptualised by public employees in both groups, and to test the H<sub>1</sub> and whether or not the hypothetical oath diminished over time for the experimental group. Furthermore, too provide additional research data. 'Post-test[s]' were, numbered individually for identification purposes and to, provide an '*audit trail*' (Robson 2002, pp. 175-176). The research questions were, designed to achieve the goal and objectives of the study and to answer the six (6) research questions for analytical purposes. Questions were not individually numbered (e.g. 1, 2, 3, etc.), but mixed with both positive high ethical statements and negative low ethical statements. This was, incorporated to apply rigour to the research so that participants did not pre-empt groups of questions 'on a specific issue' (Robson 2002, p. 249). The language used in the 'self-completion' (Robson 2002, p. 236) test was, designed to support respondents' in the interpretation of questions, and essentially kept simple and short with double-barrelled, ambiguous and leading questions avoided (Robson 2002, pp. 245-246). The research

‘post-test RCT’ design incorporated quantitative questions developed out of the prior pilot ‘Case Study’ qualitative research. Prior consent from adult participants was required before the ‘RCT’ data were gathered. The Randomized Control Trial-Test Questionnaire (appendix 19) was, given to participants to complete. McIntyre (2004, p. 42) argues that ‘qualitative and quantitative methods are used to engage with hard and soft systems, in order to address complex problems based on multiple, often cross-cutting and paradoxical variables’ to support the foundation of centric themes. Quantitative questions were, developed to gather data on ‘closed questions’ (Robson 2002, p. 257), such as, age, gender, and employment classification. Numerical symbols were, assigned to the various answer categories to enable coding. Described by Frankfort-Nachmias and Nachmias (2008, p. 305) as the ‘process by which responses are classified into meaningful categories’, coding (or numbers) were assigned to make intuitive sense. However, ‘some variables (nominal ones) by definition’, such as, gender there is no rationale for the assigning of numbers.

The ‘self-completion’ test comprised significantly of quantitative ‘closed questions’. After each information session of the ‘RCT’ identical research ‘post-test[s]’ (Robson 2002, p. 125) were, given to participants of which were, based on the ‘summated rating (or Likert) scale’ (Robson 2002, pp. 293-294). The ‘Likert scale’ Robson (2002, pp. 292-293) argues, is synonymous in social research associated with the measurement of ‘attitude’. The most widely used scale incorporates:

five fixed-alternative expressions, labelled “strongly agree, agree, undecided, disagree and strongly disagree. Weights of 1,2,3,4 and 5 are assigned to these alternatives, with the director weighting depending on whether the statement is positive or negative (e.g. 5 for a strongly agree with a positive statement and strongly disagree with a negative statement).

Source; Robson, C 2002, *Real World Research*, 2<sup>nd</sup> edn, Blackwell Publishing, Australia, p. 294.



The 'Likert scale' is not limited to the 'fixed-alternative expressions' listed previously as this research study incorporated the following six (6) 'fixed-alternative expressions'. For a positive high ethical statement, 1-Strongly Disagree, 2-Disagree, 3-Somewhat Disagree, 4-Somewhat Agree, 5-Agree and 6-Strongly Agree. For a negative low ethical statement, 1-Strongly Agree, 2-Agree, 3-Somewhat Agree, 4-Somewhat Disagree, 5-Disagree and 6-Strongly Disagree.

Social 'constructionism' was, operationalised through the analysis of 'introspection'-*thought*. Opponents of this research instrument argue that a low response rate is a serious and the most common problem with self-completion questionnaires (Robson 2002, p. 251). This risk was minimised through face-to-face contact in which I personally advised participants at the information sessions explaining the importance of completing the test questionnaire. Although, Jones (1995) (cited in Robson 2002, p. 236) explains that you need a 'response rate of about 90 per cent if biased estimates are to be avoided'. Due to the sensitivity of researching the subject of ethics of which also includes culture and ethos, it was argued for this research study that the 'self-completion' test was the best instrument to gather responses, which were truthful and 'allow anonymity, which can encourage frankness when sensitive areas are involved' (Robson 2002, p. 234). Anyone who met the research criteria and indicated that they wanted to contribute to the research study, were consented and tested.

### **3.11 Research procedure**

#### **3.11.1 Flexible design – case study**

Individual government department CEOs were, formally approached in writing to seek permission for the placement of the pre-approved poster – Case Study

Preapproved Poster – Government Departments (appendix 1) to be placed strategically within their offices and units to maximise potential participant participation. Further support was, granted by the PSA to have a preapproved poster – Case Study Pre-approved Poster – Public Services Association (appendix 2) placed strategically at the front reception desk where union members first enter the organisation. This permitted the indirect recruitment of participants in alignment and compliance with SBREC approval. Likewise, this gave assurance that everyone had been, given the same opportunity to participate in the qualitative research. The indirectly recruited volunteers who met the criteria for this first research study, and whom indicated that they would like to participate in the study (through indirectly contacting the researcher) were later contacted by me to confirm the details around the focus for the research study and to discuss anonymity and research risks. On obtaining relevant contact details from indirectly recruited volunteering participants, I then emailed the following documents individually to participants:

1. Letter of Introduction – Case Study Research (appendix 3);
2. Consent Form For Participation In Research – Case Study (appendix 4);
3. Participant Information Sheet – Case Study Research (yellow sheet) (appendix 5).

Once initial contact with participants had been established communication, regarding the study took place only with me. This was to maintain full confidentiality external to any South Australian government department or organisation. Participants were, given a choice of venue between the Flinders University Central Library, Bedford Park Campus or the State Library of South Australia, Adelaide to participate safely in the research interview. I then organised a suitable day, time and safe place (study room) to meet with the participant to conduct the '*semi-structured interview*'. Prior to the

commencement of the interview (and on the same day), the previously mentioned documents were, supplied to the participant in hard copy form, to include the following documents:

4. Research Study Cover Sheet (appendix 6);
5. Consent Form For Participation In Research – Case Study (appendix 4).

It was at, this time that these documents were, discussed, and finalised, signed and collected (with a duplicate of all documents given to the participant to keep for their own record). To identify clearly the instructions regarding the research study coloured pages were used (Robson 2002, p. 249). Along with the audio recording of the interview, I kept a journal detailing the main typologies that came out of the discussion. If participants did not want to consent to a '*semi-structured interview*' the alternative option in the form of a 'telephone interview' was, offered. Participants were, advised that every effort would be made for them to be able to access a copy of their individual interview transcripts, the final thesis or publications from the study if requested.

### **3.11.2 Fixed design – randomized control trial**

An email that was designed by me, that was authorised by Flinders University, Marketing Department was disseminated to individual Chief Executive Officers (CEOs) detailing the research study. Subsequently, the Randomized Control Trial Preapproved Email – Government Departments (appendix 9) was, distributed through the individual South Australian Government Electronic Messaging System (SAGEMS). This permitted the indirect recruitment of participants in alignment with SBREC approval. Likewise, this gave assurance that everyone had been, given the equal opportunity to participate in the quantitative research. Further, support was, granted by the Public

Service Association (PSA) in distributing the Randomized Control Trial – Preapproved Email – Public Service Association (appendix 10) to its members via an email. The indirectly recruited volunteers who met the criteria for this second research study, and whom indicated that they would like to participate in the study (through indirectly contacting the researcher) were evenly and ‘*randomly assigned*’ into two groups. This research experiment is, identified in the literature as a ‘post-test-only Randomized Controlled Trial (RCT)’. Once initial contact with participants had been, established communication regarding this research study took place only with me. This was to maintain full confidentiality external to any South Australian government department or organisation and the PSA. On obtaining relevant contact details from indirectly recruited volunteering participants, I then emailed the following documents individually to participants:

1. Letter of Introduction – Randomized Control Trial – Control Group (appendix 11);
2. Letter of Introduction – Randomized Control Trial – Experimental Group (appendix 12);
3. Consent Form For Participation In Research – Randomized Control Trial – Control Group (appendix 13);
4. Consent Form For Participation In Research – Randomized Control Trial – Experimental Group (appendix 14);
5. Participant Information Sheet – Randomized Control Trial – Control Group (blue sheet) (appendix 15);
6. Participant Information Sheet – Randomized Control Trial – Experimental Group (pink sheet) (appendix 16).

This primary research study comprised of a ‘post-test-only Randomized Controlled Trial (RCT)’ (Robson 2002, p. 124) in which participants were ‘*randomly assigned*’ (Robson 2002, p. 116) to either the control or experimental groups. To ensure that the selection process complied with the governance of such a research study, random allocation took place at the Flinders University of South Australia, Bedford Park Campus on Friday 5<sup>th</sup> July 2013, in the presence of my Primary Supervisor, Dr

Craig Matheson. Folded (as not to see the identity of participants) pieces of paper with details of participants identity were placed in a plastic container. Firstly, fifteen (15) folded pieces of paper containing participants identity were '*randomly assigned*' to the control group and placed into a plastic bag and labelled accordingly. Secondly, sixteen (16) folded pieces of paper containing participants identity were '*randomly assigned*' to the experimental group and placed into a plastic bag and labelled accordingly. Participants who were '*randomly assigned*' to the control group did not receive the intervention. Although, the experimental group followed the particular intervention, being the verbalisation of the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7). Both control and experimental groups were requested to repeat the same 'post-test-only' (Robson 2002, p. 124) six (6) months after their initial 'self-completion' (Robson 2002, p. 236) 'post-test' in July 2013, and repeated in January 2014. This was deliberately incorporated into the research design to draw on the *attitudes* conceptualised by participants in both groups and determine whether or not, the experience of the witnessed ritual verbalising the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7) diminished over time for the experimental group. Furthermore, too provide additional research data.

Those participating in the research study were, requested to meet at the Flinders University of South Australia, Bedford Park Campus on Saturday 27<sup>th</sup> July 2013, for a briefing information session on the project. It was at this time, and in hard copy form the previously mentioned documents were, given to recruited participants to further, include the following documents:

7. Research Study Cover Sheet (appendix 6);
8. Randomized Control Trial – Test Questionnaire (appendix 19);
9. For the Experimental Group only an authorised signed copy of the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7).

To identify clearly the instructions about the research study and to assist in the completion of the 'post-test' questionnaire coloured pages were used (Robson 2002, p. 249). It was at these briefing information sessions that further personal details between the researcher and participants were gathered. It was at, this time that these documents were, discussed, and finalised, signed and collected (with a duplicate of all documents given to the participant to keep for their own record). Further, those in the experimental group were, requested to stay after the information session to take part in the experiment, to verbalise the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7). For auditing purposes, this part of the experiment was audio recorded, and a photographic shot from behind (as to not identify participants) was, taken of both groups. Shortly after these information sessions, both groups were, given individual 'self-completion' 'post-test[s]' to complete. Details outlining how to use the 'self-completion' 'post-test' and return it via Australia Post using the reply paid envelope supplied by the me were supplied to all participants at the information sessions.

On Saturday 27<sup>th</sup> July 2013, the control group commenced at 10:00hrs in the morning session with plenty of time in between, so that the two groups did not have the opportunity to communicate with each other. The intervention group commenced at 13:00pm. The control group comprised a total of fifteen (15) participants and the experimental group comprised of nine (9) participants (Table 3.2). Not all fifteen (15) participants '*randomly assigned*' (Robson 2002, p. 116) to the control group attended for reasons unknown to me on the day. For the control group non-attendance to the information session did not affect their ability to take part in the research study. Subsequently, 'post-test[s]' (Robson 2002, p. 124) were, sent via Australia Post including a reply paid return envelope supplied by me to return completed 'post-test'

questionnaires. Of the sixteen (16) participants assigned to the experimental group, nine (9) participants (56.3%) attended on the day creating ‘missing values’ (Field 2009, pp. 77-78).

Alternatively, participants in both groups were, offered the option of completing the self-completed ‘post-test’ on computer for legibility and accuracy or for privacy reasons. Subsequently, these were emailed out via the Flinders University of South Australia email system or posted in the mail (delivered by Australia Post with a reply paid envelope) in hard copy to participants if they didn’t feel comfortable in completing the ‘post-test’ at the time. An alternative method was, provided to those who did not have access to a computer or email account through that of a ‘telephone interview’, which aligns with the fixed design of the ‘RCT’ in conjunction with the use of other methods. Using the same ‘post-test’ at six (6) months after the initial ‘post-test’ both the control and the intervention groups were deliberately re-tested, and asked to return their completed ‘post-test[s]’ to me via Australia Post using the reply paid envelope supplied by me. Later participants from both groups were, individually emailed a portable document format (pdf) copy of their completed ‘post-test’ questionnaire to keep for their records. Participants were, advised that every effort would, be made for them to be able to access a copy of the final thesis or publications from the research study if requested.

Throughout this research study, I adopted a continual process of confirmation and re-confirmation with participants concerning prior experience of oaths. Just following random allocation, one participant identified as RCT-E12 advised me that they had prior experience of oaths. Acknowledged by me subsequently, the participant was, excluded from the research study. Of the nine (9) participants in the experimental

group, one (1) participant was, excluded from the research on the day, just prior to the commencement of the experiment. In explaining the importance of having no prior experience of such, one participant identified as RCT-E10 came forward with the truth and subsequently recalled the prior experience of having given evidence in court. I acknowledged such, with discourse concluding with the participant being, excluded from the research study. Unfortunately, this was not an isolated case of one's transparency throughout this process. It was during the analysis of the 'post-test' questionnaire in January 2014, six (6) months after the initial questionnaire that one other participant was, later found to, have had prior experience of oaths despite the ongoing repetitious confirmation by me regarding such. I discussed with participant RCT-E01 that 'Yes' had been answered to the following question. Have you ever taken or been under oath listed in the *Oaths Act 1936* (SA)? Subsequently, discourse took place which lead to that participant being excluded from the research. The reason being that participant RCT-E01 had prior experience of oaths, having given evidence in court some years earlier. Further, following discourse with Dr Craig Matheson, Principal Supervisor, four and a half (4.5) months of data analysis was required to be re-calculated of which it was determined that thirteen (13) participants were eligible to participate in the experimental group. To clarify the final participant numbers results for both groups are, detailed and clarified (Table 3.3). These situations will, be explained later in chapter 6 as they provide further discussion and debate.

Table 3.3 explains the frequency relating to the random allocation of the Randomized Controlled Trial (RCT)' (Robson 2002, p. 124) participant group for July 2013. The results indicated that all 15 participants (100%) participated in the control group, and over half 7 participants (53.8%) participated in the experimental group. The



‘missing values’ were representative of less than half (46.2%) of the ‘RCT’ recruited participants that were ‘*randomly assigned*’ to the experimental group of whom did not attend on the day for reasons unknown to me.

Table 3.3 Random Allocation of the Randomized Control Trial (RCT) Participant Group July 2013

<b>RCT Group 2013</b>			
	Frequency	Column Percent	Row Valid Percent
Control Group	15	100	100
Total	15		
Experimental Group	7	53.8	100
Missing 999	6	46.2	
Total	13		

Table 3.4 explains the frequency relating to the random allocation of the Randomized Controlled Trial (RCT)’ (Robson 2002, p. 124) participant group for January 2014. The results indicated that all 15 participants (100%) participated in the control group, and over half 7 participants (53.8%) participated in the experimental group. The ‘missing values’ were representative of less than half (46.2%) of the ‘RCT’ recruited participants that were ‘*randomly assigned*’ to the experimental group of whom did not attend on the day for reasons unknown to me.

Table 3.4 Random Allocation of the Randomized Control Trial (RCT) Participant Group January 2014

**RCT Group 2014**

	Frequency	Column Percent	Row Valid Percent
Control Group	15	100	100
Total	15		
Experimental Group	7	53.8	100
Missing 999	6	46.2	
Total	13		

### 3.12 Research analysis

#### 3.12.1 Data collection – case study

The method of investigation that was chosen to gather data was through a *'semi-structured interview'*. Robson's (2002, p. 181) 'set of individual case studies' was employed to give me a detailed account of 'a small number of individuals with some features in common' until 'saturation'. The focus of the prior pilot qualitative questionnaire was 'to find out what people know, what they do, and what they think or feel' (Robson 2002, p. 272). This enabled me to design questions for the 'RCT' that lead 'respectively to questions concerned with *facts*, with *behaviour*, and with *beliefs or attitudes*'. Interviews were audio-recorded requiring prior consent from participants. It was at the interview that the details of the participants were confirmed to include phone contacts and addresses. Due to the sensitive nature of the subject of ethics within the public sector, an alternative method was applied being a 'telephone interview' for those who did not want to consent to a *'semi-structured interview'*. Detailed notes were taken at the time of the *'semi-structured interview'* and kept in a journal for the purpose

of providing an *'audit trail'*. An *'audit trail'* was developed to identify individual participant responses only known to the researcher – me through the development of a Microsoft Word document to gather the data, code and formulate typologies for analysis. Specific details regarding dates of individual interviews and records of such were, also noted in the Microsoft Excel e-journal. All data were stored in a de-identified form in a fireproof case at my place of residence in compliance with the Social and Behavioural Research Ethics Committee (SBREC) approval.

### **3.12.2 Data collection – randomized control trial**

The method of investigation that was, chosen to gather data was through the instrument of a 'self-completion' 'post-test'. The test questions were, designed to achieve the 'goals of the research' (Robson 2002, p. 241) and importantly answer the six (6) research questions. The details of the 'self-completion' test were, explained at the information session and prior to the test being, completed and emailed to the participant or sent via Australia Post. It was at the information sessions that the details of the participants were, confirmed to include phone contacts and addresses. This enabled me to have multiple ways of contacting participants in both groups, and at six (6) months when the 'self-completion' 'post-test' was, requested to be re-done. Instructions were, given to participants of both groups detailing how to use the 'self-completion' tests and how to return the hard copy completed questionnaire through Australia Post using the reply paid envelope supplied by me. A 'telephone interview' was, provided to those who did not have access to a computer or email account or whom did not want a hard copy of the test. An *'audit trail'* was developed to identify individual participant responses only known to the researcher – me through the

development of an Excel spread sheet to gather data and coded accordingly. All data were stored in a de-identified form in a fireproof case at my place of residence in compliance with the Social and Behavioural Research Ethics Committee (SBREC) approval.

### **3.13 Data analysis**

#### **3.13.1 Qualitative analysis**

The '*semi-structured interview*' approach used to research this area of concern was operationalised through, the analysis of open, qualitative questions that were categorised into themes through systematic summation of the research. Pragmatically, Punch argues (2006, p. 41) this leads to the 'summarizing' the literature. Further, 'synthesizing involves the convergence and divergence of findings, theories, and implications'. Robson (2002) advises that this can be, applied by way of coding the:

detailed information contained in the response into a limited number of categories that enable simple description of the data and allow for statistical analysis. The main purpose is to simplify many individual responses by classifying them into a smaller number of groups, each including responses that are similar in content.

Source; Robson, C 2000, *Real World Research*, 2<sup>nd</sup> edn, Blackwell Publishing, Australia, p. 257.

Burton and Steane (cited in Punch 2006, p. 41) who stress the importance of applying 'thesis-antithesis-synthesis as a framework for developing synthesis in a literature review' support the importance of the dialectical process. Qualitative data review provided a more holistic viewpoint stressing the social construction of reality and its 'constant negotiated and renegotiated meanings' (Punch, 2005, p. 89). In linking the valuable fields of reality supporters of a literature review argue, that 'a good literature review is extremely valuable as it ties the field together and shows the state of

knowledge in the area, to include its trends and gaps' (Punch 2006, p. 49). This enabled me to form generalizability regarding the findings of which assisted me to place forward concepts or propositions for further research (Punch 2005, p. 146). Enabling respondents to say or write what they feel through their own 'constructionism' personalises the research and enables the researcher to develop a typology through analysing similar or re-occurring centric themes between respondents'. As Silverman (2005, p. 112) explains, 'emotionalists favour understanding "experience" and focus on the open-ended interview'. 'Triangulation' differs in that it regards the research technique as parallel in such a way that it counteracts weaknesses to reduce bias (Johns and Lee-Ross 1998, p. 146). In contrast Johns and Lee-Ross (1998, p. 146) argue 'Case Study' research is a *'focusing'* approach. Where it differs from 'triangulation', it aims to 'view a research situation from *as many sides as possible*'. Furthermore, the 'Case Study' research process is 'flexible, developing as it proceeds to account for unexpected issues which may arise or which are deemed important'.

I felt that I needed to be familiar with each individual transcription. Once qualitative data gathering had occurred, data was then organised through data display in an Excel spread sheet and e-journal. Therefore to clarify the main direction and interpreted through conclusion drawing, patterns and regularities, and the formation of centric typologies or themes and deductive measures, so that the research data had '*Credibility, Transferability, Dependability and Confirmability*' (Johns and Lee-Ross 1998, p. 122). Each transcription was, read and or re-read to clarify centric themes, which were, then highlighted using a coloured highlighter pen. Systematically, '*formative theory*' (LeCompte and Schensul 1999, p. 69) will identify relevant research and will develop cognitive process. Data reduction took place to keep the data

‘manageable’ (Robson 2002, p. 476) and to provide focus and simplicity, and support the research H<sub>1</sub>. This took place ‘during and after data collection’, and was identified in the production of summaries, abstracts and first-level coding (Robson 2002, p. 476). A code was ‘applied to a section of text to classify or categorize it’ (Robson 2002, p. 477). In addition, qualitative data was, imported into NVivo for coding.

### **3.13.2 Quantitative analysis**

The ‘summated rating (or Likert) scale’ approach used to research a hypothetical oath and public sector ethics was, operationalised through the analysis of closed, quantitative questions that were, coded by way of numerical symbols that were, assigned to the various answer categories. These were, identified as ‘categorical variables’ (Punch 2005, p. 86), such as, male or female, ‘yes’ or ‘no’ questions and ‘numerical variables’, such as, age. Quantitative methods of collecting data are of enormous benefit to service organizations, such as, the public service (Johns and Lee-Ross (1998, p. 74). This is because the Public Sector Act 2009 (SA) (Attorney-General’s Department 2010) and the Code of Ethics for the South Australian Public Sector 2015 (Office for the Public Sector 2015) are based on the recognition that ethical praxis occupies a secondary status in democracy to that of legislation. It is the correct role of government to provide access to mechanisms to effectively deal with the effects of that position (Thompson 1987, p. 3). The internal logic of the research based on valid comparisons to eliminate alternative H<sub>1</sub> determined validity. This was to enable an increased confidence in data interpretation and provide empirical representation of the concept (Punch 2005, p. 97).

Initially, I placed the data into a Microsoft Excel file. This file was, checked and edited before being analysed and converted it into SPSS™ format (Pallant 2007, p, 37). Firstly, the control and experimental groups' data were, placed into one SPSS™ data file separately and labelled 2013, and 2014 respectively. Later, they were, placed into one single data file together. This was, done to compare results between the two groups. Once this occurred, the data was, then coded accordingly. 'Missing values' (Field 2009, pp. 77-78) were checked and numerically coded by me. The numeric codes 888, and 999 were, assigned to "Did not answer" and "Did not attend" respectively (Field 2009, p. 108). The cases, which caused the 'missing values', weren't 'remove[d]' (Field 2009, pp. 77-78) as they were a result of participants that had been 'randomly assigned' (Robson 2002, 116) to either the control or experimental groups, but for reasons unknown to me, they didn't arrive on the day of the 'RCT' or who chose not to answer a question posed.

As a mixture of positive and negatively worded questions were spread out throughout the 'RCT-post-test[s]' that was the instrument for gathering the data. Whilst using the 'Likert scale' [Robson (2002, pp. 292-293) to rate ethical attitude and responses with negative or low ethical responses were required to be reversed. When working with methods such as this we need to remember that all 'fixed alternative expressions' (Robson 2002, p. 294) need to be scored as Pallant (2007, p. 83) explains 'so that high scores indicate high levels' of ethics. In view of this requirement negative or low level, ethical responses were, reversed and re-coded to reflect – Strongly Disagree (6), Disagree (5), Somewhat Agree (4), Somewhat Agree (3), Agree (2) and Strongly Agree (1). This was calculated through SPSS™ rather than manually, as it is a preferred option of which 'retains original data unchanged' (Pallant 2007, p. 83). The

negative or low level ethical response questions of which were re-coded in SPSS™ were Q6, Q7, Q9, Q10, Q11, Q12, Q13, Q14, Q19, Q20, Q21, Q22, Q23, Q24, Q25, Q27, Q28, Q29, Q30, Q33, Q36, Q38, Q39, Q40, Q42, Q45, Q46, Q47, Q49, Q50, Q51, Q52, Q58, Q59, Q60, Q61, Q62, Q63, Q65, and Q66 (appendix 20). To increase the power, we collapsed the six (6) point 'Likert Scale' to a three (3) point scale (SD/D, Strongly disagree/Disagree; SA/SD, Somewhat agree/Somewhat disagree; SA/A, Strongly agree/Agree).

Later data was, placed in STATA® (Data Analysis and Statistical Software) files for analysis. Dr Shahid Ullah, Statistician Consultant, Flinders University of South Australia determined which 'non-parametric tests' (Field 2009, p. 540) could be used given the spread or 'skew' of the data (Field 2009, p. 19). This was, indicated due to the small sample size of the 'RCT' control and experimental groups. As Gray and Kinnear (2009, p. 191) concur that many non-parametric methods are 'more resistant than their parametric counterparts to the influence of outliers and skewness'.

Initially, absolute numbers, or 'percentiles' were calculated (Field 2009, p. 145). This determined frequencies in the data that could be, grouped into ranges so that we could see more easily the distribution of the frequencies. Percentages were, reported for each of the sixty-one (61) individual questions (appendix 21; appendix 22; appendix 23).

Firstly, Pearson's 'Chi-square test' (Field 2009, pp. 688-689) was, used for comparing the percentages of each individual question between control and experimental groups. The 'chi-square test' was used to 'see whether there's a relationship between two categorical variables' and to see the differences of proportion of each question between control and experimental groups. This was, calculated for all



individual questions (appendix 22; appendix 23). For all individual questions the ‘chi-square test’ was, performed to find p values  $\leq 0.05$  of which is, based on the test statistic ( $X^2$ ). A horizontal ‘bar graph’ [Field 2009, pp. 103-104] was, used to show the results as ‘frequency distribution’ for all results of significance (Field 2009, pp. 18-19). Everyone in the target population had the equal opportunity to participate in the ‘RCT’ as explained earlier in this chapter. Despite inviting everyone to participate in the study there were limitations, which attributed to a small sample size preferred not to generalize to other populations. This small sample size was, attributed to a number of possible factors, such as, the sensitivity of the subject ethics, participant consent that was, required by SBREC, participant concerns regarding anonymity, data access and storage and the fact that the study was required to, be completed in the participant’s private time. With participants being ‘randomly assigned’ (Robson 2002, p. 116) to either the control or experimental groups, assures that the sample size of participants for the ‘RCT’ used a ‘probability sampling method’ (Social Research Methods 2018, p. 1).

Social Research Methods explains a:

probability sampling method is any method of sampling that utilizes some form of random selection. In order to have a random selection method, you must set up some processes or procedure that assures that the different units in your population have equal probabilities of being chosen. Humans have long practiced various forms of random selection, such as, picking a name out of a hat, or choosing the short straws.

Source: Social Research Methods 2018, *Probability Sampling*, Web Centre, viewed 12 June 2018, <https://socialresearchmethods.net/kb/sampprob.php>

Secondly, we then constructed sixteen (16) factors/variables from the sixty-one (61) questions. We constructed the sixteen (16) factors/variables because of repeated participant responses that formed constructed themes that were, identified from the research data (appendix 24). This was calculated when we grouped questions with the

same constructed theme together. When the individual questions were grouped together to form a constructed theme then 'Cronbach's alpha' was calculated to measure 'scale reliability' (Field 2009, pp. 674-676). This splits the data set 'in two in every possible way and computing the correlation coefficient for each split'. 'Cronbach's alpha' was, calculated to determine internal 'reliability' for the individual items within each construct with values  $\geq .6$  considered acceptable (appendix 25). Finally, the 'Mann-Whitney test' (Field 2009, pp. 540-542) was used for comparing scores between two groups. The "Mann-Whitney test" was, performed to the questions grouped together to form a constructed theme of which is 'based on the test statistic U' (Field 2009, p. 544). A more conservative approach the 'Mann-Whitney test' is 'the non-parametric equivalent of the independent t-test'. The central point of 'frequency distribution' was analysed through 'central tendency' (Field 2009, p. 20) by way of the commonly used measurements: the 'median'. The 'median' Field (2009, pp. 21-22) explains is 'another way to quantify the centre of a distribution' or the 'middle score when scores are ranked in order of magnitude'. 'Median' and 25<sup>th</sup>-75<sup>th</sup> percentiles known in the literature as 'quartiles', (Field 2009, pp. 23-24) were reported (appendix 26). As data were highly 'skewed', we used 'median' and 25<sup>th</sup>-75<sup>th</sup> percentile 'quartiles' instead of the 'mean' (Field 2009, p. 20) and standard deviation (SD). This was, performed to avoid the 'problem with the range' (Field 2009, p. 23). The concern with using 'range' is that as 'it uses only the highest and lowest score it is affected dramatically by extreme scores'. Field (2009, p. 23) explains that a 'way around this problem is to calculate the range when we exclude values at the extremes of the distribution'. The benefit of performing these calculations provides 'an alternative approach to violations of parametric assumptions, which is to use tests based on ranking data' (Field 2009, p. 581).

The very small group of volunteers who participated in the 'RCT' did in fact show some marked differences in their response to questions pertaining to the area of concern as a result of taking the hypothetical oath or not taking the hypothetical oath. The hypothetical oath reportedly made a difference because participants felt an emotional response to the experimental environment. I had them placed in a cohesive group environment that engaged their senses of sight, sound and touch of which was a replication of what takes place in many oath-taking ceremonies throughout the world. As discussed in chapter 2, this is, best explained by Collins's (2004) 'interaction ritual (IR)' theory. Collins (2004) argues that 'rituals are constructed from a combination of ingredients that grow to differing levels of intensity, and result in the ritual outcomes of solidarity, symbolism, and individual emotional energy' (Collins 2004, p. 47). Further, as discussed in chapter 6, Sprenger (1999, p. 54) explains that 'emotional memory takes precedence over any other kind of memory'. The human brain with certainty will always give precedence to emotions. Providing participants with a research environment that encompassed what takes place in an oath-taking ceremony heightened their response to emotion.

### **3.14 Exclusion of participants during the Randomized Control Trial**

From the beginning of this study, potential participants were, requested to disclose any prior experience of oaths. That was, imperative so that research data could be, compared between the control and experimental groups for 2013, and 2014. Verbal and written confirmation that potential participants had no previous experience of oaths was, confirmed. The same dialogue was, conveyed to re-confirm the requirements of the study. This occurred throughout the duration of this research study up to and

including the day of the ‘Randomized Control Trial (RCT)’ (Robson 2002, p. 116), which took place on the, 27<sup>th</sup> July 2013. It is important to note that no participant ‘*randomly assigned*’ (Robson 2002) to the control group came forward with any confirmed prior experience of oaths. Subsequently, fifteen (15) participants that were ‘*randomly assigned*’ to the control group completed the research study.

Although, it was not the case for some participants ‘*randomly assigned*’ to the, experimental group. After being ‘*randomly assigned*’ to the experimental group one participant, identified as RCT-E12 advised me that they had prior experience of oaths. Subsequently, following dialogue with the participant the information was, acknowledged and therefore the participant was, excluded from the research. At the point of explaining to the experimental group on the 27<sup>th</sup> July 2013, the importance of no prior experience of oaths, participant RCT-E10 came forward with a prior experience of ‘having given evidence in court’. In Australia, persons who give evidence in court are, *sworn in* under oath, essentially to commit to tell the truth. The oath administered is, discussed under the *Evidence Act 1929* (SA) delineated under Part 2 – Witnesses 6-7 (Attorney-General’s Department 2013, p. 11). I acknowledged the open and witnessed discussion with the participant. Subsequently, participant RCT-E10 was, excluded from the research, because they had prior experience with an oath. It was again, re-confirmed by me that the remaining participants had no known previous experience with oaths. Unknown to me at that moment in time, this was not truly the case. After the second ‘post-test’ (Robson 2002, p. 125) questionnaire in January 2014, it became apparent that a further participant RCT-E01 answered, ‘Yes’ to the following question. Have you ever taken or been under oath listed in the *Oaths Act 1936* (SA)? Upon acknowledgement of such, I requested further information to determine the specific

situation from the participant. Further, it had been found that RCT-E01 had been, previously *sworn in* under oath, as ‘a witness in court’. This was the same oath, which required RCT-E10 to be, excluded from the research study – the *Evidence Act 1929* (SA). Because of the information confirmed by me, participant RCT-E01 was, also excluded from the research, because they had prior experience with an oath. Subsequently, this was reported to, Dr Craig Matheson, Principal Supervisor. Data analysis for the first ‘post-test’ in July 2013 was, recalculated. Subsequently, of the sixteen (16) participants that were originally ‘*randomly assigned*’ to the experimental group, seven (7) participants achieved the criteria for the research study, and thus made up the experimental group.

To be honest as a researcher who supports, precise and truthful primary research, I was initially unhappy with what had taken place. Primarily, because so much time and energy had gone into the analysis of the ‘post-test[s]’ completed in July 2013. Along with rightfully reporting the later incident to Dr Craig Matheson, Primary Supervisor, I was also required to explain that my research plan was no longer on track, and that months of data analysis had to be re-calculated and the results re-reported. Despite this, it did prompt me to reflect, think and question my thoughts and feelings. Why did the participants mentioned do what they did? Why did they still participate? Despite being repeatedly, questioned to confirm they had no prior experience of oaths. Was it to experience what the research study was trying to achieve? On the other hand, ‘did they have a genuine desire to participate despite not being transparent about prior experience?’ Perhaps they had a genuine *attitude* about oaths or a concern for the construct of the reality that was occurring in the public sector, such as, the culture, environment and ethos. The individuals themselves can only accurately answer these

questions and no doubt others. Certainly, it is not my intention in any way to embarrass these individuals, although it was thought provoking as to their own motivations for doing what they did. As researchers know, these sorts of experiences in the real world of research also have serious consequences if not identified and rightly corrected. There were consequences not only for the individual researcher, but also for the University – the Flinders University of South Australia.

### **3.15 Limitations of the research**

The sample data size, bias, representativeness, population descriptive factors and unique features will be, critiqued through the perspective of the research itself. Such as, ‘did the research support or refute the secondary literature?’ This has included my own perspective and the research H<sub>1</sub>, and analysis and opinion that is, typically, anchored in a point of view that is both logical and checkable with a comprehensive explanation of the main findings of this primary research study (Holosko 2006, pp. 44-45). In terms of the target population and sample data size every effort was, made by me to attract participants giving everyone from each of the individual government departments participating in this research (not all government departments consented to participating or those excluded from the research by the SBREC) the equal opportunity to participate. Despite trying to avoid a small participant group by inviting everyone from the target population, thus providing the opportunity to participate equally, real world research does not always go to plan. Some limitations can be justified by the nature of the social science research topic – namely ethics. Ethics in the public sector is a very sensitive subject of concern with many participants expressing great concern for anonymity in telling their story. The concern of anonymity as, well as other concerns, such as, access

to the research data were, not ignored by me and in fact as they should, taken extremely seriously. With trust built up over time, I felt a great responsibility to participants for their anonymity throughout the research study of which continued long after the study's completion. Every effort was, made by me to assure individual participant anonymity and answer any questions regarding such with integrity and honesty. Other, limitations affecting the sample data size could also be, attributed to the research methods of choice and subsequently some of the requirements of the Flinders University Social and Behavioural Research Ethics Committee (SBREC) ethics approval for this research. It was a requirement of the research approval that all participants sign the following consent forms where relevant:

1. Consent Form For Participation In Research – Case Study (appendix 4);
2. Consent Form For Participation In Research – Randomized Control Trial – Control Group (appendix 13);
3. Consent Form For Participation In Research – Randomized Control Trial – Experimental Group (appendix 14).

These requirements raised further concerns for participants also regarding anonymity, data access and storage. Other limitations could also be justified in that this research study comprised of two (2) separate studies of which required participants time outside of working hours – in their personal time. For this research study, it could, be argued that everyone was given the opportunity to participate in the research, with all CEOs of individual government departments contacted. Subsequently, advertising material was, placed in those government departments who confirmed, and approved, participation or who, were not excluded from the research, by the Flinders University of South Australia, SBREC.

Limitations will, be discussed that have been previously mentioned by authors of the secondary literature reviewed to include discussion in relation to their significance.

Holosko (2006, p. 46) argues that 'social research is, by its very nature, fraught with a degree of empirical uncertainty and obstacles (e.g., sampling, measurement, controlling for extraneous or confounding factors)'. May (1997, p. 176) explains the subject of 'potential bias' is one issue that has researchers concerned when working with historical documents. This is concerned most commonly with the possibility that the researcher will not recognise the influence based on the decisions that are recorded or that may be excluded from that particular document based on the 'social, political and economic environment of which they are a part'. Analysis of the Code of Ethics for the South Australian Public Sector 2015, document discussed in chapter 1, disguises the process involved in document development. It was likely to have been completed by public employees and is unclear if any consultation with society took place of which is characteristic of most document developments. It is also unclear if the development of the document was subject to any political motivations or involvement. Initially, the document was, implemented in draft form for consultation. Further, it is unclear whose input or opinions are, represented in the final document. King (2006, p. 75) explains that the document may have included a variety of views from within the relevant public service organisations' and 'may have omitted dissenting views or be reflective of only one perspective'. The final published version 'could be similar to the first draft of the document or it could be the result of significant negotiation and re-drafting to express the views of dominant decision-makers'. Without denying the self-evident truth of established limitations of the Code of Ethics for the South Australian Public Sector 2015, it is a mindful, attempt to provide governance and an authoritative source for communicating the importance and relevance of ethics in a contemporary South Australian public sector environment.



The conceptual error of *'faulty generalisation'* (Madison 2005, p. 123) whereby differences and distinctions become excluded or ignored with the reasoning that one kind of human being is represented as the universal signifier for all others was counteracted. This was, counteracted by the acknowledgement that the research findings and results reported herein are the personal summation of the thoughts and feelings of the individual participant *attitude* only. Of which, is shaped by their own 'positionality' (Madison 2005, pp. 122-124), and not representative of any individual government department, CEO or union and is not reflective of others.

### **3.16 Risks associated with this primary research study**

As with many research endeavours this primary research study also was not without risk. The risks associated with this research study predominately but not limited to come from the identification of illegal or criminal conduct, which becomes naturally apparent in discourse with research participants whilst conducting research activities (Figure 3.1). A requirement of the Flinders University of South Australia, Social and Behavioural Research Ethics Committee (SBREC) approval was that participants were made fully aware of the consequences should they come forward with conduct of a criminal or illegal nature. The following documents reinforced, advised and explained this:

1. Consent Form For Participation In Research – Case Study (appendix 4);
2. Participant Information Sheet – Case Study Research (yellow sheet) (appendix 5);
3. Consent Form For Participation In Research – Randomized Control Trial – Control Group (appendix 13);
4. Consent Form For Participation In Research – Randomized Control Trial – Experimental Group (appendix 14);
5. Participant Information Sheet – Randomized Control Trial – Control Group (blue sheet) (appendix 15);
6. Participant Information Sheet – Randomized Control Trial – Experimental Group (pink sheet) (appendix 16).

Further, a risk was identified directly relating to requesting participants who were '*randomly assigned*' to the experimental group to read aloud the words of the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7). Subsequently, Mr Michael Harry, Executive Officer, Legal and Contracts, Flinders University of South Australia was consulted to provide confirmation that such an experiment could in fact take place, and that the dialogue contained within the hypothetical oath-the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7) deemed and approved acceptable and importantly lawful.

## FLOW CHART FOR PHD RESEARCH STUDY ACTION PLAN

### Legislation and Relevant Codes Mandatory Reporting Required for a South Australian Public Officer and a Justice of the Peace for South Australia

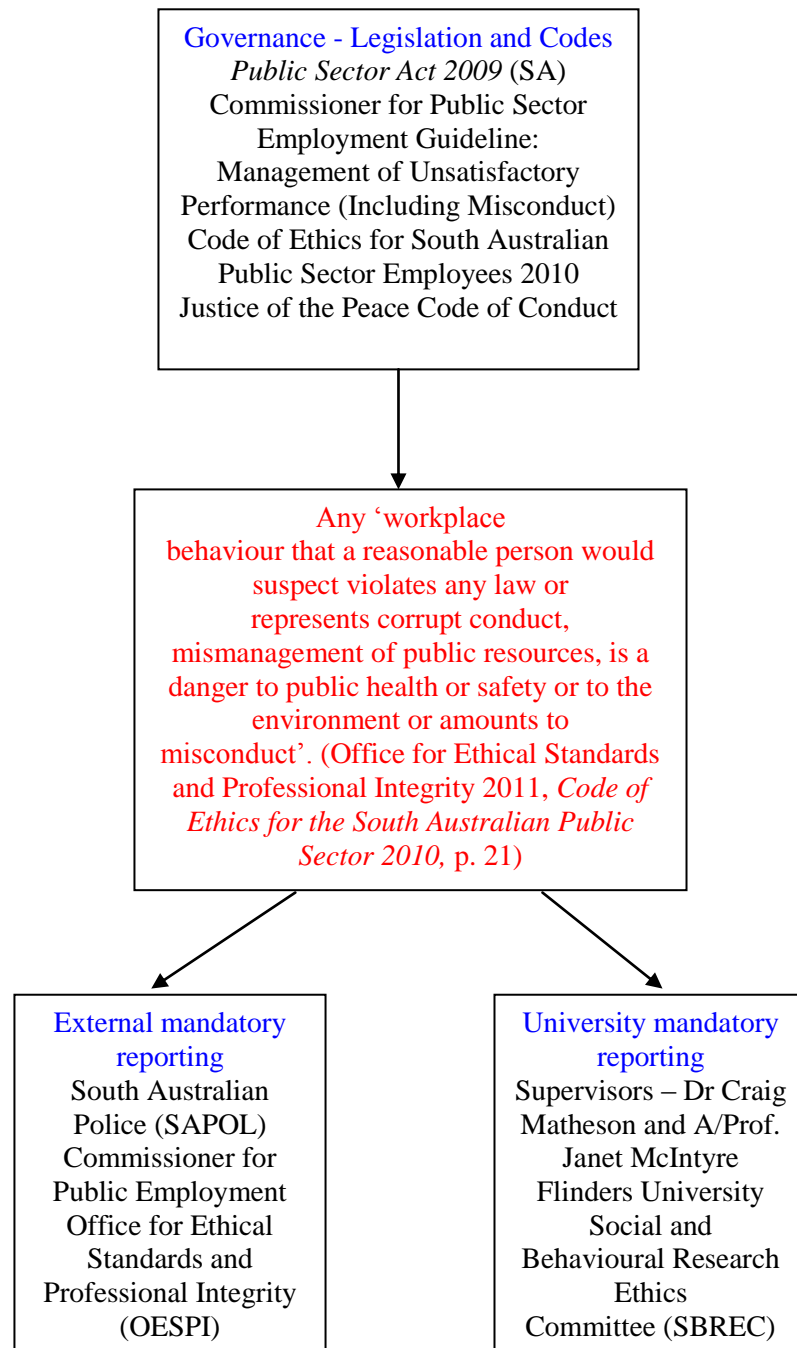


Figure 3.1 PhD Research Study Flow Chart Action Plan – Natalie Lewis

Figure 3.1 provides the pathway for the research study, action plan. This pathway was, developed from assessing the potential risks associated with me being a current public sector employee, a Justice of the Peace in South Australia, and the risks associated with an original research study of this kind.

### **3.17 Conclusion**

This chapter has delineated the theoretical strategy, and mixed methods required to research the chasm identified out of known established literature and theory to research essentially this ethical enquiry of the unknown. This chapter highlights the methods used in analysing the qualitative and quantitative data collected during this primary research study, and acknowledges the concepts through conceptualising the centric themes and forming the typology under consideration to enable focus on the essential centric typologies and the six (6) research questions. The research methods (of which evolved out of the research H<sub>1</sub>) were chosen and shaped as I grew in my knowledge of the research subject, ethics and research at Doctor of Philosophy (PhD) level. My own experience of the social construct of the public sector was vital in building mutual trust and respect with those who participated in this study. This original research study draws upon the thoughts and feelings of participants. It permitted me to peel back the multitude of layers to the public sector employee participant and expose the complexities faced by all in the moment of now. Trust and respect for participants' individual subjective *attitudes* to the subject of ethics was concerned with the fact that this was their story, based on their perceptions and feelings in order to make their contribution to the public sector. To research the unknown, I had to employ a theory, a strategy design and methods, which did just that.

## Chapter 4: The Thinking Public Sector Employee

### 4.1 Introduction

This chapter highlights the importance of reflection, and the thoughts and *attitude* of the contemporary thinking public sector employee participant. Researching participant *attitude* has identified some issues that need to be, addressed for the sake of the individual employee. With all issues identified requiring undivided attention for the sake of the public interest. The primary empirical research findings and results herein have identified that participants in this study are doing the right thing. Whereby, at the least they are trying to. Although, they are struggling with the contemporary environment in which they are required to work and function. This chapter highlights the detrimental effects that the contemporary public sector is imposing on the employee participant. The intimate thoughts delineated in this chapter, signify a thinking public employee participant. Along with the perceived public perception, participants reported a level of frustration with the inability to function with autonomy. This chapter is, based on the wide and varied conceptualisations of real life experience that extends, but not limited to the lower levels of the public sector. This is their story, based on their perceptions, thoughts and feelings in order to make their contribution to the public sector. This chapter discusses at length the findings and results of significance for the constructs mentioned. This chapter answers the sixth research question.

## 4.2 Public sector governance

### 4.2.1 Thoughts and *attitude* about the South Australian Code of Ethics

The South Australian public sector has numerous governance documents. Specifically, the document that governs the subject of ethical praxis is titled – Code of Ethics for the South Australian Public Sector 2010 (Office for Ethical Standards & Professional Integrity 2010). Most public sector employee participants were aware of the Code of Ethics for the South Australian Public Sector 2010. Although, interpretation of the Code was subjective and individualistic where it was not clearly defined. Excessive governance could also be adding to the confusion of what to do, or how to act in certain circumstances that occur in the real world contemporary public sector, but not delineated within the Code.

One participant explained it:

*I think some people still put their own interpretation on it too much of an extent. I understand from hearing Warren McCann [former Commissioner for Public Sector Employment], that the intent was to take away the punitive side of it. But, to actually – and to say this is – we want to be exemplars in being the best and being honest and decent, and doing the right by the public and by the people we work with, and everything. To make it a positive code rather than the previous, which was about disciplinary – if you do the wrong thing, der der der [sic] (sound). But, I can understand the ethos of that. But, I think it opens the door for those that don't necessarily want to do the right thing, but want to label what they're doing as ethical.*

Source; Participant in the Case Study Research # CS10 – 2 (a).

The idea of avoidance or not discussing and informing public employees of the circumstances of fact around those being investigated for wrongdoing is causing further confusion about what constitutes two contrasting conditions – right and wrong. Open disclosure of these facts is not to cause further distress to those under investigation, but

rather seen by participants as an opportunity and source of learning from errors or others in judgement and decision-making.

Or, as another participant put it:

*I don't think they're clearly articulated in the general everyday work sense. Okay, we've all gone and done this course, but it doesn't get reflected back on actual workplace operations. I don't believe, and I think they could do more to clarify what is meant. It's all very well and good to say that you do know ethics, but it still has different meanings to different people and I think that the most recent Code of Ethics has watered it down somewhat. So it's even more fuzzy, which means that it's more difficult for people to determine, 'am I being ethical or not?' We've had some cases of people being investigated in our area and we don't know why they were, investigated. Now that's fine, I'm not wanting to kind of make it more harrowing for those people, but it doesn't tell us what we shouldn't do and I find this really difficult.*

Source; Participant in the Case Study Research # CS03 – 2 (b).

To what extent do employees of the South Australian public sector practice ethics? Participants in this primary research study identified a relatively unknown *attitude* that until now had been a previously unknown fact, and certainly had not been previously, acknowledged publically, certainly not by the media. An *attitude* I hope the findings and results from this research study can expedite change. Participants in this research had a real sense of individual understanding when it came to formally identifying what it means to serve in society's interest. Whilst many could not recall what was, delineated within the Code word for word, most were aware that it existed and where to access a copy should they need to refer to its contents. Participants had a sense that they were required to conduct themselves to high standards of individual morality.

Or, as another participant put it:

*Look, I think it's important that we do it because we are being, paid by the public to serve the public. So, I think we should have the highest morals and ethics we possibly can to ensure that pretty much*

*their tax dollar is being, spent appropriately and I'm earning my money that they're paying me. So, that's kind of, where I come from. But, I don't-that doesn't mean to say that I do the public's bidding because often the public's bidding might not be appropriate to my job.*

Source; Participant in the Case Study Research # CS018 – 2 (b).

When further asked about the confusion surrounding ethics in the public service the research findings have identified that participants were struggling with the concept. Especially when relating it to the real world. Specifically with, regards to the inclusion of technological advances in social media. Some participants in this research study were, reportedly confused by the facts surrounding unethical behaviour and employment termination. Subsequently, they felt resentment toward the organisation for not disclosing the reason, a reason in which they could all possibly learn, from. This was, highlighted by the reality that details of the facts surrounding management's decision to terminate someone's employment were widely unknown to participants. A concept not foreign to misuse and ambiguity around governance, social media whilst seen as a form of communication in the contemporary world, is cause for confusion around ethical praxis from an individual employee participant perspective. It was, reported that whilst most colleagues were doing the right thing when accessing this form of communication, its availability to individual employees had also been found to incite resentment amongst participants. Participants reportedly felt that there had been a perceived lack of transparency on management's behalf to advise public employees how their use of social media was, being monitored. Subsequently, this perception raised concerns around breaches of personal privacy and respect for the individual.

Or, as one participant put it:

*I think they are. And, I think what it does is it builds resentment because we just know that this person is no longer working for us,*



*but we don't actually know, 'why?' So, the questions come up, 'well, am I doing something that I might be doing the wrong thing that I don't know about?' So, and when you ask people; I raised this with our Executive Director and to his credit-we were then in one particular department and people from within, that department gave us a bit of a talk. If, you like at one of our whole-of-staff presentations about the notion of ethics, and 'watch out for social media, don't put stuff up there that you want to have come back and bite you'. And, [they] gave us examples of that and sort of broached the area generally, but nobody has also given us any background on just how people are investigated, mmm [sic] (sound) on how things are found out. Okay, you could maybe say that they don't want us to find out how they find out so that we can avoid that, but that to me is making things much more underhand[ed], not transparent at all.*

Source: Participant in the Case Study Research # CS03 – 2 (b).

#### **4.2.2 Feelings about internal public sector policy**

There is an expectation of management that internal public sector policy – the governance, which governs public employees in their day-to-day duty will be, read. As the governance in place delineates what is required and expected of public employees. Although, I might ask, 'is that expectation too high?' Especially in consideration that policy and other documents, such as, organisational wide instructions were, not always aligned to the principle of the law. The research findings and results of significance support the concept that policy should always reflect the law of which have clear ideals and instructions for public employees in which to follow. Organisational wide instructions and other similar documents should be, used to delineate some procedures, but not to the extreme, that devalues the intelligence of public employees. The experience of some participants in this research study found it not to be the case. Participants reported that due to the high level of governance, it made them feel devalued and unable to make seemingly common sense decisions for themselves. The extent of micro management is surprising and left participants with little choice over common sense decision-making and autonomy in their working day. It is especially so,

as policy cannot cover every conceivable moment or situation in which one is, ethically challenged. With most employees not being involved with draft policy consultation, policy implementation inevitably fails and does not always meet the requirements of the construct of reality. Sometimes it does not reflect common sense.

One participant explained it:

*Just last week that was, addressed. Because about five of us approached our manager and said, 'we really don't need to be treated like this and it's ...'. I mean Standard Operating Procedures are necessary, but not telling you directions on how to deliver things. 'You know, walk across the road. Turn left at the first entrance. Go upstairs. Turn right. Knock on left door'. And, I'm not joking that's the sort of thing – and we have to read all this stuff and that gets updated with a different procedure, and it's just [sound effect], it ends up; you just don't bother with it. Because once you've done the job once or twice, you know what to do. And, 'yes', you need a Standard Operating Procedure, but I think they just go over the top. I think, like for instance, 24 points to get it down to four.*

Source; Participant in the Case Study Research # CS06 – 3 (c).

Participants were not saying policy is not required or that they support nihilism, but perhaps acknowledge that micro managing is counterproductive, and provides little room for autonomy and common sense to prevail in circumstances in which it is most definitely required. Common sense should never, be overlooked. However, it does appear to have been lost in a contemporary world. Overwhelmed by the level of micro management it essentially mitigates<sup>46</sup> the importance of public sector policy documents to the point where it becomes just another piece of paper to read, rather than a guide that contains significant information requiring undivided attention.

Or, as another participant put it:

*Some areas I think you could really, you really need and benefit from policy settings to guide decision-making. Especially, where you've got delegated authority down in the agency. I think it's very*

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<sup>46</sup> Mitigate – to lessen in force or intensity.

*difficult for the Minister or a statutory authority to delegate down to public servants' if they're not giving them a framework in which to operate those delegations or to exercise those delegations. So, policy frame works in that case I think are critical. I think perhaps within agencies, there might be some scope in some areas to lighter up on policy guidance and control, particularly where there may be, where it might be in areas that rely on professional expertise, like in my area, which is engineering. There are other specialists within government that operate. They're role is, they're there because of what they know and in their professional field of expertise, in which case I suspect maybe policy settings might be less useful.*

Source; Participant in the Case Study Research # CS05 – 3 (c).

Question 18 addresses participant responses regarding whether or not micro management is assisting them to perform their job description, and the significance of the ethical oath between the two groups (appendix 22). Although, not significant in 2013, there was a significant association between the control and experimental groups in 2014,  $X^2(1) = 10.48, p = 0.01$  (appendix 22) (Figure 4.1). In 2013, 93.3% from the control group answered strongly disagree/disagree, 6.7% somewhat agree/somewhat disagree, and no responses for strongly agree/agree. In the experimental group, 85.7% answered strongly disagree/disagree, 14.3% answered somewhat agree/somewhat disagree, and no responses for strongly agree/agree. However, there was a big difference of responses in 2014. All 15 participants (100%) from the control group answered strongly disagree/disagree, and no responses for strongly agree/agree and somewhat agree/somewhat disagree. Whereas only 42.9% answered strongly disagree/disagree from the experimental group, 42.8% somewhat agree/somewhat disagree, 14.3% strongly agree/agree (appendix 22). The significance did not diminish over time, with significance reported six (6) months after the initial experiment took place, which lasted beyond the initial experiment, and did not diminish over time, but in fact got stronger.

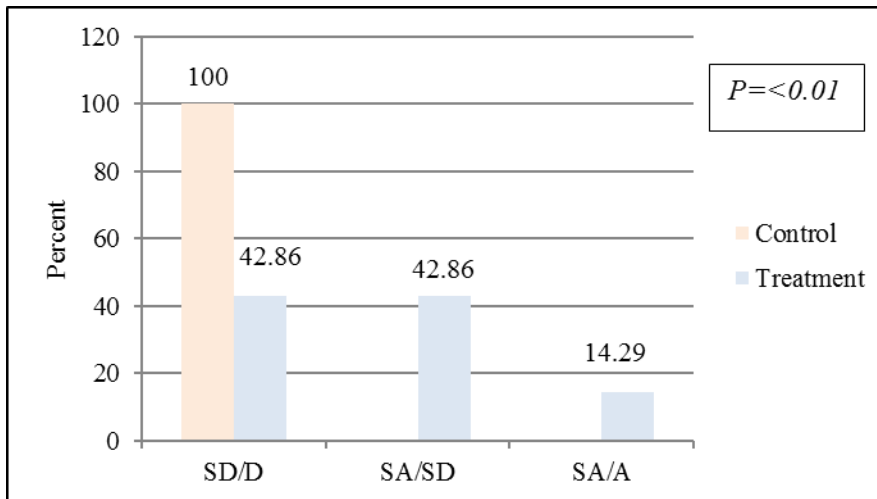


Figure 4.1 Micro management is assisting you to perform your job description between control and experimental groups in January 2014 (SD/D, Strongly disagree/Disagree; SA/SD, Somewhat agree/Somewhat disagree; SA/A, Strongly agree/Agree)

Figure 4.1 explains the significance of the results between control and experimental groups in January 2014, regarding whether or not micro management was assisting participants to perform their job description.

Whilst the research's qualitative findings and quantitative results report that micro management was not assisting participants to perform their job description, there was counter debate regarding the requirement of governance to support micro management.

One participant explained it:

*We are bound but on the main, I see that as positive because of the adverse media reaction should something not go according to plan, even with the public's best interests. The public service is constrained by poor media support. And, therefore to diminish media support they need policies, procedures, codes [and] guidelines to at least behave consistently and ethically.*

Source; Participant in the Case Study Research # CS01 – 3 (c).

Another important construct that participants brought to my attention was that of defending bad policy that involves the community. It is vital that governance or policy designed for the community meets the expectations of the community. Community

engagement forms the basis of policy that can be, implemented within its context. This could, also be, said for internal public sector policies. There is a requirement of public all sector employees whereby internal policy, post implementation that compliance is, expected in totality. If policy cannot be implemented, then ‘should we continue to defend bad policy?’ Would not it be worth re-visiting it and telling the community ‘sorry, we got it wrong, lets fix it?’ The development of policy documents is a difficult task, no one denies that and you cannot please everyone. Although, ‘would it not be better to have community policy that is actually taken seriously?’ Whereby, it could be achievable. It can, actually be, implemented in reality. Further, ‘could being humble in the acknowledgement that one got it wrong actually benefit the relationship between community and the government department?’ The same can also be, said for the relationship between employer and employee.

Or, as another participant put it:

*Yes, definitely. So, once again it comes down to that risk averse thing. It has to be all good news stories, we're scared of doing anything a bit difficult because it will get bad news even though the outcome – we've had a really difficult issue, policy development issue. Recently where there was argy-bargy going on with the people, we were writing the policy for and it was a year of hard, long scientific research, and you know, there was argy-bargy. And, the policy went to here, and then it went to here, and there was an outcome, a really good outcome, but our Director saw it as a real stuff up because we didn't get the policy right. Whereas we saw it as that is how you write policy, it is – it's difficult, you go into grey area, you go into difficult area, and you change your mind, and you do this and you do that. So, if that could be written into an ethical thing, that just because – you don't need always good news stories, the whole process doesn't need to be smooth, you're going to have some difficulties and it's okay to say 'no', it's okay to say 'we got it wrong'. That's actually probably a really, good one is about saying we got it wrong. I think we tend to make decisions and then go 'oh my God, we've got to defend this no matter what'. We're not allowed to back out and go 'oh you're right, we'll change our mind'.*

Source; Participant in the Case Study Research # CS11 – 5 (b).

### 4.3 Political influence and the public sector

The research findings suggest that participants perceive the public sector to be too politicised. Whether or not politicians are aware of this fact is somewhat unknown. Although, the lines appear to be blurred between the Ministerial Liaison Officers (MLOs), who are public servants' and Ministerial Advisors (MAs), commonly known as political advisors who are not, public servants. Both of whom are physically placed in very political offices. Relevant to these issues is the contract employment and appointments of Chief Executive Officers (CEOs), who are being somewhat perceived as political appointments. Although, whose unofficial job description involves keeping the Minister away from negative stories and out of the media's, spotlight. Participant thoughts about executive appointments will be discussed later in this chapter, to here concentrate on political influence. Although, varied from agency to agency it has been, identified that MAs somewhat indirectly advise CEOs. One participant who worked within the policy arena explained concerns regarding political agenda as they reportedly felt that the political culture was, filtered from the "top-down" (Bartok et al. 2001, p. 506). Whilst the 'top-down' approach to management is not a new phenomenon, it is aligned with Hughes's (2003, p. 17) 'model of public administration' of management that signifies a level of autocratic experience. What society essentially ends up with is public policy, which is, modified to suit the political agenda of the day and not policy, which is necessarily in the best interests of the public.

Or, as another participant put it:

*I would say that that [sic] has actually, got more and more pronounced over the years. The ramifications of that is one, evidence based policy is very thin. They talk about it all the time. They might talk about – you now, and so that's one thing because the evidence – if the evidence doesn't suit the political agenda then it won't get through. Now every public servant is aware that they*

*serve the government of the day. So, it's not an issue for me that I have to write things, which promote the government of the day. So, I don't have a problem with that and I do it to the best of my ability, and it's my job to give the evidence. But, when you know that that [sic] evidence has actually changed or excluded, well that's not a problem for me individually because I've done my job. Still if it – but, it does get excluded out the line, so you don't actually – you have very thin evidence based policy. That would vary though across agencies. You also then cut out the line of good advice that you can get from agencies.*

Source; Participant in the Case Study Research # CS14 – 2 (b).

The reported overall *attitude* of participants was that politicisation was a construct perceived as concerning, with particular effect on policy and governance. Although, if government ultimately is to be accountable and responsible, 'is it not reasonable to ascertain that employees must be transparent in the construct of the department's happenings?' So that political decisions can, be based upon reality. Further, not to dissolve any responsibility politicians must steer policy, and importantly engage with public employees to ensure awareness of such so that the departmental happenings are, laid open for truthful discourse. This is not to say that as a researcher I am taking sides, but rather providing an objective viewpoint regarding this research construct. What is evident is that despite saying that they have achieved the requirements of their job description, irrespective of whether or not their policy research and knowledge have been accurately reflected within public policy for the community, participants reportedly felt devalued, and frustrated, and for some vexed and in many cases fear. What appears to be happening was that participants who legitimately raise questions regarding modified public policy were, made to feel that the issue was with them personally, and that they perhaps have a level of political naivety and not that they may in fact have some legitimate concerns. In years gone by when Chief Executives (CEOs) held permanent positions, it was, perceived that they had the safety of tenure to

fall back on should they question the political motives of diluted public policy. With contract employment now a certainty amongst those who hold such senior positions within the public sector, what the sector is now experiencing is a management that was, perceived to be in fear of questioning Ministers. This is because if they do not perform to the liking of the Minister then their contract will, not be renewed and they will not be able to meet their own financial, family, and other responsibilities. The research findings herein suggest that those who are, perceived to fight against the system inevitably find it nearly impossible, and difficult within the confines of the public sector to execute their own individual moral and ethical reasoning.

Or, as one participant put it:

*So, you have all these public servants diligently working away doing their research, getting the best advice, you know, that they can. So, they get messages; it's not wanted, you know, we aren't interested in you. So, that is saying don't do your job in a particular way and people come in new to government, I think they felt that that's [sic] not only odd, that it's very, very [sic] wrong. And, what I've seen lately, and there's actually a case at the moment with a colleague of mine who's new to government – right, so she's come in at the same level as I am, so a senior level, and she just cannot understand, and it's always good to have fresh eyes. So, she's looking at a situation and she sees that there's a workforce in fear – fear of actually saying to the next person up the line or even to the Chief Executive [CE], you are wrong, this is not going to work, and so a whole strategy gets, paralysed through fear. Now the way in which she is managed, because she has expressed this, it's been put to her, oh well, she doesn't understand how government works. Now she's quite happy to be inducted into the processes of government, you know, how you move, briefings, cabinet notes, through how cabinet works, but it's been put to her that this is like a character failing on her part, you know, like you're not politically aware. So, it's sort of like, 'oh gosh, you're quite naïve', you know, you've got to bring people along, but what she sees is that, no you're just too scared to actually say so. This is not a character failing of me. So, she's fighting that, and she's finding it very difficult.*

Source: Participant in the Case Study Research # CS14 – 2 (b).

As discussed in chapter 2, Vigoda (2000, p. 326) argues that:

Theoretical arguments suggest that politics often interferes with normal organizational processes (eg. decision making, promotion,



and rewards) and damages productivity and performance on individual and organizational levels.

Source: Vigoda, E 2001, 'Organizational Politics, Job Attitudes, and Work Outcomes: Exploration and Implications for the Public Sector ', *Journal of Vocational Behavior*, vol. 57, p. 326, viewed 8 March 2017, [http://ac.els-cdn.com/S0001879199917426/1-s2.0-S0001879199917426-main.pdf?\\_tid=ec8e4280-03c6-11e7-99ef-00000aab0f02&acdnat=1488954036\\_af88fcee597c9baa215bc31340f63114](http://ac.els-cdn.com/S0001879199917426/1-s2.0-S0001879199917426-main.pdf?_tid=ec8e4280-03c6-11e7-99ef-00000aab0f02&acdnat=1488954036_af88fcee597c9baa215bc31340f63114)

On the counter side, the public sector needs to have some form of governance to provide employees with parameters in which they can work and to some extent provide a level of protection should something go wrong. Specifically to be implemented as a minimum guideline in times of human frailty. At the very least as far as ethical paradigms are concerned, the basic principle of McIntyre-Mills's (2007, pp. 3-4) definition of 'Idealism, a *priori*' is that it promotes essentially ones 'duty', and 'based on taking decisions based on a moral law'. Society expects that at the very least that the law will be honoured and upheld. This thought poses the counter question, 'what of individual morality and the law?' Whilst I would never encourage or advise, anyone to break the law that would be ethically irresponsible, this is not to say that one who breaks the law is unethical. There have been some cases where people have broken the law to expose some serious failures in the human capacity to be ethical. One such example to explain the argument that is unrelated to this research study easily comes to mind when in 1984, members of the Animal Liberation Front (ALF) unnoticeably entered the grounds of the University of Pennsylvania Medical School in Philadelphia. They then 'broke into a laboratory where they stole 32 audio-visual tapes documenting experiments on primates' (Pence 2011, p. 161). What they had uncovered was the horrific physical and mental abuse of primates in the Gennarelli studies, which could not be, denied by anyone who viewed the tapes. What followed was a huge public outcry when in the same year the People for Ethical Treatment of Animals (PETA)

passed to Congress and the Australian Broadcasting Corporation (ABC) news the evidence. Subsequently, and rightly Neurologist, Dr Thomas Gennarelli had his research studies suspended by the National Institute of Health (NIH). Whilst the example explained is unrelated to this research study, it demonstrates a circumstance where people have broken the law, and knowingly did so, motivated to act ethically to protect the animals part of Dr Gennarelli's research from further inhumane harm and abuse.

Along with the individual, so to 'doesn't the collective require boundaries in which to operate and coexist?' Participants reportedly felt that some governance was required when asked, 'if the public sector relies too heavily on policy, codes and other documents, such as, organisational wide instructions for decision-making?' Although, perhaps it needed, to be balanced with a level of responsibility and autonomy particularly for those who have professional standards to uphold, such as, in the case of lawyers, and engineers.

Or, as another participant put it:

*I think they're needed. I think setting out some parameters is essential. It might not, be related to this; I think there was a starting point when the Public Sector Act was introduced whereby Chief Executives [CEs] who are unelected were given broad discretion. I think from that perspective, I think that's where parliamentarians failed us, and I would call that fuzzy law and lazy law. We operate in a system whereby rules should be determined, I'm not talking about the minutia, and you post a letter in this manner – micro management. But, I'm talking about don't abrogate responsibility. You are elected, and I can appreciate there is a tension between commercialising the public sector or all these theories of managerialism, and operating more consistent with the private sector. But, at the end of the day, I don't think it's possible because we're just operating with different monies, and different shareholders etc. So, I think policies are needed.*

Source; Participant in the Case Study Research # CS16 – 3 (b).

#### 4.4 Gender and the public sector

The South Australian governance on gender in the public sector is defined in the *Sex Discrimination Act 1984* (Com), (South Australian Government Equal Opportunity Commission 2012), and the *Age Discrimination Act 2004* (Com) (South Australian Government Equal Opportunity Commission 2012). Whilst these documents were by in large respected and upheld, participants reported that the social construct of the contemporary work place appears to be struggling with the concept. This was especially evident in terms of career progression through the higher ranks of senior management for women. Participants reported a level of discrimination directly attributed to male behaviours that were, perceived to block the concept of career progression. It was not limited exclusively to gender but, also to that of age discrimination. Their dissatisfaction with the relatively male domination of senior management prevents a balanced workforce that includes and values the contribution of both men and women in the workplace.

One participant explained it:

*I think that's when we start getting personalities involved in it. And, I know that we have quite a few women in our area who have been dissatisfied with their progression within our area. And, I think part of that has, been put down to personality of the senior managers, who are all male, and I don't like our culture when it comes to the way that the men behave with each other. I think that that [sic] is a culture that women, on the one hand, don't find that they are welcomed and don't find that they are comfortable in it. And so, I think if they then want to start talking about that culture, they find it very difficult. So, that sort of thing doesn't get reported up well. On the other hand, the younger women staff, I think are either better able to manage that culture or the senior males are favouring them more than they are the – so there are some issues that I have about the male / female culture within our business.*

Source; Participant in the Case Study Research # CS03 – 3 (n).

Question 42 addresses participant responses regarding whether or not older women are being discriminated against, and the significance of the ethical oath between the two groups (appendix 22). Although not significant in 2013, there was a significant association between the control and experimental groups in 2014,  $X^2(1) = 7.40, p = 0.03$  (appendix 22) (Figure 4.2). In 2013, over half (60%) from the control group answered strongly agree/agree, 33.3% somewhat agree/somewhat disagree, 6.7% strongly disagree/disagree. In the experimental group 57.1% answered strongly agree/agree, 28.6% somewhat agree/somewhat disagree, 14.3% strongly disagree/disagree. However, there was a difference of responses in 2014. Over half (60%) from the control group answered somewhat agree/somewhat disagree, 33.3% strongly agree/agree, 6.7% strongly disagree/disagree. Whereas 71.4% answered strongly agree/agree from the experimental group, 28.6% strongly disagree/disagree, and no responses for somewhat agree/somewhat disagree (appendix 22). The significance did not diminish over time, with significance reported six (6) months after the initial experiment took place, which lasted beyond the initial experiment, and did not diminish over time, but in fact got stronger.

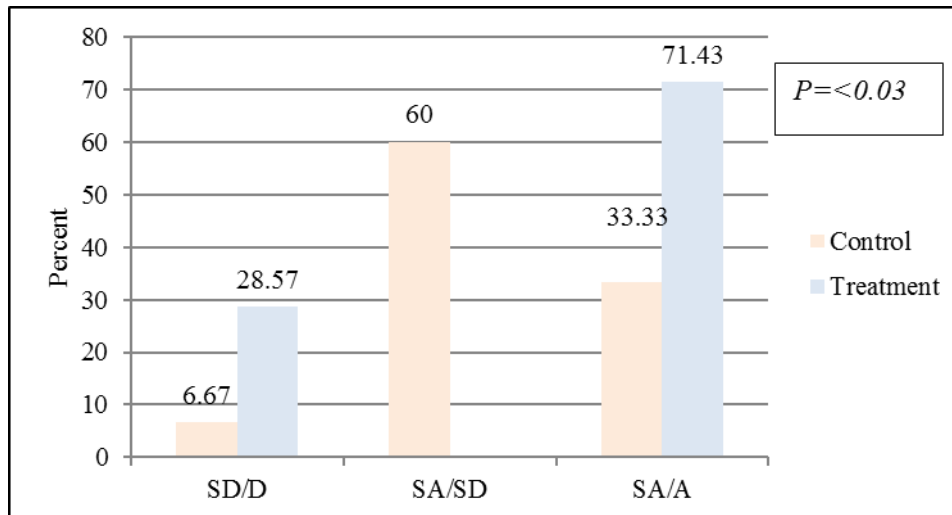


Figure 4.2 Older women are being discriminated against between control and experimental groups in January 2014 (SD/D, Strongly disagree/Disagree; SA/SD, Somewhat agree/Somewhat disagree; SA/A, Strongly agree/Agree)

Figure 4.2 explains the significance of the results between control and experimental groups in January 2014, regarding whether or not older women were being discriminated against in the South Australian public sector.

Career progression was also affecting those women who choose to have a family. This is also concerning in that many are highly educated individuals who should be valued by the public sector or any sector for that matter. In highlighting the challenges women face in the public sector workforce, there is evidence and reports of a high turnover of female employees particularly in those who choose to have a family. There were also reports that there were cultural difficulties at play in effectively managing women in a contemporary society.

Or, another participant put it:

*Definitely. Definitely [sic]. Or, in the most part because we have a high female staff turnover. If they're wanting to start families, they're going on maternity leave, coming back pregnant and going on maternity leave again so they don't have to deal with it. Yeah [sic], and that's a sad thing as well. You think, well, this is what you trained to become and you really enjoyed your job. But, you can see that there's no opportunities, and that any of the things that you thought you would be able to do are being stripped away, and given*

*to other people that have no skill, and no knowledge. So, you're just going to, use it as a bit of a 'transit lounge' while you go and have your kids, and then come back maybe two days a week.*

Source; Participant in the Case Study Research # CS07 – 5 (b).

Promotion in the work force is one construct of which women were still, reported to be struggling with to that of their male counterparts. This was, perceived to be, made more difficult to attain for employees with family commitments and responsibilities, especially if the employee is a carer of sick or disabled dependants. Could it be that women were still experiencing the historical effects of gender bias within the public sector? Whilst asking this question seems silly, and perhaps even unimaginable to ask in a contemporary society, it is thought provoking given the encounters sentimentally exposed by participants in this study. The importance for both men and women to feel uninhibited with regards to career and family have wide reaching impacts, not just on the individual but, that on society as a whole. As discussed in chapter 2, Connell (2006, p. 440) argues that:

Many participants described a change in public sector workplaces that corresponded to this larger picture of social change. In some cases this de-gendering is clearly associated with a change in the labour process and organizational structure.

Source; Connell, C 2006, 'The Experience of Gender Change in Public Sector Organizations', *Gender, Work and Organization*, vol. 13, no. 5, p. 440, viewed 8 March 2017, <http://onlinelibrary.wiley.com/doi/10.1111/j.1468-0432.2006.00316.x/full>

Although, as Connell (2006, p. 442) further argues that '[i]n other sites, women participants point to continuing workplace sexism, both inside and outside the public sector, and mention arrogant and oppressive men remaining in management'. In addressing gender, it was also important to highlight flexibility – flexibility concerning employment and commitments external to that of work. Participants reported feeling a sense of frustration and lack of autonomy in terms of responsibilities external to the

public sector – their private lives. This was, reported not only with participants with dependants, but with also single employee participants of who have the responsibility for caring for an ageing parent.

Or, another participant put it:

*Oh, absolutely. Absolutely [sic]. And, I think if there are particular groups in the public service it would be more frustrating for; say for instance single mothers with children or even parents with children for many years need a lot of flexibility around the workplace. But, even you know, I guess older workers who've got ageing parents. I mean anyone with caring responsibilities does need a lot of flexibility because things spring up. So, what then tends to happen when you have something that's been codified in a set of rules you'll have, well the bandwidth hours are from this and this, so therefore you have to in advance negotiate with your manager about if you want to come in early, later or whatever. Well, there are incidents where you can't in advance do this. You know, you wake up one morning, your kid needs this or simply for whatever reason. So, it does go against the flexibility, and that would impact, on people, and I've see that happen time and time [sic] again.*

Source; Participant in the Case Study Research # CS14 – 2 (b).

Whilst the research's qualitative findings and quantitative results reported that older women were being discriminated against this is not always the case. The counter argument was that women were being, supported within the public sector environment.

One participant explained it:

*Well they are. It's a very interesting situation in that the women are given full go ahead to set up – like we've got a Women's Committee at the moment with a view to, I think we've actually employed somebody to do some research both within our agency and within government on what's happening in other areas to. I think it's to improve the culture, or what contributes to a culture that gives women a better opportunity to advance, and given that's a technology area, which highly favours men anyway.*

Source; Participant in the Case Study Research # CS03 – 3 (n).

It is ethically important that neither gender feel disadvantaged in promotion because of responsibilities external to that of work, such as, raising or caring for family members. This is not to exclude single employees, who might be taking care of an

elderly mother or sick family member as their plight is equally important. Although, circumstances have changed dramatically where we are now seeing situations for a variety of reasons of which both parents need to earn an income and support their family. It is important that the public sector acknowledges this fact of reality and where possible provide flexible working arrangements in support of all families irrespective of the individual dynamics. It is equally important that it be, recognised that public employees are also members of the collective society. Having productive members of society provides an example through practice for vulnerable children who witness their parents having a successful career and work life balance, whilst making a valuable contribution to society.

## **4.5 Pathway to public sector employment**

### **4.5.1 Opportunities for the wrong reasons**

There have been many emotive discussions in relation to the pathway of internal promotion and external employment opportunities in the public sector. This inquiry provoked questions about the suitability of those recruited, and the impact on those already employed in the public sector – existing employees. One needs to ask, ‘is the public sector really recruiting the right people for the job?’ On the other hand, ‘is it a case of whom you know?’ The capacity to recruit internally provides different challenges to those recruited externally from the private sector. Although, both ways require a formal recruitment process that should be systematically followed. In discussing recruiting internally, the research findings herein suggest that wrong doers can, and have been, promoted either upwards or sideways for perceived unethical behaviour. This left those participants who felt that they were doing the right thing



completely vexed. When directly questioned regarding wrong doers, and promotion in the public sector there was a very clear comprehension and awareness of what had taken place.

One participant explained it:

*Yes, yes [sic], definitely. I've seen that. I refer to my direct workplace, where yes, that example of someone being made excess to requirements and one of the other people who was much more junior, lunches with the manager, and is in a management role now. And, [they] started actually as a three [ASO3] [Administrative Services Officer], and is now at a seven [ASO7]. Again without going through, processes.*

Source: Participant in the Case Study Research # CS16 – 3 (f).

Or, as another participant put it:

*They're being rewarded. There's no promotion per se in the area, where I am. They're being rewarded. Because whenever they stamp their feet they might be shifted across to something else at the same level that they have no skill, knowledge or training in. And, nobody else gets an opportunity to have the professional development to learn something new, and to be a better public servant. Because they have more knowledge.*

Source: Participant in the Case Study Research # CS07 – 3 (a).

Participants reported that promotional opportunities occur for wrong doers over those perceived to be doing the right thing. It is concerning that, the qualitative findings herein indicate support for the wrong doer ahead and above that of the employee who is doing the right thing. Or, that it is, perceived to be a reality in the construct of employment opportunities. Could it be further evidence that nepotism is thriving in the public sector? Moreover, 'what about those doing the, right thing?' Are they being rightly considered and supported? Question 10 addresses participant responses regarding whether or not the wrong doers are being, promoted above those doing the right thing, and the significance of the ethical oath between the two groups (appendix

22). There were no significant results to report between the two groups for 2013, and 2014. In 2013 and 2014, the results from the control group for strongly agree/agree were the same as the experimental group for that code on the 'Likert Scale'. The results report that between the two groups in 2013 and 2014, on average over two-fifths of participants indicated that wrong doers were being promoted above those doing the right thing.

Whilst the research findings reported that it occurs frequently, it is important also to report that it is not always the case, with most public sector employees going through the appropriate systematic processes to be appropriately employed. It is my view that governance around employment opportunities is extremely important and not limited to the right person for the role. Nevertheless, those potential employees have gone through the relevant security and employment checks to ensure that those working in society's interest do just that. It was encouraging to hear from one participant that some employment opportunities within the public sector are ethical appointments and not those, which go on to reinforce 'nepotism' (Graycar 2015, p. 87) and unethical behaviour.

Or, as another participant put it:

*I think in some cases it may have happened, yes. But, I wouldn't say it was a rule. It probably depends on the individuals and the areas concerned rather than a deliberate, or a policy approach. Certainly, not a policy approach.*

Source; Participant in the Case Study Research # CS05 – 3 (q).

#### **4.5.2 Political appointments**

It is at this point in acknowledging the research findings that I choose to discuss executive appointments. Historically, Chief Executive Officers (CEOs) were, protected

somewhat by tenure – commonly known as permanency. Currently, there is rhetoric of contract employment for senior executive positions and the like, that whilst financial remuneration is perceived to be better than with tenure, it is acknowledged that there appears to be far more pressure for these employees to perform than their previously tenured counterparts. Many of who, like most of us have household financial pressures and family commitments. Usually for a term, but not always extending to five years, these employees' have no guarantees at the end of the five (5) years and no guarantees that they will complete the contracted time, with some having their contracts paid out before the natural date of expiry. This concerned participants not only because of policy, which has been reported to be mitigated as discussed earlier in this chapter, but also the motivations behind their appointment and how they were appointed.

One participant explained it:

*I think a lot of times, I'm not too sure that we get value for the money that we pay for a lot of our Chief Executives and Co, and other executive range. Because I think they are more 'yes' people. And, that term 'contract' is something that – and I think also that when the head of Premier and Cabinet makes the appointments for Chief Executive [CE], I do think there should be a set of criteria, that really do link in to those people's understanding of what it is to be a public servant. And, to provide advice and those sorts of things and I think in a lot of instance. We've had Chief Executives [CEs] who really don't; they don't really get it. Or, what it is to be a public servant, and if the Minister wants something then, 'how do we make that happen?' I do think that with tenure, it did afford some protection. Because it was really, difficult too actually sack a person unless they'd actually undertaken a criminal offence or anything like that and they were actually put into jail. But, even in those circumstances there was still an assessment about whether that person; their employment was terminated.*

Source; Participant in the Case Study Research # CS15 – 3 (b).

As discussed in chapter 2, Mulgan (1998, p. 4) confirms the definition of politicisation being:

In effect, the concept of politicisation, as commonly used in this debate, has wider reference than simply the making of appointments

(and dismissals) on party political grounds. It refers to any personnel decisions which are typical of a 'politicised' style of public service where newly elected governments expect to replace the senior public servants appointed by the previous regime with appointees of their own.

Source; Mulgan, R 1998, 'Politicisation of Senior Appointments in the Australian Public Service', *Australian Journal of Public Administration*, vol. 57, no. 3, September 1998, p. 4, viewed 8 March 2017, <http://onlinelibrary.wiley.com/doi/10.1111/j.1467-8500.1998.tb01277.x/full>

With CEOs and the like being perceived as political appointments it is also adding to an autocratic style of management, categoristic of the 'model of public administration'. The research findings herein indicate that the public sector was, still perceived as very 'top-down' in its management approach, which has placed further significance on hierarchy and autocracy than a, public sector thinking for its self. Participants have reported it as being less, aligned with transparency and autonomy and more aligned with rule-guided behaviour. Characteristic of Hughes's (2003, p. 44) definition of the 'New Public Management' model of management, officially public sector employees are being told that they need to be more responsible with less rules to guide them. It also includes a 'vertical co-ordination' (Bartol et al. 2001, p. 277) approach to organisational activities. Whereby those at, the top levels are linked with those at, middle and lower levels. When in the construct of reality, the opposite of 'vertical co-ordination' was taking place to the contemporary public sector employee participant. Participants perceived that a 'top-down' approach was prevalent in the model of management in the contemporary work place. These are two very separate conditions of management as previously discussed in chapter 2. This is not limited to, and is reflective of the endogenous factor, identified as work place culture and ethos. Cultural changes are always slow and difficult to implement. Although, participants reported feeling vexed.

Or, as another participant put it:

*In actual fact, over time – and I think also if we go back to the contracting out of, and contracts for senior management, I think that that's [sic] actually imposed more on hierarchy, and on autonomy and things like that. Because it becomes so, 'top-down' that the Chief Executives [CEs] have to put their mark on something and most of them are male so there's not a different, a feminine perspective or a feminist perspective put on the organisation. A lot of time it's gung ho [sic] males who really don't; who are actually not collaborative or consultative, all of those sorts of things and they're put into a position which actually then – the pecking order is reinforced.*

Source; Participant in the Case Study Research # CS15 – 3 (f).

What participants were identifying with was a real concern with the level of political involvement within their individual agencies, and the obvious impact this is having on them as individuals and the community at large. To include but not limited to damaging community engagement and community trust predominately surrounding policy development. There was a real sense of inner turmoil when policy documents conflict with the individual personal morality. This places employees in difficult situations. Specifically, where they have built a community relationship and trust with those engaging in policy development and then find themselves battling their own agency for the sake of society's interest.

Or, as another participant put it:

*What I do I suppose I have some influence in, but then when I try to put it up, that's when I feel like I'm battling my own agency for what stakeholders want, what the community wants. You know, I'm battling my own agency to get what should be, good policy, and good ethics up and this is where I feel conflict can arise. So, I'll just make it clear. For example, I'll go out and I'll do a community forum. In that community forum, I'll have people who give up their time to come and speak. So, it's not easy for them, and they will genuinely come and they will be a bit cynical about coming because they'll go, 'oh every time we come, nothing happens', and then suddenly, you know, you work with them, you talk with them, and you convince them to come. They come and there's a beautiful mixed forum of different people, and you've done a lot of work for that – it takes a lot of work to do, and you get something going, and you feel really, confident and you are in effect the face for the*

*agency. Then when you come back and your agency goes, 'no, you are seriously not going to put that up', and you go well, 'why did you send me there?' 'Why did you do that knowing that you were not going to seriously follow this through?' Because now I look like I'm lying to these people, and they've already said to me, 'well we've had experience of government doing this over and over and over to us'. And, now without even meaning to, I've done the same thing to them. That's my credibility, integrity, which they've taken away. So, you feel really used and abused for an agenda that you yourself do not understand.*

Source; Participant in the Case Study Research # CS19 – 3 (f).

Furthermore, to this phenomenon participants reported that they felt that in some cases, the public sector culture encourages, and supports unethical behaviour and decision-making despite relevant governance – it was erroneous. This had been, directly linked with political influence and the perception that CEOs were political appointments essentially contracted for their political nous. Whilst it could be, argued that individual CEOs are also public employees with their own responsibilities, such as, feeding, clothing and educating dependants, it was noticeably apparent to participants that perhaps the motivations of individual CEOs runs counter to that of society's interest.

Or, as one participant put it:

*Because it is a political arena, because of the issues with tenureship and not having permanency, and I think that many people in the public service see it now as a stepping-stone to other things. And, it's very clear that a lot of the people in senior positions are on the move, you know. So, these people unlike the predecessors don't have the same commitment, and passion to the work, they don't have that sense of this is an area I want to work in and I want to commit to, and I want to get it right, you know, and I want to be here and I want to see this through. Many have been put into high positions they have not even earned, but been given YY [unknown name] the politically tenured CEOs [Chief Executive Officers] or even are in some cases, straight political appointments. It's like, yeah [sic], this is where I'm at, and I'm ready to move on to the next higher step. But, I've just got to put up with this to get a little bit of credibility beneath me.*

Source; Participant in the Case Study Research # CS19 – 3 (a).

Or, as one participant put it:

*I don't think that's what the public service is about anymore. I think it's become very political I have openly stated that. We had a person that they employed to help with our writing styles. I openly said to the person, 'well I don't have a problem with my writing style if I'm writing as a public servant. But, I'm not writing as a public servant, I'm writing to make the Minister look good, and that's where I'm having a problem'. So, in that sense I suppose, in answer to the first question when we talked about policy and that, where we're asked to do things like a writing style, it will be to make the / her to make a good decision. You know, and I think that's where I feel very, compromised.*

Source; Participant in the Case Study Research # CS19 – 3 (e).

### **4.5.3 Nepotism**

‘Nepotism’ is a widely known social phenomenon, which is not exclusive to the public sector. Discussion became emotive amongst participants, especially for those who were, recruited through the front door by legitimate means. By the front door, I mean that potential employees answer the employment advertisement – usually in the newspaper, address the job and person description and are, placed on the short list for an interview. If successful, they rightfully earn the position and subsequently, gainfully employed. The construct of the reality is that in many cases (but not all) ‘nepotism’ plays a significant part in the employment recruitment process. A spectrum of, emotions were, felt and conveyed by employee participants ranging from frustration, annoyance and disappointment. The moral sentiment appeared to seesaw – a change in one’s decision or opinion. With some confusion from those who see it to be acceptable to disclose the relationship, and excuse oneself from the appointment process altogether and those who feel that it is acceptable to sit on the appointment panel. During this research, one issue became clear, that this area of governance perhaps has enticed confusion of clarity with a spectrum of thoughts around ‘what is ethically acceptable?’

Alternatively, ‘what is not?’ The paradox of extreme was, identified in the cases in which those who appoint relatives and friends do so through the back door, whereby recruitment by legitimate means appears to be very much, disregarded. This does not only pose questions around procedure, and moral and ethical reasoning but that of the importance of state security. Public employees have access to significant Information Technology (IT) systems and programs. Programs that gather personal information about fellow employees, such as, date of birth and home addresses to name a few. Some programs gather confidential financial information and budgets of the state. It is vital that both state, and national security is, not compromised, in any way and that potential employees go through the appropriate employee checks of which essentially the employment process governs. A failure to do this could have catastrophic consequences to state and national security.

The seemingly subjective decision to recruit a friend or relative appears to be more, wide spread than first thought. It is for this reason I will take this discussion in two directions. Firstly, concerning internal recruitment, whereby employees apply for employment opportunities of which are, advertised internally – with job positions not available to the general-public. For some, it was, seen as acceptable to disclose to the recruitment panel that one knew the applicant, such as, in the case of recruiting within the department or area. Although, they still chose to sit on the interview panel. Secondly, concerning external recruitment whereby, employees apply for employment opportunities of which are, advertised externally – with job positions available to the general-public. For some it was, seen as acceptable to disclose to the recruitment panel the relationship that the existing employee had with the possible private sector employee. Although, they still chose to sit on the interview panel. Whilst there are



many varying degrees of examples that employees find themselves directly involved, ethically speaking there is only one right solution and it lies in transparency. To be truly fair, and transparent in the recruitment employment process it is vitally important that in all possible variations or situations that the nature of the relationship to the existing employee be disclosed to the recruitment panel, and the existing employee be excused from the process altogether and replaced with a more suitable replacement. This is the only ethical solution, which fully exonerates any doubt surrounding the recruitment of someone known to be family and or a friend to an existing employee. It is the only way, which the organisation and the individual concerned can, be assured that the right person has been recruited or that recruitment has not taken place for the wrong reasons. The worst case of ‘nepotism’ usually involves the recruitment of a family member as the research findings herein have uncovered.

One participant explained it:

*For the most part, most of the public servants I work with are pretty, ethical. But, then there are certainly some as I see on a daily basis where I am, that try and skew things how they want them, mmm [sic] (sound) and are very unethical. Someone where I currently work in management has used nepotism to have one of their children employed. First through a temp agency, and then they have gone on leave and made a position become available so that it doesn't look like they have created this position for them, fully knowing that the only person that's going to apply for the contract was their child, and they are now subsequently working in the same area as us. I'm not saying the person who'd got the job doesn't do a good job. But, potentially the way they were, hired if outsiders knew who they are, and who they're related to they would go 'jobs for the boys'. Or, jobs for family as opposed to jobs on merit.*

Source: Participant in the Case Study Research # CS07 – 2 (b).

As discussed in chapter 2, Gyimah-Boadi (2000, p. 197) argues that nepotism in the public sector creates many issues of concern:

In the public sector, however, it means that the most suitable candidate fails to get a post or a promotion, and the public as a whole suffer as a consequence - not to mention the person who, had there been no nepotism, would have won the position. Or it can mean that a less competitive bid wins a government contract at the cost of the tax payers [sic]' money.

Source; Gyimah-Boadi, E 2000, 'Conflict of Interest, Nepotism and Cronyism', in R Pope (ed.), *Confronting Corruption: The Elements of a National Security System (TI Source Book)*, p. 197, viewed 8 March 2017, <https://bsahely.files.wordpress.com/2016/10/21.pdf>

Resentment was, often felt by existing employees towards the new recruit, no matter how hard they apply themselves to their new job position. The feelings of sentiment echo the idiom – whose historical roots extend from the public sector, that Niland and Satkunandan (1999, p. 80) exclaim as 'jobs for the boys'. Participants reportedly felt undervalued and degraded with legitimate healthy competition usually forged under normal recruiting processes seemingly evaporated before the, job position had even been formally notified as vacant. Those who witness 'nepotism' in its realistic form echo sentiments, such as, these strongest, and hardest.

Or, as one participant put it:

*It's pretty degrading because you think; well it's not what you know. It's definitely still who you know, and it doesn't matter how many right things you do. If you don't know the right people, you never advance.*

Source; Participant in the Case Study Research # CS07 – 2 (b).

Or, as another participant put it:

*It's annoying when, I know people are trying to get work for instance, and a very skilled. But, they don't because the job has been, given to the ex-Premier's ex-Chief of Staff [COS]. Now that person is very skilled – the ex-Premier's ex-Chief of Staff is very skilled buy by virtue of having done some time with the party, gets a very important promotion without – again, without going through a process.*

Source; Participant in the Case Study Research # CS16 – 4 (n).

Whilst the research findings report that ‘nepotism’ was taking place in the public sector, the counter debate is that it was not so frequent and that some agencies are aware that there are guidelines for effectively managing the employment process.

One participant explained it:

*The requirement of law in South Australia with respect to public sector employment is perfectly clear that merit is the basis. Now it may be that people will be, engaged that people know but that must be conducted on a merit basis. But, if you're a friend, and I mean that in a sense that they are a close personal, friend I think you're required to make disclosures.*

Source: Participant in the Case Study Research # CS04 – 3 (o).

#### **4.6 Media and the facts**

It is an unfortunate, that the public sector continues to be centric to the media’s rhetoric with little or nothing of what is good about the public sector rarely making print. Not only the comical cartoons, cited on the back pages of newspapers, but also the rubrically written dialogue there for all to cast a critical eye, is cause for distress amongst those who are doing the right thing in the public sector. The media walks a fine responsible line between rightfully informing the public of what is going on in their street, their city and their world, with the ability to create stereotypes that have an effect on those whom they target. Furthermore, public sector employees who are, targeted are prevented or somewhat gagged from making public comment. It is a known fact that if one goes to the media and makes a comment regarding one’s workplace without approval from a department communication or media manager, then they can expect to be relieved of their position – in other words sacked. Significant pressures from the top affect those who serve in society’s interest and whom take centre stage in the cynicism of the media. When asked about the financial, and customer service pressures

experienced, it was reported to be predominately coming from the top filtering down and directly attributed to the media with rhetoric typified by the following comment.

One participant put it:

*Ultimately cause and effect, I think it's coming from the media, because a Prime Minister, a Premier, a Treasurer are getting pressure from the media for the most silly [sic] things. Example, three or four years ago, the Advertiser quoted that the government was spending; Treasury was spending \$120,000.00 on Christmas lunch. That worked out to be about \$7.00 a person I might add, point one. Point two that was factually incorrect, because every staff member had to pay for their own lunch, and the media's not held accountable. That was just a blatant incorrect fact, and I know because I had to pay, as we all did. We are the ones paying for our own lunch.*

Source; Participant in the Case Study Research # CS01 – 5 (a).

Added to the pressure felt from the media, participants were not rightfully receiving the merit they deserve for their achievements in serving the government and the public well. It must be, acknowledged that senior managers were required to find their own ways for rewarding employees for doing good and exceptional work. In fact, I would go as far as saying that good and exceptional work attracts little or no recognition unlike it should. Consider the feelings of one manager who took the initiative to spend their time, and their own money to ensure that employees felt valued and respected for performing well in acting in good faith.

Or, as one participant put it:

*There's no reward seen for doing the right thing just, generally speaking, whether that's "whistleblowing", whether that's just raising concerns, raising issues, raising process improvement ideas. Example, when I was working at SAPOL [South Australian Police] (and I'm quite happy to quote this – this is fine), if my staff came up with a good idea that saved the organisation money; and one of them did, she saved 80 odd thousand per annum, I offered to take them out to lunch. My personal money was used, not public money. Now we've just saved the taxpayer \$80,000.00, and if I used public money of a lunch of \$40.00, it would get, crucified. That's got to stop.*

Source; Participant in the Case Study Research # CS01 – 5 (a).

Examples, such as, the one discussed above are the sorts of stories, that in all fairness must be given credence. This is not to say that the public does not have a right to hear wrongdoing in the public sector. The counter argument to the research findings is that the public has the right to know what is taking place within the public sector even if it is negative and exposes unethical conduct. Although, rather provide assurance that there is also a lot of good being done in the South Australian public sector. Perhaps if the media's stereotyping of a lazy, disinterested public sector employee who does as little as he or she can at the expense of the public purse was balanced with stories of a hardworking, committed public employees striving to streamline cost savings, then the public's overall perception of the public sector might be seen in a more positive light. Frustration is a predominant emotion reportedly felt by those participants who were genuinely trying to make a difference in their work place. The loss of control over what makes print is de-motivating and saps the value out of any positive achievements that were, made within the daily life of the employee participant. This is because they care; care about the roles they play in serving society's interest, and care about their own individual contribution and what it means to be a public sector employee. The research findings herein have uncovered some truly wonderful reflections or accounts of a hardworking, and dedicated public employee participant. Who despite the impacts on their own personal life and quality of life, go beyond the norm of public thought of which finds them presenting to work on a weekend to make every effort to get the job done.

Or, as another participant put it:

*The amount of unpaid overtime that they would work was just ridiculous, and I remember one of them – about two months after we re-structured, her comment was, 'I'm finding it hard to get out of bed. I really feel so unmotivated'. And, that was someone I*

*wouldn't have thought you could ever unmotivate because she was so dedicated to the work. We had a power outage or something one weekend, and our CE [Chief Executive] was there, and the alarm went off and everyone had to evacuate the building, and he couldn't believe how many people were working, and most of them weren't putting it on their time sheets. But, there they were on a Saturday afternoon catching up on their jobs. I think that happens an awful lot. A lot of us go that extra mile. You either care about your job or you don't, and the people that I work with, they're the most passionate, caring, motivated bunch of people that I've ever known. One of the reasons I haven't left when all the.... we have had difficulties at times, but because I work with such a great bunch of people.*

Source; Participant in the Case Study Research # CS20 – 5 (b).

## **4.7 The cost of financial savings**

### **4.7.1 Inability to serve in the public interest**

It is an unfortunate fact, financial and resource pressures were impeding the ability of participants to provide services in society's interest. With the thoughts of participants being reflective of being unable to properly assist the public and provide the right level of service to include the service they provided to other government departments.

One participant explained it:

*We have lots of other government departments that come into us for the service we provide, and you know, because of cutbacks we don't serve the public on one day a week. So, on that one-day a week is when we try, and do all of those other things that you need to do staff meetings and team meetings, and try and cover rostering issues. But, some of the work still has to get, done for other government departments. They just can't come in, and do the things that they normally do, but they can fax, and email, and deal with us in another way. They might not get the service on that day, but unfortunately that's – they understand as well. They've all had cutbacks so they all know how hard it is to get all of your work done on time.*

Source; Participant in the Case Study Research # CS07 – 5 (b).

The government's attempts for financial reasons to downsize a seemingly over worked public sector was highlighted by the increasing fact that participants were required to perform the roles of at least two (2) persons. The construct of reality on the ground is that roles were not being properly backfilled for annual leave or employment termination, and are further placing stress on the moral strength and good will holding the public sector together. Culminated by unsustainable resource levels, through natural attrition or by personal choice to leave the disillusion of the public sector behind, the seam of the moral strength and seemingly good will holding the public sector together were being, stretched far beyond capacity. Subsequently, participants were, left to rescue the moral strength; to keep it together despite these stresses, and repeatedly reported the difficulties they faced with performing multiple job roles and tasks and described in sentimental detail the impact of such decisions.

Or, as one participant put it:

*Where, one person might have only, had to do one and a half jobs. You now have to do three jobs, and then you can't support in the example of health or even education [as reported in the media], you can't support the teachers and the nurses as well as you should be able to. They shouldn't be having to go down and get the files, and do this, and do that. They're job is to look after the patients or the students. But, when you cut the admin staff, 'who's going to pick up their work'? It comes back on the front line staff.*

Source; Participant in the Case Study Research # CS07 – 5 (b).

Question 62 addresses participant responses regarding whether or not the public sector is too top heavy with not enough ground level employees, and the significance of the ethical oath between the two groups (appendix 22). Although, not significant in 2014, there was a significant association between the control and experimental groups in 2013,  $X^2(1) = 3.85$ ,  $p = 0.05$  (appendix 22) (Figure 4.3). In 2013, 60% from the control group answered strongly agree/agree, 40% somewhat agree/somewhat disagree,

and no responses strongly disagree/disagree. In the experimental group 100% answered strongly agree/agree, and no responses for somewhat agree/somewhat disagree and strongly disagree/disagree. However, there was a difference of responses in 2014. Over half (53.3%) from the control group answered strongly agree/agree, 46.7% somewhat agree/somewhat disagree, and no responses for strongly disagree/disagree. Whereas 57.1% answered strongly agree/agree from the experimental group, 42.9% somewhat agree/somewhat disagree, and no responses for strongly disagree/disagree (appendix 22).

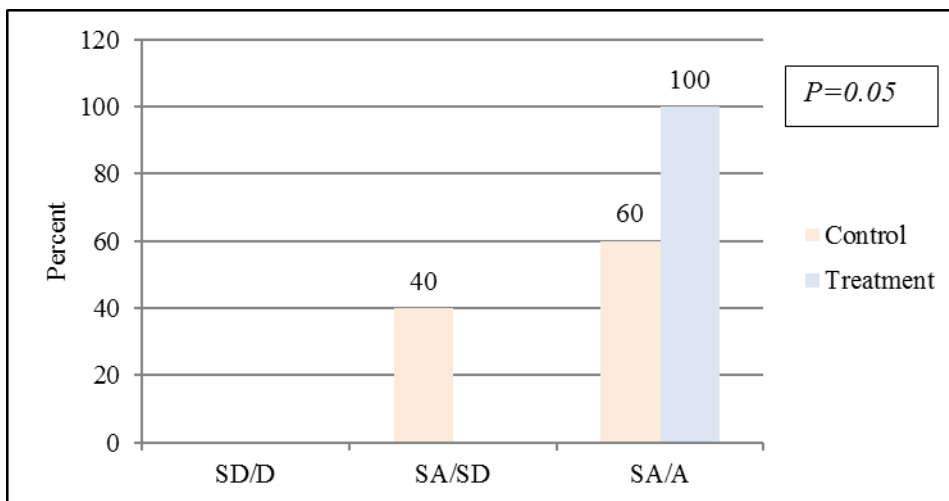


Figure 4.3 The public sector is too top heavy with not enough ground level employees between control and experimental groups in July 2013 (SD/D, Strongly disagree/Disagree; SA/SD, Somewhat agree/Somewhat disagree; SA/A, Strongly agree/Agree)

Figure 4.3 explains the significant results between control and experimental groups in July 2013, regarding whether or not the public sector was too top heavy with not enough ground level employees.

Whilst the research findings and results report that, the public sector is too top heavy with not enough ground level employees, there was counter argument that in some areas of the public sector it was not the case.



One participant explained it:

*We definitely have, well we definitely have the hierarch and reporting structures. But, I suppose many staff do feel that they're able to ask executives when given the opportunity about things or raise issues. I think that's healthy. Yeah [sic], and I guess you know we've got the CE [Chief Executive], executive directors, directors then sort of my level of managers and believe that, certainly in my sort of division, the division I'm in as executive director has strictly speaking a flat structure under that. I mean I can have, I've got team leaders in my area that supervise particular staff. But, from his perspective, it's flat under there so, it just doesn't cascade down too far in that sense. So, it means that those on maybe sort of lower, classifications aren't really seen as, being right down the bottom and so incredibly far removed from everybody else. I think the bigger agencies hierarch, is probably more tightly enforced just because, there are so many, people.*

Source; Participant in the Case Study Research # CS05 – 5 (b).

Unfortunately, the frustration is not only felt by employees, but also the general-public. Specifically, but not exclusively experienced by front line employees of which there were increasing reports that administrative employees were being subjected to verbal abuse from the general public, which in some cases required police involvement. In considering the distress of the situation that employees were, subjected to, consider the state of mind that drove one member of the public to abuse verbally administrative employees from different government departments on multiple occasions.

Or, as one participant put it:

*I do know that we did actually have a customer ring, and was abusive to two staff members, and they actually went and made a police report, and fortunately this person was known to the police because they had done the same to another government agency. The person was, known and they felt that we weren't supporting them in what they were trying to – what information they were trying to get. But, we couldn't help them and they weren't listening, and yeah [sic]. And, we have had instances where, possibly with language barriers and ages, people have come in and they don't think that we've helped them, and so they've gotten quite cross. But, they've calmed down.*

Source; Participant in the Case Study Research # CS07 – 5 (b).

What this reports were that participants felt more at ease with telling society the truth, rather than defend policy which either isn't working or isn't appropriate. Truthfulness was one descriptive, which was apparent in participant responses that further support the motivations of employees for the sake of society's interest. This is not to say that the individual employee was dishonest when it comes to bad policy. As the individual has, no control over what policy determines or what outcomes are to be, achieved. There needs to be an opportunity for occasions when policy is not working in the public's favour that avenues should be, explored of which lead to further community consultation, rather than defending unachievable policy. Having said this, there are instances where public consultation does not work, and the community cannot have what it feels is in its best interest. Reasons, such as, there is not the infrastructure to support what the community insists upon or financial difficulties are some examples which come to mind.

What the research findings herein indicate is there is further evidence that participants had a real concern and empathy for the public in its acknowledgement to be working for that interest and not to its detriment. Question 55 addresses participant responses regarding whether or not participants preferred to be able to tell society 'you got it wrong' rather than defend bad policy, and the significance of the ethical oath between the two groups (appendix 22). There were no significant results reported between the two groups for 2013, and 2014. In 2013, the results from the experimental group for strongly agree/agree were slightly higher than the control group for that code on the 'Likert Scale'. The results report that between the two groups in 2013 and 2014, on average over nine-tenths of participants indicated that they wanted to be able to tell society 'you got it wrong' rather than defend bad policy.

#### 4.7.2 Working above and beyond their employment classification

Historically speaking, very few persons who apply for a re-classification<sup>47</sup> of their employment status were successful. The research findings herein highlight that the re-class as it is commonly, known needs to be further developed and looked, at in a more serious, and meaningful way of identifying those who are genuine about employment opportunities and their attitude about their position within the public service. I believe that the re-class is underutilised for essentially developing existing ‘human capital’ (Preston and Sampford 2002, p. 169). It appears that participants were working under duress to perform over and above their employee classification, in roles up to two (2) or three (3) classifications above their substantive position. For existing employee participants, it was reported problematic, not only from a resource and customer service perspective, this forced, almost expected reality was cause for considerable stress, and a feeling of being taken for granted and advantage of.

One participant explained it:

*It is being lumbered on, you. One of the things that's happening in my role is a person who was directly reporting to the Director went on maternity leave, and they had someone that again they shifted across, because they stamped their feet and got another role to fill in while this person was on maternity leave. And, in my role, I do base level financial stuff, and they didn't know some of the things that needed to happen end of financial year, and things like that. And, they're supposed to be people that I can go to for support and help and it was me, supporting and helping someone that's three classification levels above me. And, I'm not getting rewarded for that. But, I'm expected to help train them, and show them the way when they had no skills coming into it, and the process for hiring them into that role was just that they were at the same level. It wasn't open to anyone else, and I'm constantly feeling that I have to do part of their job for them.*

Source; Participant in the Case Study Research # CS07 – 3 (b).

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<sup>47</sup> Re-classification – a public sector process in which job tasks are assessed or anew usually but not exclusively to a higher employment classification category.

What this reports were those participants felt that they were contributing above what they are essentially financially remunerated to perform thus working above their employment classifications without relative financial acknowledgement. This result exposes concerns from multiple angles. Firstly, there was a concern regarding what constitutes fairness. Is it fair to ask employees to work above their individual responsibilities without appropriate financial acknowledgement? Once, goodwill is exhausted there is little the public sector can do to rebuild trust and respect with its employees. There is, only so much one person can do or what constitutes, a normal working day of seven and a half hours (7.5) in the public sector. When, employees are working above their employment classifications, 'what of existing workloads?' Are, they expected to continue to do both roles? Are, existing workloads handed down to someone else? How often is this occurring? Why, is work not being, fairly distributed? Is there adequate resourcing? If not, 'why not?' These questions and others raise concerns about the current state in which the public sector currently finds itself.

What these findings report herein was that participants within the public sector were working more than was required for their individual role classifications. Further, this extra work was, not being, remunerated financially. Could it also be that there are not enough employees at the appropriate skill levels? For the public service to be a serious employer and contender for highly qualified employees in an open labour market there needs to be an investment into its 'human capital'. Internal employees must have access to fair and genuine opportunities for up skilling and career progression. Governance around such must be concerned with identifying skills, motivation and reward for hard work. The realistic appreciation of the re-classification process and employment status is one of difficulty and one rarely achieved. There were

not only the negative effects on the individual to be, considered. There was also evidence that negativity within a work place culture effects the organisation as a whole. For the individual, feelings characterised by de-motivation, unfairness and the like were, reported. Whilst, for the organisation these *attitudes* are, known too negatively affect culture and ethos, participants reported feeling undervalued and subsequently taken for granted. In turn, this encourages an unhealthy unbalance of work place equilibrium and fairness.

#### **4.7.3 Quality versus quantity**

With the enduring pressures of decreasing resources coupled with financial limitations placed on employees, something has to give – the moral and ethical filaments give way. It is here that I will address the sixth research question. What are the current impediments to ethical practice within the South Australian public sector? Whilst no one likes to cut corners to get things done, evidence reported herein suggests that tasks were, being tactfully rebranded as, streamlining to conceal the self-evident truth that what was required was not necessarily, performed. Upon reflection, this can have catastrophic consequences, support unethical behaviour and possibly leave the public sector open to unnecessary risk. Importantly, it can also impede ethical practice.

One participant explained it:

*I used to think when I first started in the public sector they would have to debate in parliament whether or not you could use a red pen or a blue pen because the process seemed to take so long. That seems to have been streamlined a fair bit. But, sometimes you sort of think people are cutting corners. Because there's less staff, because there's less budget, and there's just not the time to get everything done that you need to get, done. Yeah [sic], you have to do your annual reports and you have to do this, and you have to – and there's always so much reporting that goes on that it just sometimes stops you doing the day-to-day work. So, I can fully see that with the job cuts that it might lead to more, unethical behaviour.*

*Because you're trying to get it, all done to be answerable to higher up the chain.*

Source; Participant in the Case Study Research # CS07 – 3 (b).

Key Performance Indicators (KPIs)<sup>48</sup> were reportedly a cause for confusion amongst those who not only apply them, but who are also required to follow relevant legislation. KPIs were cause for considerable stress amongst employee participants, who were, faced with the decision, ‘do I achieve the KPIs?’ Alternatively, ‘do I follow the legislation?’ This dilemma was seemingly unfamiliar not to participants. The public sector by the very nature of its work is required to set performance indicators to validate and communicate performance to the general-public. The public rightly demands a transparent system, which addresses quantitatively the performance of employees and services. However, I would pose the following question. Should we achieve relative KPIs whilst forgoing relevant legislation? Legislation is reflective of society values and represents its moral and ethical core, and based on what is best for the community as a collective and not individualistic thought. Does the general-public want its employees to place quantity above the quality of the work produced? Participants understood that following relevant legislation was imperative. Although, the additional pressure of achieving relevant KPIs was problematic for those it concerns. Many of who were simply told, ‘just complete the work’. Participants reportedly felt that in addressing or achieving relevant KPIs, it prevented them from addressing the real issues.

Or, as another participant put it:

*I think we're set up to be counter-productive; you must follow the rule, the legislation, and the guidelines. But, keep your KPIs [Key*

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<sup>48</sup> Key Performance Indicators – industry language for measuring performance.

*Performance Indicators] up, and often to keep the KPIs up to where they should be. We can't always do the right thing by the legislation, and the guidelines. It's a balance between quality, and quantity. I keep saying to people, 'never mind the quality, feel the width of the fabric'. But, it is a lot. It is a lot of trying to find a balance between the quality of your work, and the quantity of your work.*

Source: Participant in the Case Study Research # CS18 – 3 (a).

Question 60 addresses participant responses regarding whether or not in addressing Key Performance Indicators (KPIs), it prevents addressing the real issues, and the significance of the ethical oath between the two groups (appendix 22). There were no significant results to report between the two groups for 2013, and 2014. In 2013 and 2014, the results from the control group for strongly agree/agree were slightly lower than the experimental group for that code on the 'Likert Scale'. The results report that between the two groups in 2013 and 2014, on average over two-fifths of participants indicated that addressing 'KPIs', prevented them from addressing the real issues they, were not so much addressed. As discussed in chapter 2, Brignall and Modell (2000 p. 287) argue that:

The presence in public services of numerous stakeholders and multiple dimensions of performance imply a situation of considerable complexity in which large numbers of interactions and trade-offs across the dimensions must be managed in order to satisfy the interests of differing stakeholders.

Source: Brignall, S and Modell, S 2000, 'An institutional perspective on performance management in the "new public sector"', *Management Accounting Research*, p. 287, vol. 11, no. 3, viewed 8 March 2017, [http://ac.els-cdn.com/S1044500500901367/1-s2.0-S1044500500901367-main.pdf?\\_tid=4987f0dc-03c0-11e7-98bc-00000aacb362&acdnat=1488951186\\_325bbf45deb922488c6a6bdb7d59b4b9](http://ac.els-cdn.com/S1044500500901367/1-s2.0-S1044500500901367-main.pdf?_tid=4987f0dc-03c0-11e7-98bc-00000aacb362&acdnat=1488951186_325bbf45deb922488c6a6bdb7d59b4b9)

These findings highlight a concern for participants that the real issues, which employees need to be attentive, such as, quality around community concerns were not being, addressed properly or adequately. Participants highlighted the fact, whereby that addressing KPIs was, perceived to be a higher priority to that of the quality of work they

were required to put out. Addressing KPIs is a documented way of measuring efficiencies and justifying output on paper. Addressing KPIs does raise some important questions, especially for those who deal with the public face-to-face. What of the realities employees face in their day-to-day roles? Does ticking a box really address the seriousness of ramifications if, quality is ignored? Are we reaching community standards expected of the public sector? On the other hand, ‘are we simply ticking a box to provide evidence of such?’ Importantly, ‘are we complying with the law?’

As discussed in chapter 2, regarding the second case study and the Oakden Review Report, research highlighted that ‘in 2010, the facility returned to the full responsibility of the local Mental Health Services with Commonwealth funding for Makk and McLeay. At that time, Oakden was found by, the Aged Care Safety and Accreditation Agency to have met all 44 standards’ (SA Health 2017, p. 25). The accreditation process was, based on achieving predetermined KPIs as defined by The Australian Council of Healthcare Standards (ACHS). ACHS is an independent organisation whose primary focus is on the assessment of health care that periodically assesses and reviews health care standards within Australia (ACHS 2017). Accreditation was, based on five primary elements:

1. Governance or stewardship function
2. A standards-setting process
3. A process of external evaluation of compliance against those standards
4. A remediation or improvement processes following the review
5. Promotion of continuous quality improvement

Source: Australian Council of Healthcare Standards 2017, *What is accreditation?* ACHS, Sydney, viewed 12 May 2017, <http://www.achs.org.au/about-us/what-we-do/what-is-accreditation/>

It is important to discuss that despite achieving accreditation KPIs, that concerns about the quality of care and the treatment of its patients’ was still being questioned by



relatives. Since then concerns had also be raised by the OPA. The findings reported herein by participants highlight the ability of achieving KPIs over that of ethical practice. Therefore, KPIs can impede ethical practice.

#### **4.8 The effects of contemporary bullying in the work place**

‘Bullying’ (McShane and Travaglione 2009, p. 205) within any workplace is not a new social phenomenon. In recent times, we have seen ‘bullying’ take on a passive form in a contemporary – modern workplace that is disturbing to say the least. Evidence suggests, that avoidance or passive ‘bullying’ and micro management hold significant relevance to the employee who experiences ‘bullying’ in the contemporary work place. Close to tears, one participant described in detail how they felt in being passively, bullied and constantly ignored. The theme of the discussion centred on the issue of position re-classification. Everyone that had submitted an application to one, specific unidentified manager, who essentially requested to have their position, re-classified was considered with, the exception of one employee who described feelings of personal alienation and inequality around due process. In addition, to not answering emails or the verbal questions that employees legitimately have, avoidance is also taking a subjective personal path involving the simple social courtesy of greeting some employees when arriving at work whilst avoiding others. It is important to discuss that this behaviour while more frequently experienced and felt by lower classified employees, those in senior positions are not immune to such occurrences of avoidance.

One participant explained it:

*Well it's unfair, but there's also the 'bullying' and even my staff say he bullies me. He won't say 'hello' in the morning. I've been on a month's leave; he won't ask me how my leave was. He doesn't even say 'hello' when he walks in when I've had a month off. He will go*

*home at night and he speaks to the team that sits near his door individually, 'good night this one, good night that one, goodnight that one [sic]'. He comes down to where we are and he goes, 'good night' with our team name. No one is individual's. Or, if he thinks it's only me and one of my staff there that he can see, he knows it's me, he knows I'm there, he'll speak to my staff member by name, and ignore me.*

Source; Participant in the Case Study Research # CS10 – 2 (b).

Or, as another participant put it:

*Those that have progressed through the ranks that have survived know how to passive aggressive bully very, very [sic] well. It's not what's said. It's what's not said. I guarantee there's nothing in writing – obviously. I guarantee the bullying is usually one on one, so there's no, witnesses. It's very, manipulative and very cunning.*

Source; Participant in the Case Study Research # CS01 – 3 (r).

What makes this even more real and specific to the individual employee participant experiencing avoidance was participant sitting before me; trying their best to do the right thing and in doing so was, made to feel alienated, and undervalued for standing up for what seemed simply moral and ethical.

Or, as one participant put it:

*I've been victimised by pointing out when I don't agree with what the boss is doing, and I've been, [sound] I don't know, treated differently when I raise what the other manager has done. Or, when I raise what my staff member has done or how she's behaved, I get basically pooh poohed [sic], disregarded; undermined. I'm there because I enjoy my work and I care about the people in my team. I care about the people in other parts of the organisation too. I'm there in spite of my boss. I'm looking actively for another job, and have been for about three years.*

Source; Participant in the Case Study Research # CS10 – 3 (q).

As discussed in chapter 2, regarding the second case study and the Oakden review Report, '[s]everal people told the Review about "staff bickering between each other", "low morale" and "a toxic culture"' (SA Health 2017, p. 95). Whilst recent efforts on behalf of Oakden to rectify these practices were acknowledged by the review

Report in the form of staff development, ‘[i]t was not apparent to the Review that this had made any impact’. The review Report found that ‘[t]he worker-to-worker team environment was described as “toxic” and “disrespectful”’. Employees ‘also described their witnessing, “verbal abuse and demeaning behaviour from staff towards clients” resulting in “diminished autonomy, that does not represent a contemporary and trauma informed approach”’ (SA Health 2017, p. 98). As discussed in chapter 1, the experience of ‘bullying’ in the workplace Lewis and Gun (2007, p. 644) argue ‘impacts negatively on the psychological well-being of those who experience, witness or are simply bystanders to it (Lewis and Sheehan 2003)’. Although, ‘[i]n line with many academic paradigms, there are no universally agreed definitions of workplace bullying although there is agreement that bullying is best represented as events that are systematically negative, resulting in social, psychological and psychosomatic problems for the recipient (Einarsen *et al.* 2003)’.

Whilst some cases of ‘bullying’ go through the court system, not all claimants – victims for compensation are, supported by judges and the court. Many lose their cases with judges and courts finding in favour of the organisation at the centre of the claim for compensation. One such case was *Li, He v Department for Health and Ageing* [2016] SAET 40, [3]-[4], [11]-[12]. Ms Li:

*Contends that over the course of her employment there were a number of work related issues, and in particular, her concerns about how fairly she was dealt with by work colleagues and her superior, that have culminated in her experiencing a range of depressive and anxiety based symptoms that have and continue to incapacitate her for work [3]. To succeed in her claim Ms Li must satisfy the requirements of s 30A of the Act. She must prove that her employment with the Lyell McEwin was a substantial cause of her injury [4].*

*She must also prove in accordance with s 30A (b) of the Act that it did not arise wholly or predominately from reasonable action taken in a reasonable manner by the Lyell McEwin to discipline or*

*counsel her or from reasonable administrative action taken in a reasonable manner by it in connection with her employment [4].*

*She identified rudeness and aggression displayed to her by other staff members, and of the Lyell McEwin's unreasonableness in dealing with these matters, including its proposal in January and February 2014 that she see a psychologist and that she participate in a performance plan [11].*

*She stated that these incidents reflected bullying and discrimination that had caused her to be very stressed and scared to work [12].*

Source; Li, He v Department for Health and Ageing [2016] SAET 40, viewed 15 May 2017, <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/sa/SAET/2016/40.html?stem=0&synonyms=0&query=Li>

It is the inability of those individuals to represent moral and ethical reasoning of which is a facet of the public sector culture that needs to be, examined considered and reversed. I liken moral and ethical reasoning to the pieces of a jigsaw puzzle – irregularly cut pieces of wood or the like that form a picture when fitted together. There are two contrasting conditions, right and wrong. You put the pieces down, they do not fit morally and ethically so you search for the right piece but you keep finding the wrong piece until you realise that you have to start again. Therefore, you place the pieces that fit rightly, and in finding the wrong pieces that do not fit, you try to find ways in which they do fit or that are right. It is my opinion that employees who are willing to stand up for moral and ethical reasoning must be, held in the highest esteem. If unethical reasoning cannot be, reflected upon and thus challenged within the context of work place, culture and ethos then I fear that through no fault of its own, the public sector will be, left with employees whose moral and ethical ideals are questionable and not conducive to serving in society's interests.

It is widely known that the South Australian public sector is an ageing workforce. The efforts to, retain 'human capital' (Preston and Sampford 2002, p. 169) are perceived to be increasingly difficult to sustain within a culture that does not permit

employees to come forward with truthful disclosures, without fear of reprisal, namely ‘bullying’. The research findings herein suggest that employee participants were struggling with an erroneous culture that does not support moral and ethical reasoning. Importantly, it included a lack of confidence in the public sector to manage effectively unethical behaviour and decision-making.

Or, as one participant put it:

*No. Not based on my own experience, and even experience of a friend in another department, which I can't tell you about because it's got legal ramifications. Because there is no watch dog out there that, you can report to without fear of reprisal. Given the "whistleblowers" is ineffective and given that if, you raise it in the appropriate way, in my circumstances, above my Director to corporate HR [Human Resource], they weren't willing to do anything. So, 'how can I have confidence in it?'*

Source; Participant in the Case Study Research # CS10 – 3 (t).

It's not only the organisations ‘human capital’, which suffers in a culture that doesn't acknowledge moral and ethical reasoning, in its ability to effectively serve the public, but also that of the individual employee. Further, discussing the question about the public sector culture supporting unethical behaviour, and decision-making, participants reportedly felt that it had a detrimental effect on both their physical and mental wellbeing. The public sector has a legal obligation to ensure a safe working environment for all. A somewhat obligation of care if you like as delineated in the *Occupational Health, Safety and Welfare Act 1986* (SA) (Attorney-General's Department 2012). With financial and family pressures in a period of global economic decline, there is more pressure than ever to stay gainfully employed. Although, despite this many were considering leaving the public sector or going part-time in an attempt to counteract the negative effects on their physical and mental wellbeing.

Or, as one participant put it:

*For me? Well, I guess for me is I get sick, I get stressed, I get sick. It puts an extra load on me managing my team, because they see the things that happen in the workplace, not just to me. I mean the things that he does or other managers. There is at least, one manager that actively engages in similar things, and he's the only person who ever acts for our Director. So my team, looking after Finance and HR [Human Resource], and putting through submissions to try and get funding and everything, we see, and we look after Records Management so you see everything. So, that's an extra burden I guess. Managing that, managing their disillusionment and I guess disgust with what goes on in the workplace. One of my staff works – we have more than one site, and he works at the other site in another team and he works in our team, and he says sometimes he wants to say, 'I don't want to work in our team anymore'. Or, go back to part-time rather than stay, and see the things he does because it disgusts him so much.*

Source; Participant in the Case Study Research # CS10 – 3 (a).

This raises questions regarding acceptable behaviour in the work place and the pressures employee participants were exposed. What these heart felt opinions represent, and report was that essentially employees in effect were turning on each other, and venting their perceived anger and frustration. Verbal abuse, a facet of 'bullying' is by no means under any circumstance acceptable. It raises a number of questions. What is going on within the walls of the public sector? How it is that employees justify such unethical behaviour? What is being, done to protect employees from such negative experiences? This behaviour is not acceptable as a community standard. So, 'why is it occurring in the public sector at all?' Importantly, 'what if anything, is the Human Resource Unit (HRU) doing about it?' Although, Schulman (2017, p. 55) argues:

that sometime this can be 'overstated'. She argues that 'INVOKING the language of abuse is an avoidance of responsibility, just like speaking in metaphors. Like when people say, "I feel like I've been raped," to mean they are upset. In reality, what they feel is nothing like what they would feel if they'd been raped'.

Source; Schulman, S 2017, Conflict Is Not Abuse: Overstating Harm, Community Responsibility, and the Duty of Repair, Arsenal Pulp Press, Canada.

What about bullies who use this tactic to bond with others? Schulman (2017, pp. 66-67) argues that whilst 'conflict is not abuse, *wanting* to exclude, silence, or dehumanize someone through forced absence is not an inherent right'.

If shunning in the context of Conflict is detrimental to the other person and has no terms, it is purely employed as an act of cruelty/punishment or avoidance/denial of responsibility, and is not justified.

Source: Schulman, S 2017, Conflict Is Not Abuse: Overstating Harm, Community Responsibility, and the Duty of Repair, Arsenal Pulp Press, Canada.

However, Schulman (2017, p. 67) offers a solution to the problem of conflict that is not abuse by means of physical harm. She argues:

At the root of these questions is the responsibility of the caring listener. A shallow relationship with a friend, relative, co-worker, or advocate means that they will not take the time to ask the meaningful questions and to help the person involved overcome shame, anger, and disappointment so they can get to a complex truth about their own participation and how to achieve repair.

Source: Schulman, S 2017, Conflict Is Not Abuse: Overstating Harm, Community Responsibility, and the Duty of Repair, Arsenal Pulp Press, Canada.

Further distressing, is the seemingly unethical *attitude* towards those who carry a far larger responsibility outside of the construct of the work place, those that care for sick and disabled dependents. It was at this point, during the research study, I felt the huge responsibility as a researcher. Participants who were also carers with dependants recalled stories. Their plight needs attention in the hope that the research findings and results can make a difference. What was reported, was a concerning reality that those with the responsibility for caring for disabled dependants were being discriminated against. For these individuals, there are not enough words. Enough words that make those participants caring for sick, and disabled dependants experiencing such unethical treatment, feel any better. Only, that I hope that the qualitative findings and quantitative

results herein from this research, shines a light, and focused attention on a subject rarely or never previously exposed. Simply, this result uncovers an underlying issue with respect to policy, and reality. It is deeply disappointing that added to the stress of such personal circumstances at no fault of their own, that participants were being treated in a somewhat shameful way that contradicts relevant policy on such – policy distributed by SafeWork SA, Government of South Australia – titled ‘Flexible Work Arrangements Parents And Work Life Balance’ (Government of South Australia 2012). One must ask, ‘at what point does a Human Resource Unit stand up to such injustice?’ On the other hand, ‘is this a supported passive form of bullying going undiscussed and unreported?’ That is until now.

Question 61 addresses participant responses regarding whether or not employees caring for sick and disabled dependents are being, discriminated against, and the significance of the ethical oath between the two groups (appendix 22). There were no significant results to report between the two groups for 2013, and 2014. In 2013, the results from the experimental group for strongly agree/agree were more than double than the control group for that code on the ‘Likert Scale’. The results report that between the two groups in 2013 and 2014, on average over one-fifth of participants indicated that those employees caring for sick and disabled dependants were being, discriminated against. As a researcher, I was surprised, and shocked by the reported findings. There was a perception of difference between policy implementation and the reality of what was actually taking place. Subsequently, I was encouraged by the fact that I included the question regarding that aspect in the research. I would have liked the findings and results reported to have reflected quite the opposite and uncover no evidence of such abuse, which needs to be, addressed must be rectified and made right.



Failure to do so, will only further confirm the self-evident truth regarding an uncaring culture and ethos in the public sector.

#### **4.9 Public and private partnerships**

Recently in South Australia, there has been a push to encourage ‘Public and Private Partnerships (PPPs)’ (Hayllar and Wettenhall 2010, p. S1-S7). By no means a recent phenomenon, ‘PPPs’ are being actively pursued in an effort to cut government spending. Especially, as employee salaries subsequently place further fiscal pressure on the sector and further highlights the shortage of skilled labour within the South Australian public sector. What was clear was that participants reported that mixing the two was, perceived to be problematic on the ground. With no doubt just as many difficulties regarding expectations of behaviour for the private sector contractor, as there was for the public sector employee.

One participant explained it:

*I would say generally speaking, I think there are insufficient processes to make sure that people, when they enter the public sector are, held to a higher account. I think it's difficult. The agency I work in, it's been necessary to bring a lot of people from the private sector and of course, there are often older. It's very hard to shift attitudes. But, putting that aside and looking at the way in which the public sector veterans, if you like work, I think there's generally a case of well if there isn't a process to stop me doing this, I'll do it. And, I think that's human nature. So, if you don't have oversight, whether it's kind of a passive oversight, where the technology is put in place to prevent this kind of thing or active oversight. If ethics is really limited to you sign something when you sign on, and then maybe once a year an ethics consultant comes and has a chat to you about how you shouldn't use Facebook on a public computer or you shouldn't steal stationary, that's really not enough.*

Source; Participant in the Case Study Research # CS17 – 2 (b).

Resentment and frustration were the feelings described by participants who had reflected upon the concept of ‘PPPs’ in discourse. There was a definitive expression of

blurred lines reported concerning the expectations placed on public sector employee behaviour and the behaviour witnessed of private sector contractors to the extent that public sector employees felt de-motivated to care. This discussion provoked an interesting question. Why should I bother caring? With comments, such as, rules for some and rules for others being a predominant theme. Comments, such as, these weren't exclusively made about private sector contractors, with it also being reported as occurring within the public sector itself. It was, perceived that in witnessing others getting away with perceived unethical behaviour, that morale and a sense of purpose had silently, been eroded to the point that most say nothing at all out of self-preservation.

Or, as another participant put it:

*Yes, yeah [sic], definitely. Whether it's, you know, it gets back to if – yeah [sic], we've set an internal limit on training per FTE [Full-time Employee], and favoured staff can spend anything they like on training. Other staff – I'll tell you the story. I wanted to get my CPA [Certified Practicing Accountant] half-segment fees paid and then use my entitlement. It's quite expensive now, and you know, the emphasis from my line manager, my acting manager was, you know – actually, he mentioned the CFO [Chief Finance Officer] needs, you know, obviously the document, and it can't exceed \$1,000, there was an emphasis on that. Yet, where I'm sitting there in a meeting, a high level meeting and my line manager says her training was going to cost \$3,000, my CFO was in an embarrassing position, and so was my line manager because they've just pressured me to keep it under \$1,000, and they've just virtually confirmed her training for 3,000. You know, and he was a little bit uncomfortable with that. You know, this is someone he's guiding into a new role. Yeah [sic], so there are, you know, it's not serious, it's just, yeah you like, once again though it just adds to the lack of respect I have for the whole system. It has an effect on my general – on my life, you know, my degree of satisfaction I draw from my employment, and then it plays on my mind in my own time. So, it does have a pretty big effect.*

Source; Participant in the Case Study Research # CS13 – 3 (j).

#### **4.10 Conclusion**

This chapter highlighted the issues of concern for public sector employee participants in South Australia. This chapter answered the sixth research question. The issues brought to the surface were, constructed to define, and explain the *attitude* and feelings of participants after delving into the inner sanctum of mind through reflection. In delving into the participant mind, it was important to highlight their sentiment and courage in exposing some previously unknown truths about the public sector. Whilst it was difficult for me personally to comprehend the depth of despair in some participants, it is my hope that in bringing these concerns to the forefront of the reader's mind, that it does these significant issues of concern justice. Especially, for the participants of whom at some point all bared their soul in an attempt for mutual understanding. The issues of concern delineated in this chapter, highlight a significant fact that despite relevant policy, and code defining what constitutes moral and ethical sentiment that in reality, but not in totality, there are some serious questions around the culture and ethos of which the public sector employee participant was, faced with seemingly on a day-to-day basis. It was, perceived to be wrong. In summing up this thought provoking chapter, I think that it is a fair assumption that everyone who participated in this study felt that they were doing their best under difficult circumstances to somehow counter the problematic environment that appears to be currently defining the public sector both internally and publically. It was, perceived to be problematic because of established concerns regarding the culture and ethos of the public sector that included concerns around management structure, political influence, gender inequality, nepotism, quality versus quantity and bullying. Although, certainly from a researcher's perspective it requires humility, and understanding for a group of people who want to see the public

sector thrive under very different circumstances; one that is moral and ethical where everyone is valued, respected and considered an equal.

## **Chapter 5: Rescuing Itself from Itself**

### **5.1 Introduction**

This chapter discusses the *attitude* of employee participants regarding change. In South Australia, there is a specific need for change regarding a contemporary public sector culture and ethos. This chapter also highlights the significant risks that public employees were, faced with because of the very nature of their work and association with the public. In discussing risk, it was not limited to external risks as this chapter unfolds, but also the internal risks that were, faced. In recent times, there has been debate in the state of South Australia, for some time now in relation to implementing an Independent Commission Against Corruption or commonly known as an ICAC. As we move through time, the relevance of having an independent organisation to govern misconduct and corruption in the public sector, it is increasingly apparent as it is perhaps timely that the South Australian government acknowledged and supported such. In delving into the inner sanctum of mind, participants displayed a sense of direction and a profound understanding of the issues around moral and ethical deliberation within the context of the work place. The primary empirical research findings and results herein have identified that participants in this study, significant as this is, clearly understood what constitutes moral and ethical reasoning, and demonstrated a yearning for such to be, managed individually and collectively with an acceptance that accountability lies with us all. This chapter discusses at length the findings and results of significance for the constructs mentioned.

## **5.2 Morphing ethics into the workplace culture and environment**

The research findings herein concerning this area of concern has uncovered an uncanny truth that involves the ability of individual employee participants. Participants who display ethical reasoning, and behaviour to be permitted at the local level the autonomy to be able to feel free enough to pull others up in that moment in time when unethical behaviour is instantly identified and recognised. Most would agree that at some time in our lives we perhaps hear and see happenings that we feel are, not right but for fear of appearing dogmatic walk away justifying our actions by way of accountability that pertains only to the individual, namely ourselves. Perhaps that thoughtful comment from a fellow colleague guiding us when unethical behaviour was, identified could be more recognised as an attempt to guide individuals towards ethical behaviour, rather than an opportunity of control. Difficult as it is for some to stand up to their conscience, it could be, handled tactfully, and with care and sensitivity. Such behaviour could be, counteracted through careful dialogue, such as, raising questions that invoke thought and reflection. Is there an alternative way to speak about that? Why do you feel that way? Unless you're completely comfortable with coming straight out and telling someone they are in the wrong, questions that provoke thought on the part of the other person makes ethical decision-making a choice rather than being told not what to do or perceived to be controlling. Of course, there are many circumstances that require a direct approach of which cannot be denied, such as, the safety of an employee and matters of law. People need to be able to call poor behaviour unethical behaviour for what it exactly is without the fear of being, labelled a work place 'bully'. Certainly, there are legitimate cases of workplace 'bullying' (McShane and Travaglione 2009, p. 205), and I am by no means trying to dilute the significant impact that this

construct has, not only on the individual, but also on society as a collective. Although, sometimes we need to make common sense judgements about behaviour, and provide a guide for what is acceptable and what is not in that moment of time.

One participant explained it:

*I think people just maybe have to, not be afraid of appearing to be a wowser, or a wet blanket. And, maybe it needs to be clear – this is very hard, because the concept of ‘bullying’ and passive / aggressive behaviour is now pretty recognised, and we’re, told about it constantly. So, it’s very easy for people to play victim and it’s very – it makes people feel important. I’m not saying that ‘bullying’ doesn’t happen. I know that it does, and I’ve seen it happen. But, the trouble is sometimes the cure that is making people who are, bullied into heroes, can effectively mean that a whole lot of other behaviour can get swept under the carpet.*

Source: Participant in the Case Study Research # CS17 – 3 (m).

I believe that when we are contemplating, and doing ethics we must bring a sense of humanity into the picture. Essentially, as human beings we are vulnerable to the frailties of what it means to be human – the frailty of the human mind to think, the frailty of the human body to act and the frailty of the human spirit to have faith. There must be some acknowledgment around humanness in work place. There needs to be a culture, environment and ethos that is, not conducive at times of being conscious of this fact. We need to start to develop the individual person and increase their knowledge and awareness of ethics per se. We need to increase one’s capacity to make ethical judgements to bring about praxis. One’s capabilities must also, be addressed and for this reason, I will now refer to Nussbaum’s (2011) theory on such. Nussbaum’s (2011, p. 18) ‘Capabilities Approach’ is based on a dogma of “what is each person able to do and to be?” Nussbaum (2011) in her own words defines this approach, which ‘takes each person as an end, asking not just about the total or average well-being but about the opportunities available to each person’. For individual personal growth, the public

sector must actively and continually provide opportunity to all employees. Likewise, employees who also make up our society. It is only through providing environments for continued and ongoing knowledge, and awareness on ethical praxis through knowledge and education, that one can increase one's own capacity and thus one's 'capability' can be developed. This education can take many forms, and for this reason I will refer to McIntyre-Mills (2008, p. 148) 'systemic' ethical solutions, which are required for tackling difficult situations. Incorporating a 'systemic' approach permits 'collaborative decision-making' to address complex issues.

Firstly, I will refer to McIntyre-Mills's (2007, pp. 3-4) definition of 'Idealism, a *priori*', which is 'a *non-consequentialist and deontological or duty based approach, based on taking decisions based on a moral law*'. As a 'moral law sets out one's duty, based on prior decisions on what constitutes ethical behaviour', it is 'a *priori*'. The 'real test for the moral law is the being prepared to live with the decisions if they were applied to oneself and one's own children'. In the public sector 'Idealism, a *priori*' is, represented in the many law, governance and policy documents providing guidance to employees. Given the difficulty of reliance on individual morality, as that can vary from person to person, I believe that laws regarding compliance to "whistleblowing" (Tucker 1995, p. 475) need to be strengthened and improved. It was apparent in the research findings that the *South Australian Whistleblowers Protection Act 1993 (SA)* (Attorney-General's Department 2009) was inadequate to protect participants against reprisal relating to truthful disclosures of illegal conduct or maladministration against a co-worker. Further, laws protecting people from 'bullying', especially reprisal and the negative effects it has on their psychological health must be developed and submitted as a *Bill* to the South Australian government.



We also need to incorporate other paradigms of ethical and moral philosophy, such as, Aristotle's *'Virtue Theory'* (McIntyre-Mills 2007, pp. 4-5). Aristotle's theory shows that he himself had great insight into ethical and moral deliberation, which later became one of the four paradigms of ethical theory and philosophy. Until recently it had always come second to 'duty' based ethical principles, as the great minds of Plato and Aristotle sought out virtue or as Dupré (2013, p. 80) eloquently puts it 'moral excellence'. Through Aristotle's *'Virtue Theory'* approach this paradigm is conceptualised through reflective living and questioning, truthful dialogue, practical wisdom, education and careful thinking. In his own words Aristotle (cited in Rist 2002, p. 84) argued that 'the better our mind (and thus the better our moral decisions) the "better" or more valuable we are'. In acknowledging Aristotle's view on education, we cannot dismiss his feelings about life and the experience one gains from living the human life. *Phronēsis* – a word from the Greek language Roger Crisp (2006, p. 158) explains is 'the intellectual virtue of practical wisdom' acknowledges the importance of life experience, and the human life lived. It is, acknowledged that no one ideal or theory can capture every preconceived situation or experience in which one is ethically challenged in his or her capacity for ethical praxis. In terms of the public sector we need to look at concerns from multiple angles through focused attention to limit the ability for one to be first, placed in a situation in which one might not like the consequences, and second, if so, the skills to work their way through it to reach an ethical outcome.

### 5.3 Mindful communication

As discussed in chapter 2, crucial elements of organisational effectiveness are good organisational 'communication', and interpersonal processes (Bartol et al. 2001, p. 426). The storing of intellectual knowledge or information like a reservoir, whether its purpose is for good or bad occurs not only in the public sector, but also in the private sector. McShane and Travaglione (2009, p. 20) best describe it in existing literature as 'silos of knowledge'. The reason behind keeping or storing information has many motivations, although, usually individualistic in nature. Both positive, and negative information stored by individuals, I believe based on my own realistic appreciation was that it is primarily, focussed on the motivation of control. Control for information, control of others, and control of the environment, culture and ethos. I also believe that negative information could be, kept for the purpose of both hope and fear. Firstly, perhaps there is a feeling of hope, that the issues raised by concerned employees were, extinguished before there was any need for them to be progressed upwards through the organisation, as senior managers were not, perceived to, be managing their employees effectively. Secondly, fear in not coming forward and making truthful disclosures about misconduct or corruption in the hope that it will be, blanketed over or that it will never be, revealed. Alternatively, perhaps fear in dealing with uncomfortable issues or concerns raised by employees head on, without reservation. Positive and negative information could also be, used against opponents, to obtain an organisational strategic advantage. Although, one must understand that in the public sector we are all working for the same purpose, society's interest. The reality for participants was that these 'silos' were still occurring within the public sector, and do not only occur within individual agencies, but also between other agencies.

One participant explained it:

*I am going to make a very strong statement here. Agencies hate other agencies. So, if you have a forum – see often you'll have other agencies. So, whoever's in that space that's relevant to that space will be in that forum. If it's an agency they don't like, they'll just say no. They will just say no, because they've got issues with that agency. There's so much agency anger, and you will come and you'll go, 'but this is what we need to do', and often part of my work was actually doing collaborative arrangements. I was, brought into government because I am very good at doing collaboration, and innovative thinking, and putting people together. And, I suppose setting things up, mechanism up, where you get a co-structure, which is the way things have to go because if you're going to look at new government arrangements. It's going to make sense that you're going to have a much more integrated model. 'Oh no, not going to do it for them'. 'No, oh I can't stand them', and that's the whole attitude, every day they will dish other agencies, and people in agencies including people in other sections in their own agency. So, it's very disrespectful as well.*

Source; Participant in the Case Study Research # CS19 – 3 (f).

McShane and Travaglione's (2009, p. 326) 'silos' also play out in strategies particularly for the individual whom wants to build their own hierarchy. Alliances play out in a representative way so that one can build on surrounding themselves with people whom serve individualistic motivations. Participants reportedly felt that they were essentially working inhibited. This was because information either good or bad was being unfairly or unevenly disseminated or a lack thereof. As a result, information sharing then becomes non-existent. Subsequently, it places them at a significant disadvantage over that of other employees.

Or, as another participant put it:

*Absolutely, I can see that really, really [sic] clearly. They have – there's, ambitious people in the ranks of the management there and they're climbing. And, they're going to take certain individuals with them, and others that may threaten them in some way aren't going to get information. There's no doubt about that.*

Source; Participant in the Case Study Research # CS13 – 3 (b).

From an intra, and inter agency perspective the research findings suggest that ‘silos’ occurred in both verbal and written dialogue. Whether intentional or not the motivation, and ramifications for distorting or manipulating dialogue has a significant impact not only on the individual who discloses truthful information verbally or creates a written document, but ultimately the community. One such example was the manipulation or misplacement of a written document before it found its way up to the Minister. Subsequently, that required the employee participant to go out and around the agency to the State Ombudsman (SO).

Or, as another participant put it:

*I'll give an example, so I was doing a particular piece of work, and I put it to my Manager. It's meant to have a Rec. Find Number [RFN]. Your Rec. Find Number is something in government that's a transparent process, you've put it up; you can go find your document. One important document I was working on just disappeared in spite of my manager insisting he would find it without success. I was lied to, and told it was, where it had been, intended and then, I looked silly when I checked to find no, it had not, been sent. This type of maladministration was a real ongoing concern in the end. I went to the State Ombudsman because I did not know how to handle the situation. People would ask me about the documents, and I had no idea what was going on, and had been, put as the key person on the work. So, I had huge ethical dilemmas to the point where I had to step outside and seek advice.*

Source; Participant in the Case Study Research # CS19 – 3 (f).

Avoidance, the deliberate act of avoiding either verbal or written dialogue was, also reported as self-destructive. I mean self-destructive because it does not act on legitimate concerns or questions raised by, employees. Avoidance, I believe is, based on fear. It is somewhat a passive form of addressing namely confrontation. Either verbal or written dialogue can be, avoided. Verbal avoidance most commonly experienced is evident when a manager advises, “I’ll answer that question later”, and does not follow up on the request for information or answers. Written avoidance is

often characteristic of a failure on behalf of a manager or anyone for that matter to address legitimate questions, or concerns, for example, via email that provides a paper trail. Emails or other written discourses are harder for those initiating to ignore, as it links the avoidance with a path of evidence – written evidence. The research findings herein have uncovered what I describe, as an underground level of avoidance. This was characteristic of employees being, summoned to a senior manager’s office and subsequently given a directive verbally and not in writing. Employee participants perceived this as avoiding answering any legitimate concerns in writing and in a specific reported case in email. Question 19 addresses participant responses regarding whether or not avoidance was being, used to ignore questions from employees’, and the significance of the ethical oath between the two groups (appendix 22). There were no significant results to report between the two groups for 2013, and 2014. In 2013, the results from the experimental group for strongly agree/agree were slightly higher than the control group for that code on the ‘Likert Scale’. The results report that between the two groups in 2013 and 2014, on average over two-thirds of participants indicated that there was a level of avoidance experienced when employees’ raised legitimate questions of senior managers. Regarding avoidance or the perception of being, ignored when legitimate questions were, conveyed to management was a concern to employee participants.

Or, as one participant put it:

*I once put something to my Director in email. He screamed at me to come into his office immediately, and demanded to know ‘why’ I put it in an email to him. So, it was very clearly, indicated to staff not to put anything of a sensitive nature in an email.*

Source: Participant in the Case Study Research # CS19 – 2 (a).

Whilst the findings report that there was evidence of employee avoidance the counter argument is that it was not always the case.

One participant explained it:

*No, I haven't found that because I'm really, pretty upfront about asking the people that I know are in those positions. So, I haven't ever found they avoid emails or ringing me or anything like that. But, I just find that when I speak to them personally they're not able to give me a – it is whimsical but it's all subjective, really, and they're pretty open about saying that when it comes down to it. But, I'm not happy with those subjective processes and I would like them to do more to make them not just 'oh we have to go back' or whatever. So, I guess in reality I'm saying that by and large I do find people reasonably upfront, about what's going on.*

Source; Participant in the Case Study Research # CS03 – 3 (a).

These qualitative findings herein confirm that underground avoidance was being somewhat used to ignore the well-meaning questions from employee participants. These questions could be the base of legitimate information on, 'how to do one's work?' Likewise, avoidance was, perceived to be hidden away underground regarding issues of concern within the capacity of the employee. Subsequently, affecting individuals themselves or collectively as a working group. Whilst the exact nature of the questions being avoided were not included in this primary research study, never the less, the findings raise serious consequences for effective communication. The examples were defined as those discussed, and reported herein this research study, and with evidence that the practice of underground avoidance was perceived to be a concern in the public sector. Further, concerning effective communication it raises some concern regarding accountability and protection against legal maladministration. Participants reported that they needed to protect themselves constantly from legal maladministration. This was actioned by way of keeping diaries of verbal dialogue and

keeping copies of emails or other written dialogue in the event that it may be required later down the track. Participants reported spending valuable minutes and sometimes hours keeping meticulous evidence for the sake of protecting their own backs and shielding themselves from the consequences of such. Further, this raises an important question about time management. What could be, achieved if the time used to keep meticulous records for self-preservation was, used in society's favour? What was further concerning for a researcher centres on the environment and ethos. What are the environmental factors at play? What is happening within the public sector walls that such perceptions bring about an unspoken practice of meticulous record keeping, which was required for individual survival?

Or, as one participant put it:

*Constantly. I had a diary that I kept, alongside that I made very detailed notes. I would constantly keep an email trail of where I could, and it was quite interesting because I had one manager that was quite incompetent, and very flippant about what he would say in an email. But, he was very close friends with a Director that was quite controlling who would constantly be trying to; I suppose, cover up the email. It was quite an interesting dynamic.*

Source; Participant in the Case Study Research # CS19 – 2 (b).

Although, 'what of the truth?' All communication both verbal and written must be truthful. Further, 'is avoidance also failing to be truthful? What I mean here is that in doing so, avoiding one's legitimate questions perhaps could also be an avoidance of the truth. In providing support for truthful dialogue two specific passages cited in the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7) of which I want to place focused magnification on.

*I bear allegiance to truthful dialogue and in doing so, be transparent in all manner of communications for the sake of society's interest.*

*I will draw on my innate sense and learnt wisdom to engage in moral and ethical reasoning and gallantly raise questions to ultimately seek the truth.*

Source; *Lewisēthikós Oath 2010*©Natalie Lewis.

Deconstructing the thought provoking ideals previously mentioned above, there lies reference to *truthful dialogue* of which includes *transparency*. Further, there is an acknowledgement of the importance of *gallantly raising questions to ultimately seek the truth*. These ideals are most important when one is engaging in either verbal or written discourse for not only the individual, but also that of the collective organisation. Without truth, we have nothing. There lies in the truth the basis for effective decision-making.

## **5.4 Vulnerable to exploitation**

### **5.4.1 Internal exploitation**

It is fair to concur on observation that due to the sheer size and numbers of the workforce within the public sector, that management cannot observe employee behaviour every minute of every day. Although, this is not to say that poor behaviour should not be, appropriately identified, reported and addressed. Employees must also be individually responsible for exercising some form of moral reasoning, and ethical judgement, which is somewhat expected and accepted by community standards. Whilst most would deny that it ever occurred, discourse with participants has highlighted the issue of emotional blackmail<sup>49</sup> within the system. Behaviour I strenuously oppose due

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<sup>49</sup> Blackmail – to intimidate by accusations or injurious threats.



to the damaging effects that it has on the individual, and the collective dynamics. Blackmail usually is not, based on fact, but rather the misuse of emotional control. It is far better to have people motivated by healthy options. Rather than people, being, oppressed and controlled by negative motivations. Motivation by intimidation is morally and ethically wrong. One must ask, 'why do employees think that it is acceptable to use emotional blackmail?' I cannot answer that. Emotional blackmail was, reportedly being used as, a way of motivating fellow employees to get things done. However, it is likely to be, based on the motivations of the individual, rather than organisational directives and motivations. The internal vulnerability of employees was, highlighted by the following opinion.

One participant explained it:

*Yeah [sic], I think they are because there is a lot of – because of the public sector bashing that goes on. I guess some public sector employees would be starting to think, oh well this is how they expect me to behave; this is how I'm going to behave. Where I work there is often emotional blackmail. We have people saying, 'if you don't do this, you're going to affect this person this way'. It is emotional blackmail. I don't know about whether you count that as being some sort of bribe, but maybe it is. We get blackmailed to do things, differently.*

Source: Participant in the Case Study Research # CS18 – 4 (h).

Whilst the qualitative findings reported that there was evidence of internal exploitation, the counter argument is that it was not always the case. One participant explained it:

One participant explained it:

*My position's acutely sensitive, in the sense that I will often be defending government decisions in court and I won't do that in an unethical way. I will be frank and clear about what our legal position is, what the facts are, and if you're asking whether I'm entitled - the government's asked me to conceal things - no, of course not, and if I was asked to do so, I'd refuse those instructions. That's very clear. I have my own ethical obligations that derive from*

*being a lawyer and my obligations to the court, which are freestanding.*

Source; Participant in the Case Study Research # CS04 – 3 (e).

#### **5.4.2 External exploitation**

There was no evidence reported in this research study to suggest that participants had been involved directly or indirectly in bribes, had witnessed a bribe take place or had knowledge of such. Although, I felt that there was a need for this paradox to be, addressed. Not to validate or justify unethical behaviour of this nature, but to reflect upon the enormous pressures that public employees are placed under by the very nature of their role within the community. Many employees have job descriptions either in entirety or partly where they were required to have contact with the general public or external organisations. Perhaps it is the very nature of the public sector, and working so closely with the public, and outside influences, which places the public employee in vulnerable situations. This vulnerability leaves them open to bribes<sup>50</sup> and misconduct. Not limited to, though within the system itself, and especially so when there were multiple employees involved, such as, the cases that I previously mentioned in this thesis that were reported, in the media. Being, ethically challenged for most is not an issue. Although, for some it leaves those balancing on a very thin line defined by consequence and two contrasting conditions, that of right and wrong. Whilst we must acknowledge that bribes are morally and ethically wrong, one emotive that clearly stood out during this research was that participants were under enormous pressure. Pressure to perform, and pressure to behave to community standards. Pressure to achieve ‘Key Performance Indicators (KPIs)’ and the pressure to serve in the ‘public interest’

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<sup>50</sup> Bribe – anything given or serving to persuade another to influence or corrupt.

(Larmour and Wolanin 2001, p. 87) irrespective of the capacity for them to do so, as defined by government. The public's expectation and the pressures felt by participants were, defined by the following opinion.

One participant explained it:

*Oh yes, yeah [sic]. We are, on the one hand, either expected to behave with the utmost you know moral character or we're expected to behave like lazy bastards. We're not expected to behave like human beings, so there's this, you know, there's an expectation that we're all lazy bastards, and cut the staff, cut your numbers. But then, 'why aren't we getting the service?' The public don't; I don't often know where the public come from, even though I am a member of the public.*

Source; Participant in the Case Study Research # CS18 – 4 (h).

Whilst historical research has indicated that there has been instances of external exploitation regarding public sector employees the counter argument is that it is in fact rare. Many public employees are working hard with the interests of the public in the forefront of their mind.

One participant explained it:

*I think that generally the people who work in the public sector that I've seen are generally ethical and trying to do the right thing and probably a little bit confused about what the standards are. Because there's just such a wide range of rules that they need to be following that's overwhelming too cover off on everything, but they're trying to do the best they can I guess.*

Source; Participant in the Case Study Research # CS12 – 5 (b).

When asked, 'why they felt that public employees' behaved unethical?' Sentiments of frustration combined with a lack of support came through in the dialogue of this construct. The reported frustrations were, identified as the inability to perform contemporary employment specifications or classifications properly. Reported

frustrations within the current system also identified a lack of understanding from the public. Finally, frustrations of feeling unsupported within the system itself.

Or, as one participant put it:

*I've never seen or am aware of any major problems, with people behaving in an unethical manner. I think it would be about – it could be about sheer frustration of not being, supported to do their job properly. I imagine there would be some element of – there would be dishonest people in the public sector who, would just go and do it anyway because that's their nature. But, I think that everyone I work with is trying to do the best they can, and I think if they did behave in an unethical manner, it would be as I said, through sheer frustration, throwing their hands up in the air. 'I can't do this anymore'.*

Source; Participant in the Case Study Research # CS18 – 5 (b).

## **5.5 Legal maladministration**

In the public sector maladministration is, classified as inefficient administration or administration that is dishonest. Maladministration can be either legal or illegal. Much can be said of media reported corruption and illegal activities, which historically have occurred within all ranks of the public sector. Although, 'what of legal maladministration?' Many examples of inefficiencies come to mind though not limited to whereby, the disposal of letterhead paper supplies occurred because of new marketing or branding when, perhaps this was unlikely to impact on the functioning of the department. Re-branding, financially impacts taxpayers. It is an expensive exercise. Further, increasing the employment category for one employee, whilst keeping it at the, lower inappropriate level and definition of the same job description for another. Wasting public money should always be avoided it plays heavily on the conscience of those public employee participants trying to work in society's best interests.

One participant explained it:

*I've recently done some work where in response to our department not knowing what they actually spend their money on. Not in the sense of the inputs, they certainly know that they're spending what proportions of the budgets they're spending it on salaries, and what proportion is spent on cars, and what proportion is spent on all the other inputs. The thing is they don't know what they're spending in terms of the output. They don't know what they are buying for the money they're spending. So, I did a study, and worked out based on employee job classifications where the money is being spent. And, so if you looked at the whole proportion of money being spent in our department, there was more money being spent on administration, and management, and consultants, and communication and marketing than there is in actual people on the ground wielding shovels. The legal spending of money on wasteful things and I just cannot work out. It's not just in one department. I know that it happens across a lot, of departments. It's probably true in all departments, and I just don't understand how that outcome has come about.*

Source; Participant in the Case Study Research # CS12 – 3 (f).

Question 52 addresses participant responses regarding whether or not, legal maladministration and wasting public money is occurring, and the significance of the ethical oath between the two groups (appendix 22). Although, not significant in 2014, there was a significant association between the control and experimental groups in 2013,  $X^2(1) = 4.80$ ,  $p = 0.03$  (appendix 22) (Figure 5.1). In 2013, 53.3% from the control group answered strongly agree/agree, 46.7% somewhat agree/ somewhat disagree, and no responses for strongly disagree/disagree. In the experimental group 100% answered strongly agree/agree, and no responses for strongly disagree/disagree and somewhat agree/somewhat disagree. However, there was a big difference of responses in 2014. Over three-quarters (80%) from the control group answered strongly agree/agree, 20% somewhat agree/somewhat disagree, and no responses for strongly disagree/disagree. Whereas only 57.1% answered strongly agree/agree from the

experimental group, 42.9% somewhat agree/somewhat disagree, and no responses for strongly disagree/disagree (appendix 22).

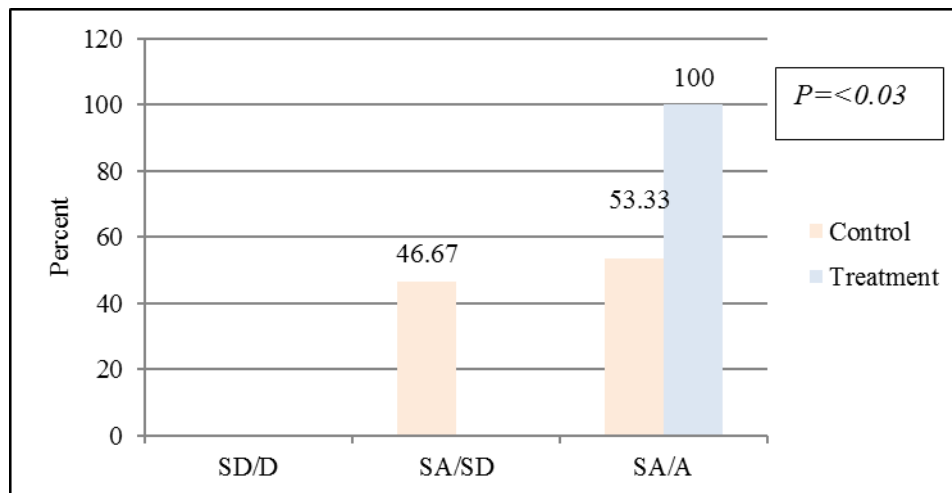


Figure 5.1 Legal maladministration, wasting public money is occurring between control and experimental groups in July 2013 (SD/D, strongly disagree/Disagree; SA/SD, Somewhat agree/Somewhat disagree; SA/A, Strongly agree/Agree)

Figure 5.1 explains the significant results between control and experimental groups in July 2013, regarding whether or not legal maladministration, wasting public money was occurring.

Whilst legal in the construct of the law, legal maladministration raises doubt in terms of capacity to effectively manage and govern the public sector. Thought to have been no longer in existence in the public sector, some of the examples discussed in this research study and given freely to the researcher – me suggests participants were concerned enough to highlight this fact during discourse. Part of legal maladministration is building hierarchies where it becomes apparent that there are few employees actually doing the work, with more employees at senior management and executive levels. Building hierarchies or persons ranked one above the other is nothing new. When asked about hierarchy participants reportedly felt that there were too many

employees at the top level and not enough employees to effectively complete the work at the lower level as previously discussed in this chapter. Further, participants reportedly felt that colleagues should be, financially remunerated based on their individual contribution to the organisation.

Or, as another participant put it:

*In the future, I would actually like to see that people are, paid at a level that is commensurate with what they are contributing to intellectually, knowledge wise, experience wise. And, that if you really want a vibrant public sector then a whole lot of things have got to change. And, you've actually got to start with those first principle questions back about whether our current public service arrangements are appropriate for what's got to be delivered to the community in the 21<sup>st</sup> century.*

Source; Participant in the Case Study Research # CS15 – 5 (b).

As discussed in chapter 2, Fitzgerald QC (1989) (cited in Longstaff 1994, p. 1) talks of this phenomenon through a convincing argument that it is ‘enormously frustrating and demoralizing for conscientious and honest public servants to work in a department or instrumentality in which maladministration or misconduct is present or even tolerated or encouraged’. Legal maladministration leaves a dark cloud over the integrity of the public service. Whilst it portrays the public sector in a cynical and dysfunctional way, it is important to acknowledge that it is in reality taking place, as reflected in the research findings and results. Haidt (2012, p. 190) successfully argued ‘that Glaucon was right and that we care more about *looking* good than about truly *being* good’. Haidt explains that ‘we lie, cheat, and cut ethical corners quite often when we think we can get away with it, and then we use our moral thinking to manage our reputations and justify ourselves to others’. Haidt’s (2012) sentiment was, also confirmed in the research findings, with participants reporting the same. With this in mind, it was relevant that participants were, asked ‘why do you think public sector employees’ act unethical?’

Or, as another participant put it:

*Because they think they can get away with things, and they've potentially always either been a bully or want to be a bully, and they can hide behind their title and get away with things. It's – there's not that many unethical people. It's just the minority. But, it seems to be that they might hold positions of power, so the perception is that everyone's unethical. I strongly believe that it's only a small group of people. For the most part, we all work hard and we all wanted – 'why else would you go into the public sector?' If you don't like hard work you wouldn't be there, you would find something else to do. But, I don't think that all the employees are unethical. It's definitely a minority.*

Source; Participant in the Case Study Research # CS07 – 5 (b).

Whilst the findings herein report that, there was evidence of legal maladministration in the public sector the counter argument it is not always the case. There was a reported understanding of what the Code of Ethics for the South Australian Public Sector 2010 (Office for Ethical Standards & Professional Integrity 2010), meant and the expectations of the Code. When asked 'do you have any knowledge of the current ethical governance or rules in the South Australian Public Sector?' Moreover, what does that entail?

One participant explained it:

*Only from a training perspective, Code of Ethics and in regards to my profession as well. That an employee must behave and undertake activities that are – they're using the same phrase again, ethical, in terms of doing the right thing by their employer, by themselves, by their colleagues and as a public servant by the community.*

Source; Participant in the Case Study Research # CS01 – 2 (a).

## **5.6 The ethical importance of accountability to independent authorities**

Accountability, as with autonomy was extremely important to the public employee participant. Most felt that governance in the form of policy was still required to delineate the basis of normative behaviour to encourage ethical decision-making.



Whilst political tradition is firmly entrenched within politics, it is important to note that this tradition should not be the basis of determining proper conduct for public sector employees through politicisation of the public sector. Independent authorities, such as, an Independent Commission Against Corruption (ICAC) can be very effective in guiding those individuals or organisations who were vulnerable to poor ethical behaviour. I acknowledge Niland and Satkunandan's (1999, p. 83) argument that 'Codes of conduct do not appear as hard hitting as investigations or procedural reform'. Although, an ICAC historically supports the 'standardised procedures and work systems that minimise opportunities for improper conduct'. ICACs are specialised independent authorities, which target 'areas of public sector activity which, due to fuzzy lines of authority and the existence of significant discretion, are vulnerable to misconduct'. Further, in leaning towards the implementation of an ICAC in South Australia, is its ability to enable some level of autonomy for public sector managers to manage effectively situations of unethical behaviour and misconduct. Nilhand and Satkunandan (1999, p. 85) explain that ICACs are extremely sensitive to the dynamics and relationships with government agencies under investigation with the ICAC stressing, that it 'provides advice but does not instruct, because managers must be given the freedom as well as the responsibility to manage'.

Question 41 addresses participant responses regarding whether or not participants want the implementation on an ICAC, and the significance of the ethical oath between the two groups (appendix 22). There were no significant results reported between the two groups for 2013, and 2014. In 2013 and 2014, the results from the experimental group for strongly agree/agree were higher than the control group for that code on the 'Likert Scale'. The results report that between the two groups in 2013 and

2014, on average over four-fifths of participants indicated that they want an ICAC implemented. Primarily, as an ICAC has its independence off any other organisation. Given it is independent of government and the public sector.

One participant explained it:

*Well, it would be nice if there was some, sort of independent organisation to have a look at things. Yeah [sic], that would be good. Well, because of all the vested, interests within the public service in management. You know, often people in management have connections with other managers. They socialise together, they even have – some of them are related and, you know, they also when you complain against one, the other ones' sort, of close ranks.*

Source; Participant in the Case Study Research # CS09 – 4 (k).

The research's qualitative findings herein indicate that participants want to see an independent regulator overseeing truthful allegations, and complaints of misconduct, maladministration and corruption. This was a clear signal that the public sector employee participant does not have faith and confidence in the system to manage effectively such behaviour internally. Reporting externally also plays an important role in the prevention of reprisal, where by persons who come forward with a truthful disclosure inevitably suffer with various forms of ostracism and 'bullying'. Further to this, I believe counter to popular opinion that the *South Australian Whistleblowers Protection Act 1993 (SA)* (Attorney-General's Department 2009) provides adequate protection for those who come forward with truthful disclosures. For the most part, if anything comes of the research outcomes it is that of addressing the requirement to provide watertight protection from retribution and ostracism, which was evident and reported in a contemporary public sector. At the very least, we owe it to the community interest to do so. The research findings herein indicate that employee participants were scared or frightened about coming forward. This was due to the well-publicised cases

in disclosing misconduct or maladministration by previous “whistleblowers” (Tucker 1995, p. 475). It is important to note that for some time South Australia, was the only state within Australia that did not have an independent regulator.

For the purpose of this debate, discussion will be, based on the New South Wales (NSW) and the Australian Capital Territory (ACT) independent regulator models. During the research literature review in 2012, I found that in NSW – the first state in Australia to have an ICAC, it implemented the *Public Interest Disclosures Act 1994* (NSW) (formally the *Protected Disclosures Act 1994* (NSW)) (New South Wales Government 2012, p. 20). This *Act* (NSW) makes it an offence and attracts a prison term of two (2) years for ‘a person who takes detrimental action against another person that is substantially in reprisal for the other person making a protected disclosure’. It effectively declares retribution a criminal offence. This research bases the argument in favour of an ICAC on the influence that the law has on every citizen. Whilst, the *Protected Disclosures Act 2012* (ACT) (Australian Capital Territory Government 2012, p. 31) attracts a twelve (12) month prison sentence stating that ‘a person commits an offence if the person (the *retaliator*) takes detrimental action because of a public interest disclosure’. And, this *Act* (ACT) takes one step further adding a six (6) month prison sentence for anyone who ‘divulge protected information’ (Australian Capital Territory Government 2012, p. 34). Much can be, said about the option for one to make an anonymous truthful disclosure, which is available in the *Act* (ACT) model, but not in the *Act* (NSW) model. Many opponents of an independent regulator argue against the level of secrecy and transparency around what, why, when and whom. Nevertheless, there can be no denying that most participants who participated in this research study reported that they preferred an ICAC. They did so for reasons attributed to being able to protect

themselves from retribution and the notoriety that a “whistleblower” attracts. Importantly, protect themselves from the subsequent negative effects that it has on a person’s career, health and personal life.

Or, as another participant put it:

*I'd like to but there's a thing call bread-and-butter. I just wouldn't take an adversarial approach in any event if I were like to say it – say whatever or disclose something then even if I, and I'm fairly well equipped to be able to defend myself. But, even then, I wouldn't. Because – well on the other hand probably not because of the emotional turmoil, and the dragging in friends, family; I know I wouldn't do it.*

Source; Participant in the Case Study Research # CS16 – 3 (j).

It was this personal toll, which affected people in very individual subjective ways, which appears to be preventing employees from coming forward with truthful disclosures of any kind. The research findings herein also identified that this process of thought was being, further heightened by the current culture, ethos and environment within the public sector. To include, but not in totality the added pressures of recent financial and resourcing cuts. Employee participants themselves have financial and other responsibilities, such as, mortgages to pay, mouths to feed and people of whom they are responsible. Therefore, it is not any wonder that reputations are, preserved for the individual concern rather than the collective good. This is not to say that participants want to keep just walking on by if they witness unethical behaviour, decision-making or maladministration. There was a genuine hope that concerns of this nature were, addressed appropriately for the benefit of all. Although, not to the detriment of their careers and their health. It could be argued, ‘are we asking too much of our public employees?’ Is it too much to ask that they put their individual lives second to the collective community interest? On the other hand, is it? Either way

individual public employees still have a community interest as a member of a collective society. Therefore, we must consider the individual pressures and motivations and the collective good for all concerned. We simply cannot address one without addressing the other.

The research findings herein identified that those who had participated in internal investigations concerning unethical behaviour or decision-making and misconduct felt immense pressure to ensure the right outcome. Whether, it came from senior management or from within themselves. Some found internal review a ‘conflict of interest’ (Preston 2007, p. 156). Whilst others saw it that only public, employees can properly understand the dynamics of the public sector and make decisions about one’s conduct within that construct.

Or, as one participant put it:

*Well that’s an interesting one. Because I am very frequently called upon to conduct internal reviews within, and also, for other public sector agencies, and ‘yes’, I think it does. In some respects, it shouldn’t – no, I’ll say I have felt conflicted because I’ve had – I actually have conversations with the parties, all parties, to check what are you expecting out of this. And, there are certain people I probably wouldn’t do another internal review for because I’m not permitted to say what I want to say. Although, in the main I have favoured the decision of the Department and I believe workers think that the odds are stacked against them. Yes, I think there are issues with that.*

Source; Participant in the Case Study Research # CS16 – 3 (m).

Whilst the findings reported overwhelming support for and ICAC, there was some confusion regarding the details surrounding, its scope of operation.

One participant explained it:

*I think what is, proposed is a good idea. However, I don't know that I agree with the detail of it. I haven't examined it in great, detail I must admit and probably also something, which is received knowledge not my own personal analysis of it. I don't believe people can even be – what was it, what were they saying? You can't even*

*actually – if I were to disclose something, that can't be disclosed. So if you take it to the ICAC [Independent Commission Against Corruption], then the ICAC is not permitted to disclose it. It just sounded nonsensical.*

Source; Participant in the Case Study Research # CS16 – 4 (k).

The inability to have faith and confidence, in the public sector too effectively manage unethical decision-making, misconduct and maladministration was undeniably evident in the thoughts and *attitude* of participants. These thoughts come out of memories, embedded and reinforced memories, due to the reality and construct of situations over time. Especially, for those who have spent most of their working life in the public sector. On the other hand, those who consider themselves career public servants. Feelings of being disheartened, disappointment, fear and anger plagued these individuals, which ultimately affects the collective working group. At this time, it would be realistic to assume that morale appears to be at an all-time low, with many public employees left asking themselves, ‘what is the point?’ What is the point of saying anything or doing anything when the system appears to have caved in on them? Participant discourse described a subjective feeling of the walls around them collapsing inwards, characteristic of implosion – bursting inwards. It is overwhelming and suffocating. The research findings reported herein could also be part of the reason, ‘why the community views the public employee in the negative way that it does?’ We cannot continue to ask public employees as part of a democratic society to conduct themselves in their personal life in one way and then ask them to conduct themselves at work in another way. Whilst it appears to be an unfair perception, in which no one appears to be saying or doing anything about what is unfairly and unjustly occurring within its own walls; there is some truth in it. As a result, the research findings herein

highlight that because the system has continued to fail the public employee, they have become somewhat wooden in nature likened to a marionette – a manipulated puppet from above without emotion that is controlled, by others or the system. I say wooden because the public employee marionette just goes through the physical motion of getting up in the morning and going to work, and then going home in the evening where they then come alive in spirit and purpose.

Or, as one participant put it:

*No. Well the classic example is a person who has spent an enormous amount of money on very expensive consultancies for change management programs when truthfully, I mean I'm not the sharpest knife in the draw, but not the dumbest either and there have been no appreciable gains. So yeah [sic], I find that disquiets me and I'm introspective enough to ask whether that's personal and part of it is. But, I believe I have a level of objectivity as well because I would point to that sort of behaviour as being inappropriate no matter where I was, and I've seen it in other agencies; this is the largest scale that I've seen it.*

Source; Participant in the Case Study Research # CS16 – 3 (t).

## **5.7 Conclusion**

This chapter delineated the vulnerabilities in which participants faced as employees of the South Australian public sector. Much can be, said about the risks of which public employees are exposed to, on a day-to-day basis within the, construct of their individual job descriptions, but not limited to these individually. What became, known in this chapter was a reported perception of frustration in the public employee participant who witnesses not only unethical decision-making and misconduct, but whom also witnessed legal maladministration. Legal maladministration is not against the law. Although, it is cause for distress amongst those who have realistic experience of such, within their individual and subjective construct. Much can be, said for the

pressure placed on the shoulders of the individual participant. Although, it was, acknowledged that there was no place for anything, which represents misconduct or unethical decision-making. In terms of motivation, it became increasingly clear that it was far better to motivate people with healthy options, rather than oppression and controlled by negative motivations or emotional blackmail. In terms of communication participants, reportedly felt after reflection that communication was vital for the organisation in minimising the effects of an erroneous culture and environment, which subsequently affects the individual and collective working group. Participants gave descriptive accounts of the negative effects of the storing of intellectual knowledge or information – a reservoir of information. Whether or not, its purpose was for good or bad. One thing of which requires no clarification, is that if we are to address with certainty unethical decision-making and misconduct, then we must also acknowledge the ability for one to speak up freely without being, placed in a position that local reprisal is, experienced or accepted. In accepting this fate, we must then fearlessly acknowledge that this can truly only be managed independently. Independently of the government of the day including the public sector.



## Chapter 6: Building Capacity To Be Ethical

### 6.1 Introduction

This chapter outlines the significance of the need to build capacity to be ethical. We must push out the boundaries of moral and ethical reasoning to develop capacity through increased knowledge and awareness. We must also build upon memory to subsequently, develop foresight and ethical praxis within the individual. This was original research and the significance of this research being the first primary empirical research study of its kind in the world (to the best of my research and knowledge) I decided to assign it its own chapter. I devoted the following chapter in its entirety to detail the importance that a witnessed sense of occasion albeit a hypothetical oath had on the individual employee participant. As discussed in this chapter, much can be, said of the witnessed oath to invoke<sup>51</sup> the ability to build capacity for ethical praxis, and the research findings and results herein indicate that it did just that. In developing this research of enquiry, it was vital that a hypothetical ethical oath be, developed specifically to test out the hypothesis (H<sub>1</sub>). The capacity for increased awareness and knowledge was conceptualised as a hypothetical oath – the *Lewisēthikós Oath* 2010©Natalie Lewis (appendix 7). Best explained as a witnessed sense of occasion, oath taking has been a significant part of human history and played a social importance in the construct of its time. Further, this chapter will discuss the counter argument that oaths are not without their critics. Because of this primary research of enquiry the *Lewis Oath Theory* was developed, which forms a focus on the social practice of the witnessed ritual. This chapter discusses at length the findings and results herein of significance for

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<sup>51</sup> Invoke – to call for with earnest desire.

the constructs mentioned. This chapter also answers the third and fourth research questions.

## **6.2 The construct of an oath as a sense of occasion**

### **6.2.1 A witnessed sense of occasion**

Dr Craig Matheson, Primary Supervisor attended for the duration of the ‘RCT’, as a witness to the quantitative research taking place, and as a support to the researcher – me. To the best of my research and knowledge, this primary research study is the first source of information of its kind in the world, which seeks to identify the conceptualisation of the witnessed ritual, a specifically designed (by the researcher – me) hypothetical ethical oath with *attitude*, the perceived outlook of individual morality and the public sector. Dr Matheson’s guidance and support for this research has been unwavering and instrumental in supporting the research throughout its duration and especially during the challenging times. Dr Matheson’s presence on the day also ensured that when participants had questions during the ‘RCT’, that dialogue between participants and I did not impact or influence participant responses for the re-testing of the control and experimental group six (6) months following the initial ‘post-test’ questionnaire. Dr Matheson also witnessed the final verbal confirmation I had with participants to re-confirm that no one had any prior experience of oaths (Figure 6.1).



Figure 6.1 Ms Natalie Lewis (PhD Candidate-researcher) and Dr Craig Matheson (Principal Supervisor) 27<sup>th</sup> July 2013 Randomized Control Trial (RCT) Copyright 2013©Natalie Lewis

Figure 6.1 pictures Ms Natalie Lewis, PhD Candidate – researcher, and Dr Craig Matheson, Principal Supervisor on the 27<sup>th</sup> July 2013, in the South Theatre 2, Biology Road, Flinders University of South Australia for the ‘Randomized Control Trial (RCT)’. Dr Matheson and I are, pictured with the symbols of which formed the focus of attention for participants.



Figure 6.2 Participants in the Randomized Control Trial (RCT) Control Group Copyright 2013©Natalie Lewis

Figure 6.2 pictures the ‘Randomized Control Trial’ control group. The picture of participants (seated) was, done from behind as not to identify participants. From this view, it captured the lecture theatre from the participants’ perspective. The picture was, taken with the prior written consent of participants.

Mirroring a reflection of what takes place in the social ritual of oath taking ceremonies takes time, patience and invoked one on a path of reflection, that when some time ago I was requested to *swear* to a legal oath. Memories came flooding back that took me on a journey to discover what could be legally pursued in mirroring such a sense of a witnessed occasion for the purpose of this primary research study, albeit for a hypothetical oath. This was when the symbols of that occasion flashed into my mind somewhat instantaneously. Collins (2004, p. 153) argues that central to the social ritual, ‘symbols’<sup>52</sup> teach individuals through each encounter how they relate to ‘membership in a particular group’. These ‘symbols’ acquired from others may have occurred from

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<sup>52</sup> Symbols – something used for or regarded as representing something else, a material object representing something, often something immaterial, emblem, token or sign.

previous exposure that increases through time or through a new encounter, ‘if the encounter creates a new level of reflection about other people or the participants understanding of each other’.

The central ‘symbols’ identified in this research were a hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7), the national flag of Australia and the Orthodox Study Bible (Figure 6.3). The Orthodox Study Bible was, strategically placed on a tabletop at the front of the lecture theatre. Gently balancing on top of the Orthodox Study Bible, were artistically ribbon bound copies of the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7). These ‘symbols’ were incorporated to mirror the fact that these items of this kind are used in many oath-taking ceremonies around the world. Whilst my memories are that of me holding a Christian Bible in my right (R) hand at the time I took a legal oath, on the basis of not knowing the religious or cultural backgrounds and beliefs of participants, I felt that it was common sense and respectful that the Orthodox Study Bible wasn’t hand held. Music to Australia’s National Anthem was, incorporated on the final side of the Information Session for the experimental group with the national flag of Australia so that the sense of not only sight, but that of hearing could also be, sensed by participants. Participants who were somewhat spread though out the lecture theatre were asked to seat themselves next to another uniformly, and if possible evenly in rows. This enabled the participant to sense the feeling of coming together as too represent a group and to form cohesion amongst humanity to raise ‘emotional energy’ (Collins 2004, p. 47).

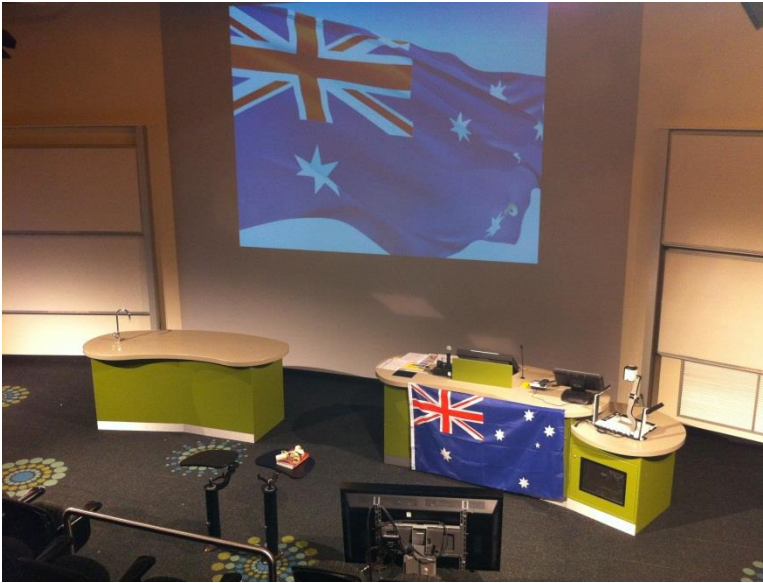


Figure 6.3 Symbols of Oath Taking for the Randomized Control Trial (RCT) Experimental Group Copyright 2013©Natalie Lewis

Figure 6.3 pictures the symbols of which forms the focus of attention when mirroring what occurs in an oath taking ceremony. It also depicts the sense of occasion of which I tried to mirror from the participants perspective.

As the experiment was about to take place, participants all stood in anticipation of what was about to occur. Having been briefed, and placed into groups just prior to the experiment commencing, all looked to me at the front with a sense of anticipation as the national flag of Australia was projected up onto the lecture theatre screen. Although this was a hypothetical oath taking ceremony, it was important that I replicate to the best of my ability what takes place, as close to real world oath taking ceremonies as I could. Therefore, it was important that I acknowledge the first Australians. Although this research was not based on the paradigm ‘indigenous’ (Romm 2017, pp. 24-25), out of respect for the Aboriginal and Torres Strait Islander people’s deep attachment to the land and their cultural and heritage beliefs, I acknowledged that Flinders University of South Australia is situated on traditional Kurna land. I acknowledged the first and

traditional custodians<sup>53</sup> of Australia – Aboriginal and Torres Strait Islander peoples by verbalising the Statement of Acknowledgement (appendix 17). Looking ahead participants then stood coming together in solidarity to sing the National Anthem of Australia (appendix 18). Participant numbers on the day of the experiment meant that there were two (2) groups of three (3) persons, and one (1) group of two (2) persons (Figure 6.4).



Figure 6.4 Group Solidarity Represented in the Randomized Control Trial (RCT) Experimental Group Copyright 2013©Natalie Lewis

Figure 6.4 pictures the ‘Randomized Control Trial’ experimental group. The picture of participants (seated) was, done from behind as not to identify participants. It also captured the lecture theatre from the participants’ perspective. This picture was, taken with the prior written consent of participants.

Participants were placed into groups so that when one group rose from their seats, and came to the front of the lecture theatre they turned to face other participants

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<sup>53</sup> Custodians – persons entrusted with guarding or maintaining a property.

who were witnessing their taken words of the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7). This was, implemented to mirror what takes place in the social construct of oath taking ceremonies whereby members of an audience witness the individuals reading the dialogue of the taken oath. Once each of the groups got into position, facing the other participants in their seats, they were requested to take the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7) in their left (L) hand and raise their right (R) hand to mirror what takes places in many oath taking ceremonies around the world. Reading the dialogue of the hypothetical oath they spoke in unison,<sup>54</sup> standing side by side in a display of social cohesion and solidarity. At the last spoken word of the hypothetical oath, they all looked up at the participants sitting in their seats and witnessing the occasion for what appeared to be seeking some sort of acknowledgement. Moreover, to my surprise those witnessing the occasion naturally proceeded to show their support and approval by bringing their hands together in applaud at the end of each group. This was an experience shared.

### **6.2.2 *I do solemnly declare***

Getting individualistic individuals to apply moral and ethical reasoning when ‘self-interest or reputations’ (Haidt 2012, p. 90) are at stake is a difficult task, although as Haidt (2012) further argues not an, impossibility. I argue that the fear of ethical conscience must be, abated.<sup>55</sup> An ethical conscience helps to guide us, specifically in times of ethical challenge impelling us to the right action. Haidt (2012) explains that if individuals are placed in a group to form a collective ‘in the right way’, then truth-

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<sup>54</sup> Unison – tones identical in pitch produced by two or more voices.

<sup>55</sup> Abated – to make or become less intense, reduce or remove.



seeking reason can be applied to ‘disconfirm the claims of others’. This becomes a reality when individuals feel a common bond or solidarity through a shared experience, which produces ‘good reasoning’, in which society benefits especially in the area of policy development. This fits well with Durkheim’s (cited in Haidt 2012) comments around morality and egoism.

“What is moral is everything that is a source of solidarity, everything that forces man to...regulate his actions by something other than...his own egoism”.

Source; Haidt, J 2012, *The Righteous Mind: Why Good People are Divided by Politics and Religion*, Allen Lane Penguin Group, England, p. 270.

As previously explained in chapter 2, theologians refer to conscience as a ‘God-given faculty’ (Breck 1998, p. 43), which guides us as we consider ‘moral judgments, both prior to and following our actions, the conscience is inherently good’. Essentially, Orthodox theology defines conscience as either ‘persuasive or dissuasive’. I am particularly concerned with the ‘dissuasive’ conscience, which shepherds us away from evil acts, behaviours and thoughts and fills us with a sense of wrongness, distinctly opposing to the sense of good. Whether or not you believe in a higher being than that of yourself – a God there is the potential that with time and with human experience and interaction with the world around us that one grows in their capacity for moral reasoning. For those who hold the perception that we are living primarily in a secular society it is important to acknowledge that there is the opportunity for redrafting and continuous growth for individual morality. Science in many aspects has grown up in its understanding of the human brain. It now recognises ‘that traits can be innate without being either hardwired or universal’ (Haidt 2012, p. 130). Haidt (2012, p. 131) explains that ‘Moral Foundations Theory (MFT)’, attempts to explain ‘how that first draft gets

revised during childhood to produce the diversity of moralities that we find across cultures-and across political spectrum’. Haidt (2012) feels that Marcus’s (2004) (cited in Haidt 2012) definition addresses the essence of innateness perfectly.

Nature provides a first draft, which experience then revises...  
“Built-in” does not mean unmalleable; it means “*organized in advance of experience*”.

Source; Haidt, J 2012, *The Righteous Mind: Why Good People are Divided by Politics and Religion*, Allen Lane Penguin Group, England, p. 131.

The qualitative findings and quantitative results reported herein confirmed that participants embraced the concept of an ethical oath. Although, I must stress that the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7) had no legal or social consequences for participants once they left the confines of the experiment or Flinders University of South Australia. This was, brought about by the sense of occasion that a witnessed oath invokes. Collins’s (2004) ‘Interaction Ritual (IR)’ theory brought about by grouping together as a collective and subsequently witnessing each other in solidarity as they say the same words explains this phenomenon. Collins (2004, p. 53) explains, ritual is a ‘bodily process’ with movement of humans ‘into the same place’, precipitating the ‘ritual process’. Collins’s (2004) ‘interaction ritual (IR)’ is identified in the literature as ‘the process in which participants develop a mutual focus of attention and become entrained in each other’s bodily micro-rhythms and emotions’ (Collins 2004, p. 47).

The fourth research question of this study asks, ‘does the ritual of the *Lewisēthikós Oath 2010*©Natalie Lewis change attitude, and the perceived outlook on individual morality?’ Question 39 addresses participant responses regarding whether or not saying an ethical oath in the company of others wouldn’t increase the inspiration to

act ethically. Although not significant in 2013, there was a significant association between the control and experimental groups in 2014,  $X^2(1) = 8.24, p = 0.02$  (appendix 23) (Figure 6.5). In 2013, over one-third (40%) from the control group answered strongly agree/agree, 33.3% strongly disagree/disagree, 26.7% somewhat agree/somewhat disagree. In the experimental groups, 28.6% answered strongly agree/agree and somewhat agree/somewhat disagree, 42.8% strongly disagree/disagree. However, there was a big difference of responses in 2014. Almost three-quarters (71.4%) from the experimental group answered strongly disagree/disagree, 46.7% somewhat agree/somewhat disagree, and no responses for strongly agree/agree. Whereas only 13.3% answered strongly disagree/disagree from the control groups, 28.6% somewhat agree/somewhat disagree, 40% strongly agree/agree. The significance did not diminish over time, with significance reported six (6) months after the initial experiment took place, which lasted beyond the initial experiment, and did not diminish over time, but in fact got stronger.

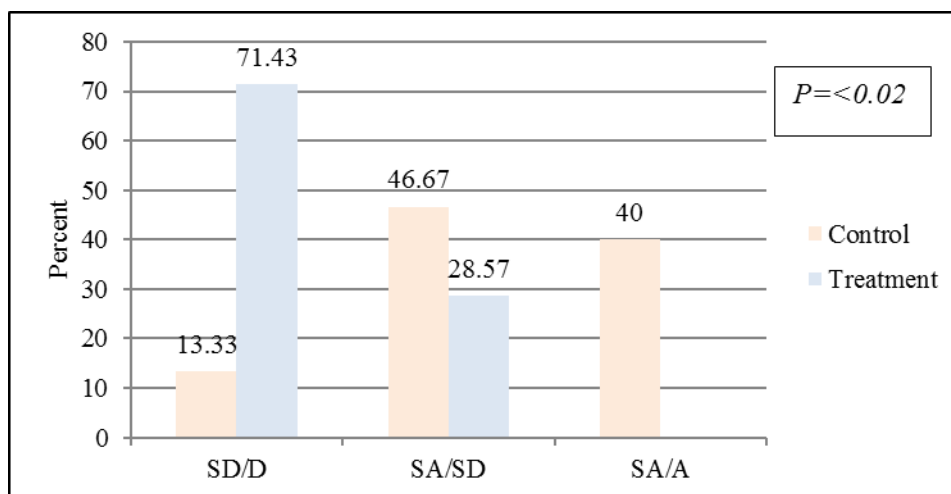


Figure 6.5 Saying an ethical oath in the company of others wouldn't increase your inspiration to act ethically between control and experimental groups in January 2014 (SD/D, Strongly disagree/Disagree; SA/SD, Somewhat agree/Somewhat disagree; SA/A, Strongly agree/Agree)

Figure 6.5 explains the significant results between control and experimental groups in January 2014, regarding whether or not saying an ethical oath in the company of others wouldn't increase their inspiration to act ethically.

Can *swearing* to an, ethical oath increase individual knowledge and awareness of ethics? Participants reported a positive *attitude* to the following statement. *Swearing* to an ethical oath increases your knowledge and awareness of ethics. Of which sets out to reinforce in individual minds what was, expected placing the collective on even footing.

One participant explained it:

*Yes, it would. Because I'd want to know, 'why I was?' What were the foundations for swearing an oath? Yes, it would reinforce it. It would, and it would [sic], I suppose it would reinforce, and it's a commitment to ethical behaviour and things.*

Source; Participant in the Case Study Research # CS15 – 4 (a) & (b).

Or, as another participant put it:

*Well, I think if you have sworn an oath to yourself that you will act in a certain way or belief, then you're likely, more likely to follow through with those actions.*

Source; Participant in the Case Study Research # CS08 – 4 (a).

The research's qualitative findings herein reported that participants held the position that *swearing* to an ethical oath increases their knowledge and awareness of ethics. In increasing knowledge and awareness of ethics through that of an oath, 'could we also bring unconsciously a level of individual pride and respect for what it means to be a public employee?' With the higher public sector as discussed in chapter 1, being described by Matheson (1998, p.22) at best a "semi-profession", 'would the formality of an oath restore the self-respect and somewhat pride one should have when embarking

on a career in the public sector?’ Listening to one participant who sentimentally recalled their individual experience of having taken an oath upon graduating into the legal profession it was poignant the level of respect, which one had for the construct of oath taking and its impact on professionalism.

Or, as another participant put it:

*I think it's a good idea, I do. I think it also reinforces that you're a professional, and you have responsibilities that are higher than a layperson. I'm a very strong believer in that just from a legal perspective. We always said that here you were a layperson. You might be able to get away with stuff because you don't have that knowledge, but when you're a government public service person you should have that knowledge and understanding, yep [sic] definitely.*

Source: Participant in the Case Study Research # CS19 – 4 (a).

As discussed in chapter 2, regarding the second case study and the Oakden review Report, the review also had discourse with medical doctors regarding some of the questionable practices at the Oakden facility. Medical doctors have a duty of care foremost to their patients. Further, this duty of care was, reinforced when they took the voluntary modern version of the ‘Hippocratic Oath’ in South Australia, as discussed in chapter 2. As part of the review Report ‘[a] medical staff member told the Review of how they were spoken to by a nurse at the time of the nurse undertaking a medication round’ (SA Health 2017, p. 98). Further, ‘[t]he Doctor had wanted to review a medication chart but the response was that the nurse stated loudly’:

*Don't you dare come near my medication charts – GO AWAY!*

Source; SA Health 2017, *The report of the Oakden Review*, Adelaide, p. 98, viewed 10 May 2017, <http://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/about+us/reviews+and+consultation/review+of+the+oakden+older+persons+mental+health+service>

Whilst the findings reported herein were that participants held the position that *swearing* to an ethical oath increases their knowledge and awareness of ethics, it was

not always the case. Concerning management, and whether or not they were ethical, a counter argument was, observed. Ethical praxis needs not only to come from the bottom up, but importantly from the top down.

One participant explained it:

*Well, I don't think an oath itself is really going to make any difference. If you want to have an ethical culture, then it has to be, modelled it has to be shown by the behaviour of people at the top in the middle. And, that means that people who are at the beginning of their careers are going to get the message that that sort of thing is not tolerated.*

Source; Participant in the Case Study Research # CS17 – 5 (f).

The position of oaths within the community also raises questions about under which circumstances should oaths be, taken in the public sector. Do witnessed oaths taken under the law have more strength in accomplishing the words and objectives of the oath? Alternatively, ‘do voluntary witnessed oaths not taken under the law have more strength?’ The research findings reported herein that for the public sector, witnessed oaths taken under the law, ‘a *priori*’ would have more impact on the individual to follow the words and objective of the oath.

One participant explained it:

*I don't think it would have the same impact if it was not legal. But, then even if it was legal it's up to the individual to abide by that oath. And whether they can sleep at night from what they've observed or undertaken.*

Source; Participant in the Case Study Research # CS08 – 4 (d).

Furthermore, counter argument could, be applied in the case of publicly employed South Australian doctors who volunteer to take a contemporary version of the ‘Hippocratic Oath’ (Hirst 2009, p. 50). Whilst this contemporary or modern version is a witnessed oath, it is not, taken under the law with respect to compliance to the words

and objectives of that oath. An argument for this approach is acknowledged by Suárez's (1866) (cited in Irwin 2006, p. 330) concept of 'non-legislative morality' with Price's (1787) (cited in Irwin 2006, p. 330) concept of 'obligation' that provides us with a reasonable 'account of moral requirements that do not essentially involve legislation'. Historically, there was no research to the best of my research and knowledge in South Australia, regarding the *attitude* and thoughts of doctors in relation to taking a voluntary modern version of the 'Hippocratic Oath'. Upon listening to the corridor conversations and banter as recent medical graduates exited the Bonython Hall after the Adelaide University Declaration Ceremony in 2011, I left feeling that these newly graduating doctors had a sense of witnessed purpose and respect for what they had collectively taken part. Conceptually, it was an experience shared that would stay with them forever as a reminder to their own individual, and collective commitment to the medical profession and its ethos. Ethos is an important aspect of culture and the environment in which one belongs as a society. The ethos or the underlying sentiment and *attitude* of individuals, and the collective society are extremely important when determining the ideals of an ethical oath. Careful thought must go into developing each ideal within the context of the oath to ensure that upon reflection the ethos and character of nobility to the highest echelon is contained within its dialogue.

It could also be said that there is a clear distinction of what constitutes a right and what constitutes a wrong and for those issues and experiences of human life that fall in between, one must within our capacity to do so, place these human issues and experiences into one of these two contrasting conditions. Characteristic of 'Deontology' (Geirsson and Holmgren 2010, p. 147), deontologists hold an opposing view to that of the consequentialists that 'hold the good is a more fundamental moral

concept than the right'. Deontologists hold the position that 'right is a more fundamental concept than the good'. Most deontological theories inform us, that 'certain actions themselves are right and others are wrong regardless of the consequences'. Deontological theories 'perform significantly better than consequentialist theories in accounting for our considered moral judgments'. Deontological theories 'also capture our intuitions that certain things have happened in the past are morally relevant' (Geirsson and Holmgren 2010, p. 148). Intrinsically speaking some, actions are just merely wrong, and we must not engage in them 'even in the pursuit of the most noble or outstanding consequences' (Geirsson and Holmgren 2010, p. 147). Does Aristotle's '*Virtue Theory*' (McIntyre-Mills 2007, pp. 4-5) hold any common ground with deontological learnings?' As discussed in chapter 2, Broadie (2006, pp. 352-353) believes so, and argues that Aristotle 'is not a consequentialist'. Aristotle in fact has 'common-sense deontological learnings' as she explains:

virtuousness and the virtues as dispositions for right or appropriate action and emotion (toward the appropriate people, at the appropriate moment, in the appropriate amount, and so on), but without ever being promoted to state a set of rules to which these responses would generally confirm.

Source; Broadie, S 2006, 'Aristotle and Contemporary Ethics, in R Kraut (ed.), *The Blackwell Guide To Aristotle's Nicomachean Ethics*, Blackwell Publishing Ltd., United States of America, pp. 352-353.

One such example comes to mind, being that we should not ignore the plight of those living with varying degrees of disability simply because in doing so we might alleviate the financial burdens to society. It is also important to mention that sometimes in extreme human situations; the experience of which we are going through in that moment of time forces us to make decisions which may have consequences beyond the law, such as, in the case for survival where a hungry child steals a packet of biscuits to preserve their life. If we hold the belief that there is a definitive right and a wrong, in



doing so we must acknowledge that sometimes doing wrong does occur. Although this, should be rare and reflective of the specifics of the situation taken in its context. One criticism of deontologists is that they ‘have been criticized for holding that moral rules are absolute and cannot conflict’ (Briggle and Mitcham 2012, p. 56). In direct conflict, is that of what Dupré (2013, p. 88) refers to as ‘ethical nihilism’ of which I do reject, ‘proposes that there are no such things as right and wrong, in the sense that there are no moral values that justify claims’ of ‘moral realism’. Dupré (2013) explains that ‘moral realism’ is based on the thought that ‘moral values are objective facts that exist independently of us and that the truth of ethical claims (like scientific ones) depends on their correspondence with this external reality’.

So, ‘how does an oath assist people in times of ethical challenge?’ Perhaps if we draw attention to, and discuss the first case study previously mentioned in chapter 2, that The Sydney Morning Herald (2009, p.1) – a newspaper publication reported in South Australia in 2009, and the specific passages in the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7). Police had identified ‘two corruption rings within the state’s Department for Transport, Energy and Infrastructure (DTEI) (currently the Department for Planning, Transport and Infrastructure (DPTI)), with 32 people charged’. The two specific passages cited in the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7) of which I want to place focused magnification on are the following.

*I will, when aware of dialogue or decisions, which are unethical or represent misconduct, be gallant and in doing so have the courage to report transparently, truthfully and without prejudice the disclosure to the relevant governing authority.*

*I will support without reservation those who come forward with truthful disclosures.*

Source; *Lewisēthikós Oath, 2010*©Natalie Lewis.

In deconstructing the thought provoking ideals previously mentioned above, there lies reference to *courage to report transparently, truthfully and without prejudice* of which provides encouragement in reporting *dialogue or decisions which are unethical or represent misconduct*. Further, it is vitally important that those who come forward with such disclosures experience *support without reservation*. These ideals are most important in averting away from a failure to come forward with unethical situations and praxis, out of the fear of retribution.

If oath takers took the preceding dialogue in the construct of reality, and that this was a legal oath (and not a hypothetical oath), then it is not unreasonable to hold the position that perhaps the seriousness of such an offence, such as, corruption, and bribes within that South Australian department previously discussed in chapter 2, could have been avoided. There must be a belief that not only is it important for one who witnesses conduct unbecoming of a public employee or anyone for that matter, that when they are aware of situations come forward and truthfully disclose them to the relevant governing authority. Further, it is vitally important that we all play a part in supporting those who come forward with truthful disclosures of misconduct and gallantly do so without the fear of reprisal. Finally, it must be, considered imperative that a culture, environment and ethos are, manifested by way of total transparency and unreserved support. Certainly, one of the factors frequently reported during this research was regarding the act of “whistleblowing” (Tucker 1995, p. 475), along with the thought, that those who do come forward with truthful disclosures are unreservedly not supported. Unfortunately, the ill treatment of “whistleblowers” was still a highlighted concern in a contemporary public sector. The participant response below draws magnification on

this concern when asked, ‘do you think that “whistleblowers” are treated badly in the public sector?’

One participant explained it:

*So, you do need to get support I think if you're going to do that, and one of the things that I would argue that's not in place for people – “whistleblowers” or whatever, is enough support. They definitely do not have enough support, and I think that's why I went to the State Ombudsman [SO] because I was seeking support. Oh yeah, yeah [sic] definitely.*

Source; Participant in the Case Study Research # CS19 – 3 (g) and (i).

The research findings report that taking an ethical oath had some impact on the capacity to choose to be ethical in times when participants could be, ethically challenged. On an individual level, we must make a genuine effort to become more ethically aware and thoughtful and base our choices on our ability to question our thoughts and feelings. The hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7) albeit identifies in the literature with ‘Deontology’, ‘a priori’ (McIntyre-Mills 2007, pp. 3-4). This specific oath designed for the purpose of this research study forms a dialectical relationship between human beings, intrinsic virtue and a contemporary social construct to bring about ethical praxis.

### **6.3 The failure of oaths in the construct of reality**

#### **6.3.1 Failure of witnessed oaths to build capacity to be ethical**

Whilst most individuals take oaths seriously with the intent to follow the dialogue in the context of the oath to their true ability, this is not to say that oaths can't fail to build capacity for ethical praxis or fail for any other reason. Although, this does pose two important, questions. Do oaths fail? Alternatively, ‘is it the failure on behalf

of the individual to uphold the dialogue within the context of the taken oath?’ Historically, some people do break their publicly witnessed oath like those who commit perjury<sup>56</sup> whilst giving evidence in a legal trial or a South Australian doctor who fails in their commitment to the dialogue of a modern version of the original ‘Hippocratic Oath’ (cited in Hirst 2009, pp. 50-51). Unfortunately, when those individuals involved in circumstances in which they find themselves somewhat disengaged from the taken works of an oath, it has consequences beyond the normal thought that most never want to experience. In terms of the legal statistics around perjury in the South Australian legal system, the last known data on such was, gathered in 2007. Evidence by secondary research discussed in chapter 2, whereby perjury was the most serious of the charges brought against an individual is explained in a report titled ‘Crime and Justice in South Australia 2007 – Adult Courts and Corrections, 1 January-31 December 2007’ (Attorney-General’s Department 2007, p. 107). This report suggests that whilst perjury is a known statistical factor, it is rare. In fact, in the Supreme and District Courts of South Australia out of a total of ‘107 total charged’ that ‘0’ individuals accounted for being charged with the major offence of perjury. In the same report, although for the ‘Magistrates Courts of South Australia’ (Attorney-General’s Department 2007, p. 65) for the same snap shot in time, statistics indicate that out of a total of ‘7,602 cases by major offence charged’, that only ‘2’ individuals were ‘convicted with penalty’ whereby perjury was the most serious of changes brought against an individual. It is important to note that these statistics represent whereby perjury was the most significant offence. Therefore, if a person was, found guilty for not only perjury but also that of a more serious offence, then only the most serious offence was, recorded.

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<sup>56</sup> Perjury – the wilful giving of a false testimony under oath or affirmation before a legal inquiry or tribunal.

This is significant and poses further discussion on the following question previously mentioned in this chapter. Do legal oaths have more strength than oaths not taken under the law?

One participant explained it:

*Well look, we come under a number of Acts, so it makes sense to put it as a legal oath. I would encourage it to be a legal oath. Because I think that then you would have – and this is a really, sad thing to say because you really shouldn't be like that – with doctors, they have a pride in their work. They're really proud to be able to go out into the community, and know that they're seen, in that light. But, more and more, government workers are, seen in such a negative light, that this might help us to be, seen in a much more positive light. That we actually do have a serious oath; that we do have serious business, and that we have consequences to not doing the right thing for the public.*

Source: Participant in the Case Study Research # CS19 – 4 (n).

Question 53 addresses participant responses regarding whether or not an oath of a legal nature has more strength and effect on behaviour, and the significance of the ethical oath between the two groups (appendix 23). There were no significant results to report between the two groups for 2013, and 2014. In 2013 and 2014, the results from the control group for strongly agree/agree were higher than the experimental group for that code on the 'Likert Scale'. The results report that between the two groups in 2013 and 2014, on average over two-fifths of participants indicated that an ethical oath of a legal nature was, thought to have more strength and effect on behaviour. The qualitative findings report that taking an ethical oath of which has legal strength had more impact on the individual behaviour than that of a voluntary witnessed oath. In terms of doctors failing to live up to, the taken words of a publicly witnessed voluntary oath, which isn't taken under the law, this can never, be more clearly defined than in the following passage cited from the original 'Hippocratic Oath', as discussed in chapter 2.

‘Whatsoever house I enter, there will I go for the benefit of the sick, refraining from all wrongdoing or corruption, especially from any act of seduction, of male or female, of bond or free’. Whilst extremely rare, unfortunately individuals do rescind for the ideals of oaths, with a recent case made public by the ABC News (2013, n.p.), whereby a South Australian doctor was charged with ‘two counts of rape and nine of indecent assault’. Having personally read the modern versions of ‘Hippocratic Oath’ for both the Flinders University of South Australia, and University of Adelaide, these oaths although voluntary in nature it could be said do have an impact on the individual medical graduates. Given that most medical graduates attend these witnessed ceremonies, and take part in a voluntary witnessed oath indicates that there is a real sense of inspiration and pride about holding themselves true to the words of the taken oath – a witnessed oath. It is important to note that the preceding passage cited from the original ‘Hippocratic Oath’ is not specifically, listed in the modern versions for either the Flinders University of South Australia or the University of Adelaide. We cannot judge the individual concerned mentioned above who was recently, charged with significant crimes against humanity in the capacity as a practicing doctor. There is no way of knowing the intricate background of the individual concerned and the details about this specific case. Although, perhaps if the passage cited above was not, left out of the modern versions, we could speculate that the outcome could have been quite different. Although, as previously discussed in chapter 2, historical research that looked at the relevant codes, oaths and individual theological practices of medical physicians in the United States of America (USA), completed by Antiel et al. (2011, p. 470), argued that ‘[o]ne in 4 physicians (26%) indicated that physician oaths exerted “a lot” of influence

on their practice'. Subsequently, these results on influence and practice were published in, the American Medical Association (AMA).

There were also other debates unknown to the specifics of this case, such as, the state of mind of the individual doctor concerned and whether or not they were even a graduate of either the Flinders University of South Australia or the University of Adelaide. It is a known fact that not all medical schools in Australia have a ceremony whereby medical graduates can voluntarily take a modern version of the 'Hippocratic Oath'. The doctor concerned could also have done their initial medical training overseas. These specific questions are not for this research study to answer, although it was important to note and discuss where relevant, examples that made it into the public domain, where people can and have rescinded from oaths per se. Whilst there were counter, arguments reported towards the support for an oath, it is important that participants reported that oaths also forge a sense of solidarity that fosters meaning and aspiration to live up to the words of the taken oath.

One participant explained it:

*I think it's really, critical. I also think that like in the legal profession, we have lawyers and judges we look up, too. I had particular people that I looked up to, and they were there when I got my oath. So it would be great to have key people there that represent the ideal. Like, I've actually had to reach out and find my own mentors and ideals, but it's great to have that because that's ultimately something positive that - yeah, [sic] definitely, and it's a community. It should be a community thing anyway. It should be a celebration.*

Source; Participant in the Case Study Research # CS19 – 4 (n).

Although, 'what of motivation and the individual? What are the effects? Deconstructing the dialogue of the hypothetical oath – the *Lewisēthikós Oath* 2010©Natalie Lewis (appendix 7), it is a healthy design of ethical awareness that ultimately

sets out ideals for the collective good. Specifically, for the whole of society though not exclusively when we, are in moments of ethical challenge. This is not to proclaim that an oath in its entirety would prevent misconduct in totality, as that would be a misrepresentation of ethical reality. As perhaps some individuals could be persuaded by Houston's (2000, p. 173) 'extrinsic' motivations, such as financial benefits, prestige and social status. Although, rather an acknowledgement that in most individuals they can and do hold themselves true to the taken words of a witnessed oath.

What do individuals hold in terms of God and religion as motivation for ethical praxis? For as long as research has been carried out and drawn upon in terms of the effects of religion and non-believers, there appears to be no out right winner in moral and ethical terms. Then there is the issue raised of God in oaths by Locke (cited in Haidt 2012, p. 265), who was a force in recognising 'Enlightenment' explains:

“promises, covenants, and oaths, which are the bonds of human society, can have no hold upon an atheist. The taking away of God, though but even in thought, dissolves all”.

Source; Haidt, J 2012, *The Righteous Mind: Why Good People are Divided by Politics and Religion*, Allen Lane Penguin Group, England, p. 265.

In terms of representation of God in the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7) there was no such reference. Whilst I am not an atheist and hold a belief in God, I disagree with Locke's (1979) (cited in Haidt 2012, p. 265) argument that 'the taking away of God, although but even in thought, dissolves all'. Atheists too, are individual's part of a collective society even though their individual thoughts on God and religion are counter to those who believe without seeing. Although, this does not absolve<sup>57</sup> them completely from the responsibility of moral and ethical reasoning. Having said this, I do not believe that oaths should be in

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<sup>57</sup> Absolve – free or release from duty, obligations or responsibility.



the name of a God or even that of a living individual. It is for this reason I believe that ethical oaths or any other oaths for that matter be carefully, designed. That oaths do not honour an individual human being which is vulnerable to the frailties of what it means to be human – the frailty of the human mind to think, the frailty of the human body to act and the frailty of the human spirit to have faith. Although, rather take on a healthy design of ethical awareness that ultimately set out ideals for the collective good for the whole of society.

Perhaps the argument could be, drawn that in some individualistic and subjective way, it is easier to rescind<sup>58</sup> the words of the taken oath, when those words are said and the commitment is made to a single person, such as, in the ritual of marriage vows. As appose to a group commitment, such as, in the case of a Justice of the Peace taking an oath to society as a whole. Historical evidence suggests from The Australian Bureau of Statistics in their article ‘Love Me Do’ (2012) currently rate in Australia, that there are ‘2.2 divorces per 1,000 estimated resident population’. Approximately one in three marriages fails to live up to the publicly witnessed vows taken between two individuals. Interestingly a recent study by Markman et al. (2009, p.110) found that ‘those who cohabitated before engagement reported significantly lower quality marriages and greater potential for divorce than those who cohabitated only after engagement or not at all until marriage’. It was acknowledged by the researchers of this study that further research was necessary to explain ‘why this is so?’ Although, it would not, be unreasonable to speculate that a formal witnessed occasion of commitment, such as, the ritual of an engagement and ceremony of marriage had significant effect prior to cohabitating. They may take the spoken words of vows more seriously.

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<sup>58</sup> Rescind – to take back or withdraw, or to break a rule or renege.

From an ethical paradigmatic perspective, the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7) and indeed all oaths identify with ‘Idealism, a *priori*’, (McIntyre-Mills 2007, pp. 3-4) which are also known as a ‘non-consequentialist and deontology or duty based approach, based on taking decisions based on a moral law’. Ethical approaches based on the paradigm of ‘Idealism, a *priori*’ are, based on pre-determined ideals because ‘the moral law sets out one’s duty, based on prior decisions on what constitutes ethical behavior’. The real ‘test for the moral law is the being prepared to live with the decisions as if they were applied to oneself and one’s own children’ (McIntyre-Mills 2007). Although, an important consideration is that people do break the law, and do so ethically. As previously discussed in chapter 4, whilst I would never encourage or advise anyone to break the law, this is not to say that one who breaks the law is unethical. There have been some cases where people have broken the law to expose some serious failures in the human capacity to be ethical.

We must have laws in place to guide us ethically both as individuals, and as a society, particularly in experiences of ethical challenge. Rawls’s (1999) (cited in McIntyre-Mills 2007, p. 4) further argues consequences in relation to self and explains in “The Law of Peoples” that the ‘veil of ignorance approach is the basis for liberal democracy’. Further, I argue that if we make decisions under the ‘veil of ignorance’ then we are assuming that we all know not much at all, and that our inner ‘*virtue*’ cannot be trusted. Meaning that we cannot trust our inner ability to conform to moral and ethical principles and experience gained from the human life lived. It is also important to note that justice is conceptually important to non-consequentialist theories. Geirsson and Holmgren (2010, p. 243) argue that ‘justice is a centrally important concept in most nonconsequentialist [sic] moral theories’. Whilst most non-

consequentialist theory addresses society norms and perform well from a compliance perspective in terms of morally complying to the demands of justice, Geirsson and Holmgren (2010) further argue that ‘there has been a good deal of controversy on the question of what the demands of justice are’.

Finally, the law and even ethical governance cannot capture every conceivable moment or situation of the human experience. Jones (cited in Uhr 2005, p. 192) concept of ‘idealism reminds us of the need for an ethos of civic virtue’. As Sterba (1998, p. 12) reminds us, that actions in other contexts, such as, murder or stealing that are morally wrong, that an applied ‘ethics of duty or principles does seem to have a comparable primacy over an ethics of virtue’. Those who oppose Aristotle’s ‘*Virtue Theory*’ argue that it provides a set of virtues but ‘provides no action guidance’ (Briggle and Mitcham 2012, p. 44). That being the ‘emphasis on character, the claim goes, does not provide insight into what we should *do*’. A majority of public sector decision-making requires discretion and indeed the prudence of public employees, whilst acting as Uhr (2005, p. 197) argues ‘consistently with the law but in areas where the law is either silent or at best vague’. Subsequently, public employees are, left with no alternative than to apply discretion. In raising individual discretion, essentially ethics laws end even moral laws fail because of the very frailties, which make us human and thus morally feeble.

Or, as another participant put it:

*I'm a reader. I don't know if saying it out loud makes it any more binding. I think it depends on what your own morals are and if you're going to break it, you're going to break it whether you've said it or signed it or whatever. Again, I act ethically and I want to act ethically. If I sign in under it or whatever, it won't make any difference.*

Source: Participant in Case Study Research # CS10 – 4 (a) and 4 (b).

### 6.3.2 The *Lewisēthikós Oath 2010*©Natalie Lewis and the concept of time

The qualitative findings and quantitative results herein argue that the *Lewis Oath Theory* – is best explained being; that the social practice through the lived experience of the witnessed oath builds memory and asserts a propensity of inspiration and desire within an individual to hold themselves true to the words of the taken oath. Although, ‘what of this concept over time? The ‘Durkheimian model holds, that solidarity and the other out-comes of rituals are time-bound, fading away with the passage of time if they are not repeated’ (Collins 2004, p. 236). As discussed in chapter 2, over time, cherished memories fade as we struggle with reflective concentration to remember what time has erased. LeDoux (1996) (cited in Sprenger 1999, pp. 75-76) explains one thought, which is relatively undisputed amongst neuroscientists.

Without a doubt, emotional memory strategies are the most powerful. Many of these strategies also activate other memory storage areas that make them even more powerful. Both positive and negative emotions cause the brain to release certain neurotransmitters that aid in memory retention.

Source; Sprenger, M 1999, *Learning & Memory The Brain in Action*, Association for Supervision and Curriculum Development, United States of America, pp. 75-75.

Collins’s (2004, p. 44) idea provides guidance regarding ‘IR’ theory of which determines ‘the conditions under which beliefs become salient, by rising and falling in emotional loading’. Collins (2004, p. 47) argues that ‘rituals are constructed from a combination of ingredients that grow to differing levels of intensity, and result in the ritual outcomes of solidarity, symbolism, and individual emotional energy’. Although, historical evidence shows as Collins (2004, p. 53) explains that ‘natural rituals fail for much the same reasons that formal rituals can be empty’. Collins (2004) argues that:

the experience of going through many forced rituals will tend to make individuals averse to those kinds of ritual situations, even creating what appear to be anti-social personalities. But forced rituals differ from successful IRs [Interaction Rituals] precisely by having an unnatural, overly self-conscious, mutual focus and emotional entrainment. Thus, instead of participants becoming naturally charged up by emotional entrainment, they have to put energy into giving the impression that they are charged up. Even those same individuals who are turned off by forced rituals, I suggest, generally undergo some other kinds of ritual interaction that do succeed and that produce positive emotional energy.

Source; Collins, R 2004, *Interaction Ritual Chains*, Princeton University Press, United States of America, p. 53.

Without a doubt, memories do fade, and what for the effects of this on decision-making. Sprenger (1999, p. 57) argues that ‘over time, some neurons are pruned away and memories are forgotten’. It has been notably debated ‘that for years everything we experience is recorded somewhere in our brains’ (Sprenger 1999, p. 62). Although Rose (1993) (cited in Sprenger 1999) argues ‘[t]hat just isn’t so’. Moreover ‘learning’ does take place with a specific, experience (Sprenger 1999, p. 60). The connections we have with the world around us may evoke ‘emotional memory’ and that is, also important for the ritual of oath taking and its effects on decision-making. Sprenger (1999, p. 62) argues:

We name our pets and our babies according to the connections we have with those names. The homes we buy are greatly affected by the memories we had of previous homes and the homes with others with whom we have had contact. Our memories may also influence the careers we choose. Memories are powerful. They help us make decisions, affect our actions and reactions, and determine our course in life.

Source; Sprenger, M 1999, *Learning & Memory The Brain in Action*, Association for Supervision and Curriculum Development, United States of America, p. 62.

When thinking in terms of the human experience and taking an ethical oath that builds memory, I mean that it creates an imprint on the brain, which could be, recalled later when one is ethically challenged. This is not to say that memory could not be later

recalled in times in which we are not ethically challenged. Although in instances of ethical challenge it would be, most effective. When discussing the concept of the ethical oath bringing about emotions within the participant to build memory, participants reported a positive response with results of significance reported (as the subsequent pages' detail). In doing so, participants also brought up consequence. Moreover what that means for oaths taken in a legal capacity – the law.

As one participant explained it:

*Definitely. There is again this punishment factor as well. I mean I like to think that I'm driven, inherently. But, I certainly wouldn't want to be, called before the professional misconduct board.*

Source; Participant in Case Study Research # CS16 – 4 (b).

As a researcher, who acknowledges that oaths can and do fail, we must find ways to improve the effect of oath taking ceremonies through memory building. We must create situations whereby emotional memories that move beyond the boundary of time can be, formed. Whereby the words of the taken oath can be, recalled for ethical foresight, specifically in times of ethical challenge. Ongoing monitoring could be required to reinforce compliance and praxis whereby there is no legal justification or jurisdiction.

#### **6.4 Creating memories to build capacity to be ethical**

For this concept to be understood it is important to discuss established research on memory and neuroscience. Whilst much of the research on memory and neuroscience was, conducted on rats, researchers, such as, Dr Nader (1999) (cited in Miller 2010, pp. 39-43) explains that in relation to human memory there are some similarities in basic principles. Scientists have known for some time 'that recording a

memory requires adjusting the connections between neurons'. Most of us have cherished emotional memories that we hope are impossible to erase and there forever. Whether it, be a cherished memory of a grandmother or friend or a University graduation ceremony these are the one's which we hope stay imprinted on our brain forever or that are forever immortalised in time and in our thinking. You might ask, 'what does this have to do with taking a publicly witnessed oath?' The H<sub>1</sub> for this research study was that the social practice of a witnessed oath through lived experience builds memory and asserts propensity of inspiration and desire within an individual to hold themselves true to the taken words of the oath. Further, these memories, which are later recalled and develop foresight or a provision for or insight into future problems and needs. The human experience of ritual is best explained by Collins (2004, p. 47) who argues that 'interaction ritual' (IR) builds trust in others which manifests into 'high emotional energy' (Collins 2004, p. 121), which brings about within the individual a willingness within some social circumstances to take initiative. 'Emotional energy (EE)', such as, 'high levels of enthusiasm, initiative, confidence and pride' are obtained, from 'stratified interaction' on a long-term basis.

Joint 2000, Nobel Prize winner in Physiology or Medicine, and Neuroscientist Dr Kandel's (cited in Miller 2010, pp. 39-43) research 'found that to build a memory that lasts hours, days or years, neurons must manufacture new proteins and expand the docks, as it were, to make the neurotransmitter traffic run more effectively'. Moreover, 'long-term memories must literally be built into the brain's synapses', which are narrow gaps that run across neurons. The human brain is, known to have billions of neurons in all. After a memory is constructed it stabilises and 'can't easily become undone, the memory is "consolidated"'. It is, acknowledged that over time some memories fade or

appear less clear to those trying to recall a memory especially for those suffering the debilitating effects of Alzheimer's disease. Although, it is, thought that under normal circumstances 'the content of the memory stays the same, no matter how many times it's taken out and read'. The bases of Nader's (1999) (cited in Miller 2010) experiments were to challenge this thought. Proponents of Nader's research, argue that 'a memory is re-formed in the process of calling it up'. Nader's thought was further, expanded by college students of which included research on 'dozens of rats, worms, chicks and honeybees'. Whilst further research is required to confirm Nader's unconventional hypothesis that 'distortions' of long-term memory can occur when recalled, one thing is clear and forms the basis of general consensus is that 'people tend to have accurate memories for the basic facts of a momentous event'.

Sprenger (1999, p. 54) explains that '*emotional memory takes precedence over any other kind of memory*'. The human brain will always, with certainty give precedence to emotions. The emotional 'memory laneway is opened through the amygdala located in the forebrain next to the hippocampus. Whereas the hippocampus files factual information, the amygdala stores emotional information'. If the emotion processed has strength, 'the amygdala takes over to prepare the body'. This response is, explained by Goleman (cited Sprenger 1999, p. 54) as "neural hijacking". When the brain reaches this state, it was, reported that 'no other memory lanes have a chance'. It was that same emotional state, drawing on individual 'emotional energy' through the collective group of which I needed to replicate to test out my hypothesis (H<sub>1</sub>) and to link emotion and building capacity to be ethical. This emotional state enabled me to answer the third question of this research study. Does the ritual of the *Lewisēthikós Oath* 2010©Natalie Lewis invoke emotional and bonding experiences?



Question 37 addresses participant responses regarding whether or not taking an oath in the company of others is an emotional and bonding experience, and the significance of the ethical oath between the two groups (appendix 23). There was a significant association between the control and experimental groups in 2013,  $X^2(1) = 6.84, p = 0.03$  (Figure 6.6), and 2014,  $X^2(1) = 8.56, p = 0.01$  (appendix 23) (Figure 6.7). In 2013, over half (53.3%) from the control group answered somewhat agree/somewhat disagree, 26.7% strongly agree/agree, 20% strongly disagree/disagree. In the experimental group, 85.7% answered strongly agree/agree, 14.3% somewhat agree/somewhat disagree, and no responses for strongly disagree/disagree. However, there was a difference of responses in 2014. Nearly three-quarters (73.3%) from the control group answered somewhat agree/somewhat disagree, 20% strongly agree/agree, 6.7% strongly disagree/disagree. Whereas 85.7% answered strongly agree/agree from the experimental group, 14.3% somewhat agree/somewhat disagree, and no responses for strongly disagree/disagree (appendix 23). The significance did not diminish over time, with further significance, reported six (6) months after the initial experiment took place, which lasted beyond the initial experiment, and did not diminish over time, but in fact got stronger.

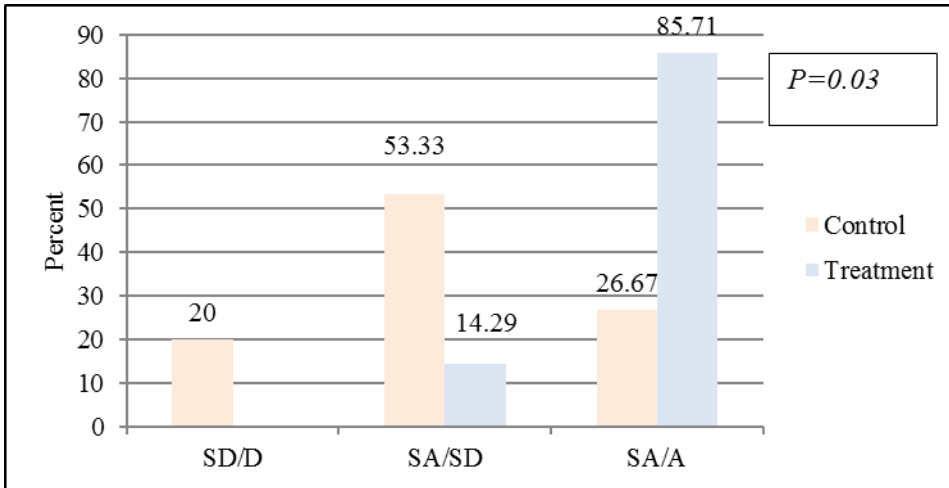


Figure 6.6 Taking an oath in the company of others is an emotional and bonding experience between control and experimental groups in July 2013 (SD/D, Strongly disagree/Disagree; SA/SD, Somewhat agree/Somewhat disagree; SA/A, Strongly agree/Agree)

Figure 6.6 explains the significant results between control and experimental groups in July 2013, regarding whether or not taking an oath in the company of others is an emotional and bonding experience.

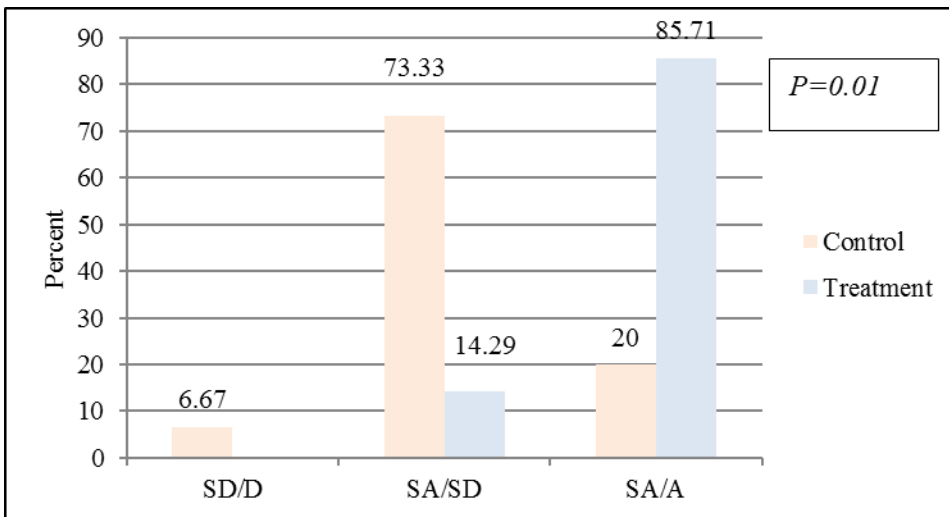


Figure 6.7 Taking an oath in the company of others is an emotional and bonding experience between control and experimental groups in January 2014 (SD/D, Strongly disagree/Disagree; SA/SD, Somewhat agree/Somewhat disagree; SA/A, Strongly agree/Agree)

Figure 6.7 explains the significant results between control and experimental groups in January 2014, regarding whether or not taking an oath in the company of others is an emotional and bonding experience.

These quantitative results herein confirmed that partaking in the witnessed hypothetical oath taking ceremony directly and positively influenced participants' *attitude* regarding emotions and bonding experience. It is experiences, such as, these that we need to replicate to build upon individual memory – emotional memory through the lived bonding experience. The research results further confirmed the H<sub>1</sub> that the social practice of a witnessed oath builds memory and asserts a propensity of inspiration and desire within an individual to hold themselves true to the words of the taken oath. It is at this point in the thesis that I will unveil a new theory in social science ethical and moral philosophy – the *Lewis Oath Theory*. The *Lewis Oath Theory* – a theory developed out of this primary research study is that the social practice through the lived experience of the witnessed oath builds memory and asserts a propensity of inspiration and desire within an individual to hold themselves true to the words of the taken oath.

Whilst participants supported an ethical oath counter argument reported some cynicism around the implementation of an oath and its inclusion in training and development or its incorporation in policy.

One participant explained it:

*No. Because I don't think it's about - no I don't think - I think that would be met with a great deal of cynicism anyway and it would be like, yeah [sic], I signed my oath, I'm ethical, I'm this, I'm that, done, finished. I don't have to do it anymore.*

Source; Participant in the Case Study Research # CS14 – 5 (a).

There is justifiable debate around recalled memory and whether or not people forget what they essentially swore to as time goes by. Although, fondly and sentimentally recounting the emotion and experience of having taken a witnessed legal oath to be, bound by the principles of the Supreme Court, the following statement rings true to the overall sentiment, and memory built on that day in a single life. Inclusive of recounting the, nature of the oath many years later.

One participant explained it:

*I can honestly say to you that without qualification it is the second best day of my life. It was a great day. It was better than a commencement or graduation at the University. It was great. Because, look it was the fulfilment of a whole lot of things that I have, worked towards. For in my case, I've done two degrees for six years and it was a fulfilment of arrival. Yes, I do [remember] largely. Because they contain a pledge of allegiance to Her Excellency, the Queen of Australia, which I remember thinking at the time was an unusual position to be in.*

Source; Participant in the Case Study Research # CS04 – 4 (a).

In terms of building memory to be later recalled in moments specifically in times of ethical challenge, participants reported being supportive of an ethical oath. The following question captured the *attitude* of participants. Legally *sworn in* under an ethical oath, do you think that the oath would remind and prompt you to act ethically? The answer lies in the following response.

Or, as another participant put it:

*Yes, definitely.*

Source; Participant in the Case Study Research # CS16 – 4 (f).

This brings me to refer to two specific passages cited in the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7) of which I want to place focused magnification.

*I bear allegiance to truthful dialogue and in doing so, be transparent in all manner of communications for the sake of society's interest.*

*I will draw on my innate sense of learnt wisdom to engage in moral and ethical reasoning and gallantly raise questions to ultimately seek the truth.*

Source; *Lewisēthikós Oath 2010*©Natalie Lewis.

In deconstructing the thought provoking ideals previously mentioned above, there lies reference to *truthful dialogue* with mention of the importance of *transparency*. There is also an acknowledgment relating to the permission. Permission in requesting the oath taker to draw upon an *innate sense of learnt wisdom*. With an understanding that incorporates a request to *raise questions to ultimately seek the truth*. These are important ideals when one needs to seek clarification of specific situations in the construct of their meaning. It is important for each individual to be truthful and transparent. To have an effect on the collective, we must first start with the individual. It is only once we have looked at our reflection, and acknowledge our own frailties, can we then commence ethics. Essentially, if we are going to discuss ethics truthfully, we must ourselves acknowledge the frailties of what it means to be human – the frailty of the human mind to think, the frailty of the human body to act and the frailty of the human spirit to have faith. Question 44 addresses participant responses regarding whether or not participants would act ethically when *sworn in* under an ethical oath, and the significance of the ethical oath between the two groups (appendix 23). There were no significant results to report between the two groups for 2013, and 2014. In 2013 and 2014, the results from the experimental group for strongly agree/agree were slightly higher than the control group for that code on the 'Likert Scale'. The results report that between the two groups in 2013 and 2014, on average over nine-tenths of participants

indicated that taking an oath in the company of others would assist them to act ethically. Likewise, it is important to note that being *sworn in* indicates an oath of a legal nature – the law.

## 6.5 Conclusion

This chapter signified the social importance of pushing out the existing boundaries of ethical and moral reasoning. This was an original research study of which had not been previously undertaken anywhere in the world, to the best of my, research and knowledge. This study undertook to research the *attitude* of participants in relation to testing a specifically designed hypothetical oath for its effect on the individual and the collective public sector participant group. In asking participants to delve into their thoughts and feelings, and reflect on their individual experience of taking the witnessed hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7), it became increasingly evident through the qualitative findings and quantitative results of the research study herein that this specific hypothetical oath had an impact on participants. This chapter answered the third and fourth research questions. The *Lewis Oath Theory* – a theory developed out of this research study is, best explained being; that the social practice through the lived experience of the witnessed oath builds memory and asserts a propensity of inspiration and desire within an individual to hold themselves true to the words of the taken oath. Without denying the contemporary concerns of the public sector, we owe it to ourselves and to future generations to push out the existing boundaries. We must explore moral and ethical *attitude* without dismissing complexity and uncertainty to co-create the new possibilities for solutions that subsequently increase ethical praxis. We must not be content in that

today's ethical boundaries will be the boundaries of tomorrow. The significance of the human life must not, be defined by the moral and ethical boundaries of today. As human beings, we can and must do better. We must all be brave in defining new boundaries for tomorrow.

## **Chapter 7: The future of individual morality and ethics**

### **7.1 Introduction**

This chapter will encompass the concluding debate of this primary research study, and will discuss an overview of the issues delineated in the preceding six chapters. This chapter will also discuss the important acknowledgement that future primary empirical research is required in the field of morality and ethics, as this research study has opened the way to explore new boundaries for moral and ethical debate. Public sector ethics is just as important as morality should be the focus in each of our daily lives. Public employee participants who they themselves acknowledge, but not limited to the fact their primary concern was to hold themselves to the highest standards, whilst laden with the very constraints that define public service as a profession, are indeed citizens' part of the collective society. Just because one finishes their working day, this is not to say that their moral life and sense of ethics has finished for the day. All persons in society have obligations, a responsibility to ensure the world in which we live is one in which moral, and ethical deliberation plays a vital role. The future of morality and ethics is in the hands of every single person, what we do with that awareness and knowledge is up to the individual and the freedom of choice outside of the law. This chapter discusses at length the qualitative findings and quantitative results of significance herein for the constructs mentioned. This chapter answers the second and fifth research questions.



## 7.2 Freedom to choose

The freedom of choice provides a somewhat unrestrained and uninhibited environment of which hands back responsibility to the individual to determine for himself or herself, what constitutes ethical praxis. We cannot however be fully free of the restraints of the law, and therefore cannot unequivocally, support nihilism. That would be ethically irresponsible. However, in permitting some freedom within the construct of that what falls outside of the law, permitting freedom to choose we could take the opportunity to develop individual capacity and subsequently ethical praxis. Is there any point in being free if moral actions are firstly determined or delineated? As Dupré (2013, p. 74) argues that ‘hard determinists accept that determinism is true and that it is incompatible with free will: our actions are causally determined and the idea that we are free, in the sense that we could have acted differently, is illusory’. In terms of policy and governance whilst this is necessary to be reflective of the law, it can also be responsible for diluting the impact such documents need to have. Regarding this construct, the research findings report herein an overuse of policy for defining the actions of public employees. Perpetuated as governance where by government exercises its authority and control is limiting ethical praxis and decision-making in the public sector. McIntyre-Mills’s (2008, p. 148) ‘systemic’ environment in which she explains in *Systemic Ethics: Expanding The Boundaries of Rights and Responsibilities* supports ‘collaborative decision-making’ for ethical approaches. In depolarising a politicised culture, I argue that public sector employees are capable of ethical praxis for those matters that fall outside of the law. Meaning that public sector employees can achieve community standards, behave ethically and morally, make common sense decisions and act with truthfulness and integrity. Although, for Hegel (cited in Uhr

2005, p. 207), ‘the “good” captured by morality is less valuable than the “right” of the social relationship captured by ethics’.

Question 12 addresses participant responses regarding whether or not the public sector has too many policies to read them all, and the significance of the ethical oath between the two groups (appendix 22). There were no significant results to report between the two groups for 2013, and 2014. In 2013, the results from the control group for strongly agree/agree were slightly higher than the experimental group for that code on the ‘Likert Scale’. The results report that between the two groups in 2013 and 2014, on average three-quarters of participants indicated that there were too many policy documents to read them all.

One participant explained it:

*I guess only to say, that I do think the sector is a reasonable reflection of the community as a whole. Because we, are actually all made up of the community. I think if there were, in terms of policies and procedures, if they were more geared towards the end result, the outcome for the member of the community, it would probably make everybody’s job a bit more [sic] happy. Whether it would make it easier or not, I do not know. But, I think putting the ‘servant’ back into public servant would be cool, but it is going to be very difficult to achieve that, and I think without the kind of financial backing that we just cannot achieve now. In addition, that I do think that ethics is an area, which may well be the first, the softest part when you are being, confronted with budget cuts and things like that.*

Source; Participant in Case Study Research # CS02 – 5 (b).

In the construct of the public sector, this raises questions of concern given that many policy documents delineate public sector objectives. How do employees determine decisions, and departmental objectives? Are they making their own decisions as they go along? Alternatively, ‘could this situation be the cause and effect of different decisions from, and for different persons?’ Whilst this is an unfortunate reality, it highlights the necessity that policy and other governance documents must not be,

developed simply for the sake of it. As discussed in chapter 1, at the local level repeated requests to refer to policy, Organisational Wide Instructions (OWIs) or equivalent documents only serve to delineate a systematic process. They fail to address as Uhr (2005, p. 207) puts it the ‘good’ or ethical praxis in daily situations that require effective collaborative decision-making faced by public employees. Many public employees refer to such documents knowing in their conscience they are disregarding their innate knowledge and awareness of what constitutes ethics or what they feel is a ‘good’ thing to do. On the other hand, Uhr (2005) explains perhaps, they are, torn between the ‘right’, and the ‘good’ ethical decision to make. This includes what Bartol et al. (2001, pp. 38-39) explains as the ‘bureaucracy’ of policy and other similar documents, leaves public officers vexed. The contemporary reliance on policy and code not reflective of legislation is starving the public sector of what Uhr (2005) tells us is ‘good’ collaborative ethical decision-making.

This research study is not suggesting we abandon policy and code and support nihilism. Although, it does raise questionable thoughts, that require reflection. Why are there continued media reports of alleged corruption, misconduct and unethical decision-making within South Australia? Although we have governance in, place. This reality has manifested and entrenched itself. This is because such documents fail to address the metaphysics of what McIntyre-Mills (2007, p. 4) explains as ‘virtue’ ethics, through ‘matching the right knowledge to an issue based on a) experiential wisdom, b) appreciation of the many different kinds of knowledge and c) the ability to apply the right knowledge to an issue based on dialogue’. There appears to be a grey area between policy and other governance documents disseminated throughout the public sector. It could also be, argued that we require policy documents to support the law –

legislation only. If information needs to be, placed on paper for specific issues outside of the law (legislation), then they could be, disseminated through other documents, such as, Organisational Wide Instructions (OWIs). Question 43 addresses participant responses regarding whether or not participants would like to see a combination of an ethical oath and policy to address ethics, and the significance of the ethical oath between the two groups (appendix 23). There were no significant results to report between the two groups for 2013, and 2014. In 2013, the results from the experimental group for strongly agree/agree were slightly higher than the control group for that code on the 'Likert Scale'. The results report that between the two groups in 2013 and 2014, on average over six-tenths of participants indicated they hold the position that they would like to see a combination of and ethical oath and policy to address ethics.

The findings and results reported herein give cause for an ethical oath to be, taken seriously as a means of further reinforcing the importance of ethics. It also ignites discussion about the current practices of governance over ethics. Is policy enough? It was, reported in this research study not to be the case. Incorporating multiple ways of seemingly addressing ethics is healthy. In doing so, it acknowledges that there is no single way of capturing ethics, and therefore not exposed to the vulnerabilities and frailties of what it is to be human. As discussed in chapter 6, the research findings and results herein confirmed the research hypothesis ( $H_1$ ) to be true, that the social practice of a witnessed oath through the lived experience builds memory and asserts a propensity of inspiration and desire within an individual to hold themselves true to the words of the taken oath. Further, saying an ethical oath in the company of others would increase the inspiration to act ethically. It is important to note that saying an ethical oath is different

to *swearing* to an ethical oath. Saying an ethical oath does not have legal strength, whereas *swearing* to an ethical oath does have legal strength under the law.

Whilst participants reported support for the ethical oath combined with policy and governance, counter argument was, reported that there could be some fear around what future policies could or could not define and what that meant for the participant legally.

One participant explained it:

*No, because that would then hold me legally accountable for policies and decisions I can't contribute to or I can't argue against. Yes, I would say that would be a problem. Because I would be concerned about the implementation of any policies that I, disagreed with at a later date.*

Source: Participant in Case Study Research # CS02 – 4 (d).

### **7.3 Equilibrium and fairness for all**

One concern, which stood out in discourse with participants was the relative inconsistency reported. Inconsistency of rules for some and rules for others highlighted an imbalance of equilibrium for those affected by such. Fairness and equity for all is surely an employee right, and certainly a social right. With support of such having far reaching effects on work place culture and ethos. Whereby, the underlying sentiment and attitude of individuals and society must be, acknowledged if we are going to achieve ethical praxis. Culture and ethos must be genuinely, acknowledged in its significance, as organisational integrity is reliant on minimising the negative effects of unethical decision-making, misconduct and corruption within the public sector. In incorporating a level of fairness within the public sector, management must also consider giving a reason to explain ‘whether or not an action is ethical?’ Whilst this

leaves it to the individual to determine such, it highlights further the importance of building the individual's capacity for ethical praxis. In the context of the work place 'reason-giving guidance or justification is (consciously or not) ultimately undertaken using some theory' (Briggle and Mitcham 2012, p. 40). Giving a reason also 'involves becoming reflexive about giving reasons'. Reflecting on ethical praxis sets one up to be in a better position for the next ethical experience of challenge. Question 50 addresses participant responses regarding whether or not there are rules for some and rules for others, and the significance of the ethical oath between the two groups (appendix 22). There were no significant results to report between the two groups for 2013, and 2014. In 2013 and 2014, the results from the control group for strongly agree/agree were slightly higher than the experimental group for that code on the 'Likert Scale'. The results report that between the two groups in 2013 and 2014, on average over four-fifths of participants indicated that there were rules for some and rules for others or there was no consistency. It was, reported that there was limited consistency in management.

One participant explained it:

*Well certainly, in management, I think so. That would be good because, we do have a perception that management are, doing whatever they want, and they are constantly telling us how we should behave according to our Code of Conduct. But, they do whatever they want without being accountable.*

Source; Participant in Case Study Research # CS09 – 5 (a).

In the construct of the public sector, this also raises questions of concern. Why is there inconsistency with decision-making? Is nepotism to blame? Alternatively, 'is it a lack of policy and governance awareness?' Either way one could draw a fair probability that governance has lost its strength or somewhat its way. This is particularly concerning for governance aligning with the law. The public sector must

consider other ways of increasing individual capacity for ethical praxis or ways, which were, supported by participants, such as, not limited to an ethical oath.

Whilst there was a lack of consistency reported amongst participants regarding policy and public sector rules, the counter argument was that policy and guidelines were clearly, defined. Even if participants could not remember the exact wording or the Code of Ethics for the South Australian Public Sector (2010), they knew where to find a copy in which they could refer.

One participant explained it:

*For me it's a guide of what's expected from public sector workers and the way they understand their professional duties and the way they conduct themselves at work, for working for themselves and for the public sector or for the public, the South Australian public.*

Source: Participant in Case Study Research # CS08 – 2 (a).

#### **7.4 Capacity for humanness within culture and environment**

Most harbour justifiable doubts around the public sector and innovation. Historically speaking there has been significant post-war innovation. As Hartley (2005, p. 29) explains with two such post-war models of administration being the “‘traditional’ public administration”, which was evident until the early 1980’s and ‘New Public Management’ (NPM) thereafter. Unlike their private sector counterparts, Moore (1995) (cited in Hartley 2005, p. 27) explains that public sector innovation is, driven by ‘improvements in governance and service performance, including efficiencies in order to increase public value’. This is not to say that public sector innovation always leads to success either. Hartley (2005, p. 31) argues ‘that Public Sector rhetoric about innovation appears to be predicated on the assumption that improvement follows’.

However, this is not always the case. Public sector innovation can and has failed for many reasons. As Hartley (2005) explains because of the:

caution of politicians in supporting innovation (since they carry responsibility for failure), media interest which can exaggerate failure in public services, traditional public administration theory which separates policy-making from implementation, and the difficulties of achieving unambiguous success. Second, there is the situation where innovation occurs and is based on a proliferation of choices but with no improvement in service content as needed by service users or other stakeholders.

Source; Hartley, J 2005, 'Innovation in Governance and Public Services: Past and Present', *Public Money and Management*, vol. 25, no. 1, January 2005, p. 31.

Haidt (2012, p. 90) argues that 'if our goal is to produce good *behavior*, not just good thinking, then it's even more important to reject rationalism and embrace intuitionism'. Haidt (2012, p. 91) explains that the best approach hinges solely on the ability of organisations to acknowledge, and have the courage to re-design the environment, culture and ethos to permit beings with all their humanness to behave ethically, 'which can produce big increases in ethical behaviour'. In acknowledging humanness, we need to acknowledge and address the frailties of the human existence or what it is to be human – the frailty of the human mind to think, the frailty of the human body to act and the frailty of the human spirit to have faith. The importance of acknowledging humanness in the work place environment and ethos is extremely important in addressing moral and ethical reasoning, and goes a long way in preventing an erroneous culture. There are three specific passages cited in the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7) of which focused magnification needs to highlight because of the reference to such.

*I will be humble in human adversity and difficulty and not knowingly place myself or others in situations or circumstances of which I myself would not like the consequences.*



*I will, when faced with human frailty, a difficult decision or circumstance, with humility do all within my capacity to seek the truth in good faith.*

*I will treat all humanity with varying physical and mental abilities equally and with humility, and treat assistance and companion animals with respect and kindness.*

Source; *Lewisēthikós Oath 2010*©Natalie Lewis.

In deconstructing the thought provoking ideals previously mentioned above, there lies reference to one being *humble in human adversity and difficulty*. The acknowledgment of *human frailty* is vitally important when one acknowledges what it is to be human and discussing ethics per se. This is vitally important when working with a diverse work force where there are varying degrees of *physical and mental abilities*, and needs, such as, *assistance and companion animals*.

Although, ‘what of sustaining ethics over time? It is here that I will address the fifth research question. Can the culture and ethos within the public sector prevent problems of an ethical nature? Question 6 addresses participant responses regarding whether or not the culture supports unethical actions, and the significance of the ethical oath between the two groups (appendix 22). There were no significant results to report between the two groups for 2013, and 2014. In 2013 and 2014, the results from the experimental group for strongly agree/agree were higher than the control group for that code on the ‘Likert Scale’. The results report that between the two groups in 2013 and 2014, on average over one-third of participants indicated that the public sector culture and ethos supports unethical actions. In effect, participants reported herein that employee retention was suffering. If we fail to accept humanness within our culture, environment and ethos, then I truly fear as a researcher for what the future holds. Unless we acknowledge the frailties of not only what it is to be human, and subsequent

frailties in culture and ethos, then we will face a time of uncertainty regarding McIntyre-Mills's (2008, p. 148) idea in *Systemic Ethics Expanding The Boundaries of Rights and Responsibilities* for a 'systemic' future and sustainable ethics. If we fail to sustain what we know is right, it justifiably gives cause to question organisational health.

### **7.5 Exposure to ethics from the start**

It is here that I will answer the second question of this research study. How do we improve public sector morality? Ethics must be to the public sector as the idiom, 'first impressions are the most lasting' is to reputation. We must put in place systems from the very start of one's career in the public sector that accentuates the importance of ethics. Moral and ethical reasoning must become a natural occurrence so that individuals do not need to think hard of such in times of ethical challenge, it must be reactive. There must be avenues and opportunities to explore awareness and knowledge and seek out the unknown, and be brave in contemplation<sup>59</sup> of the known for sustainable ethics. Unless we are brave in the acknowledgement of the individual reflection of the construct of the reality as it currently is for the South Australian public sector employee participant, then we are doing ourselves, and the public interest a great disservice. To create knowledge, we must first stretch our minds beyond the contemporary boundaries of moral and ethical reasoning. In his own words Aristotle (cited in Rist 2002, p. 84) argued that 'the better our mind (and thus the better our moral decisions) the "better" or more valuable we are'. Moreover, Aristotle's position (cited in Nussbaum 1978, p. 60),

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<sup>59</sup> Contemplation – full or deep consideration, thoughtful observation.

albeit moderate provides the argument that ‘teleological<sup>60</sup> accounts are the most satisfactory way of explaining both the non-conscious growth and development of all living things and the intentional or quasi-intentional activities of animals’. It is widely understood that governance cannot cover every conceivable moment or situation of the human experience. As I have mentioned in preceding chapters, this is not to support nihilism, as that would be ethically irresponsible. Aristotle, in his own wisdom did not support nihilism either in reference to ‘what makes us good citizens?’ This lies in Aristotle’s dialogue “obedience to the laws” (Schofield 2006, p. 306). When Aristotle refers to the political scope of “laws” he means citizens need to employ the behavior and attitude to bring about a ‘virtuous’ life. Unless the culture and ethos are truthfully, exposed for what the construct of its reality truly is, and what it truly means for those experiencing the negativities, which go with that then we will fail to make a wrong right. The research findings and results herein have exposed only some of the centric themes and typologies of concern for the participant employee. Such exposure warrants the respect for the individual brave enough to come forward with truthful disclosures of a deeply personal human experience to tell his or her story with the motivation that individually and collectively they hope and will make a difference. Changing the culture and ethos of an organisation with tens of thousands of employees is daunting and somewhat challenging to say the least. First, we must start small and we must commence with the individual. The individual has a significant role to play, as grouped together they can affect the collective. There must be a respect for the individual. We must build upon knowledge already gained, and build upon the capacity to gain even more. This must be, supported at the very top.

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<sup>60</sup> Teleological – philosophical doctrine that there is evidence of purpose or design in the universe, proof of existence.

Question 31 addresses participant responses regarding whether or not participants would prefer to *swear* to an ethical oath at an induction session into the public sector, and the significance of the ethical oath between the two groups (appendix 23). There were no significant results to report between the two groups for 2013, and 2014. In 2013, the results from the experimental group for strongly agree/agree were slightly higher than the control group for that code on the ‘Likert Scale’. The results report that between the two groups in 2013 and 2014, on average over two-fifths of participants indicated that they would prefer to *swear* to an ethical oath at an induction session into the public sector. Likewise it is important to note that to *swear* to an oath at an induction service into the public sector is only one way that the hypothetical oath – the *Lewisēthikós Oath 2010*©Natalie Lewis (appendix 7), ‘a *priori*’ (McIntyre-Mills 2007, pp. 3-4) could be incorporated and implemented into public sector life. A separate ceremony could take place, such as, in the case for graduating doctors from medical school in South Australia, as discussed in chapter 2.

Whilst there was support for an ethical oath in the public sector, it is also important to report that policy and documents of governance were, held in high esteem amongst participants. Although, participants reported that there needed to be some, flexibility.

One participant explained it:

*I think it's important to have policies there to refer to. But, sometimes you have to actually be a little bit more flexible around decision-making and not be rigid around. Oh, that's the policy, therefore we can't do this, we can't do that. And, I think sometimes policy is used, to stop people questioning and I think sometimes we need to explore whether that policy is the right policy to guide us. Or, is it an obstacle to stopping - you know, getting in the way of what is a fair outcome for particular people.*

Source; Participant in Case Study Research # CS09 – 3 (c).

This primary research study has reported herein the qualitative typologies and quantitative statistical analysis and results reported by participants. In the preceding chapters, there were significant results reported for the individual questions where the ‘chi-square test’ (Field 2009, pp. 688-689) was performed to find  $p$  values  $\leq 0.05$  of which is based on the test statistic ( $X^2$ ) regarding the hypothetical oath. The significance of these results must not be, ignored as they provide an undisputed truth or ‘fact’ (Robson 2002, p. 20) regarding participant *attitude*. These research results of significance confirmed the research  $H_1$  that the social practice of a witnessed oath builds memory and asserts a propensity of inspiration and desire within an individual to hold themselves true to the words of the taken oath.

## **7.6 Ethos and the effects on participant health**

As the researcher who was conducting this primary study regarding this area of concern, and listening to the heart felt accounts of what a day in the life of a public employee was for participants, reflecting accounts for some resulted in a display of tiny droplets of water rolling down one’s cheeks – that of tears. As an observing witness to somewhat sentimental, emotive displays, upon reflection I felt a sincere responsibility to ensure that environment and ethos and participant health were genuinely, discussed. Throughout this research, I felt humbled and somewhat privileged that participants felt safe enough to open up about their individual accounts and experiences of the public sector. Throughout this time, I became witness to a range of physical expressions across the vast spectrum of documented human emotions. These expressions ranged from frustration and anger, vulnerability and sadness and in some cases joy and happiness as they reflected on their thoughts and their feelings. Frequently, stress was,

mentioned amongst participants. In small amounts, in some experiences it is, reported that stress can be beneficial, such as, nervousness prior to a work performance review or an interview for a new position. These are all natural responses. Although, the opposite spectrum reported by participants of feeling overwhelmingly stressed and anxious is not so. Hart (1983) best explains the effects of stress on the individual brain (cited in Sprenger 1999, p. 40).

Stress chemicals can block the neurotransmitters that are trying to make logical connections in your brain. This common occurrence is sometimes called “downshifting”. It is the brain changing from a higher level of thought to a lower level (Hard, 1983). People who are continually under stress may have some damage to their brains. When the stress chemicals are released, they cause problems for the hippocampus. Cortisol in particular can be destructive. The consistent presence of Cortisol has a toxic effect on the hippocampus-the filer of long-term factual memories (Jensen, 1998).

Source; Sprenger, M 1999, *Learning & Memory The Brain in Action*, Association for Supervision and Curriculum Development, United States of America, p. 40.

With this in mind, it is vitally important that the environment and ethos of the working environment be a healthy one, with a conscious effort by management to minimise stress and anxiety on the individual. Participants in this research study reported that at times the culture within the public sector could be erroneous. Not only failing the individual, failure to address such could have catastrophic effects on the collective working group and the organisation as a whole. The failure to comply with government policy is a serious breach of the basic paradigm of the ethical ideal. In explaining shared experiences of stress, the following account hits an all too seemingly regular experience of verbal abuse. Surprisingly, verbal abuse from the public took second place to that of verbal abuse imposed on fellow public employees or colleagues.

Question 40 addresses participant responses regarding whether or not participants experienced verbal abuse from fellow public employees, and the

significance of the ethical oath between the two groups (appendix 22). There were no significant results to report between the two groups for 2013, and 2014. In 2013 and 2014, the results from the control group for strongly agree/agree were higher than the experimental group for that code on the 'Likert Scale'. The results report that between the two groups in 2013 and 2014, on average over half of participants indicated that they had experienced verbal abuse from fellow public employees – a co-worker or colleague.

Likewise, some participants reported the universal phenomenon of 'bullying' as explained by McShane and Travaglione (2009, p. 205) was still a reality for the contemporary public sector employee despite relevant governance rejecting such. This was a disturbing account in the construct of the public employee. Whilst it is, acknowledged that this result was, based on subjective accounts, we cannot deny the effects, which require focussed magnification to rid the public sector of such. When discussing 'bullying' we must also acknowledge the experiences shared regarding "whistleblowing" (Tucker 1995, p. 475). What many "whistleblowers" experience must surely give them cause to question themselves and 'why did they come forward in the first place?' This is because of the negative effects that it has on prospect, especially for the prospects of existing and future employment. In terms of participant responses to research questions pertaining to that, emotional and somewhat sentimental responses were, recorded as participants reflected on individual experiences. At times it was difficult as a researcher to not feel something myself as participants bravely trusted in the process of research to give individual justification that someone had a genuine impartial ear. Question 45 addresses participants' response regarding whether or not "whistleblowers" are, treated badly in the public sector, and the significance of the

ethical oath between the two groups (appendix 22). There were no significant results to be reported between the two groups for 2013, and 2014. In 2013, the results from the control group for strongly agree/agree were higher than the experimental group for that code on the 'Likert Scale'. The results report that between the two groups in 2013 and 2014, on average over two-thirds of participants indicated that "whistleblowers" are, treated badly in the public sector. It is important to note that whilst "whistleblowers" are not always, treated badly in the public sector, there are those who have been mistreated. Their peers exposed them to negative treatment in the public sector.

One participant explained it:

*I haven't, no, personally. But, as I mentioned before, I do know a colleague who has suffered reprisal. They were the one that ended up the victim. The staff they observed doing the unethical behaviour and reported on, yeah [sic], nothing really happened. They were just given, I suppose, a rap over the knuckles, and the colleague was the one that was off on work on stress. That affected his home life, personal – you know, people around him, and felt he was wrong done by.*

Source; Participant in Case Study Research # CS08 – 3 (q).

Or, as another participant put it:

*I think it's very hard to be a "whistleblower" full stop. Because regardless of whether you're in the public sector, because everybody knows everybody and it would be very hard to "blow the whistle", and still remain anonymous. We had a few situations, as I said, about 10 years ago and one of the "whistleblowers" for her own sake; felt that she had to leave the country. And, I mean it wasn't that she had to leave because she was under physical threat, it was that if she left the public service in South Australia, there was no other work for her. So, therefore she may as well go overseas because she could at least get work. It was either interstate or overseas.*

Source; Participant in Case Study Research # CS02 – 3 (i).

Whilst participants reported incidents of 'bullying', the counter argument was that some participants reported that, they had no experience with the phenomenon nor



would it prevent them from coming forward with unethical behaviour or decision-making.

One participant explained it:

*Not me, personally. I haven't really observed that in my current workplace. I think when I worked in Treasury there was a bit of a, maybe a mild culture of bullying and that you didn't want to tell certain people certain news if you didn't have to but in my current workplace I'd say not really, and even in the other role it was probably minor.*

Source: Participant in Case Study Research # CS12 – 3 (r)

One wonders when they commence doctoral research of this kind if they have really understood the subject of matter, and experiences shared. Historically, literature was full of examples in which “whistleblowers” were mistreated. Although, until one commences a research study of this kind, one never really knows the thoughts and feelings of participants until the question is the subject of discourse. At the beginning, I did not know what to expect. I certainly did not have the expectation of strong responses to this subject matter. It was cause for concern that participants definitively confirmed a previously unconfirmed account of the contemporary public sector experience in South Australia. It provoked further reflection and questions in my own mind. Is this preventing public employees from coming forward with truthful disclosures and real life experiences of misconduct? Is the public sector struggling with ethical conscience?

One thing was of significance, and that was the health of the public employee participant. The organisation has a responsibility under *Work Health and Safety Act 1986* (SA) (Attorney-General's Department 2012) to provide individuals with an environment in which one can work, learn and develop in safety. A positive

environment and ethos provides benefits for not only the public sector as a whole, but also that of the individual. The benefits within an organisation can be identified, but not limited to a decrease in the use of sick leave entitlements and the like. Individually, persons' feel valued, encouraged and supported, which has an effect on group dynamics. Participants in this research study reported the following when questioned about the environment of the public sector and its effect on their health. Question 58 addresses participant responses regarding whether or not the culture and environment has a negative effect on their health, and the significance of the ethical oath between the two groups (appendix 22). There were no significant results to report between the two groups for 2013, and 2014. In 2013, the results from the experimental group for strongly agree/agree were higher than the control group for that code on the 'Likert Scale'. The results report that between the two groups in 2013 and 2014, on average over half of participants indicated that the culture and environment experienced in the public sector had a negative effect on their health.

Analysing the qualitative findings and the quantitative results, I felt somewhat saddened by the findings. Whilst the public sector has progressed with the implementation of the contemporary 'public management' (Hughes 2003, p. 44) model, it is now a matter of fact, that we have neglected the fundamental influence that culture, environment and ethos has on the individual employee. Have we forgone what it means to be part of a positive ethos for the sake of identifying with a more responsible accountable public sector? Alternatively, 'has the public sector failed in its attempts to make the culture and environment better for employees over time?' Irrespective of the fact that the public sector has numerous governance documents around what is acceptable employee *attitude* and behaviour, participants reported overwhelmingly that,

the reality was vastly different. This included the negative effect on their individual health.

I argue that the effects of ‘bullying’ within the South Australian public sector are currently being, under represented and reported. Further, I argue that the court system is not properly supporting victims with appropriate court outcomes and judicial findings. Instead, many judicial findings were, found to be unsupportive of victims of workplace ‘bullying’. As with one such case discussed previously in chapter 4, *Li, He v Department for Health and Ageing* [2016] SAET 40, [3]-[4], [11]-[12]. Subsequently, the judge and the court found in favour of the organisation at the centre of the claim for compensation. Ms Saunders said that ‘the letter, which was dated 7 March 2012’, advised a meeting was to be set up to discuss Ms Li’s ‘professional and communication method’. Further correspondence to Ms Li ‘on 2 April 2012’, advised that it was an ‘informal meeting’, despite ‘Lois Scaife, Acting CSC [Clinical Surgical Consultant] of ICU [Intensive Care Unit]’ being present (*Li, He v Department for Health and Ageing* 2016, [29],[38]). Medically speaking, Dr Jules Begg, Psychiatrist ‘attributed most of the cause to workplace events although he said that there had been some contribution for her marital failure’ (*Li, He v Department for Health and Ageing* 2016, [93]). In conclusion, Judge Gilchrist concluded that ‘I find that there were work causes that were significant enough to say that her employment was a substantial cause of her psychiatric injury’. Judge Gilchrist went on to conclude that ‘in respect of the work related causes, I conclude that they arose predominantly from disqualifying actions’. As a result, ‘[h]er psychiatric injury is therefore not compensable under the *Act*’ (*Li, He v Department for Health and Ageing* 2016, [171]).

I would argue that it is a 'reasonable action taken in a reasonable manner' for an employer to meet with an employee about work place issues and concerns. Although, if vexatious allegations were raised, rudeness or unfair treatment that included 'bullying' and a misuse of the term 'informal meeting' occurred or one was denied relevant Union representation then 'disqualifying actions' are being allegedly misused by organisations and the court to protect the employer and not the victim. Receiving a 'psychiatric injury' from the workplace is unacceptable, whether or not it resulted from reasonable or unreasonable actions. This raises valid questions, such as, 'what is going on in the workplace environment that is causing employees to become mentally ill?' It is not helpful from a subjective individual perspective for victims. It is not helpful for victims to go through a gruelling and stressful court process in which they find themselves unsupported by the judicial system. Especially, so if you are suffering from 'psychiatric injury', whereby victims are mentally vulnerable. Historically, the added stress and pressure imposed on victims during the court process has been widely documented. Certainly, it is not helpful from an objective organisation perspective either. With the court rejecting these cases for compensation under the *Return to Work Act 2014* (SA) (Attorney-General's Department 2017, p. 1), 'is the organisation really successful?' Cases like this one only highlight that 'psychiatric injury' as a result of workplace 'bullying' or other factors, such as, excessive workloads, pressure or the workplace culture is being justified with the organisation somewhat rewarded with the rejection for compensation or a verdict 'not compensable under the *Act*'. In rejecting this acknowledgement, we are not from either perspective, wholeheartedly addressing the unethical praxis of workplace 'bullying' or a misguided culture.

Brodie Panlock's 'death was a tragic reminder of the serious consequences that bullying can have on victims, their families and the community and illustrated that there were obvious limitations in the law and conduct involving serious bullying should be subject to criminal sanctions' (Victoria State Government 2011, n.p.). The South Australian government needs to follow the Victorian governments lead on the issue. Analysing the research findings and results herein, I am of the view that *Brodie's Law* needs to be, enacted in South Australia. In 2011, the Victorian government 'made serious bullying a crime punishable by up to 10 years in jail'. *Brodie's Law* 'makes serious bullying a criminal offence by extending the application of the stalking provisions in the *Crimes Act 1958* to include behaviour that involves serious bullying'. Frankly speaking, South Australian lawmakers are not doing enough to discourage the unethical praxis of 'bullying'.

This primary research study has reported herein the qualitative typologies and quantitative statistical analysis and results reported by participants. In the preceding chapters, there were significant results reported for the individual questions where the 'chi-square test' was performed to find  $p$  values  $\leq 0.05$  of which is based on the test statistic ( $X^2$ ) regarding policy and governance, gender, management and legal maladministration. The significance of these results must not be, ignored as they provide an undisputed truth or 'fact' regarding participant *attitude*.

## **7.7 Research outcomes and recommendations**

As discussed in chapter 3, the design of enquiry was based on West Churchman's (1979a, 1982) (cited in McIntyre-Mills 2007, p. 3) "Design of Inquiring Systems", which is 'effective in engaging with others to achieve "best

matches” and better decision making that is mindful of perceptions, values and emotions’. West Churchman’s work was incorporated with the ‘CSH’, which is a ‘framework for reflective professional practice organised around the central tool of boundary critique’ (Reynolds & Ulrich 2010, p. 243). After careful consideration of the research findings and results, this primary research study has identified considerations for improvement within the South Australian public sector. These are:

1. Ethical praxis needs to be, discussed at induction into the South Australian public sector; not just providing a copy of the Code of Ethics for the South Australian Public Sector 2015.
2. Policy documents need to be, linked with the law only – other processes outside of the law need to be, linked with Organisational Wide Instructions. This will assist in preventing vexedness.
3. Clearer policy delineation regarding nepotism to, counter failures in the employment process for both internal and external employment opportunities.
4. Clearer policy delineation regarding, all forms of social media, inclusive of mindful verbal communication.
5. Provide a culture, environment and ethos where open disclosure is encouraged and not discouraged – encouraging ‘silos’ of knowledge – either good or bad.
6. Development of processes whereby employees can be, rewarded fairly for commitment and effort. This could be inclusive of the reclassification process.
7. The organisational culture needs to be reflective of community standards and needs to come from management down with a capacity for humanness within the environment and ethos – a culture of fear and ‘bullying’ needs to be counteracted. A culture threatened by complaints fails to see the opportunity for growth and development.
8. Set gender targets for equality in the employment process for all positions within the South Australian public sector.
9. Promote greater workplace flexibility for all employees regarding hours in the working day. This will prevent the loss of ‘human capital’.
10. Review of Key Performance Indicators to reflect the real issues, such as the law and not just ticking a box to satisfy compliance or achievement.
11. Workloads must be realistic in relation to the financial and human capital perspective, working above employment descriptions without remuneration or taking on unreasonable extra work needs to be adequately, addressed. The public sector has a duty of care to its employees as delineated in the *Occupational Health, Safety and Welfare Act 1986* (SA).
12. Strengthening the *South Australian Whistleblowers Protection Act 1993* (SA) to reflect the *Protected Disclosures Act 2012* (ACT), incorporating a jail term for those who incite reprisal or disclose protected information.

13. Implement the *Lewisēthikós Oath 2010*©Natalie Lewis as a legal oath under the *Oaths Act 1936* (SA) through a licensing agreement to restore, a sense of pride and awareness of the requirement and importance of ethical praxis. Ongoing monitoring could be required to reinforce compliance and praxis whereby there is no legal justification or jurisdiction.
14. Submit a *Bill* into the South Australian government for *Broadie's Law*; *Broadie's Law* makes serious 'bullying' a criminal offence punishable with imprisonment.
15. Provide further information in accessing the Independent Commission Against Corruption directly, its purpose in preventing unethical praxis and misconduct within the South Australian public sector – particularly anonymous reporting.
16. Define clear boundaries between departmental requirements, and functions and government influence to prevent politicisation.

These recommendations for consideration were, identified through discourse with participants that drew upon their thoughts and feelings to peel back the layers and expose the complexities faced by public sector employee participants in the moment of now. Ethics in the South Australian public sector was a complex topic to approach and research due to the complexity of ethics in the construct of the contemporary culture, environment, and ethos in the sector and the perceived fear that plagued participants. These findings reported herein by participants, rightly so justify a perceived fear of reprisal.

As discussed in chapter 3, often with policy streamlining policy or policy development, the challenge is 'what approaches need to be applied to the success of policy analysis?' This research study has incorporated Bacchi's (2009, p. 1.), 'approach [which] offers a different way to think about policy' by asking, "what's the problem represented to be? (WPR)". This approach offers a change in the way we think about policy. To consider this approach with the regards to the effects of 'bullying' reported by participants, lets first take a look at the policy governance around 'bullying' in the public sector. If we look at policy analysis regarding 'bullying' and start 'working

backwards’, the ‘WPR’ approach starts with the policy regarding ‘bullying’, and then works “backwards to elucidate the problem representation”, which in the case of ‘bullying’ is very poor, unprofessional behaviour and unethical praxis (Bacchi 2009, p. 3).

## 7.8 Future research

The significance of this research study is that it was the first of its kind in the world, to the best of my research and knowledge, which seeks to identify the conceptualisation of the witnessed ritual, a specifically designed (by the researcher – me) hypothetical ethical oath with *attitude*, the perceived outlook of individual morality and the public sector. Further, the findings and results reported herein form a solid foundation for future research in the field of ethical ontology, and the field of established social science theory – ethics and oaths. Further doctoral or post-doctoral research could be, conducted. Certainly, research could be, conducted on a group of graduating South Australian medical doctors who take a modern version of the ‘Hippocratic Oath’ (Hirst 2009, p. 50) to seek out the thought and *attitude* of individual doctors about their lived experience of the witnessed oath. A snap shot in time could be done, perhaps over a one to two (1 – 2) year period to research and analyse findings and results over time. Analysis could then take place between a voluntary, non-legal modern version of the ‘Hippocratic Oath’, and that of legal oaths listed under the *Oaths Act 1936* (SA) (Attorney-General’s Department 2011, pp. 6-7), such as, the oath of which lawyers, judges or Justice of Peace are, *sworn*.

Further research could also address behaviour, such as, ‘does group solidarity experienced in a witnessed oath counteract negative employee behaviour?’ What are



the identified frailties effecting ethical praxis? Does an individual's spiritual belief affect ethical praxis? Questions like these and others lend thought for further discovery into witnessed oaths, especially as our society is, perceived to rely less on religion and more on secular ideals. Participants reported findings and results discussed herein have pushed out the boundaries, and explored moral and ethical *attitude* without dismissing complexity and uncertainty to co-create the new possibilities for solutions. Subsequently, to increase ethical praxis or practice that is distinguished from theory. This means ethical practice of which occupies the utilization of skills and knowledge. Although, concerning as the typologies that surfaced during this research study were, this is only the beginning and it must not finish here with this original study. Essentially, if we are going to discuss ethics truthfully, we must ourselves acknowledge our own reflection. We need to acknowledge the frailties of what it means to be human – the frailty of the human mind to think, the frailty of the human body to act and the frailty of the human spirit to have faith. It is only once we have looked at our own reflections can we start to solve the mystery, and complexities exposed in this research study. Further, the research findings and results discussed herein have highlighted that there is a place for emotions, specifically the emotions experienced in a witnessed sense of occasion – the occasion of the hypothetical oath. Can we create more emotional and bonding experiences in the war against immoral and unethical actions? If so, can we again push out the boundaries of ethical and moral reasoning further than first thought? The answer to these questions and others can only lie with future research.

## 7.9 Conclusion

The reason for my invested interest in ethics in the South Australian public sector is that we need a public sector to provide assistance to the most vulnerable of our society. At this point in my candidature, and having worked for the public sector for the past sixteen (16) years, I understand the culture and ethos, the pressures public sector employees face whilst having a need to reflect community values and the policy processes that underpin governance. This social realism has enabled me to conduct primary research at doctorate level to tease out the constructed themes to understand a topic of sensitivity of which ethics implies to be underestimated. This chapter answered the second and fifth research questions.

This primary research study has brought together participant perceptions and written dialogue to explain what it is to be a contemporary employee in the South Australian public sector. This research study has demonstrated the potential of a ‘Pragmatic Approach’, ‘mixed methods’ research involving a ‘constructivist’ approach and ‘postpositivism’. A design of enquiry incorporated West Churchman’s “Design of Inquiring Systems” and for policy analysis, Bacchi’s (2009, p. 1.), ‘approach to think about policy’ by asking, “WPR”. For researchers, one of the main aims of doing primary research of this kind is to influence policy and policy development. To do this one needs to incorporate ‘Critical Systems Heuristics (CSH)’, which considers ‘the practice of boundary critique’. Further, an ‘interdisciplinary framework’ was incorporated because ‘[t]he case for social change is made through exploring interdisciplinary frameworks to address greed, the commodification of the powerless and the environment’ (McIntyre-Mills 2014, p. 91). This research study has developed sixteen (16) recommendations for either influencing policy or policy development.

This original research was the first account, to the best of my research and knowledge, which provides qualitative findings and quantitative results regarding ethics in the South Australian public sector. The research results provide qualitative typologies and findings, and quantitative analysis and significant results previously unknown to the world. Therefore, adding new knowledge to the, relevant fields of discourse. Themes previously unknown are now immortalised in print. Essentially, this research study identifies areas of improvement to restore public faith and raise the status of ethics in the public sector. Proudly, I put forward to the academic world the *Lewis Oath Theory*. A theory developed out of this primary research; that the social practice through the lived experience of the witnessed oath builds memory and asserts a propensity of inspiration and desire within an individual to hold themselves true to the words of the taken oath. May the findings and results reported herein, find their place amongst respected literature and academic debate.

## **Glossary**

*Oxford Dictionary of English and Australian English Dictionary*

**Abated** – to make or become less intense, reduce or remove.

**Absolve** – free or release from duty, obligations or responsibility.

**Asserts** – to state with assurance, confidence or positively.

**Axiomatic** – pertaining to or of the nature, self-evident truth that requires no proof.

**Blackmail** – to intimidate by accusations or injurious threats.

**Bribe** – anything given or serving to persuade another to influence or corrupt.

**Chasm** – being a marked interruption of continuity, gap.

**Codes** – a system or collection of rules or regulations.

**Conscience** – the inner sense of what is right or wrong in one's conduct or motives, impelling one toward right action.

**Consideration** – refers to the degree to which a leader builds mutual trust with subordinates.

**Contemplation** – full or deep consideration; thoughtful observation.

**Corruption** – corrupt or dishonest proceedings or acts, moral perversion of activity.

**Custodians** – persons trusted with guarding or maintaining a property.

**Discourse** – communication of thoughts through conversation or writing.

**Echelon** – a level of achievement, worthiness or reputation.

**Endogenous** – proceeding from within, derived internally.

**Erroneous** – straying from what is decent and moral, wrong.

**Ēthikós** - Greek word translated in English as ethics.

**Ethos** – the fundamental character or spirit of a culture, the underlying sentiment that informs the beliefs, customs and practices of a group.

**Expositional** – setting forth or explaining.

**Foresight** – provision for or insight into future problems, needs etc.

**Governance** – where by government exercises its authority and control.

**Hermeneutics** – the science of interpretation, especially of the Scriptures.

**Ideals** – the ultimate aim or endeavour, especially one of high character.

**Innate** – existing in one from birth, inborn, native.

**Intuitive** – perceiving by intuition, as a person or the mind.

**Invoke** – to call for with earnest desire.

**Key Performance Indicators** – industry language for measuring performance.

**Metaphysics** – the underlying theoretical principles of a subject or field of inquiry.

**Mitigate** – to lessen in force or intensity.

**Nepotism** – described as patronage or favouritism bestowed based on a family relationship.

**Nihilism** – total rejection of established laws and institutions.

**Ontology** – the set of entities presupposed by a theory.

**Paradigm** – a set of forms all of which contain a particular element.

**Paradox** – an opinion or statement contrary to commonly accepted opinion.

**Perjury** – the willful giving of a false testimony under oath or affirmation before a legal inquiry or tribunal.

**Plethora** – overabundance, excess.

**Phronēsis** – practical wisdom as a basis for accountable decision-making.

**Policy** – is a definite course of action adopted for the sake of expediency.

**Posteriori approach** – is based on considerations to the meanings of ideas, ideology and practices for the majority, although not all stakeholders.

**Praxis** – is practice as distinguished from theory.

**Priori approach** – the moral law sets out one's duty based on prior decisions on what constitutes ethical behaviour.

**Propensity** – a natural inclination or tendency.

**Punitive** – relating to, involving, or with the intention of inflicting punishment.

**Sentient** – having the power of perception by the senses, conscious.

**Symbols** – something used for or regarded as representing something else, a material object representing something, often something immaterial, emblem, token or sign.

**Rescind** – to take back or withdraw, or to break a rule or renege.

**Re-classification** – a public sector process in which job tasks are assessed or anew usually but not exclusively to a higher employment classification category.

**Ripple Effect** – a series of consequences caused by a single action or event.

**Ritual** – being an established or prescribed procedure for religious or other rites or ceremonies.

**Teleological** – philosophical doctrine that there is evidence of purpose or design in the universe; proof of existence.

**Typology** – the doctrine or study of types or of the correspondence between them and the realities of which they typify.

**Unison** – tones identical in pitch produced by two or more voices.

**Utopia** – any visionary system of political or social perfection.

**Veracity** – conformity to truth or fact, truth in speech or statement.

**Whistleblowing** – is characteristic of making a public disclosure of corruption or wrongdoing.

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**Appendix 1**

Case Study Pre-approved Poster – Government Departments.....345



## We are researching your thoughts and attitude on South Australian public sector ethics – Part 1

### Would you like to volunteer in a Case Study?

We would like to hear from you if you:

- Are 18 years and over
- A current permanent South Australian public sector employee
- Have *taken* an oath or *have not* taken an oath
- Have an opinion on any aspect of public sector ethics

What is your opinion about ethics and the public sector culture?

What are your thoughts about ethics and misconduct?

What is your opinion about ethics and decision-making?

*This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 5420).*

If you have any questions regarding this study, or are unsure about participating, please contact the researcher to discuss.

<p>Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au</p>	<p>Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au</p>	<p>Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au</p>	<p>Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au</p>	<p>Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au</p>	<p>Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au</p>	<p>Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au</p>
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The Thinker, 1902.<sup>61</sup>

<sup>61</sup> The Thinker, 1902. Picture downloaded, Artist Auguste Rodin, viewed 24 July 2018, <https://openclipart.org/detail/224300/the-thinker-grayscale> – Artist, Auguste Rodin deceased. Further, authorised approval to reproduce this figure for PhD thesis under U.S. Const. Art. I, § 8, cl. 8. Fair Use - Section 107 of the Copyright Act.



**Appendix 2**

Case Study Pre-approved Poster – Public Service Association.....349





## We are researching your thoughts and attitude on South Australian public sector ethics – Part 1

### Would you like to volunteer in a Case Study?

We would like to hear from you if you:

- Are 18 years and over
- A current permanent South Australian public sector employee
- Have *taken* an oath or *have not* taken an oath
- Have an opinion on any aspect of public sector ethics

What is your opinion about ethics and the public sector culture?

What are your thoughts about ethics and misconduct?

What is your opinion about ethics and decision-making?

Employees from the following SA Government Departments are excluded from this research study – Department for Communities and Social Inclusion, Department for Education and Children’s Services, SA Health, Department for Primary Industries and Regions and the Department for Manufacturing, Innovation, Trade, Resources and Energy.

*This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 5420).*

**If you have any questions regarding this study, or are unsure about participating, please contact the researcher to discuss.**

Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au	Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au	Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au	Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au	Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au	Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au	Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au	Natalie Lewis Ph 08 8222 5022 (7 days) lew10259@flinders.edu.au
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The Thinker, 1902.<sup>62</sup>

<sup>62</sup> The Thinker, 1902. Picture downloaded, Artist Auguste Rodin, viewed 24 July 2018, <https://openclipart.org/detail/224300/the-thinker-grayscale> – Artist, Auguste Rodin deceased. Further, authorised approval to reproduce this figure for PhD thesis under U.S. Const. Art. I, § 8, cl. 8. Fair Use - Section 107 of the Copyright Act.





### **Appendix 3**

Letters of Introduction – Case Study Research.....353





Dear Sir / Madam

**Faculty of Social and Behavioural Science**

GPO Box 2100  
Adelaide SA 5001

Tel: 8222 5022 (7 days)  
Email: [lewi0259@flinders.edu.au](mailto:lewi0259@flinders.edu.au)

[www.flinders.edu.au/sabs/](http://www.flinders.edu.au/sabs/)

vider No. 00114A

**Re: Letter of Introduction – Case Study Research**

I am a PhD candidate from the School of Social and Behavioural Science at Flinders University.

I am undertaking research leading to the production of a thesis or other publications on the subject of ethics within the South Australian public sector. This includes ethics in policy and the public sector culture.

I would be grateful if you would volunteer to assist in this project, by consenting to an audio recorded, semi-structured interview, which covers certain aspects of this topic. Approximately 2 hours on one occasion would be required of your time. The research questions are based on your thoughts and opinions about ethics in decision-making and misconduct. An example of a question is:

Are you left feeling confused when policy or other documents conflict with your own personal morality?

Please be assured that any information provided will, be treated in the strictest confidence and none of the participants will be individually identifiable in the resulting thesis, report or other publications. You are, of course, free to discontinue participation at any time or to decline to answer particular questions.

Please note that a partnership has been, formed between the researcher and the Commissioner for Public Employment through the Office for Ethical Standards and Professional Integrity for the purpose of, recruiting participants in this study.

Any enquiries you may have concerning this project should be, directed to me at the address given above or by telephone on 8222 5022 (7 days), or by email ([lewi0259@flinders.edu.au](mailto:lewi0259@flinders.edu.au)).

Thank you for your attention and assistance.

Yours sincerely

*Ms Natalie Lewis*

*PhD Candidate*

*Faculty of Social and Behavioural Science*

*This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 5420). For more information regarding ethical approval of the project the Executive Officer of the Committee can be contacted by telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au)*



**Faculty of Social and Behavioural Science**

GPO Box 2100  
Adelaide SA 5001

Tel: 8222 5022 (7 days)  
Email: [lewi0259@flinders.edu.au](mailto:lewi0259@flinders.edu.au)

[www.flinders.edu.au/sabs/](http://www.flinders.edu.au/sabs/)

vider No. 00114A

Dear Sir / Madam

**Re: Letter of Introduction – Case Study Research**

This letter is to introduce Ms Natalie Lewis who is a PhD student in the Faculty of Social and Behavioural Sciences at Flinders University. She will produce her student card, which carries a photograph, as proof of identity.

She is undertaking research leading to the production of a thesis or other publications on the subject of ethics within the South Australian public sector and how this affects the decision-making process of individuals.

She would be most grateful if you would volunteer to assist in this project, by participating in a semi-structured interview, which covers certain aspects of this topic. No more than 2 hours of your time on one occasion would be required.

Please be assured that any information provided will, be treated in the strictest confidence and none of the participants will be individually identifiable in the resulting thesis, report or other publications. You are, of course, entirely free to discontinue your participation at any time or to decline to answer particular questions.

*Since she intends to use an audio transcription of your answers in preparing the thesis, report or other publications, she will seek your consent, on the Consent Form in the information pack, on condition that your name or identity is not revealed. It may be necessary to make the recording available to secretarial assistants for transcription, in which case you may be assured that such persons will be advised of the requirement that your name or identity not be revealed and that the confidentiality of the material is respected and maintained.*

Any enquiries you may have concerning this project should be directed to me at the address given above or by telephone on 8201 2075, or by email ([janet.mcintyre@flinders.edu.au](mailto:janet.mcintyre@flinders.edu.au)).

Thank you for your attention and assistance.

Yours sincerely

*A/Prof. Janet McIntyre*

*Senior Lecturer*

*Faculty of Social and Behavioural Science*

*This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 5420). For more information regarding ethical approval of the project the Executive Officer of the Committee can be contacted by telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au)*

**Appendix 4**

Consent Form For Participation In Research – Case Study.....357





## CONSENT FORM FOR PARTICIPATION IN RESEARCH

### Case Study

I .....

being 18 years and over, hereby consent to voluntary participation as requested in the Doctor of Philosophy (PhD) research study on ethics in the South Australian public office.

2. I have read the information provided.
3. Details of procedures and any risks have been explained to my satisfaction as a volunteer in a (please mark with an **X** in the box provided):
  - Case study by a semi-structured interview – (or telephone interview).
4. I understand that:
  - I must respect the anonymity of other participants in this research study.
  - The researcher will comply with all requirements and guidelines set out by the Flinders University of South Australia, Social and Behavioural Research Ethics Committee (SBREC). Data will be stored and retained in accordance with the Australian Code for the Responsible Conduct of Research 2007<sup>63</sup> and the Flinders University of South Australia policy. On completion of the study, written data will be stored in a de-identified form securely stored at the Flinders University of South Australia, Southern Adelaide Health Service for a minimum of seven (7) years. The researcher will store de-identified data password protected and audio recordings on a personal computer disc with any hard copies and transcripts kept in a locked cabinet at her place of residence.
  - The researcher is, a Justice of the Peace in the state of South Australia, and is a current employee of the South Australian public office and bound by the following, *Public Sector Act 2009* (SA),<sup>64</sup> Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance (Including Misconduct), Code of Ethics for South Australian Public Sector Employees, and Justice of the Peace Code of Conduct. Even though, information provided will be treated in the strictest confidence by the researcher, disclosure of information related to illegal activities, such as any 'workplace behaviour that a reasonable person would suspect violates any law or represents corrupt conduct, mismanagement of public resources, is a danger to public health or safety or to the environment or amounts to misconduct'<sup>65</sup> cannot be secure from lawful search and seizure and must be reported to the police.

<sup>63</sup> Australian Government 2011, Australian Code for the Responsible Conduct of Research 2007, viewed 30 June 2011, <http://www.nhmrc.gov.au/publications/synopses/r39syn.htm>

<sup>64</sup> Attorney-General's Department 2009, *Public Sector Act 2009* (SA), AGD, p. 10, viewed 30 June 2011, <http://www.legislation.sa.gov.au/LZ/C/A/PUBLIC%20SECTOR%20ACT%202009.aspx>

<sup>65</sup> Office for Ethical Standards and Professional Integrity 2011, *Code of Ethics for the South Australian Public Sector*, OESPI, p. 21, viewed 30 June 2011, [http://www.espi.sa.gov.au/files/Code\\_2010\\_Print.pdf](http://www.espi.sa.gov.au/files/Code_2010_Print.pdf)



**CONSENT FORM FOR PARTICIPATION IN RESEARCH**

**Case Study**

- 5. I agree to:
  - The audio recording of my information and participation.
  - It may be necessary to make the audio recording available to secretarial assistants for transcription, in which case you may be, assured that such persons will be advised of the requirement that your name or identity not be revealed and that the confidentiality of the material is respected and maintained.
  - The publication of my de-identified comments in a thesis, report and other publications (i.e. collection, analysis, and use of quotes in peer review, journal articles and books and other publications).
- 6. I understand that:
  - I may not directly benefit from taking part in this research.
  - I am free to withdraw from the project at any time and am free to decline to answer particular questions up to the point that the researcher has submitted her completed thesis to the University.
  - While the information gained in this study will be, published as explained, I will not be identified, and individual information will remain confidential.
  - I may ask that the audio recording/observation be, stopped at any time, and that I may withdraw at any time from the session or the research without disadvantage.
- 7. I have had the opportunity to discuss taking part in this research with a family member or friend.
- 8. I am aware that I should retain a copy of the Information Sheet and Consent Form for future reference.

**Participant’s signature.....Date.....**

I certify that I have explained the study to the volunteer and consider that she/he understands what is involved and freely consents to participation.

**Researcher’s name...Natalie Lewis.....**

**Researcher’s signature.....Date.....**

*NB: Two signed copies should be obtained.*



## **Appendix 5**

Participant Information Sheet – Case Study Research (Yellow sheet).....	361
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## **PARTICIPANT INFORMATION SHEET – Case Study Research**

<b>A.</b>	<b>Project description</b>	Ethics in the South Australian public sector. This will include the thoughts and perceptions of ethical governance, ethical action, misconduct and unethical decision-making, and whistleblowing.
<b>B.</b>	<b>Participants role</b> ▪ <b>Case Study – yellow sheet</b>	Consent to volunteering to an audio-recorded semi-structured interview.  Provide valuable information to the researcher regarding your thoughts and feelings on the topic.
<b>C.</b>	<b>Alternatives to participation</b> ▪ <b>Case Study</b>	A telephone interview will, be offered to those who do not wish to participate in an audio-recorded semi-structured interview.
<b>D.</b>	<b>Research monitoring</b>	The Faculty of Social and Behavioural Science will continually monitor this study, in conjunction with PhD supervisors.  The researcher will comply with all requirements and guidelines set out by the Flinders University of South Australia, Social and Behavioural Research Ethics Committee (SBREC).
<b>E.</b>	<b>Services to participants</b>	Employee assistance programs are available to SA government employees through ACCESS-OCAR for SA Health and Country Health departments. They can be contacted on 08 8210 8102 or 1300 66 77 00. The first 4 sessions are free.  For details on government assistance programs for other departments please contact Converge International on

		<p>1800 337 068. The number of free sessions is, determined by which department you belong.</p> <p>Lifeline Counselling Service can be contacted on 131114 (24 hours) for those do not wish to contact government assistance programs.</p>
<b>F.</b>	<b>Contact details</b>	<ul style="list-style-type: none"> <li>▪ Natalie Lewis PhD Candidate / Researcher Faculty of Social and Behavioural Science Contact – 8222 5022 (direct no. 7 days) Email: <a href="mailto:lewi0259@flinders.edu.au">lewi0259@flinders.edu.au</a></li> <li>▪ A/Prof. Janet McIntyre Primary Supervisor Senior Lecturer Faculty of Social and Behavioural Science Contact - 8201 2075 (direct no.) Email: <a href="mailto:janet.mcintyre@flinders.edu.au">janet.mcintyre@flinders.edu.au</a></li> </ul>
<b>G.</b>	<b>Privacy and confidentiality</b>	<p>The researcher will comply with all requirements and guidelines set out by the Flinders University of South Australia, Social and Behavioural Research Ethics Committee (SBREC). Data will be stored and retained in accordance with the Australian Code for the Responsible Conduct of Research 2007,<sup>66</sup> and the Flinders University of South Australia policy. On completion of the study, written data will be stored in a de-identified form securely stored at the Flinders University of South Australia, Southern Adelaide Health Service for a minimum of seven (7) years. The researcher will keep all data (password protected) and audio recordings on a computer disc and any hard copies and transcripts in a locked cabinet at her personal residence.</p> <p>It may be necessary to make the audio recording available to secretarial assistants for transcription, in which case you may be, assured that such persons will be advised of the requirement that your name or identity not be revealed and that the confidentiality of the material is respected and maintained.</p>
	<b>Risks</b>	<p>The researcher is a Justice of the Peace for the state of South Australia and is, bound by a Justice of the Peace Code of Conduct.<sup>67</sup> The researcher is a current South Australian government employee. The obligation of public sector employees to be honest and 'report improper conduct'<sup>68</sup> is outlined in Part 3 - Public sector principles and practices - (6) Ethical behaviour and professional integrity, <i>Public Sector Act 2009</i> (SA).<sup>69</sup> As detailed in the</p>

<sup>66</sup> Australian Government 2011, Australian Code for the Responsible Conduct of Research 2007, viewed 30 June 2011, <http://www.nhmrc.gov.au/publications/synopses/r39syn.htm>

<sup>67</sup> Government of South Australia 2011, *Justice of the Peace Code of Conduct*, AGD, viewed 30 June 2011, [http://www.justice.sa.gov.au/about\\_us/services/justice\\_peace/JP\\_Code\\_Cond\\_Final.pdf](http://www.justice.sa.gov.au/about_us/services/justice_peace/JP_Code_Cond_Final.pdf)

<sup>68</sup> Attorney-General's Department 2009, *Public Sector Act 2009* (SA), AGD, p. 10, viewed 30 June 2011, <http://www.legislation.sa.gov.au/LZ/C/A/PUBLIC%20SECTOR%20ACT%202009.aspx>

<sup>69</sup> Attorney-General's Department 2009, *Public Sector Act 2009* (SA), AGD, p. 10.

		<p>Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance (Including Misconduct), I am obligated 'where suspected or alleged misconduct consists of behaviour that a reasonable person would suspect is criminal in nature, there is an obligation on all public sector employees to report such conduct to the South Australia Police'.<sup>70</sup> The researcher is bound 'at all times'<sup>71</sup> by, the Code of Ethics for South Australian Public Sector Employees<sup>72</sup> and any 'workplace behaviour that a reasonable person would suspect violates any law or represents corrupt conduct, mismanagement of public resources, is a danger to public health or safety or to the environment or amounts to misconduct'<sup>73</sup> will, be reported to the South Australian Police (SAPOL).</p> <p>Even though, information provided will be treated in the strictest confidence by the researcher, disclosure of information related to illegal or criminal activities, such as, any 'workplace behaviour that a reasonable person would suspect violates any law or represents corrupt conduct, mismanagement of public resources, is a danger to public health or safety or to the environment or amounts to misconduct'<sup>74</sup> cannot be secure from lawful search and seizure and must be reported.</p> <p>Audit sheets will only be, submitted in a de-identified form. Any audit sheets with identifiable information will, be kept with the researcher only and password protected, and will be destroyed when documents pertaining to the study are to be submitted to the Flinders University of South Australia, Research Higher Degree Committee upon completion of the study and thesis.</p> <p>Other participants may be able to identify your contribution to the study. Please do not use / type people's names.</p> <p>The researcher anticipates few risks from your involvement in this study. If you have any concerns regarding anticipated or actual risks or discomforts, please raise them with the researcher.</p>
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<sup>70</sup> Office for Ethical Standards and Professional Integrity 2011, *Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance (Including Misconduct)*, OESPI, p. 17, viewed 30 June 2011, [http://www.espi.sa.gov.au/files/Managing\\_Unsatisfactory\\_Performance.pdf](http://www.espi.sa.gov.au/files/Managing_Unsatisfactory_Performance.pdf)

<sup>71</sup> Office for Ethical Standards and Professional Integrity 2011, *Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance (Including Misconduct)*, p. 8.

<sup>72</sup> Office for Ethical Standards and Professional Integrity 2011, *Code of Ethics for the South Australian Public Sector*, OESPI, p. 21, viewed 30 June 2011, [http://www.espi.sa.gov.au/files/Code\\_2010\\_Print.pdf](http://www.espi.sa.gov.au/files/Code_2010_Print.pdf)

<sup>73</sup> Office for Ethical Standards and Professional Integrity 2011, *Code of Ethics for the South Australian Public Sector*, OESPI, viewed 30 June 2011, [http://www.espi.sa.gov.au/files/Code\\_2010\\_Print.pdf](http://www.espi.sa.gov.au/files/Code_2010_Print.pdf)

<sup>74</sup> Office for Ethical Standards and Professional Integrity 2011, *Code of Ethics for the South Australian Public Sector*, OESPI, p. 21.

<b>H.</b>	<b>Participant rights</b>	Please be assured that any information provided will, be treated in the strictest confidence and none of the participants will be individually identifiable in the resulting thesis, report or other publications. You are, of course, entirely free to discontinue your participation at any time or to decline to answer particular questions up to the point that the researcher has completed and submitted the thesis to the University.
<b>I.</b>	<b>Funding</b>	No funding supplied.
<b>J.</b>	<b>Financial or other relevant declarations of interests</b>	There are no financial or other declarations of interests.
<b>K.</b>	<b>Re-imbusement of costs to participants</b>	As this research, study requires volunteering participants there is no financial re-imbusement of any associated costs.
<b>L.</b>	<b>Distribution of research results</b>	Research results, will be distributed in a thesis, report and publications (i.e. collection, analysis and the use of quotes in journal articles, peer review and books and any other publications), and will be available to participants at completion of the study. Please ask the researcher if you would like to access these documents.
<b>M.</b>	<b>Expected benefits to the wider community</b>	<p>Benefits to the South Australian public sector include 'systemic'<sup>75</sup> ethical solutions for complex decisions and policy development.</p> <p>A goal of the research is to influence government into acquiring an Independent Commission Against Corruption (ICAC).</p> <p>Public officers may benefit from the intrinsic motivation of building capacity through increased knowledge, awareness and education around ethical praxis.</p> <p>Benefits to the wider community include a transparent system for combating public sector misconduct and unethical decision-making. Bringing about a public sector that the wider community, can rely upon to have trust, accountability and transparency.</p>

<sup>75</sup> McIntyre-Mills, J 2008, 'Systemic Ethics: Expanding The Boundaries of Rights and Responsibilities', *Systems Research and Behavioral Science*, vol. 25, no. 2, p. 148, viewed 7 July 2010, [http://find.galegroup.com.ezproxy.flinders.edu.au/gtx/retrieve.do?contentSet=IAC- Documents&qrySerId=&inPS=true&tabID=T002&prodId=EAIM&searchId=R1&retrieveFormat=PDF&currentPosition=1&userGroupName=flinders&resultListType=RESULT\\_LIST&sort=DateDescend&docId=A183553083&noOfPages=4](http://find.galegroup.com.ezproxy.flinders.edu.au/gtx/retrieve.do?contentSet=IAC- Documents&qrySerId=&inPS=true&tabID=T002&prodId=EAIM&searchId=R1&retrieveFormat=PDF&currentPosition=1&userGroupName=flinders&resultListType=RESULT_LIST&sort=DateDescend&docId=A183553083&noOfPages=4)

<p><b>N.</b></p>	<p><b>Other information - Interview</b></p> <ul style="list-style-type: none"> <li>▪ <b>Pre-coded identity</b></li>   <li>▪ <b>Individual Government CEO involvement</b></li> </ul>	<p>When you are participating in the audio-recorded semi-structured interview, you will notice at the top right hand corner of the sheet that the researcher is holding and making notes, is a box titled Personal Identity Code (i.e. CS 0001). The researcher will have your name pre-coded and refer to that code during the interview. This is not to be impersonal but required to further, protect your anonymity or identity in the research.</p> <p>At the request of the Commissioner for Public Sector Employment, South Australia, individual Government Department CEOs were, approached initially to gain approval for posters advertising the study to their employees to be, placed in their department units, offices or hospitals.</p>
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**Appendix 6**

Research Study Cover Sheet.....369





inspiring  
achievement

**Increasing Ethical Knowledge and Praxis:  
A South Australian public sector research of enquiry.**

Natalie Lewis BMgmt, GDipPA., MPA.  
PhD Candidate  
Flinders University of South Australia  
Faculty of Social and Behavioural Sciences



**Appendix 7**

The hypothetical oath – the *Lewisēthikós Oath 2010* ©Natalie Lewis .....373



**Lewisēthikós Oath 2010** ©Natalie Lewis

*I do solemnly declare, according to my true ability of ethical and moral understanding, that:*

I will serve humanity lawfully, honourably, truthfully and without fear or prejudice for the sake of society's interest.

I acknowledge that at times I will need to be compassionate, considerate and reflexive in my communication and decision-making as a responsible representative of humanity.

I bear allegiance to truthful dialogue and in doing so, be transparent in all manner of communications for the sake of society's interest.

I will draw on my innate sense and learnt wisdom to engage in moral and ethical reasoning and gallantly raise questions to ultimately seek the truth.

I will respect the privacy of all others and keep in confidence all that is before me unless the individual person has given consent or required by law, or I feel that it is in the best interests for society.

I will be humble in human adversity and difficulty and not knowingly place myself or others in situations or circumstances of which I myself would not like the consequences.

I will, when faced with human frailty, a difficult decision or circumstance, with humility do all within my capacity to seek the truth in good faith.

I will treat all humanity with varying physical and mental abilities equally and with humility, and treat assistance and companion animals with respect and kindness.

I will be mindful of my responsibility and obligation to myself and others including, prospective generations and the environment when applying ethical and moral reasoning.

I will, when aware of dialogue or decisions, which are unethical or represent misconduct, be gallant and in doing so have the courage to report transparently, truthfully and without prejudice the disclosure to the relevant governing authority.

I will support without reservation those who come forward with truthful disclosures.

I will remember that I am a respected member of the community who is in a unique position of trust and obligated to assist humanity for the sake of society's interest.

I do so, in order to strive for ethical action.





**Appendix 8**

Case Study Research Questionnaire.....377





Faculty of Social and Behavioural Science

GPO Box 2100  
Adelaide SA 5001

Tel: 8222 5022 (7 days)  
Email: lewi0259@flinders.edu.au

www.flinders.edu.au/sabs/

CRICOS Provider No. 00114A

## CASE STUDY QUESTIONNAIRE – Natalie Lewis

Semi-structured interview

*Personal Identity Code*

CS			
----	--	--	--

### 1. Personal information

#### (a) Gender

Male 1

Female 2

#### (b) Age in years

18-20 yrs 1

21-25 yrs 2

26-30 yrs 3

31-35 yrs 4

36-40 yrs 5

41-45 yrs 6

46-50 yrs 7

51-55 yrs 8

56-60 yrs 9

61 and over 10

**(c) Employment classification category**

- |           |   |                          |
|-----------|---|--------------------------|
| ASO1-ASO4 | 1 | <input type="checkbox"/> |
| ASO5-ASO8 | 2 | <input type="checkbox"/> |
| MAS1-MAS3 | 3 | <input type="checkbox"/> |
| Other     | 4 | <input type="checkbox"/> |

**(d) Have you ever taken or been under oath?**

- |     |   |                          |
|-----|---|--------------------------|
| Yes | 1 | <input type="checkbox"/> |
| No  | 2 | <input type="checkbox"/> |

**2. Ethical knowledge**

- (a) Do you have any knowledge of the current ethical governance or rules in the South Australian public sector?**

*Code of Ethics for South Australian Public Sector Employees*

- (b) What are your thoughts about ethics in the South Australian public sector?**

**3. Thoughts and discussion**

- (a) Do you think that the public sector culture encourages and supports unethical behaviour and decision-making?**
- (b) Do you think that corners need to be cut, to get things done in the public sector?**
- (c) Do you think that the public sector relies too much on policy, codes and other documents, such as organisational wide instructions for decision-making?**
- (d) Do you think that sometimes it is appropriate to use official public goods for private purposes?**
- (e) Does policy or other documents cause conflict with your own personal morality and perception of ethical behaviour and decision-making?**
- (f) Are you left feeling confused when policy or other documents conflict with your own personal morality?**
- (g) Do you think that sometimes it is appropriate to release confidential and personal information without permission to the general public?**
- (h) Sometimes do you not follow public sector policy or rules?**
- (i) Do you think that *whistleblowers* are treated badly in the public sector?**
- (j) Would you report wrong doing if you witnessed it?**

- (k) Do you think that reporting unethical behaviour or decision-making internally to your line manager involves conflict of interest?
- (l) Do you think that sometimes it is appropriate to be dishonest?
- (m) Do you think that an investigation of unethical decision-making or behaviour and misconduct that is carried out by other public service staff involves conflict of interest?
- (n) Do you think that unethical behaviour or decision-making raised by staff with a line manager gets progressed up the chain of command to senior management?
- (o) Do you think that sometimes it is appropriate to hire a friend when you are on the interview panel?
- (p) Would you prefer to go to external organisations, such as, a Union to report unethical behaviour or decision-making?
- (q) Have you or others suffered work place reprisal or bullying as a result of reporting unethical behaviour or decision-making?
- (r) Has the fear of workplace reprisal or bullying prevented you or others reporting unethical behaviour or decision-making?
- (s) Do you think that sometimes it is appropriate to use public money for your private purposes?
- (t) Do you have confidence in the public sector to effectively manage unethical behaviour or decision-making?
- (u) Do you have any personal experience or stories of others experiencing unethical behaviour or decision-making?
- (v) Do you think that sometimes it is appropriate to be dishonest in verbal conversation?
- (w) Do you think that sometimes it is appropriate to be dishonest in written reports?
- (x) Do you always follow public sector policy or rules?

#### 4. New concepts to public service ethics

- (a) Legally *sworn in* under an ethical oath, do you think it would increase your knowledge and awareness of ethics?
- (b) Legally *sworn in* under an ethical oath, do you think that it would encourage you, and create the will to act ethically?
- (c) Legally *sworn in* under an ethical oath, do you think that you would hire a friend if you were on the interview panel?
- (d) Legally *sworn in* under an ethical oath, would you report wrong doing if you witnessed it?
- (e) Legally *sworn in* under an ethical oath, do you think that you would release personal information without permission to the general public?

- (f) Legally *sworn in* under an ethical oath, do you think that the oath would remind and prompt you to act ethically?
- (g) Legally *sworn in* under an ethical oath, do you think that you would act ethically?
- (h) Legally *sworn in* under an ethical oath, do you think that you would take a bribe?
- (i) Legally *sworn in* under an ethical oath, do you think that you would always follow government policy or rules?
- (j) Legally *sworn in* under an ethical oath, do you think that you would bully a co-worker who came forward with dishonest and unethical behaviour?
- (k) Would you prefer an Independent Commission Against Corruption (ICAC) to manage unethical behaviour or decision-making and misconduct in the public sector?
- (l) Legally *sworn in* under an ethical oath, do you think that you would use public money for your private gain?
- (m) Legally *sworn in* under an ethical oath, do you think that you would be dishonest in verbal conversation?
- (n) Legally *sworn in* under an ethical oath, do you think that you would be dishonest in written reports?

#### 5. Other thoughts

- (a) Do you think public service ethics needs to improve?
- (b) Why do you think public sector employees' act unethical?

**Appendix 9**

Randomized Control Trial Pre-approved Email – Government Departments.....383







## We are researching your thoughts and attitude on South Australian public sector ethics – Part 2

### Would you like to volunteer in a Randomized Control Trial?

We would like to hear from you if you:

- Are 18 years and over
- A current permanent South Australian public sector employee – ASO1-ASO8, MAS1-MAS3, PO1-PO6, SAES1-SAES2 or weekly paid employment category
- Have *not* taken an oath listed in the *Oaths Act 1936 (SA)* -

*(Persons excluded from this study are: Government Ministers, Judges, Lawyers, Justice of the Peace or relevant Police Officers who have taken an oath under the above Act)*

- Have an opinion on any aspect of public sector ethics

An example of a question is:

You have confidence in the public sector to effectively manage unethical behaviour or decision-making?

If you have any questions regarding this study, or are unsure about participating, please contact the researcher on the below details to discuss.

Ms Natalie Lewis  
(08) 8222 5022 (7 days)  
[lewi0259@flinders.edu.au](mailto:lewi0259@flinders.edu.au)

*This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 5420). For more information regarding ethical approval of the project the Executive Officer of the Committee can be contacted by telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au)*

The Thinker, 1902.<sup>76</sup>

<sup>76</sup> The Thinker, 1902. Picture downloaded, Artist Auguste Rodin, viewed 24 July 2018, <https://openclipart.org/detail/224300/the-thinker-grayscale> – Artist, Auguste Rodin deceased. Further, authorised approval to reproduce this figure for PhD thesis under U.S. Const. Art. I, § 8, cl. 8. Fair Use - Section 107 of the Copyright Act.



**Appendix 10**

Randomized Control Trial Pre-approved Email – Public Service Association.....387





## We are researching your thoughts and attitude on South Australian public sector ethics – Part 2

### Would you like to volunteer in a Randomized Control Trial?

We would like to hear from you if you:

- Are 18 years and over
- A current permanent South Australian public sector employee – ASO1-ASO8, MAS1-MAS3, PO1-PO6, SAES1-SAES2 or weekly paid employment category
- Have *not* taken an oath listed in the *Oaths Act 1936 (SA)* -

*(Persons excluded from this study are: Government Ministers, Judges, Lawyers, Justice of the Peace or relevant Police Officers who have taken an oath under the above Act)*

- Have an opinion on any aspect of public sector ethics

An example of a question is:

You have confidence in the public sector to effectively manage unethical behaviour or decision-making?

Employees from the following SA Government Departments are excluded from this research study – Department for Communities and Social Inclusion, Department for Education and Children's Services, SA Health, Department for Primary Industries and Regions, Department for Manufacturing, Innovation, Trade, Resources and Energy and the Department of Treasury and Finance.

If you have any questions regarding this study, or are unsure about participating, please contact the researcher on the below details to discuss.

Ms Natalie Lewis  
(08) 8222 5022 (7 days)  
[lewi0259@flinders.edu.au](mailto:lewi0259@flinders.edu.au)

*This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 5420). For more information regarding ethical approval of the project the Executive Officer of the Committee can be contacted by telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au)*

The Thinker, 1902.<sup>77</sup>

<sup>77</sup> The Thinker, 1902. Picture downloaded, Artist Auguste Rodin, viewed 24 July 2018, <https://openclipart.org/detail/224300/the-thinker-grayscale> – Artist, Auguste Rodin deceased. Further, authorised approval to reproduce this figure for PhD thesis under U.S. Const. Art. I, § 8, cl. 8. Fair Use - Section 107 of the Copyright Act.



**Appendix 11**

Letters of Introduction – Randomized Control Trial – Control Group.....391







**Faculty of Social and Behavioural Science**

GPO Box 2100  
Adelaide SA 5001

Tel: 8222 5022 (7 days)  
Email: [lewi0259@flinders.edu.au](mailto:lewi0259@flinders.edu.au)

[www.flinders.edu.au/sabs/](http://www.flinders.edu.au/sabs/)

CRICOS Provider No. 00114A

Dear Sir / Madam

**Re: Letter of Introduction – Randomized Control Trial – Control Group**

I am a PhD candidate from the School of Social and Behavioural Science at Flinders University.

I am undertaking research leading to the production of a thesis or other publications on the subject of ethics within the South Australian public sector, concerning those in administrative positions. This includes ethics in policy and the public sector culture.

I would be grateful if you would volunteer to assist in this project, by consenting to complete a test questionnaire, which covers certain aspects of this topic. Approximately 1 hour to attend an information session and a further, 1 hour of your time on two occasions is required to complete the test questionnaire. The same test questionnaire will need to be repeated/answered 6 months later. The test questionnaire will, be emailed to you to complete. Two hard copies of the test questionnaire will also be available in your information pack. The research questions are based on your thoughts and opinions about ethics in decision-making and misconduct. An example of a question is:

Workload pressures are such that corners need to be cut, to get things done?

Please be assured that any information provided will, be treated in the strictest confidence and none of the participants will be individually identifiable in the resulting thesis, report or other publications. You are, of course, free to discontinue participation at any time or to decline to answer particular questions.

Please note that individual Chief Executive Officers were approached for the purpose of recruiting participants in this study.

Any enquiries you may have concerning this project should be directed to me at the address given above or by telephone on 8222 5022 (7 days), or by email ([lewi0259@flinders.edu.au](mailto:lewi0259@flinders.edu.au)).

Thank you for your attention and assistance.

Yours sincerely

Ms Natalie Lewis  
PhD Candidate  
Faculty of Social and Behavioural Science

*This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 5420). For more information regarding ethical approval of the project the Executive Officer of the Committee can be contacted by telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au)*

inspiring  
achievement



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Adelaide SA 5001

Tel: 8222 5022 (7 days)  
Email: [lewi0259@flinders.edu.au](mailto:lewi0259@flinders.edu.au)

[www.flinders.edu.au/sabs/](http://www.flinders.edu.au/sabs/)

CRICOS Provider No. 00114A

Dear Sir / Madam

**Re: Letter of Introduction – Randomized Control Trial – Control Group**

This letter is to introduce Ms Natalie Lewis who is a PhD student from the Faculty of Social and Behavioural Sciences at Flinders University. She will produce her student card, which carries a photograph, as proof of identity.

She is undertaking research leading to the production of a thesis or other publications on the subject of ethics within the South Australian public sector and how this affects the decision-making process of individuals in administrative roles.

She would be most grateful if you would volunteer to assist in this project, by completing a test questionnaire, which covers certain aspects of this topic. Approximately 1 hour on three separate occasions of your time would be required.

Please be assured that any information provided will be treated in the strictest confidence and none of the participants will be individually identifiable in the resulting thesis, report or other publications. You are, of course, entirely free to discontinue your participation at any time or to decline to answer particular questions.

Since she intends to use a transcription of your test questionnaire answers in preparing the thesis, report or other publications, she will seek your consent, on the Consent Form in the information pack, on condition that your name or identity is not revealed.

Any enquiries you may have concerning this project should be, directed to me at the address given above or by telephone on 8201 2811, or by email ([craig.matheson@flinders.edu.au](mailto:craig.matheson@flinders.edu.au)).

Thank you for your attention and assistance.

Yours sincerely

Dr Craig Matheson  
Senior Lecturer  
Faculty of Social and Behavioural Science

*This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 5420). For more information regarding ethical approval of the project the Executive Officer of the Committee can be contacted by telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au)*

**Appendix 12**

Letters of Introduction – Randomized Control Trial – Experimental Group.....395





**Faculty of Social and Behavioural Science**

GPO Box 2100  
Adelaide SA 5001

Tel: 8222 5022 (7 days)  
Email: [lewi0259@flinders.edu.au](mailto:lewi0259@flinders.edu.au)

[www.flinders.edu.au/sabs/](http://www.flinders.edu.au/sabs/)

CRICOS Provider No. 00114A

Dear Sir / Madam

**Re: Letter of Introduction – Randomized Control Trial – Experimental Group**

I am a PhD candidate from the School of Social and Behavioural Science at Flinders University.

I am undertaking research leading to the production of a thesis or other publications on the subject of ethics within the South Australian public sector, concerning those in administrative positions. This includes ethics in policy and the public sector culture.

I would be grateful if you would volunteer to assist in this project, by consenting to complete a test questionnaire, which covers certain aspects of this topic, which also includes participation in an audio recording of the experiment that verbalises the intervention, *Lewisēthikós Oath 2010*©Natalie Lewis (a hypothetical oath). The same test questionnaire will need to be repeated/answered 6 months later. Approximately 1.5 hours is required of your time to attend an information session and a further 1 hour on two occasions is required to answer the test questionnaire. The questionnaires will, be emailed to you to complete. Two hard copies of the test questionnaire will also be available in your information pack. The research questions are, based on your thoughts and opinions about ethics in decision-making and misconduct. An example of a question is:

Workload pressures are such that corners need to be cut, to get things done?

Please be assured that any information provided will, be treated in the strictest confidence and none of the participants will be individually identifiable in the resulting thesis, report or other publications. You are, of course, free to discontinue participation at any time or to decline to answer particular questions.

Please note that individual Chief Executive Officers were, approached for the purpose of recruiting participants in this study.

Any enquiries you may have concerning this project should be, directed to me at the address given above or by telephone on 8222 5022 (7 days), or by email ([lewi0259@flinders.edu.au](mailto:lewi0259@flinders.edu.au)).

Thank you for your attention and assistance.

Yours sincerely  
Ms Natalie Lewis  
PhD Candidate  
Faculty of Social and Behavioural Science

*This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 5420). For more information regarding ethical approval of the project the Executive Officer of the Committee can be contacted by telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au)*

inspiring  
achievement



**Faculty of Social and Behavioural Science**

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Tel: 8222 5022 (7 days)  
Email: [lewi0259@flinders.edu.au](mailto:lewi0259@flinders.edu.au)

[www.flinders.edu.au/sabs/](http://www.flinders.edu.au/sabs/)

CRICOS Provider No. 00114A

Dear Sir / Madam

**Re: Letter of Introduction – Randomized Control Trial – Experimental Group**

This letter is to introduce Ms Natalie Lewis who is a PhD student from the Faculty of Social and Behavioural Sciences at Flinders University. She will produce her student card, which carries a photograph, as proof of identity.

She is undertaking research leading to the production of a thesis or other publications, on the subject of ethics within the South Australian public sector, and how this affects the decision-making process of individuals in administrative roles.

She would be most grateful if you would volunteer to assist in this project, by attending an experiment and completing a test questionnaire, which covers certain aspects of this topic. Approximately 1.5 hours on one occasion is required and a further 1 hour on two separate occasions, 6 months apart would be required of your time.

Please be assured that any information provided will, be treated in the strictest confidence and none of the participants will be individually identifiable in the resulting thesis, report or other publications. You are, of course, entirely free to discontinue your participation at any time or to decline to answer particular questions.

Since she intends to use a transcription of your test questionnaire answers and make an audio recording of the experiment, she will seek your consent, on the Consent Form in the information pack, to use the recording or a transcription in preparing the thesis, report or other publications, on condition that your name or identity is not revealed.

Any enquiries you may have concerning this project should be, directed to me at the address given above or by telephone on 8201 2811, or by email ([craig.matheson@flinders.edu.au](mailto:craig.matheson@flinders.edu.au)).

Thank you for your attention and assistance.

Yours sincerely

Dr Craig Matheson  
Senior Lecturer  
Faculty of Social and Behavioural Science

*This research project has been approved by the Flinders University Social and Behavioural Research Ethics Committee (Project Number 5420). For more information regarding ethical approval of the project the Executive Officer of the Committee can be contacted by telephone on 8201 3116, by fax on 8201 2035 or by email [human.researchethics@flinders.edu.au](mailto:human.researchethics@flinders.edu.au)*

**Appendix 13**

Consent Form For Participation In Research – Randomized Control Trial – Control  
Group.....399







**Faculty of Social and Behavioural Science**

GPO Box 2100  
Adelaide SA 5001

Tel: 8222 5022 (7 days)  
Email: lewi0259@flinders.edu.au

[www.flinders.edu.au/sabs/](http://www.flinders.edu.au/sabs/)

CRICOS Provider No. 00114A

**CONSENT FORM FOR PARTICIPATION IN RESEARCH  
Randomized Control Trial – Control Group**

I .....

being 18 years and over, hereby consent to voluntary participation as requested in the Doctor of Philosophy (PhD) research study on ethics in the South Australian public sector.

2. I have read the information provided.
3. Details of procedures and any risks have been explained to my satisfaction as a volunteer in a (please mark with an **X** in the box provided):
  - Randomized Control Trial by test questionnaire – (or telephone  interview).
  - I understand that I will, be requested to repeat the same test questionnaire at 6 months after the initial test questionnaire.
  - I consent to a group photograph taken from behind (as not to identify participants).
4. I understand that:
  - I must respect the anonymity of other participants in this research study.
  - The researcher will comply with all requirements and guidelines set out by the Flinders University of South Australia, Social and Behavioural Research Ethics Committee (SBREC). Data will be stored and retained in accordance with the Australian Code for the Responsible Conduct of Research 2007<sup>78</sup> and the Flinders University of South Australia policy. On completion of the study, written data will be stored in a de-identified form securely stored at the Flinders University of South Australia, Southern Adelaide Health Service for a minimum of seven (7) years. The researcher will store de-identified data password protected and audio recordings on a personal computer disc with any hard copies and transcripts kept in a locked cabinet at her place of residence.
  - The researcher is, a Justice of the Peace in the state of South Australia, and is a current employee of the South Australian public office, and bound by the following, *Public Sector Act 2009* (SA),<sup>79</sup> Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance (Including Misconduct), Code of Ethics for South Australian Public Sector Employees, and Justice of the Peace Code of Conduct. Even though information provided will be treated in the strictest confidence by the researcher, disclosure of information related to illegal activities, such as any 'workplace behaviour that a reasonable person would suspect violates any law or represents corrupt conduct, mismanagement of public resources, is a danger to public health or safety or to the environment or amounts to misconduct'<sup>80</sup> cannot be secure from lawful search and seizure and must be reported to the police.

<sup>78</sup> Australian Government 2011, Australian Code for the Responsible Conduct of Research 2007, viewed 30 June 2011, <http://www.nhmrc.gov.au/publications/synopses/r39syn.htm>

<sup>79</sup> Attorney-General's Department 2009, *Public Sector Act 2009* (SA), AGD, p. 10, viewed 30 June 2011, <http://www.legislation.sa.gov.au/LZ/C/A/PUBLIC%20SECTOR%20ACT%202009.aspx>

<sup>80</sup> Office for Ethical Standards and Professional Integrity 2011, *Code of Ethics for the South Australian Public Sector*, OESPI, p. 21, viewed 30 June 2011, [http://www.espi.sa.gov.au/files/Code\\_2010\\_Print.pdf](http://www.espi.sa.gov.au/files/Code_2010_Print.pdf)



**Faculty of Social and Behavioural Science**  
 GPO Box 2100  
 Adelaide SA 5001  
 Tel: 8222 5022 (7 days)  
 Email: lewi0259@flinders.edu.au  
 www.flinders.edu.au/sabs/  
 CRICOS Provider No. 00114A

**CONSENT FORM FOR PARTICIPATION IN RESEARCH  
 Randomized Control Trial – Control Group**

5. I agree to:
- The publication of my de-identified comments in a thesis, report and other publications (i.e. collection, analysis, and use of quotes in peer review, journal articles and books and other publications).
6. I understand that:
- I may not directly benefit from taking part in this research.
  - I am free to withdraw from the project at any time and am free to decline to answer particular questions up to the point that the researcher has submitted her completed thesis to the University.
  - While the information gained in this study will be published as explained, I will not be identified, and individual information will remain confidential.
  - I may ask that the observation be stopped at any time, and that I may withdraw at any time from the session or the research without disadvantage.
7. I have had the opportunity to discuss taking part in this research with a family member or friend.
8. I am aware that I should retain a copy of the Information Sheet and Consent Form for future reference.

**Participant’s signature**.....**Date**.....

I certify that I have explained the study to the volunteer and consider that she/he understands what is involved and freely consents to participation.

**Researcher’s name**...Natalie Lewis.....

**Researcher’s signature**.....**Date**.....

*NB: Two signed copies should be obtained.*

**Appendix 14**

Consent Form For Participation In Research – Randomized Control Trial –  
Experimental Group.....403





**Faculty of Social and Behavioural Science**

GPO Box 2100  
Adelaide SA 5001  
Tel: 8222 5022 (7 days)  
Email: lewi0259@flinders.edu.au

[www.flinders.edu.au/sabs/](http://www.flinders.edu.au/sabs/)

CRICOS Provider No. 00114A

**CONSENT FORM FOR PARTICIPATION IN RESEARCH  
Randomized Control Trial – Experimental Group**

I .....

being 18 years and over, hereby consent to voluntary participation as requested in the Doctor of Philosophy (PhD) research study on ethics in the South Australian public sector.

2. I have read the information provided.
3. Details of procedures and any risks have been explained to my satisfaction as a volunteer in a (please mark with an **X** in the box provided):
  - Randomized Control Trial by test questionnaire – (or telephone  interview).
  - I understand that I will be requested to repeat the same test questionnaire at 6 months after the initial test questionnaire.
  - I understand that myself, or others are not permitted to copy or sell the *Lewisēthikós Oath 2010*©Natalie Lewis.
  - I consent to a group photograph taken from behind (as not to identify participants).
4. I understand that:
  - I must respect the anonymity of other participants in this research study.
  - The researcher will comply with all requirements and guidelines set out by the Flinders University of South Australia, Social and Behavioural Research Ethics Committee (SBREC). Data will be stored and retained in accordance with the Australian Code for the Responsible Conduct of Research 2007<sup>81</sup> and the Flinders University of South Australia policy. On completion of the study, written data will be stored in a de-identified form securely stored at the Flinders University of South Australia, Southern Adelaide Health Service for a minimum of seven (7) years. The researcher will store de-identified data password protected and audio recordings on a personal computer disc with any hard copies and transcripts kept in a locked cabinet at her place of residence.
  - The researcher is a Justice of the Peace in the state of South Australia, and is a current employee of the South Australian public office and bound by the following, *Public Sector Act 2009* (SA),<sup>82</sup> Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance (Including Misconduct), Code of Ethics for South Australian Public Sector Employees, and Justice of the Peace Code of Conduct. Even though information provided will be treated in the strictest confidence by the researcher, disclosure of information related to illegal activities, such as any 'workplace behaviour that a reasonable person would suspect violates any law or represents corrupt conduct, mismanagement of public resources, is a danger to public health or safety or to the environment or amounts to misconduct'<sup>83</sup> cannot be secure from lawful search and seizure and must be reported to the police.

<sup>81</sup> Australian Government 2011, Australian Code for the Responsible Conduct of Research 2007, viewed 30 June 2011, <http://www.nhmrc.gov.au/publications/synopses/r39syn.htm>

<sup>82</sup> Attorney-General's Department 2009, *Public Sector Act 2009* (SA), AGD, p. 10, viewed 30 June 2011, <http://www.legislation.sa.gov.au/LZ/C/A/PUBLIC%20SECTOR%20ACT%202009.aspx>

<sup>83</sup> Office for Ethical Standards and Professional Integrity 2011, *Code of Ethics for the South Australian Public Sector*, OESPI, p. 21, viewed 30 June 2011, [http://www.espi.sa.gov.au/files/Code\\_2010\\_Print.pdf](http://www.espi.sa.gov.au/files/Code_2010_Print.pdf)



**Faculty of Social and Behavioural Science**  
 GPO Box 2100  
 Adelaide SA 5001  
 Tel: 8222 5022 (7 days)  
 Email: lewi0259@flinders.edu.au  
 www.flinders.edu.au/sabs/  
 CRICOS Provider No. 00114A

**CONSENT FORM FOR PARTICIPATION IN RESEARCH  
 Randomized Control Trial – Experimental Group**

5. I agree to:
- The audio recording of my information and participation.
  - It may be necessary to make the audio recording available to secretarial assistants for transcription, in which case you may be assured that such persons will be advised of the requirement that your name or identity not be revealed and that the confidentiality of the material is respected and maintained.
  - The publication of my de-identified comments in a thesis, report and other publications (i.e. collection, analysis, and use of quotes in peer review, journal articles and books and other publications).
6. I understand that:
- I may not directly benefit from taking part in this research.
  - I am free to withdraw from the project at any time and am free to decline to answer particular questions up to the point that the researcher has submitted her completed thesis to the University.
  - While the information gained in this study will be published as explained, I will not be identified, and individual information will remain confidential.
  - I may ask that the audio recording/observation be stopped at any time, and that I may withdraw at any time from the session or the research without disadvantage.
7. I have had the opportunity to discuss taking part in this research with a family member or friend.
8. I am aware that I should retain a copy of the Information Sheet and Consent Form for future reference.

**Participant's signature.....Date.....**

I certify that I have explained the study to the volunteer and consider that she/he understands what is involved and freely consents to participation.

**Researcher's name...Natalie Lewis.....**

**Researcher's signature.....Date.....**

*NB: Two signed copies should be obtained.*

## **Appendix 15**

Participation Information Sheet – Randomized Control Trial – Control Group (Blue sheet).....	407
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## **PARTICIPANT INFORMATION SHEET – RCT Control Group**

<b>A.</b>	<b>Project description</b>	Ethics in the South Australian public sector. This will include the thoughts and perceptions of ethical governance, ethical action, misconduct and unethical decision-making, and whistleblowing.
<b>B.</b>	<b>Participants role</b>  ▪ <b>RCT (Control Group) – blue sheet</b>	Attend an information session. Consent to volunteering to provide valuable information to the researcher about your thoughts and feelings on the topic in a self-completed test questionnaire and then repeat the same test questionnaire 6 months later. Participants will need to consent to a group photograph taken from behind (as not to identify participants).
<b>C.</b>	<b>Alternatives to participation</b>  ▪ <b>RCT (Control Group)</b>	A telephone interview will, be offered to those who do not have access to a computer or email to complete the self-completed test questionnaire. Two hard copies of the test questionnaire will be included in the information pack.
<b>D.</b>	<b>Research monitoring</b>	The Faculty of Social and Behavioural Science will continually monitor this study, in conjunction with PhD supervisors.  The researcher will comply with all requirements and guidelines set out by the Flinders University of South Australia, Social and Behavioural Research Ethics Committee (SBREC).
<b>E.</b>	<b>Services to participants</b>	Employee assistance programs are available to SA government employees through ACCESS-OCAR for SA Health and Country Health departments. They can be contacted on 08 8210 8102 or 1300 66 77 00. The first 4 sessions are free.  For details on government assistance programs for other departments please contact Converge International on 1800 337 068. The number of free sessions is, determined by which department you belong.  Lifeline Counseling Service can be contacted on 131114 (24 hours) for those do not wish to contact government assistance programs.



		<p>is an obligation on all public sector employees to report such conduct to the South Australia Police'.<sup>88</sup> The researcher, is bound 'at all times'<sup>89</sup> by the Code of Ethics for South Australian Public Sector Employees<sup>90</sup> and any 'workplace behaviour that a reasonable person would suspect violates any law or represents corrupt conduct, mismanagement of public resources, is a danger to public health or safety or to the environment or amounts to misconduct'<sup>91</sup> will be reported to the South Australian Police (SAPOL).</p> <p>Even though information provided will, be treated in the strictest confidence by the researcher, disclosure of information related to illegal or criminal activities, such as, any 'workplace behaviour that a reasonable person would suspect violates any law or represents corrupt conduct, mismanagement of public resources, is a danger to public health or safety or to the environment or amounts to misconduct'<sup>92</sup> cannot be secure from lawful search and seizure and must be reported.</p> <p>Audit sheets will only be, submitted in a de-identified form. Any audit sheets with identifiable information will be, kept with the researcher only and password protected, and will be, destroyed when documents pertaining to the study are to be, submitted to the Flinders University of South Australia, Research Higher Degree Committee upon completion of the study and thesis.</p> <p>Other participants may be able to identify your contribution to the study. Please do not use / type people's names.</p> <p>The researcher anticipates few risks from your involvement in this study. If you have any concerns regarding anticipated or actual risks or discomforts, please raise them with the researcher.</p>
<b>H.</b>	<b>Participant rights</b>	<p>Please be assured that any information provided will be, treated in the strictest confidence and none of the participants will be individually identifiable in the resulting thesis, report or other publications. You are, of course, entirely free to discontinue your participation at any time or to decline to answer particular questions up to the point that the researcher has completed and submitted the thesis to the University.</p>
<b>I.</b>	<b>Funding</b>	<p>No funding supplied.</p>

<sup>88</sup> Office for Ethical Standards and Professional Integrity 2011, *Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance (Including Misconduct)*, OESPI, p. 17, viewed 30 June 2011, [http://www.espi.sa.gov.au/files/Managing\\_Unsatisfactory\\_Performance.pdf](http://www.espi.sa.gov.au/files/Managing_Unsatisfactory_Performance.pdf)

<sup>89</sup> Office for Ethical Standards and Professional Integrity 2011, *Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance (Including Misconduct)*, p. 8.

<sup>90</sup> Office for Ethical Standards and Professional Integrity 2011, *Code of Ethics for the South Australian Public Sector*, OESPI, viewed 30 June 2011, [http://www.espi.sa.gov.au/files/Code\\_2010\\_Print.pdf](http://www.espi.sa.gov.au/files/Code_2010_Print.pdf)

<sup>91</sup> Office for Ethical Standards and Professional Integrity 2011, *Code of Ethics for the South Australian Public Sector*, OESPI, p. 21, viewed 30 June 2011, [http://www.espi.sa.gov.au/files/Code\\_2010\\_Print.pdf](http://www.espi.sa.gov.au/files/Code_2010_Print.pdf)

<sup>92</sup> Office for Ethical Standards and Professional Integrity 2011, *Code of Ethics for the South Australian Public Sector*, OESPI, p. 21.

<b>J.</b>	<b>Financial or other relevant declarations of interests</b>	There are no financial or other declarations of interests.
<b>K.</b>	<b>Re-imburement of costs to participants</b>	As this research, study requires volunteering participants there is no financial re-imburement of any associated costs.
<b>L.</b>	<b>Distribution of research results</b>	Research results, will be distributed in a thesis, report and publications (i.e. collection, analysis and the use of quotes in journal articles, peer review and books and any other publications), and will be available to participants at completion of the study. Please ask the researcher if you would like to access these documents.
<b>M.</b>	<b>Expected benefits to the wider community</b>	<p>Benefits to the South Australian public sector include 'systemic'<sup>93</sup> ethical solutions for complex decisions and policy development.</p> <p>A goal of the research is to influence government into acquiring an Independent Commission Against Corruption (ICAC).</p> <p>Public officers may benefit from the intrinsic motivation of building capacity through increased knowledge, awareness and education around ethical praxis, and bring attention to the issues concerning public officers.</p> <p>Benefits to the wider community include a transparent system for combating public sector misconduct and unethical decision-making. Bringing about a public sector that the wider community, can rely upon to have trust, accountability and transparency.</p>
<b>N.</b>	<b>Other information - questionnaire</b> <ul style="list-style-type: none"> <li>▪ <b>Pre-coded self-completed questionnaire</b></li> </ul>	When you receive your self-completed test questionnaire, you will notice at the top right hand corner in a box a personal code (i.e. RCT-E 001). The researcher will have your name pre-coded. This is not to be impersonal but required to further, protect your anonymity or identity in the research. Please follow the instructions on your questionnaire. A return reply paid envelope will, be supplied by the researcher for those who don't have access to a computer / PC to return your completed test questionnaire.

<sup>93</sup> McIntyre-Mills, J 2008, 'Systemic Ethics: Expanding The Boundaries of Rights and Responsibilities', *Systems Research and Behavioral Science*, vol. 25, no. 2, p. 148, viewed 7 July 2010, [http://find.galegroup.com.ezproxy.flinders.edu.au/gtx/retrieve.do?contentSet=IAC- Documents&qrySerId=&inPS=true&tabID=T002&prodId=EAIM&searchId=R1&retrieveFormat=PDF&currentPosition=1&userGroupName=flinders&resultListType=RESULT\\_LIST&sort=DateDescend&docId=A183553083&noOfPages=4](http://find.galegroup.com.ezproxy.flinders.edu.au/gtx/retrieve.do?contentSet=IAC- Documents&qrySerId=&inPS=true&tabID=T002&prodId=EAIM&searchId=R1&retrieveFormat=PDF&currentPosition=1&userGroupName=flinders&resultListType=RESULT_LIST&sort=DateDescend&docId=A183553083&noOfPages=4)

	<ul style="list-style-type: none"> <li>▪ <b>Saving your self-completed questionnaire</b></li>   <li>▪ <b>Returning your self-completed questionnaire to the researcher</b></li>   <li>▪ <b>Chief Executive Officer involvement</b></li> </ul>	<p>Electronic copy of test questionnaire - When typing your answers, (L) left click inside the text box marking an X in your chosen answer.</p> <p>Once you are satisfied with your answers, you will need to save your document. This is, recommended to do this every 5 minutes or so in the event, you have a computer malfunction.</p> <p>To save your questionnaire:</p> <ul style="list-style-type: none"> <li>▪ On your tool bar – File</li> <li>▪ Save As - In the description box type your personal code (i.e. RCT C 001).</li> <li>▪ Save (as a word document in a directory that you can remember where you have put it on your PC).</li> </ul> <p>You will then be required to send your completed test questionnaire back to the researcher.</p> <ul style="list-style-type: none"> <li>▪ Open up a new email</li> <li>▪ Add the attachment (searching in the directory that you saved it on your PC).</li> <li>▪ Attach your completed questionnaire and send it to the researcher (if you have any difficulties please contact the researcher on 8222 5022 (direct no. 7 days).</li> <li>▪ Once the researcher has confirmed in an email that she has received the completed, questionnaire you may delete it if you do not want to keep a copy for your records.</li> </ul> <p>Individual CEOs were, approached initially to gain approval for an email advertising the study to employees to go through the Government SAGEMs system.</p>
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## **Appendix 16**

Participation Information Sheet – Randomized Control Trial – Experimental Group (Pink sheet).....	415
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## **PARTICIPANT INFORMATION SHEET – RCT Experimental Group**

<b>A.</b>	<b>Project description</b>	Ethics in the South Australian public sector. This will include the thoughts and perceptions of ethical governance, ethical action, misconduct and unethical decision-making, and whistleblowing.
<b>B.</b>	<b>Participants role</b> <ul style="list-style-type: none"> <li>▪ <b>RCT (Experimental Group) – pink sheet</b></li> </ul>	Attend an information session. Consent to volunteering to provide valuable information to the researcher regarding your thoughts and feelings on the topic in a self-completed test questionnaire and then repeat the same test questionnaire 6 months later. Participants will need to consent to participate in the experiment, verbalising the intervention, <i>Lewisēthikós Oath 2010</i> ©Natalie Lewis (a hypothetical oath) which will be audio recorded, and consent to a group photograph taken from behind (as not to identify participants).
<b>C.</b>	<b>Alternatives to participation</b> <ul style="list-style-type: none"> <li>▪ <b>RCT (Experimental Group)</b></li> </ul>	A telephone interview will be, offered to those who do not have access to a computer or email to complete the self-completed test questionnaire. Two hard copies of the test questionnaire will be included in the information pack.
<b>D.</b>	<b>Research monitoring</b>	<p>The Faculty of Social and Behavioural Science will continually monitor this study, in conjunction with PhD supervisors.</p> <p>The researcher will comply with all requirements and guidelines set out by the Flinders University of South Australia, Social and Behavioural Research Ethics Committee (SBREC).</p>
<b>E.</b>	<b>Services to participants</b>	Employee assistance programs are available to SA government employees through ACCESS-OCAR for SA Health and Country Health departments. They can be contacted on 08 8210 8102 or 1300 66 77 00. The first 4 sessions are free.

		<p>For details on government assistance programs for other departments please contact Converge International on 1800 337 068. The number of free sessions is, determined by which department you belong.</p> <p>Lifeline Counseling Service can be contacted on 131114 (24 hours) for those do not wish to contact government assistance programs.</p>
<b>F.</b>	<b>Contact details</b>	<ul style="list-style-type: none"> <li>▪ Natalie Lewis PhD Candidate / Researcher Faculty of Social and Behavioural Science Contact – 8222 5022 (direct no. 7 days) Email: <a href="mailto:lewi0259@flinders.edu.au">lewi0259@flinders.edu.au</a></li> <li>▪ Dr Craig Matheson Primary Supervisor Senior Lecturer Faculty of Social and Behavioural Science Contact - 8201 2811 (direct no.) Email: <a href="mailto:craig.matheson@flinders.edu.au">craig.matheson@flinders.edu.au</a></li> </ul>
<b>G.</b>	<b>Privacy and confidentiality</b>	<p>The researcher will comply with all requirements and guidelines set out by the Flinders University of South Australia, Social and Behavioural Research Ethics Committee (SBREC). Data will be stored and retained in accordance with the Australian Code for the Responsible Conduct of Research 2007,<sup>94</sup> and the Flinders University of South Australia policy. On completion of the study, written data will be stored in a de-identified form securely stored at the Flinders University of South Australia, Southern Adelaide Health Service for a minimum of seven (7) years. The researcher will keep all data (password protected) and audio recordings on a computer disc and any hard copies and transcripts in a locked cabinet at her personal residence.</p> <p>It may be necessary to make the audio recording and the data from the test questionnaire available to secretarial assistants for transcription, in which case you may be, assured that such persons will be advised of the requirement that your name or identity not be revealed and that the confidentiality of the material is respected and maintained.</p>
	<b>Risks</b>	<p>The researcher is a Justice of the Peace for the state of South Australia and is, bound by a Justice of the Peace Code of Conduct.<sup>95</sup> The researcher is a current South Australian government employee. The obligation of public sector employees to be honest and 'report improper conduct'<sup>96</sup> is outlined in Part 3 - Public sector principles and practices - (6)</p>

<sup>94</sup> Australian Government 2011, Australian Code for the Responsible Conduct of Research 2007, viewed 30 June 2011, <http://www.nhmrc.gov.au/publications/synopses/r39syn.htm>

<sup>95</sup> Government of South Australia 2011, *Justice of the Peace Code of Conduct*, AGD, viewed 30 June 2011, [http://www.justice.sa.gov.au/about\\_us/services/justice\\_peace/JP\\_Code\\_Cond\\_Final.pdf](http://www.justice.sa.gov.au/about_us/services/justice_peace/JP_Code_Cond_Final.pdf)

<sup>96</sup> Attorney-General's Department 2009, *Public Sector Act 2009* (SA), AGD, p. 10, viewed 30 June 2011, <http://www.legislation.sa.gov.au/LZ/C/A/PUBLIC%20SECTOR%20ACT%202009.aspx>

		<p>Ethical behaviour and professional integrity, <i>Public Sector Act 2009</i> (SA).<sup>97</sup> As detailed in the Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance (Including Misconduct), I am obligated 'where suspected or alleged misconduct consists of behaviour that a reasonable person would suspect is criminal in nature, there is an obligation on all public sector employees to report such conduct to the South Australia Police'.<sup>98</sup> The researcher, is bound 'at all times'<sup>99</sup> by the Code of Ethics for South Australian Public Sector Employees<sup>100</sup> and any 'workplace behaviour that a reasonable person would suspect violates any law or represents corrupt conduct, mismanagement of public resources, is a danger to public health or safety or to the environment or amounts to misconduct'<sup>101</sup> will be reported to the South Australian Police (SAPOL).</p> <p>Even though information provided will, be treated in the strictest confidence by the researcher, disclosure of information related to illegal or criminal activities, such as, any 'workplace behaviour that a reasonable person would suspect violates any law or represents corrupt conduct, mismanagement of public resources, is a danger to public health or safety or to the environment or amounts to misconduct'<sup>102</sup> cannot be secure from lawful search and seizure and must be reported.</p> <p>Audit sheets will only be, submitted in a de-identified form. Any audit sheets with identifiable information will be, kept with the researcher only and password protected, and will be, destroyed when documents pertaining to the study are to be, submitted to the Flinders University of South Australia, Research Higher Degree Committee upon completion of the study and thesis.</p> <p>Other participants may be able to identify your contribution to the study. Please do not use / type people's names.</p> <p>The researcher anticipates few risks from your involvement in this study. If you have any concerns regarding anticipated or actual risks or discomforts, please raise them with the researcher.</p>
<b>H.</b>	<b>Participant rights</b>	<p>Please be assured that any information provided will be, treated in the strictest confidence and none of the participants will be individually identifiable in the resulting thesis, report or</p>

<sup>97</sup> Attorney-General's Department 2009, *Public Sector Act 2009* (SA), AGD, p. 10.

<sup>98</sup> Office for Ethical Standards and Professional Integrity 2011, *Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance (Including Misconduct)*, OESPI, p. 17, viewed 30 June 2011, [http://www.espi.sa.gov.au/files/Managing\\_Unsatisfactory\\_Performance.pdf](http://www.espi.sa.gov.au/files/Managing_Unsatisfactory_Performance.pdf)

<sup>99</sup> Office for Ethical Standards and Professional Integrity 2011, *Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance (Including Misconduct)*, p. 8.

<sup>100</sup> Office for Ethical Standards and Professional Integrity 2011, *Code of Ethics for the South Australian Public Sector*, OESPI, viewed 30 June 2011, [http://www.espi.sa.gov.au/files/Code\\_2010\\_Print.pdf](http://www.espi.sa.gov.au/files/Code_2010_Print.pdf)

<sup>101</sup> Office for Ethical Standards and Professional Integrity 2011, *Code of Ethics for the South Australian Public Sector*, OESPI, p. 21, viewed 30 June 2011, [http://www.espi.sa.gov.au/files/Code\\_2010\\_Print.pdf](http://www.espi.sa.gov.au/files/Code_2010_Print.pdf)

<sup>102</sup> Office for Ethical Standards and Professional Integrity 2011, *Code of Ethics for the South Australian Public Sector*, OESPI, p. 21.

		other publications. You are, of course, entirely free to discontinue your participation at any time or to decline to answer particular questions up to the point that the researcher has completed and submitted the thesis to the University.
<b>I.</b>	<b>Funding</b>	No funding supplied.
<b>J.</b>	<b>Financial or other relevant declarations of interests</b>	There are no financial or other declarations of interests.
<b>K.</b>	<b>Re-imbusement of costs to participants</b>	As this research, study requires volunteering participants there is no financial re-imbusement of any associated costs.
<b>L.</b>	<b>Distribution of research results</b>	Research results, will be distributed in a thesis, report and publications (i.e. collection, analysis and the use of quotes in journal articles, peer review and books and any other publications), and will be available to participants at completion of the study. Please ask the researcher if you would like to access these documents.
<b>M.</b>	<b>Expected benefits to the wider community</b>	<p>Benefits to the South Australian public office include 'systemic'<sup>103</sup> ethical solutions for complex decisions and policy development.</p> <p>A goal of the research is to influence government into acquiring an Independent Commission Against Corruption (ICAC).</p> <p>Public officers may benefit from the intrinsic motivation of building capacity through increased knowledge, awareness and education around ethical praxis, and bring attention to the issues concerning public officers.</p> <p>Benefits to the wider community include a transparent system for combating public sector misconduct and unethical decision-making. Bringing about a public sector that the wider community can, rely upon to have trust, accountability and transparency.</p>

<sup>103</sup> McIntyre-Mills, J 2008, 'Systemic Ethics: Expanding The Boundaries of Rights and Responsibilities', *Systems Research and Behavioral Science*, vol. 25, no. 2, p. 148, viewed 7 July 2010, [http://find.galegroup.com.ezproxy.flinders.edu.au/gtx/retrieve.do?contentSet=IAC-Documents&grySerId=&inPS=true&tabID=T002&prodId=EAIM&searchId=R1&retrieveFormat=PDF&currentPosition=1&userGroupName=flinders&resultListType=RESULT\\_LIST&sort=DateDescend&docId=A183553083&noOfPages=4](http://find.galegroup.com.ezproxy.flinders.edu.au/gtx/retrieve.do?contentSet=IAC-Documents&grySerId=&inPS=true&tabID=T002&prodId=EAIM&searchId=R1&retrieveFormat=PDF&currentPosition=1&userGroupName=flinders&resultListType=RESULT_LIST&sort=DateDescend&docId=A183553083&noOfPages=4)

<p><b>N.</b></p>	<p><b>Other information - questionnaire</b></p> <ul style="list-style-type: none"> <li>▪ <b>Pre-coded self-completed questionnaire</b></li>   <li>▪ <b>Saving your self-completed questionnaire</b></li>   <li>▪ <b>Returning your self-completed questionnaire to the researcher</b></li>   <li>▪ <b>Chief Executive Officer involvement</b></li> </ul>	<p>When you receive your self-completed test questionnaire, you will notice at the top right hand corner in a box a personal code (i.e. RCT-E 001). The researcher will have your name pre-coded. This is not to be impersonal but required to further, protect your anonymity or identity in the research. Please follow the instructions on your questionnaire. A return reply paid envelope will be, supplied by the researcher for those who don't have access to a computer / PC to return your completed test questionnaire.</p> <p>Electronic copy of test questionnaire - When typing your answers, (L) left click inside the text box marking an X in your chosen answer.</p> <p>Once you are satisfied with your answers, you will need to save your document. This is, recommended to do this every 5 minutes or so in the event, you have a computer malfunction.</p> <p>To save your questionnaire:</p> <ul style="list-style-type: none"> <li>▪ On your tool bar – File</li> <li>▪ Save As - In the description box type your personal code (i.e. RCT E 001).</li> <li>▪ Save (as a word document in a directory that you can remember where you have put it on your PC).</li> </ul> <p>You will then be required to send your completed test questionnaire back to the researcher.</p> <ul style="list-style-type: none"> <li>▪ Open up a new email</li> <li>▪ Add the attachment (searching in the directory that you saved it on your PC).</li> <li>▪ Attach your completed questionnaire and send it to the researcher (if you have any difficulties please contact the researcher on 8222 5022 (direct no. 7 days).</li> <li>▪ Once the researcher has confirmed in an email that she has received the completed, questionnaire you may delete it if you do not want to keep a copy for your records.</li> </ul> <p>Individual CEOs were, approached initially to gain approval for email advertising the study to employees to go through the Government SAGEMs system.</p>
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**Appendix 17**

Australia – Aboriginal and Torres Strait Islander Peoples Statement of Acknowledgement.....423







## STATEMENT OF ACKNOWLEDGEMENT

Ninna Narni (“Hello, how are you”)  
“We would like to acknowledge this land  
that we meet on today is the traditional lands  
for the Kaurna people and that we  
respect their spiritual relationship  
with their country.

We also acknowledge that Kaurna  
people as the custodians of the Adelaide  
region and that their cultural  
and heritage beliefs are still as important  
to the living Kaurna  
people today”

Source: Government of South Australia, 2013, ‘Welcome to Country’, *Department of State Development*, viewed 1 July 2013,  
<http://www.statedevelopment.sa.gov.au/what-we-do/aboriginal-affairs-and-reconciliation/welcome-to-country>



**Appendix 18**

National Anthem of Australia.....427





## AUSTRALIAN NATIONAL ANTHEM

Australians all let us rejoice,  
For we are young and free;  
We've golden soil and wealth for toil;  
Our home is girt by sea;  
Our land abounds in nature's gifts  
Of beauty rich and rare;  
In history's page, let every stage  
Advance Australia Fair.  
In joyful strains then let us sing,  
Advance Australia Fair.

Beneath our radiant Southern Cross  
We'll toil with hearts and hands;  
To make this Commonwealth of ours  
Renowned of all the lands;  
For those who've come across the seas  
We've boundless plains to share;  
With courage let us all combine  
To Advance Australia Fair.  
In joyful strains then let us sing,  
Advance Australia Fair.

Source: Australian National Anthem 2013, Australian Government, viewed 1 July 2013,  
[http://www.itsanhonour.gov.au/symbols/docs/anthem\\_words.pdf](http://www.itsanhonour.gov.au/symbols/docs/anthem_words.pdf)



**Appendix 19**

Randomized Control Trial – Test Questionnaire.....431







Faculty of Social and Behavioural Science

GPO Box 2100  
Adelaide SA 5001

Tel: 8222 5022 (7 days)  
Email: lewi0259@flinders.edu.au

www.flinders.edu.au/sabs/

**Personal Identification Code**

**RANDOMIZED CONTROL TRIAL TEST – Natalie Lewis**

<b>RCT-</b>			
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**Instructions:**

**Your personal identity code is pre-coded by the researcher to further protect your anonymity.**

*Your thoughts*

*While below we are seeking your response to a considerable number of attitudinal questions, psychometrical considerations require us to ask multiple items targeting ten general themes, which came about from the qualitative part of our research.*

*We would appreciate your patience and thoughtful responses.*

**1. Personal information**

**Gender**

Male 1

Female 2

**Age in years**

18-20 yrs 1

21-25 yrs 2

26-30 yrs 3

31-35 yrs 4

36-40 yrs 5

41-45 yrs 6

46-50 yrs 7

51-55 yrs 8

56-60 yrs 9

61 and over 10

## Employment Classification Category

ASO1-ASO4	1	<input type="checkbox"/>
ASO5-ASO8	2	<input type="checkbox"/>
MAS1-MAS3	3	<input type="checkbox"/>
PO1-PO6	4	<input type="checkbox"/>
SAES1-SAES2	5	<input type="checkbox"/>
Weekly Paid	6	<input type="checkbox"/>

Have you ever taken or been under oath listed in the *Oaths Act 1936 (SA)*?

Yes	1	<input type="checkbox"/>
No	2	<input type="checkbox"/>

## 2. Your thoughts and feelings

	Strongly Disagree	Disagree	Somewhat Disagree	Somewhat Agree	Agree	Strongly Agree
The public sector culture supports unethical actions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Workload pressures are such that corners need to be cut to get things done.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Swearing</i> to an ethical oath increases your knowledge and awareness of ethics.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Promotion doesn't happen for women with families.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wrong doers are being promoted above those doing the right thing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You wouldn't report wrong doing if you witnessed it, when <i>sworn in</i> under an ethical oath.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Strongly Disagree	Disagree	Somewhat Disagree	Somewhat Agree	Agree	Strongly Agree
The public sector has too many policies to read them all.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Performance review is misused on those who speak out about unethical actions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CEOs on contracts are 'yes' people to the government.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Swearing</i> to an ethical oath in the company of others would encourage and inspire you to act ethically.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You would report wrong doing if you witnessed it.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unethical actions must be reported to an independent authority.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Micro management is assisting you to perform your job description.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Avoidance is used to ignore questions from employees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nepotism occurs in the public sector.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employees don't go through the proper recruitment processes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have experience of bullying as a result of reporting unethical actions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You would take a bribe, if <i>sworn in</i> under an ethical oath.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fear of reprisal would prevent you from reporting unethical behaviour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You work above your employment classification without acknowledgement.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You have confidence in the public sector to effectively manage unethical actions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial and resourcing pressures are causing increased stress for employees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Strongly Disagree	Disagree	Somewhat Disagree	Somewhat Agree	Agree	Strongly Agree
Information gets distorted on the way up through the layers of management.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The negative culture is cause for skilled, educated employees resigning.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Micro management is being used as a form of passive bullying.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You would prefer to <i>swear</i> to an ethical oath at an induction session into the public sector.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Sworn in</i> under an ethical oath, you would report wrong doing if you witnessed it.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employees act unethically because they think they can get away with it.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employees who use sick leave entitlements or on WorkCover aren't bullied.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All employees would know what is expected behaviour, if <i>sworn in</i> under an ethical oath.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Constant public sector re-structuring is stressful for employees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Taking an oath in the company of others is an emotional and bonding experience.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You feel frustrated and undervalued.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Saying an ethical oath in the company of others wouldn't increase your inspiration to act ethically.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You have experienced verbal abuse from fellow public employees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You want to see an Independent Commission Against Corruption (ICAC) to be implemented.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older women are being discriminated against.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Strongly Disagree	Disagree	Somewhat Disagree	Somewhat Agree	Agree	Strongly Agree
You would like to see a combination of an ethical oath and policy to address ethics.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You would act ethically when <i>sworn in</i> under an ethical oath.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Whistleblowers are treated badly in the public sector.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You constantly make personal notes or obtain directives in writing to protect yourself against unethical actions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The public sector is too politicised.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You have genuine concern for the public's interest.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senior managers aren't following policy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
There are rules for some and rules for others.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Promotion doesn't happen for men with families.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal maladministration, wasting public money is occurring.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
An ethical oath of a legal nature has more strength and effect on behaviour.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Sworn in</i> under an ethical oath, the oath would remind you to act ethical.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You would prefer to be able to tell society 'you got it wrong' rather than defend bad policy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
You act ethically all the time.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older men aren't being discriminated against.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	<b>Strongly Disagree</b>	<b>Disagree</b>	<b>Somewhat Disagree</b>	<b>Somewhat Agree</b>	<b>Agree</b>	<b>Strongly Agree</b>
The culture and environment has a negative effect on your health.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Emotional blackmail is being used by management to get things done.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Addressing Key Performance Indicators (KPIs) is preventing you from addressing the real issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employees caring for sick and disabled dependants are being discriminated against.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The public sector is too top heavy with not enough ground level employees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employees use policy to justify unethical actions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The public sector culture is positive and inclusive of all employees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private contractors don't follow government policy.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The media unfairly portrays the public sector.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### 3. Statistical Information

*Please note that this information will not be, used for the reporting of individual departments. The reason why we ask this question relates to requirements of the statistical modelling for controlling of the "clustering effect".*

#### Government department

Auditor-General's Department	<input type="checkbox"/>	1
Defence SA	<input type="checkbox"/>	2
Department of Planning, Transport and Infrastructure	<input type="checkbox"/>	3
Department of Environment, Water and Natural Resources	<input type="checkbox"/>	4
Department of Further Education, Employment, Science and Technology	<input type="checkbox"/>	5
Department of Justice	<input type="checkbox"/>	6
Department of the Premier and Cabinet	<input type="checkbox"/>	7

***Thank you for taking the time in providing your thoughts and feelings about ethics***





**Appendix 20**

Research Questions.....441



## Appendix 20 – Research Questions

Question Number	Question Name	Positive / Negative
Q6	The public sector culture supports unethical actions.	Negative
Q7	Workload pressures are such that corners need to be cut to get things done.	Negative
Q8	<i>Swearing</i> to an ethical oath increases your knowledge and awareness of ethics.	Positive
Q9	Promotion doesn't happen for women with families.	Negative
Q10	Wrong doers are being promoted above those doing the right thing.	Negative
Q11	You wouldn't report wrong doing if you witnessed it, when <i>sworn in</i> under an ethical oath.	Negative
Q12	The public sector has too many policies to read them all.	Negative
Q13	Performance review is misused on those who speak out about unethical actions.	Negative
Q14	CEOs on contracts are 'yes' people to the government.	Negative
Q15	<i>Swearing</i> to an ethical oath in the company of others would encourage and inspire you to act ethically.	Positive
Q16	You would report wrong doing if you witnessed it.	Positive
Q17	Unethical actions must be reported to an independent authority.	Positive
Q18	Micro management is assisting you to perform your job description.	Positive
Q19	Avoidance is used to ignore questions from employees.	Negative
Q20	Nepotism occurs in the public sector.	Negative
Q21	Employees don't go through the proper recruitment processes.	Negative
Q22	Have experience of bullying as a result of reporting unethical actions.	Negative
Q23	You would take a bribe, if <i>sworn in</i> under an ethical oath.	Negative
Q24	Fear of reprisal would prevent you from reporting unethical behaviour.	Negative
Q25	You work above your employment classification without acknowledgement.	Negative

Question Number	Question Name	Positive / Negative
Q26	You have confidence in the public sector to effectively manage unethical actions.	Positive
Q27	Financial and resourcing pressures are causing increased stress for employees.	Negative
Q28	Information gets distorted on the way up through the layers of management.	Negative
Q29	The negative culture is cause for skilled, educated employees resigning.	Negative
Q30	Micro management is being used as a form of passive bullying.	Negative
Q31	You would prefer to <i>swear</i> to an ethical oath at an induction session into the public sector.	Positive
Q32	<i>Sworn in</i> under an ethical oath, you would report wrong doing if you witnessed it.	Positive
Q33	Employees act unethically because they think they can get away with it.	Negative
Q34	Employees who use sick leave entitlements or on WorkCover aren't bullied.	Positive
Q35	All employees would know what is expected behaviour, if <i>sworn in</i> under an ethical oath.	Positive
Q36	Constant public sector re-structuring is stressful for employees.	Negative
Q37	Taking an oath in the company of others is an emotional and bonding experience.	Positive
Q38	You feel frustrated and undervalued.	Negative
Q39	Saying an ethical oath in the company of others wouldn't increase your inspiration to act ethically.	Negative
Q40	You have experienced verbal abuse from fellow public employees.	Negative
Q41	You want to see an Independent Commission Against Corruption (ICAC) to be implemented.	Positive
Q42	Older women are being discriminated against.	Negative
Q43	You would like to see a combination of an ethical oath and policy to address ethics.	Positive

Question Number	Question Name	Positive / Negative
Q44	You would act ethically when <i>sworn in</i> under an ethical oath.	Positive
Q45	Whistleblowers are treated badly in the public sector.	Negative
Q46	You constantly make personal notes or obtain directives in writing to protect yourself against unethical actions.	Negative
Q47	The public sector is too politicised.	Negative
Q48	You have genuine concern for the public's interest.	Positive
Q49	Senior managers aren't following policy.	Negative
Q50	There are rules for some and rules for others.	Negative
Q51	Promotion doesn't happen for men with families.	Negative
Q52	Legal maladministration, wasting public money is occurring.	Negative
Q53	An ethical oath of a legal nature has more strength and effect on behaviour.	Positive
Q54	<i>Sworn in</i> under an ethical oath, the oath would remind you to act ethical.	Positive
Q55	You would prefer to be able to tell society 'you got it wrong' rather than defend bad policy.	Positive
Q56	You act ethically all the time.	Positive
Q57	Older men aren't being discriminated against.	Positive
Q58	The culture and environment has a negative effect on your health.	Negative
Q59	Emotional blackmail is being used by management to get things done.	Negative
Q60	Addressing Key Performance Indicators (KPIs) is preventing you from addressing the real issues.	Negative
Q61	Employees caring for sick and disabled dependants are being discriminated against.	Negative
Q62	The public sector is too top heavy with not enough ground level employees.	Negative
Q63	Employees use policy to justify unethical actions.	Negative
Q64	The public sector culture is positive and inclusive of all employees.	Positive

Question Number	Question Name	Positive / Negative
Q65	Private contractors don't follow government policy.	Negative
Q66	The media unfairly portrays the public sector.	Negative

## **Appendix 21**

Percentage of participants making their opinion to individual research questions between two groups across July 2013 and January 2014.....447





Appendix 21 – Percentage of participants making their opinion to individual research questions between two groups across July 2013 and January 2014

Questions	July 2013 (n=22)						January 2014 (n=22)					
	Control (n=15)			Treatment (n=7)			Control (n=15)			Treatment (n=7)		
	SD/D	SA/SD	SA/A	SD/D	SA/SD	SA/A	SD/D	SA/SD	SA/A	SD/D	SA/SD	SA/A
Q6	20.0	60.0	20.0	28.6	28.6	42.8	26.7	33.3	40.0	28.6	28.6	42.8
Q7	6.7	33.3	60.0	28.6	28.6	42.8	6.7	46.7	46.6	-	42.9	57.1
Q8	33.3	33.3	33.4	42.9	-	57.1	26.7	33.3	40.0	14.3	14.3	71.4
Q9	13.3	80.0	6.7	14.3	71.4	14.3	26.7	53.3	20.0	28.6	57.1	14.3
Q10	6.7	53.3	40.0	14.3	42.9	42.8	13.3	46.7	40.0	14.3	42.9	42.8
Q11	93.3	6.7	-	85.7	-	14.3	73.3	20.0	6.7	85.7	14.3	-
Q12	-	20.0	80.0	14.3	14.3	71.4	-	13.3	86.7	14.3	42.9	42.8
Q13	20.0	40.0	40.0	-	57.1	42.9	6.7	53.3	40.0	14.3	57.1	28.6
Q14	53.3	46.7	-	28.6	57.1	14.3	6.7	46.7	46.6	-	28.6	71.4
Q15	26.7	33.3	40.0	14.3	28.6	57.1	26.7	26.7	46.6	-	28.6	71.4
Q16	-	13.3	86.7	28.6	14.3	57.1	-	33.3	66.7	-	14.3	85.7
Q17	-	26.7	73.3	-	-	100	-	26.7	73.3	-	14.3	85.7
Q18	93.3	6.7	-	85.7	14.3	-	100	-	-	42.9	42.8	14.3
Q19	6.7	26.7	66.6	-	28.6	71.4	-	26.7	73.3	-	28.6	71.4
Q20	-	13.3	86.7	-	42.9	57.1	-	26.7	73.3	14.3	14.3	71.4
Q21	13.3	73.4	13.3	28.6	57.1	14.3	-	60.0	40.0	28.6	57.1	14.3
Q22	46.7	20.0	33.3	28.6	28.6	42.8	33.3	20.0	46.7	57.1	14.3	28.6
Q23	100	-	-	100	-	-	93.3	6.7	-	85.7	-	14.3
Q24	33.3	46.7	20.0	57.1	14.3	28.6	40.0	40.0	20.0	28.6	42.8	28.6
Q25	6.7	33.3	60.0	14.3	28.6	57.1	13.3	40.0	46.7	28.6	14.3	57.1
Q26	73.3	26.7	-	71.4	28.6	-	66.7	33.3	-	85.7	14.3	-
Q27	-	13.3	86.7	-	-	100	-	20.0	80.0	-	-	100
Q28	-	6.7	93.3	-	14.3	85.7	-	13.3	86.7	-	14.3	85.7
Q29	-	26.7	73.3	14.3	14.3	71.4	6.7	33.3	60.0	-	42.9	57.1
Q30	6.7	20.0	73.3	-	57.1	42.9	6.7	33.3	60.0	-	57.1	42.9
Q31	20.0	46.7	33.3	14.3	42.9	42.8	13.3	40.0	46.7	-	57.1	42.9
Q32	-	20.0	80.0	14.3	28.6	57.1	-	20.0	80.0	14.3	14.3	71.4
Q33	6.7	13.3	80.0	-	42.9	57.1	-	26.7	73.3	14.3	42.9	42.8
Q34	33.3	40.0	26.7	28.6	71.4	-	40.0	33.3	26.7	14.3	57.1	28.6
Q35	26.7	33.3	40.0	28.6	14.3	57.1	20.0	40.0	40.0	14.3	42.9	42.8
Q36	-	6.7	93.3	-	-	100	-	6.7	93.3	-	14.3	85.7

Note: SD/D, Strongly disagree/Disagree; SA/SD, Somewhat agree/Somewhat disagree; SA/A, Strongly agree/Agree

Appendix 21 – Continued

Questions	July 2013 (n=22)						January 2014 (n=22)					
	Control (n=15)			Treatment (n=7)			Control (n=15)			Treatment (n=7)		
	SD/D	SA/SD	SA/A	SD/D	SA/SD	SA/A	SD/D	SA/SD	SA/A	SD/D	SA/SD	SA/A
Q37	20.0	53.3	26.7	-	14.3	85.7	6.7	73.3	20.0	-	14.3	85.7
Q38	26.7	20.0	53.3	-	28.6	71.4	20.0	33.3	46.7	-	42.9	57.1
Q39	33.3	26.7	40.0	42.8	28.6	28.6	13.3	46.7	40.0	71.4	28.6	-
Q40	6.7	13.3	80.0	28.6	28.6	42.8	20.0	40.0	60.0	57.1	14.3	28.6
Q41	-	20.0	80.0	-	-	100	-	26.7	73.3	-	-	100
Q42	6.7	33.3	60.0	14.3	28.6	57.1	6.7	60.0	33.3	28.6	-	71.4
Q43	6.7	33.3	60.0	-	14.3	85.7	-	46.7	53.3	-	14.3	85.7
Q44	-	6.7	93.3	-	-	100	-	13.3	86.7	-	-	100
Q45	-	26.7	73.3	-	57.1	42.9	6.7	26.7	66.6	-	14.3	85.7
Q46	26.7	26.7	46.6	14.3	42.9	42.8	20.0	26.7	53.3	-	71.4	28.6
Q47	6.7	13.3	80.0	-	14.3	85.7	13.3	-	86.7	14.3	14.3	71.4
Q48	-	6.7	93.3	-	14.3	85.7	-	6.7	93.3	-	-	100
Q49	6.7	40.0	53.3	-	42.9	57.1	-	46.7	53.3	-	42.9	57.1
Q50	-	13.3	86.7	-	28.6	71.4	6.7	-	93.3	-	28.6	71.4
Q51	73.3	26.7	-	71.4	14.3	14.3	53.3	46.7	-	57.1	28.6	14.3
Q52	-	46.7	53.3	-	-	100	-	20.0	80.0	-	42.9	57.1
Q53	-	40.0	60.0	-	42.9	57.1	13.3	40.0	46.7	-	85.7	14.3
Q54	6.7	40.0	53.3	14.3	14.3	71.4	-	53.3	46.7	-	28.6	71.4
Q55	-	6.7	93.3	-	-	100	-	-	100.0	-	-	100
Q56	-	20.0	80.0	-	14.3	85.7	-	13.3	86.7	-	-	100
Q57	13.3	33.3	53.3	28.6	42.8	28.6	20.0	33.3	46.7	28.6	42.9	28.5
Q58	20.0	20.0	60.0	-	14.3	85.7	13.3	33.3	53.3	-	71.4	28.6
Q59	20.0	33.3	46.7	-	71.4	28.6	20.0	40.0	40.0	14.3	57.1	28.6
Q60	13.3	33.3	53.4	-	42.9	57.1	13.3	46.7	40.0	-	57.1	42.9
Q61	6.7	80.0	13.3	14.3	57.1	28.6	13.3	53.3	33.3	14.3	71.4	14.3
Q62	-	40.0	60.0	-	-	100	-	46.7	53.3	-	42.9	57.1
Q63	6.7	33.3	60.0	-	71.4	28.6	6.7	33.3	60.0	14.3	71.4	14.3
Q64	66.7	33.3	-	57.1	42.9	-	53.3	46.7	-	57.1	42.9	-
Q65	6.7	33.3	60.0	-	42.9	57.1	6.7	60.0	33.3	-	71.4	28.6
Q66	6.7	13.3	80.0	-	14.3	85.7	13.3	20.0	66.7	-	57.1	42.9

Note: SD/D, Strongly disagree/Disagree; SA/SD, Somewhat agree/Somewhat disagree; SA/A, Strongly agree/Agree

## **Appendix 22**

Percentage of participants making their opinion to individual research questions between two groups across July 2013 and January 2014.....451



Appendix 22 – Percentage of participants making their opinion to individual research questions between two groups across July 2013 and January 2014

Questions	July 2013 (n=22)							January 2014 (n=22)						
	Control (n=15)			Treatment (n=7)			P value	Control (n=15)			Treatment (n=7)			P value
	SD/D	SA/SD	SA/A	SD/D	SA/SD	SA/A		SD/D	SA/SD	SA/A	SD/D	SA/SD	SA/A	
Q6	20.0	60.0	20.0	28.6	28.6	42.8	0.37	26.7	33.3	40.0	28.6	28.6	42.8	0.98
Q7	6.7	33.3	60.0	28.6	28.6	42.8	0.37	6.7	46.7	46.6	-	42.9	57.1	0.75
Q9	13.3	80.0	6.7	14.3	71.4	14.3	0.84	26.7	53.3	20.0	28.6	57.1	14.3	0.95
Q10	6.7	53.3	40.0	14.3	42.9	42.8	0.81	13.3	46.7	40.0	14.3	42.9	42.8	0.99
Q12	-	20.0	80.0	14.3	14.3	71.4	0.32	-	13.3	86.7	14.3	42.9	42.8	0.07
Q13	20.0	40.0	40.0	-	57.1	42.9	0.39	6.7	53.3	40.0	14.3	57.1	28.6	0.78
Q14	53.3	46.7	-	28.6	57.1	14.3	0.41	6.7	46.7	46.6	-	28.6	71.4	0.50
Q16	-	13.3	86.7	28.6	14.3	57.1	0.09	-	33.3	66.7	-	14.3	85.7	0.35
Q17	-	26.7	73.3	-	-	100	0.13	-	26.7	73.3	-	14.3	85.7	0.52
Q18	93.3	6.7	-	85.7	14.3	-	0.56	100	-	-	42.9	42.8	14.3	<0.01
Q19	6.7	26.7	66.6	-	28.6	71.4	0.78	-	26.7	73.3	-	28.6	71.4	0.93
Q20	-	13.3	86.7	-	42.9	57.1	0.12	-	26.7	73.3	14.3	14.3	71.4	0.29
Q21	13.3	73.4	13.3	28.6	57.1	14.3	0.67	-	60.0	40.0	28.6	57.1	14.3	0.07
Q22	46.7	20.0	33.3	28.6	28.6	42.8	0.72	33.3	20.0	46.7	57.1	14.3	28.6	0.57
Q24	33.3	46.7	20.0	57.1	14.3	28.6	0.33	40.0	40.0	20.0	28.6	42.8	28.6	0.85
Q25	6.7	33.3	60.0	14.3	28.6	57.1	0.84	13.3	40.0	46.7	28.6	14.3	57.1	0.43
Q26	73.3	26.7	-	71.4	28.6	-	0.93	66.7	33.3	-	85.7	14.3	-	0.35
Q27	-	13.3	86.7	-	-	100	0.31	-	20.0	80.0	-	-	100	0.20
Q28	-	6.7	93.3	-	14.3	85.7	0.56	-	13.3	86.7	-	14.3	85.7	0.95
Q29	-	26.7	73.3	14.3	14.3	71.4	0.29	6.7	33.3	60.0	-	42.9	57.1	0.74
Q30	6.7	20.0	73.3	-	57.1	42.9	0.20	6.7	33.3	60.0	-	57.1	42.9	0.50
Q33	6.7	13.3	80.0	-	42.9	57.1	0.27	-	26.7	73.3	14.3	42.9	42.8	0.20
Q34	33.3	40.0	26.7	28.6	71.4	-	0.24	40.0	33.3	26.7	14.3	57.1	28.6	0.44
Q36	-	6.7	93.3	-	-	100	0.48	-	6.7	93.3	-	14.3	85.7	0.56
Q38	26.7	20.0	53.3	-	28.6	71.4	0.12	20.0	33.3	46.7	-	42.9	57.1	0.44
Q40	6.7	13.3	80.0	28.6	28.6	42.8	0.20	20.0	40.0	60.0	57.1	14.3	28.6	0.20
Q41	-	20.0	80.0	-	-	100	0.20	-	26.7	73.3	-	-	100.0	0.13
Q42	6.7	33.3	60.0	14.3	28.6	57.1	0.84	6.7	60.0	33.3	28.6	-	71.4	<0.03
Q45	-	26.7	73.3	-	57.1	42.9	0.31	6.7	26.7	66.6	-	14.3	85.7	0.60
Q46	26.7	26.7	46.6	14.3	42.9	42.8	0.69	20.0	26.7	53.3	-	71.4	28.6	0.11
Q47	6.7	13.3	80.0	-	14.3	85.7	0.78	13.3	-	86.7	14.3	14.3	71.4	0.32

Note: SD/D, Strongly disagree/Disagree; SA/SD, Somewhat agree/Somewhat disagree; SA/A, Strongly agree/Agree  
P values are based on Chi-square test

Appendix 22 – Continued

Questions	July 2013 (n=22)							January 2014 (n=22)						
	Control (n=15)			Treatment (n=7)			P value	Control (n=15)			Treatment (n=7)			P value
	SD/D	SA/SD	SA/A	SD/D	SA/SD	SA/A		SD/D	SA/SD	SA/A	SD/D	SA/SD	SA/A	
Q48	-	6.7	93.3	-	14.3	85.7	0.56	-	6.7	93.3	-	-	100	0.48
Q49	6.7	40.0	53.3	-	42.9	57.1	0.78	-	46.7	53.3	-	42.9	57.1	0.87
Q50	-	13.3	86.7	-	28.6	71.4	0.39	6.7	-	93.3	-	28.6	71.4	0.08
Q51	73.3	26.7	-	71.4	14.3	14.3	0.29	53.3	46.7	-	57.1	28.6	14.3	0.28
Q52	-	46.7	53.3	-	-	100	<0.03	-	20.0	80.0	-	42.9	57.1	0.26
Q55	-	6.7	93.3	-	-	100	0.48	-	-	100	-	-	100	-
Q56	-	20.0	80.0	-	14.3	85.7	0.75	-	13.3	86.7	-	-	100	0.31
Q57	13.3	33.3	53.3	28.6	42.8	28.6	0.50	20.0	33.3	46.7	28.6	42.9	28.5	0.72
Q58	20.0	20.0	60.0	-	14.3	85.7	0.38	13.3	33.3	53.3	-	71.4	28.6	0.21
Q59	20.0	33.3	46.7	-	71.4	28.6	0.19	20.0	40.0	40.0	14.3	57.1	28.6	0.75
Q60	13.3	33.3	53.4	-	42.9	57.1	0.59	13.3	46.7	40.0	-	57.1	42.9	0.59
Q61	6.7	80.0	13.3	14.3	57.1	28.6	0.53	13.3	53.3	33.3	14.3	71.4	14.3	0.64
Q62	-	40.0	60.0	-	-	100	0.05	-	46.7	53.3	-	42.9	57.1	0.87
Q63	6.7	33.3	60.0	-	71.4	28.6	0.11	6.7	33.3	60.0	14.3	71.4	14.3	0.13
Q64	66.7	33.3	-	57.1	42.9	-	0.67	53.3	46.7	-	57.1	42.9	-	0.87
Q65	6.7	33.3	60.0	-	42.9	57.1	0.68	6.7	60.0	33.3	-	71.4	28.6	0.74
Q66	6.7	13.3	80.0	-	14.3	85.7	0.78	13.3	20.0	66.7	-	57.1	42.9	0.18

Note: SD/D, Strongly disagree/Disagree; SA/SD, Somewhat agree/Somewhat disagree; SA/A, Strongly agree/Agree

P values are based on Chi-square test

Note: We found Q52 and Q62 were significant in 2013, but not in 2014. However, Q18 and Q42 were significant in 2014

Appendix 22 – Research Questions

Question Number	Question Name
Q6	The public sector culture supports unethical actions.
Q7	Workload pressures are such that corners need to be cut to get things done.
Q9	Promotion doesn't happen for women with families.
Q10	Wrong doers are being promoted above those doing the right thing.
Q12	The public sector has too many policies to read them all.
Q13	Performance review is misused on those who speak out about unethical actions.
Q14	CEOs on contracts are 'yes' people to the government.
Q16	You would report wrong doing if you witnessed it.
Q17	Unethical actions must be reported to an independent authority.
Q18	Micro management is assisting you to perform your job description.
Q19	Avoidance is used to ignore questions from employees.
Q20	Nepotism occurs in the public sector.
Q21	Employees don't go through the proper recruitment processes.

<b>Question Number</b>	<b>Question Name</b>
Q22	Have experience of bullying as a result of reporting unethical actions.
Q24	Fear of reprisal would prevent you from reporting unethical behaviour.
Q25	You work above your employment classification without acknowledgement.
Q26	You have confidence in the public sector to effectively manage unethical actions.
Q27	Financial and resourcing pressures are causing increased stress for employees.
Q28	Information gets distorted on the way up through the layers of management.
Q29	The negative culture is cause for skilled, educated employees resigning.
Q30	Micro management is being used as a form of passive bullying.
Q33	Employees act unethically because they think they can get away with it.
Q34	Employees who use sick leave entitlements or on WorkCover aren't bullied.
Q36	Constant public sector re-structuring is stressful for employees.



<b>Question Number</b>	<b>Question Name</b>
Q38	You feel frustrated and undervalued.
Q40	You have experienced verbal abuse from fellow public employees.
Q41	You want to see an Independent Commission Against Corruption (ICAC) to be implemented.
Q42	Older women are being discriminated against.
Q45	Whistleblowers are treated badly in the public sector.
Q46	You constantly make personal notes or obtain directives in writing to protect yourself against unethical actions.
Q47	The public sector is too politicised.
Q48	You have genuine concern for the public's interest.
Q49	Senior managers aren't following policy.
Q50	There are rules for some and rules for others.
Q51	Promotion doesn't happen for men with families.
Q52	Legal maladministration, wasting public money is occurring.

<b>Question Number</b>	<b>Question Name</b>
Q55	You would prefer to be able to tell society 'you got it wrong' rather than defend bad policy.
Q56	You act ethically all the time.
Q57	Older men aren't being discriminated against.
Q58	The culture and environment has a negative effect on your health.
Q59	Emotional blackmail is being used by management to get things done.
Q60	Addressing Key Performance Indicators (KPIs) is preventing you from addressing the real issues.
Q61	Employees caring for sick and disabled dependants are being discriminated against.
Q62	The public sector is too top heavy with not enough ground level employees.
Q63	Employees use policy to justify unethical actions.
Q64	The public sector culture is positive and inclusive of all employees.
Q65	Private contractors don't follow government policy.
Q66	The media unfairly portrays the public sector.

## **Appendix 23**

Percentage of participants making their opinion to an ethical oath between two groups across July 2013 and January 2014.....459



Appendix 23 – Percentage of participants making their opinion to an ethical oath between two groups across July 2013 and January 2014

Questions	July 2013 (n=22)							January 2014 (n=22)						
	Control (n=15)			Treatment (n=7)			P value	Control (n=15)			Treatment (n=7)			P value
	SD/D	SA/SD	SA/A	SD/D	SA/SD	SA/A		SD/D	SA/SD	SA/A	SD/D	SA/SD	SA/A	
Q8	33.3	33.3	33.4	42.9	-	57.1	0.21	26.7	33.3	40.0	14.3	14.3	71.4	0.39
Q11	93.3	6.7	-	85.7	-	14.3	0.27	73.3	20.0	6.7	85.7	14.3	-	0.72
Q15	26.7	33.3	40.0	14.3	28.6	57.1	0.72	26.7	26.7	46.6	-	28.6	71.4	0.30
Q23	100	-	-	100	-	-	-	93.3	6.7	-	85.7	-	14.3	0.27
Q31	20.0	46.7	33.3	14.3	42.9	42.8	0.90	13.3	40.0	46.7	-	57.1	42.9	0.53
Q32	-	20.0	80.0	14.3	28.6	57.1	0.27	-	20.0	80.0	14.3	14.3	71.4	0.32
Q35	26.7	33.3	40.0	28.6	14.3	57.1	0.62	20.0	40.0	40.0	14.3	42.9	42.8	0.95
Q37	20.0	53.3	26.7	-	14.3	85.7	0.03	6.7	73.3	20.0	-	14.3	85.7	0.01
Q39	33.3	26.7	40.0	42.8	28.6	28.6	0.86	13.3	46.7	40.0	71.4	28.6	-	<0.02
Q43	6.7	33.3	60.0	-	14.3	85.7	0.46	-	46.7	53.3	-	14.3	85.7	0.14
Q44	-	6.7	93.3	-	-	100	0.48	-	13.3	86.7	-	-	100	0.31
Q53	-	40.0	60.0	-	42.9	57.1	0.90	13.3	40.0	46.7	-	85.7	14.3	0.13
Q54	6.7	40.0	53.3	14.3	14.3	71.4	0.46	-	53.3	46.7	-	28.6	71.4	0.28

Note: SD/D, Strongly disagree/Disagree; SA/SD, Somewhat agree/Somewhat disagree; SA/A, Strongly agree/Agree

P values are based on Chi-square test

Note: Q37 was significant between control and treatment groups in July 2013 and as well as January 2014. Q39 was significant between two groups only in 2014.

Appendix 23 – Research Questions

Question Number	Question Name
Q8	<i>Swearing</i> to an ethical oath increases your knowledge and awareness of ethics.
Q11	You wouldn't report wrong doing if you witnessed it, when <i>sworn in</i> under an ethical oath.
Q15	<i>Swearing</i> to an ethical oath in the company of others would encourage and inspire you to act ethically.
Q23	You would take a bribe, if <i>sworn in</i> under an ethical oath.
Q31	You would prefer to <i>swear</i> to an ethical oath at an induction session into the public sector.
Q32	<i>Sworn in</i> under an ethical oath, you would report wrong doing if you witnessed it.
Q35	All employees would know what is expected behaviour, if <i>sworn in</i> under an ethical oath.
Q37	Taking an oath in the company of others is an emotional and bonding experience.
Q39	Saying an ethical oath in the company of others wouldn't increase your inspiration to act ethically.
Q43	You would like to see a combination of an ethical oath and policy to address ethics.
Q44	You would act ethically when <i>sworn in</i> under an ethical oath.
Q53	An ethical oath of a legal nature has more strength and effect on behaviour.
Q54	<i>Sworn in</i> under an ethical oath, the oath would remind you to act ethical.

**Appendix 24**

Constructed Themes.....463





## Appendix 24 – Constructed Themes

Question Number	Question Name	Construct Theme	Linked Theme	Positive / Negative
Q14	CEOs on contracts are ‘yes’ people to the government.	Administration	Politicisation	Negative
Q18	Micro management is assisting you to perform your job description.	Administration	Legal maladministration	Positive
Q26	You have confidence in the public sector to effectively manage unethical actions.	Administration	Legal maladministration	Positive
Q30	Micro management is being used as a form of passive bullying.	Administration	Bullying	Negative
Q50	There are rules for some and rules for others.	Administration	Legal maladministration	Negative
Q52	Legal maladministration, wasting public money is occurring.	Administration	Legal maladministration	Negative
Q62	The public sector is too top heavy with not enough ground level employees.	Administration	Legal Maladministration	Negative
Q6	The public sector culture supports unethical actions.	Culture	Culture and ethos	Negative
Q19	Avoidance is used to ignore questions from employees.	Culture	Bullying	Negative
Q28	Information gets distorted on the way up through the layers of management.	Culture	Legal maladministration	Negative
Q34	Employees who use sick leave entitlements or on WorkCover aren’t bullied.	Culture	Bullying	Positive
Q40	You have experienced verbal abuse from fellow public employees.	Culture	Bullying	Negative
Q46	You constantly make personal notes or obtain directives in writing to protect yourself against unethical actions.	Culture	Legal maladministration	Negative
Q61	Employees caring for sick and disabled dependants are being discriminated against.	Culture	Discrimination	Negative
Q64	The public sector culture is positive and inclusive of all employees.	Culture	Culture and ethos	Positive
Q66	The media unfairly portrays the public sector.	Culture	Public’s interest	Negative

Question Number	Question Name	Construct Theme	Linked Theme	Positive / Negative
Q11	You wouldn't report wrong doing if you witnessed it, when <i>sworn in</i> under an ethical oath.	Capacity building	Oath	Negative
Q23	You would take a bribe, if <i>sworn in</i> under an ethical oath.	Capacity building	Oath	Negative
Q32	<i>Sworn in</i> under an ethical oath, you would report wrong doing if you witnessed it.	Capacity building	Oath	Positive
Q44	You would act ethically when <i>sworn in</i> under an ethical oath.	Capacity building	Oath	Positive
Q27	Financial and resourcing pressures are causing increased stress for employees.	Employee health	Legal maladministration	Negative
Q36	Constant public sector re-structuring is stressful for employees.	Employee health	Legal maladministration	Negative
Q38	You feel frustrated and undervalued.	Employee health	Culture and ethos	Negative
Q58	The culture and environment has a negative effect on your health.	Employee health	Culture and ethos	Negative
Q59	Emotional blackmail is being used by management to get things done.	Employee health	Culture and ethos	Negative
Q9	Promotion doesn't happen for women with families.	Employment opportunities	Discrimination	Negative
Q10	Wrong doers are being promoted above those doing the right thing.	Employment opportunities	Legal maladministration	Negative
Q20	Nepotism occurs in the public sector.	Employment opportunity	Legal maladministration	Negative
Q21	Employees don't go through the proper recruitment processes.	Employment opportunity	Legal maladministration	Negative
Q29	The negative culture is cause for skilled, educated employees resigning.	Employment opportunity	Culture and ethos	Negative
Q42	Older women are being discriminated against.	Employment opportunity	Discrimination	Negative
Q51	Promotion doesn't happen for men with families.	Employment Opportunity	Discrimination	Negative

Question Number	Question Name	Construct Theme	Linked Theme	Positive / Negative
Q57	Older men aren't being discriminated against.	Employment opportunity	Discrimination	Positive
Q15	<i>Swearing</i> to an ethical oath in the company of others would encourage and inspire you to act ethically.	Group cohesion	Oath	Positive
Q31	You would prefer to <i>swear</i> to an ethical oath at an induction session into the public sector.	Group cohesion	Oath	Positive
Q37	Taking an oath in the company of others is an emotional and bonding experience.	Group cohesion	Oath	Positive
Q39	Saying an ethical oath in the company of others wouldn't increase your inspiration to act ethically.	Group cohesion	Oath	Negative
Q8	<i>Swearing</i> to an ethical oath increases your knowledge and awareness of ethics.	Knowledge and awareness	Oath	Positive
Q35	All employees would know what is expected behaviour, if <i>sworn in</i> under an ethical oath.	Knowledge and awareness	Oath	Positive
Q43	You would like to see a combination of an ethical oath and policy to address ethics.	Knowledge and awareness	Oath	Positive
Q53	An ethical oath of a legal nature has more strength and effect on behaviour.	Memory	Oath	Positive
Q54	<i>Sworn in</i> under an ethical oath, the oath would remind you to act ethical.	Memory	Oath	Positive
Q33	Employees act unethically because they think they can get away with it.	Motivation	Culture and ethos	Negative
Q47	The public sector is too politicised.	Motivation	Politicisation	Negative
Q48	You have genuine concern for the public's interest.	Motivation	Public's interest	Positive
Q56	You act ethically all the time.	Motivation	Public's interest	Positive
Q12	The public sector has too many policies to read them all.	Policy	Governance	Negative
Q49	Senior managers aren't following policy.	Policy	Governance	Negative
Q55	You would prefer to be able to tell society 'you got it wrong' rather than defend bad policy.	Policy	Public's interest	Positive
Q63	Employees use policy to justify unethical actions.	Policy	Governance	Negative
Q65	Private contractors don't follow government policy.	Policy	Governance	Negative

Question Number	Question Name	Construct Theme	Linked Theme	Positive / Negative
Q13	Performance review is misused on those who speak out about unethical actions.	Whistleblowing	Bullying	Negative
Q16	You would report wrong doing if you witnessed it.	Whistleblowing	Reporting	Positive
Q17	Unethical actions must be reported to an independent authority.	Whistleblowing	Reporting	Positive
Q22	Have experience of bullying as a result of reporting unethical actions.	Whistleblowing	Bullying	Negative
Q24	Fear of reprisal would prevent you from reporting unethical behaviour.	Whistleblowing	Bullying	Negative
Q41	You want to see an Independent Commission Against Corruption (ICAC) to be implemented.	Whistleblowing	ICAC	Positive
Q45	Whistleblowers are treated badly in the public sector.	Whistleblowing	Bullying	Negative
Q7	Workload pressures are such that corners need to be cut to get things done.	Work loads	Legal maladministration	Negative
Q25	You work above your employment classification without acknowledgement.	Work loads	Legal maladministration	Negative
Q60	Addressing Key Performance Indicators (KPIs) is preventing you from addressing the real issues.	Work loads	Legal Maladministration	Negative

## **Appendix 25**

Median (IQR) scores and internal reliability of categories and components on the constructed themes between control and experimental groups across July and January.....469



Appendix 25 – Median (IQR) scores and internal reliability of categories and components on the constructed themes between control and experimental groups across July and January

		July 2013 (n=22)			January 2014 (n=22)		
Construct	Number of items (Min-Max)	Median	IQR	Cronbach's $\alpha$	Median	IQR	Cronbach's $\alpha$
Administration	7 (7-42)	28.0	27.0-30.0	0.74	29.0	26.0-31.0	0.73
Culture	9 (9-54)	37.0	35.0-39.0	0.71	36.0	33.0-40.0	0.71
Capacity building	4 (4-24)	13.0	12.0-14.0	0.70	13.5	13.0-14.0	0.36
Employee health	5 (5-30)	25.0	23.0-28.0	0.74	24.0	22.0-25.0	0.75
Employment opportunities	8 (8-48)	31.0	29.0-35.0	0.68	32.5	29.0-36.0	0.77
Group cohesion	4 (4-24)	16.0	14.0-17.0	0.70	16.0	15.0-18.0	0.79
Knowledge awareness	3 (3-18)	13.0	10.0-15.0	0.63	12.0	10.0-15.0	0.76
Memory	2 (2-12)	9.5	8.0-10.0	0.79	9.0	7.0-16.0	0.76
Motivation	4 (4-24)	21.0	19.0-22.0	0.32	21.0	19.0-22.0	0.40
Policy	5 (5-30)	24.0	22.0-26.0	0.66	24.0	20.0-26.0	0.62
Whistle blowing	7 (7-42)	30.0	30.0-34.0	0.61	31.0	27.0-35.0	0.69
Workload	3 (3-18)	14.0	12.0-16.0	0.46	13.0	12.0-14.0	0.16

IQR, Interquartile range (25<sup>th</sup>-75<sup>th</sup> percentile)

<sup>a</sup> 1= Strongly disagree; 2= Disagree; 3= Somewhat disagree; 4=Somewhat agree; 5=Agree; 6=Strongly agree

**Statistical analysis and results discussion:**

The survey tool comprises 61 items rated on a six-point Likert Scale with ranges from 1 = strongly disagree to 6 = strongly agree (See Appendix 22). 16 constructs were calculated from the 61 items on, the basis of determined constructed themes.

Cronbach's alpha was, calculated to determine internal reliability for the individual items within each construct with values  $\geq .6$  considered acceptable.

Appendix 25 shows that administration, culture, employee health and employment opportunities, group cohesion, knowledge awareness, memory, policy and whistle blowing reached an acceptable level of consistency. However, motivation and workload didn't reach the alpha at 0.60.

The median and interquartile range was, also calculated for each construct across years.



**Appendix 26**

Median (IQR) scores between control and experimental groups across 2013 and 2014.....473



Appendix 26 – Median (IQR) scores between control and experimental groups across 2013 and 2014

July 2013 (n=22)				January 2014 (n=22)			
Construct	Number of items (Min-Max)	Median (IQR)		P value	Median (IQR)		P value
		Control (n=15)	Treatment (n=7)		Control (n=15)	Treatment (n=7)	
Administration	7 (7-42)	28.0 (25.0-30.0)	28.0 (27.0-30.0)	0.72	29.0 (26.0-31.0)	29.0 (26.0-32.0)	0.37
Culture	9 (9-54)	37.0 (35.0-41.0)	36.0 (33.0-38.0)	0.27	36.0 (33.0-40.0)	36.0 (33.0-37.0)	0.62
Capacity building	4 (4-24)	13.0 (12.0-14.0)	14.0 (11.0-14.0)	0.85	13.0 (13.0-14.0)	14.0 (13.0-14.0)	0.71
Employee health	5 (5-30)	25.0 (22.0-28.0)	25.0 (24.0-29.0)	0.48	24.0 (22.0-27.0)	23.0 (23.0-25.0)	0.99
Employment opportunities	8 (8-48)	31.0 (30.0-36.0)	29.0 (28.0-35.0)	0.39	33.0 (29.0-36.0)	31.0 (28.0-35.0)	0.72
Group cohesion	4 (4-24)	15.0 (14.0-17.0)	17.0 (16.0-19.0)	0.24	16.0 (14.0-18.0)	17.0 (16.0-18.0)	0.34
Knowledge awareness	3 (3-18)	11.0 (10.0-15.0)	13.0 (9.0-18.0)	0.36	11.0 (9.0-15.0)	14.0 (12.0-16.0)	0.14
Memory	2 (2-12)	9.0 (8.0-10.0)	10.0 (8.0-12.0)	0.39	8.0 (7.0-11.0)	9.0 (8.0-9.0)	0.69
Motivation	4 (4-24)	21.0 (19.0-22.0)	20.0 (19.0-22.0)	0.47	21.0 (20.0-23.0)	20.0 (19.0-22.0)	0.41
Policy	5 (5-30)	24.0 (22.0-26.0)	22.0 (19.0-27.0)	0.48	24.0 (22.0-26.0)	22.0 (19.0-25.0)	0.27
Whistle blowing	7 (7-42)	32.0 (26.0-35.0)	30.0 (30.0-30.0)	0.25	31.0 (27.0-35.0)	31.0 (27.0-35.0)	0.97
Workload	3 (3-18)	13.0 (12.0-16.0)	14.0 (12.0-16.0)	0.62	13.0 (11.0-14.0)	13.0 (12.0-16.0)	0.62

IQR, Interquartile range (25<sup>th</sup>-75<sup>th</sup> percentile); P values are based on Wilcoxon (Mann-Whitney) rank-sum test

<sup>a</sup> 1= Strongly disagree; 2= Disagree; 3= Somewhat disagree; 4=Somewhat agree; 5=Agree; 6=Strongly agree

**Statistical analysis and results discussion:**

The survey tool comprises 61 items rated on a six-point Likert Scale with ranges from 1 = strongly disagree to 5 = strongly agree (See Appendix 22). 16 constructs were calculated from the 61 items on, the basis of determined constructed theme.

As the data are highly skewed, the median and interquartile range was, calculated for each construct between control and experimental groups across years. The Wilcoxon (Mann-Whitney) rank-sum test was, used to see the significant difference between control and experimental groups. The P values are set at 0.05 for significant different. None of the constructs found significant difference between groups.

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