



Finance,  
Services &  
Innovation

# CODE OF ETHICS AND CONDUCT

INTEGRITY | TRUST | SERVICE | ACCOUNTABILITY

## Secretary's message

The work we do carries with it an obligation to act in the public interest. It requires standards of professional behaviour and conduct from all of us that promote and maintain public confidence and trust in our work.

To that end, the Department of Finance, Services and Innovation (DFSI) has adopted the Code of Ethics and Conduct (herein called the "Code") developed by the Public Service Commission and issued in accordance with the Public Service Commissioner's direction of 20 April 2015.

This Code is supplemented by the conduct and behaviour standards of the Department's current Code of Conduct to ensure business risks associated with our operating environment are identified and properly managed.

The Code of Conduct:

- Is grounded in the values and principles of the public sector, namely: integrity, trust, service and accountability
- Empowers us to carry out our respective roles and responsibilities in a way that promotes a better working environment for ourselves and for everyone who comes into contact with the Department
- Is an important reference document that provides us with an ethical framework for our decisions, actions and behaviours; hence it ensures effective corporate governance and positive working relationships
- Informs our stakeholders, business partners and members of the public about the standards of behaviour they can expect from us when dealing with the Department.

The Code of Conduct offers a broad framework to:

- Guide our daily professional and personal conduct in the workplace and when conducting activities that may impact on the Department
- Support sound and ethical decision making and efficient, effective and prudent use of resources
- Help us decide on an appropriate course of action when we are faced with an ethical issue.

Senior executives are reminded of their obligations under this Code to declare any private interests on commencement of their employment, when circumstances change and then annually when directed. The Code sets out the process for making declarations.

All of us are responsible for our own actions and for understanding our obligations under this Code. You are encouraged to raise any questions or concerns about workplace behaviour, decisions or actions you might have. If you do not understand what the Code requires – or if you come across a situation where you are not sure how you ought to proceed – you should seek further guidance from your manager.

Martin Hoffman

**Secretary**

## Introduction

### 1. Purpose

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The purpose of the Code is to identify mandatory requirements and best practice conduct for all government sector employees which is consistent with Part 2 of the *NSW Government Sector Employment Act 2013* (the Ethical framework for the government sector).

The Ethical Framework is to be demonstrated by employees in their working relations with other government sector employees, clients and customers, stakeholders and the government of the day.

The Code applies at all times when employees are acting in the course of, or in connection with, NSW government sector employment including when they are representing the Department at meetings, attending conferences and training events, travelling for work purposes and attending work-related functions.

The Code also specifies actions to be taken if there are breaches, or allegations of breaches, of the Code.

### 2. How is this Code structured

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The Code of Ethics and Conduct is divided into two sections:

The Ethical Framework – this section outlines the values, principles and standards expected of all public sector employees when fulfilling their duties which are mandated under the Ethical Framework.

It also describes the specific leadership responsibilities of managers and supervisors in managing the conduct of their staff.

Specific Obligations – this section details the specific conduct and behaviour standards of the Department as we make decisions, take actions, address problems and meet the accountabilities and objectives of our positions.

The Code operates in conjunction with the legal and regulatory requirements of federal and state legislation, whole of government policy and directives, and industrial instruments. It also operates with the Department's policies, procedures, guidelines and work instructions.

### 3. Who has to comply with the Code?

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This Code applies to:

- The head of the agency
- Senior Executives
- All managers, supervisors and employees whether employed on a permanent, temporary, casual or cadetship basis
- Any employee of another public sector agency on secondment to the Department
- All contractors and agency staff engaged to perform work for or on behalf of the Department
- Work experience students and volunteers.

The Code does not apply to our business partners and suppliers, including consultancy firms and sole traders, as they are covered by the Department's Business Ethics Statement.

For the purposes of this Code:

- References to "employee" includes all of those to whom the Code is stated to apply
- References to managers includes supervisors
- References to the Department include related entities reporting through departmental divisions.

# CODE OF ETHICS AND CONDUCT

The Code covers staff employed by the Department including staff assigned within related entities.

You must comply with the Code whenever you are performing your official duties, including when you are representing the Department at meetings, attending conferences and training events, travelling for work purposes and attending work-related functions.

## 4. Review

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The Code may be amended from time to time by the Public Service Commissioner or the Department when and where it is appropriate to do so.

## 5. Legislation

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A principle of the Ethical Framework is to uphold the law. The law includes, but is not limited to:

- *Government Sector Employment Act 2013* sections 25 and 30 (regarding the general conduct and management of organisations in accordance with the core values) and section 63 (regarding workforce diversity and the integration of workforce diversity into agency workforce planning)
- *Public Finance and Audit Act 1983* sections 11 and 45C (regarding the system of internal control over the financial and related operations of agencies)
- *Anti-Discrimination Act 1977* (regarding equal employment opportunity and equal access to services)
- *Government Information (Public Access) Act 2009* (regarding public access arrangements to agency information)
- *Public Interest Disclosures Act 1994* (regarding receiving, assessing and dealing with public interest disclosures)
- *Independent Commission Against Corruption Act 1988* (regarding reporting of any matter suspected on reasonable grounds to involve corrupt conduct and to comply with any requirement or direction of the ICAC in relation to a referral of matters by the ICAC)
- *Privacy and Personal Information Protection Act 1998* (regarding the protection of personal information, and the protection of the privacy of individuals generally)
- *Public Works and Procurement Act 1912* (regarding the procurement of goods and services by government agencies)
- *Health Records and Information Privacy Act 2002* (regarding the fair and responsible handling of health information)
- *Work Health and Safety Act 2011* (regarding the health and safety of employees and the maintenance of healthy and safe workplaces)
- *Government Advertising Act 2011* (regarding requirements to issue advertising compliance certificates)
- *Ombudsman Act 1974* (regarding obligations to cooperate with investigations by the Ombudsman and obligations relating to reportable conduct concerning child protection matters)
- *State Records Act 1998* (regarding the creation, management and protection of agency records and public access to those records)
- *Children and Young Persons (Care and Protection) Act 1998* (regarding obligations relating to the care and protection of, and provision of services to, children and young persons, including obligations relating to exchange of information and co-ordination of services between agencies)
- *Child Protection (Working with Children) Act 2012* (regarding obligations to obtain checks and clearances for employees engaged in child-related work)
- *Crimes Act 1900* (regarding criminal offences).

## Section 1 – The ethical framework for the government sector

### 1. Introduction

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Part 2 of the GSE Act establishes the Ethical framework for the government sector.

The objective, core values and principles of the Ethical Framework are to be demonstrated in the conduct of all government sector employees and heads of government sector agencies.

### 2. Ethical framework for the government sector

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Objective:

- Recognise the role of the government sector in preserving the public interest, defending public value and adding professional quality and value to the commitments of the Government of the day
- Establish an ethical framework for a merit-based, apolitical and professional government sector that advises upon and implements the decisions of the Government of the day.

### 3. Core values

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The core values for the government sector and the principles that guide their implementation are:

#### Integrity

- Consider people equally without prejudice or favour
- Act professionally with honesty, consistency and impartiality
- Take responsibility for situations, showing leadership and courage
- Place the public interest over personal interest.

#### Trust

- Appreciate difference and welcome learning from others
- Build relationships based on mutual respect
- Uphold the law, institutions of government and democratic principles
- Communicate intentions clearly and invite teamwork and collaboration
- Provide apolitical and non-partisan advice.

#### Service

- Provide services fairly with a focus on customer needs
- Be flexible, innovative and reliable in service delivery
- Engage with the not-for-profit and business sectors to develop and implement service solutions
- Focus on quality while maximising service delivery.

#### Accountability

- Recruit and promote employees on merit
- Take responsibility for decisions and actions
- Provide transparency to enable public scrutiny
- Observe standards for safety
- Be fiscally responsible and focus on efficient, effective and prudent use of resources.

## 4. Department and divisional values

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Some divisions have previously adopted values that are embedded in their work practices and cultures.

We acknowledge that Departments and agencies can have distinct identities and ethical challenges and still be part of the NSW public sector united by core shared values and principles.

Although these cascading sets of values will mostly align to each other, where it is not clear which value is to apply in a specific operational situation, the Public Service Commission's values always take precedence.

## 5. General provisions

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The Public Service Commissioner has the function of promoting and maintaining the government sector core values.

There is no hierarchy among the core values and each is of equal importance.

Nothing in the Ethical Framework gives rise to, or can be taken into account in, any civil cause of action.

## Mandatory conduct

**Note: This Part of the Code sets out the mandatory provisions of the Code that apply to all government sector employees and heads of government sector agencies.**

All government sector employees have responsibilities to:

- Demonstrate high levels of personal conduct consistent with the Ethical Framework
- Seek assistance when unsure about how to implement the Ethical Framework
- Promote the implementation of the Ethical Framework to their colleagues
- Report possible breaches of the Ethical Framework to relevant officers.

All managers and executives have the responsibilities of government sector employees (above), and in addition have responsibilities to:

- Lead and promote implementation of the Ethical Framework in their workplace
- Ensure their workplace culture, practices and systems (including recruitment and promotion) operate consistently with the Ethical Framework
- Recognise and promote employee and team conduct that exemplifies the Ethical Framework
- Act promptly and with due process to prevent and address any breaches of the Ethical Framework
- In the case of a senior executive (including an acting senior executive), declare in writing private interests that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior executive
- Ensure that any real or perceived conflicts of interest are avoided or effectively managed

- Model ethical, efficient and safe work practices required of public sector employees
- Provide employees who report to you with information about the objectives and duties of their position
- Maintain open, honest, respectful and thorough communication with all employees, including communicating standards of conduct and behaviour in the workplace
- Allocate work fairly and ensure that employees have the resources and support required to do their job
- Inform employees of performance standards expected of them and objectively assess their performance against these standards
- Ensure employees can access current standards, policies and procedures and are kept informed of relevant changes
- Maintain the integrity and security of official documents or information
- Ensure employees have equal access to information, training and development opportunities
- Support the right of employees to raise workplace concerns, grievance complaints or allegations of discrimination, harassment and workplace bullying through internal and external processes
- Ensure equity in employment and the workplace is free from discrimination, harassment and bullying
- Establish, maintain and monitor the effectiveness of internal controls to minimise the risk of fraud and corruption
- Take corrective action where unacceptable behaviour or practices are identified.

# CODE OF ETHICS AND CONDUCT

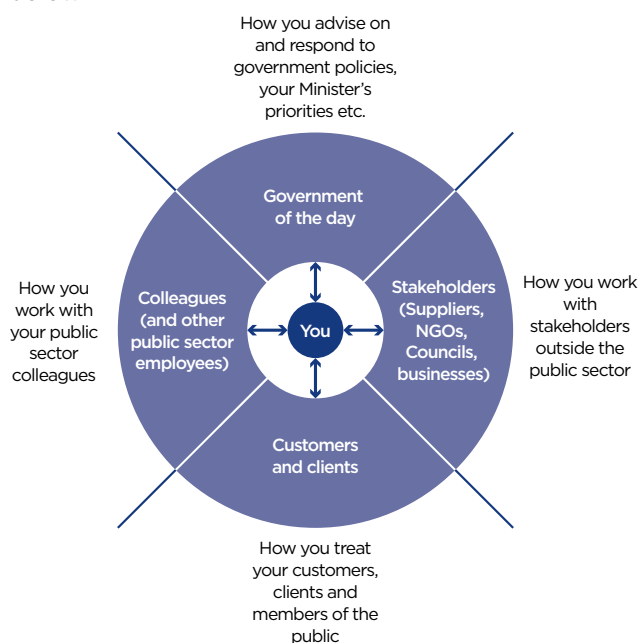
Department Secretaries and heads of agencies have the responsibilities of executives (above), and in addition have responsibilities to:

- Lead and promote implementation of the Ethical Framework in their agency
- Ensure the general conduct and management of the functions and activities of their Department or agency are in accordance with the core values of the Ethical Framework
- Oversee the implementation of the Ethical Framework and make improvements where necessary.

## 1. When is the Ethical Framework to be applied?

The Ethical Framework is to be applied at all times in working relations with colleagues, clients and customers, stakeholders and the government of the day.

These working relations are depicted in the diagram below:



## 2. How do I act in the public interest?

You should treat all people with whom you have contact in the course of your work:

- Equally without prejudice or favour
- With honesty, consistency and impartiality.

You should also, in the course of your work:

- Place the public interest over your personal interest
- Uphold the law, institutions of government and democratic principles
- Provide apolitical and non-partisan advice
- Provide transparency to enable public scrutiny
- Be fiscally responsible and focus on efficient, effective and prudent use of resources.

Acting in the public interest requires leadership, courage and innovation to develop practical recommendations and actions that are consistent with the core values and will help the Government of the day achieve its objectives. Acting in ways that are expedient or convenient, but which do not promote the integrity, trust, service and accountability of the public sector, is not in the public interest.



## 3. How do I manage conflicts of interest?

Sometimes you may find that your private interests make it difficult for you to perform your duties impartially in the public interest. This may happen when there is a direct conflict between your current duties and responsibilities and your private interests (an 'actual' conflict of interest); when a person could reasonably perceive that your private interests are likely to improperly influence the performance of your official duties, whether or not this is in fact the case (a 'reasonably perceived' conflict of interest); or when you have a private interest that could conflict with your official duties in the future (a 'potential' conflict of interest).

The following situations may amount to or be perceived as a conflict of interest:

- A family member, relative, friend, associate or anybody else close to you has an interest that could lead to you being influenced, or to a fair person thinking you could be influenced in the way you carry out your duties, or
- You undertake private or secondary employment that compromises or could be perceived to compromise.

It is not necessarily wrong or unethical to have a conflict of interest; what is important is that it is identified and appropriately managed. Although managers have a key role in ensuring conflict of interest situations are managed appropriately, identifying a conflict of interest is the responsibility of all of us.

Some of us have complex conflicts of interest to manage. Some examples include:

- Those of us living and working in small towns
- Employees working directly with their community based organisations.

You and your manager will need to work closely to manage these situations. You also need to be guided and supported when dealing with people with whom you have out-of-work relationships.

Senior executives are required to register pecuniary and non-pecuniary interests with the Chief Audit Executive in accordance with Part 4 of this Section (see below).

Your responsibilities in relation to conflicts of interest are:

- Declare any conflict of interest situation in writing to your manager immediately
- Discuss with your manager how the conflict of interest is to be managed and agree on this in writing
- Follow the agreed management plan for managing the conflict, always taking into account how the situation would be perceived by others
- Always put the Department's interests ahead of your personal interests
- Err on the side of prudence.

The best way to handle conflicts of interest is to avoid them entirely, where possible. However, to resolve any conflicts of interest that occur, or could occur, a range of options is available depending on the significance of the conflict. These options include, but are not limited to\*:

- Informing likely affected persons that a disclosure has been made, giving details and the Department's view that there is no actual conflict or the potential for conflict is minimal
- Appointing further persons to a panel/committee/team to minimise the actual or perceived influence or involvement of the person with the actual or reasonably perceived conflict

\* For further detail on how to manage actual, potential or reasonably perceived conflicts of interests, see the NSW Ombudsman Fact Sheet, Conflicts of Interest at [http://www.omb.nsw.gov.au/\\_data/assets/pdf\\_file/0004/3685/FS\\_PSA\\_03\\_Conflict\\_of\\_Interest.pdf](http://www.omb.nsw.gov.au/_data/assets/pdf_file/0004/3685/FS_PSA_03_Conflict_of_Interest.pdf)

- Where the persons likely to be concerned about a potential, actual or reasonably perceived conflict are identifiable, seeking their views as to whether they object to the person having any, or any further, involvement in the matter
- Restricting the access of the person to relevant information that is sensitive, confidential or secret
- Directing the person to behave at all times in ways that are consistent with his/her Department's responsibilities and functions
- Removing the person from duties or from responsibility to make decisions in relation to which the 'conflict' arises and reallocating those duties to another employee (who is not supervised by the person with the 'conflict')
- Persons with a 'conflict' who are members of boards or committees absencing themselves from or not taking part in any debate or voting on the issue.

#### 4. As a senior executive, how do I declare private interests?

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A senior executive (including an acting senior executive) must make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior executive.

Where a senior executive has no such private interests to declare, s/he must declare a "nil return".

After a senior executive makes an initial declaration, a fresh declaration must be made:

- As soon as practicable, following any relevant change in the senior executive's private interests

- As soon as practicable, following the senior executive's assignment to a new role or responsibility
- At least annually.

A template for making a private interest declaration is included in the Appendix of this Code and on the Department's intranet.

Senior executives must provide their declaration to:

- In a department, the Secretary
- In an executive agency related to a department, the agency head.

Department Secretaries must provide their declaration to the Secretary of the Department of Premier and Cabinet.

Heads of an executive agency related to a department must provide their declaration to the Department Secretary.

A person to whom a declaration is to be provided is responsible for ensuring:

- Senior executives complete declarations
- Handling and storage of declarations complies with the requirements of the *Privacy and Personal Information Protection Act 1998*.

#### 5. How do I treat colleagues, customers, clients and stakeholders?

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All government sector employees are to treat their colleagues, customers, clients and stakeholders in their agency and in other agencies, and the government of the day by:

- Considering people equally without prejudice or favour
- Acting professionally with honesty, consistency and impartiality

- Taking responsibility for situations, showing leadership and courage
- Placing the public interest over personal interest
- Appreciating difference and welcoming learning from others
- Building relationships based on mutual respect
- Upholding the law, institutions of government and democratic principles
- Communicating intentions clearly and inviting teamwork and collaboration
- Providing apolitical and non-partisan advice
- Providing services fairly with a focus on customer needs
- Being flexible, innovative and reliable in service delivery
- Engaging with the not-for-profit and business sectors to develop and implement service solutions
- Focusing on quality while maximising service delivery
- Recruiting and promoting employees on merit
- Taking responsibility for decisions and actions
- Providing transparency to enable public scrutiny
- Observing standards for safety
- Being fiscally responsible and focus on efficient, effective and prudent use of resources.

## 6. How should I interact with lobbyists?

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All government sector employees and heads of government sector agencies must comply with Premier's Memorandum M2014-13 – NSW Lobbyists Code of Conduct published on the Department of Premier and Cabinet's website, as amended from time to time.

## 7. How do I use public resources appropriately?

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You must use public resources in an efficient, effective and prudent way. Never use public resources – money, property, equipment or consumables – for your personal benefit, or for an unauthorised purpose.

If you are responsible for receiving, spending or accounting for money, ensure you know, understand and comply with the requirements of the *Public Finance and Audit Act 1983*, the *Public Works and Procurement Act 1912* and the *Government Advertising Act 2011*.

## Behaviour contrary to the Code

### 1. The effect of behaviour that is contrary to the Code

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Behaviour contrary to this Code and to the Ethical framework for the government sector can bring individual employees into disrepute, undermine productive working relationships in the workplace, hinder customer service delivery, and damage public trust in the Department or the broader government sector.

If you are unsure of what is appropriate conduct under any particular circumstances, discuss the matter with your supervisor, manager or the relevant member of the executive. Heads of government sector agencies may also contact the Public Service Commissioner.

### 2. If you see behaviour contrary to this Code

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If you see someone act in ways that are contrary to this Code, you should in the first instance discuss that person's behaviour with your immediate supervisor or manager, or report your concerns to any member of the agency's executive.

If you believe certain conduct is not just unethical, but may also be corrupt, a serious and substantial waste of government resources, maladministration or a breach of government information and privacy rights, then report your concerns to the Department's Public Interest Disclosures Coordinator or Disclosures Officer, the Secretary or the relevant investigating authority (such as the Ombudsman, Independent Commission Against Corruption or the Auditor-General). Under the *Public Interest Disclosures Act 1994*, it is both a criminal offence and misconduct to take reprisals against an employee who makes a public interest disclosure.

### 3. Actions when allegations are made

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In those cases where the allegation is minor or of a low level, your manager will usually discuss this matter directly with you. If the allegations are more serious, a formal process may be required.

If you are investigating an allegation of a behaviour that is contrary to this Code, you must ensure your decision-making is fair and reasonable by acting consistently with four principles:

- Procedural fairness for both the complainant and staff member
- Investigations should be handled expeditiously. This will minimise the potential for breaches of confidentiality and lack of procedural fairness
- Confidentiality for all parties, where practicable and appropriate, until such time as the investigation process is completed
- Meticulous recordkeeping, including recording of reasons for all significant decisions.

For employees of Public Service agencies, the GSE Act and GSE Rules set out how allegations of misconduct are to be dealt with.

For employees in the Public Service, Part 8 of the GSE Rules sets out the procedural requirements for dealing with allegations of misconduct, which include requirements that you be advised of the detail of the allegation; the process to be undertaken to investigate and resolve the matter; and that you be provided an opportunity to respond to the allegations.

If it is alleged that you have acted in a way that is contrary to this Code, you will have an opportunity to provide your version of events. How this will happen will be proportionate to the seriousness of the matter.

For employees in the Public Service, the GSE Act sets out the actions that a Public Service agency head may take where there is a finding of misconduct against an employee. These actions are as follows:

- Terminate the employment of the employee (without giving the employee an opportunity to resign)
- Terminate the employment of the employee (after giving the employee an opportunity to resign)
- Impose a fine on the employee (which may be deducted from the remuneration payable to the employee)
- Reduce the remuneration payable to the employee
- Reduce the classification or grade of the employee
- Assign the employee to a different role
- Caution or reprimand the employee.

## Good practice guides

The following good practice guides are provided for use by all government sector employees:

### 1. Good practice guide 1 – deciding and acting ethically

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To make the best-available decision:

#### Scope the problem

Clarify the scope of the problem, and consider carefully how the problem affects (or may affect in the future) work colleagues; clients and customers; stakeholders; and the government of the day. Wherever possible, consult affected people and communities.

#### Develop options

Develop a mix of options that address these questions:

- **Duties:** What are your responsibilities as defined by the law, Government policies, agency procedures, and your role description? Is it legal? Is it consistent with the principles & policies of the agency and the NSW government sector?
- **Results:** Which options will yield the greatest benefit (or least harm) to the most people, and minimise the number of people who might be disadvantaged – in the short and longer term? What will the consequences be for my colleagues, the agency and yourself? What will the consequences be for other parties?
- **Justice:** Which options support due process, transparency, fair compensation for any loss, and fair treatment of those affected by any decision?
- **Rights:** Which options support the legal rights of citizens?
- **Public interest:** Which options best advance the public interest, without regard to your own reputation, career, personal views or potential for personal gain or loss?

- **Resources:** What is the likely impact on government finances, workforce, infrastructure and other assets?
- **Innovation:** Can the issue be addressed in new ways (such as the redesign of services, reengineering of work practices, or a new model of service delivery)?

#### Evaluate and decide

Choose the option that best addresses the above issues and is in the public interest, supports integrity, builds trust, delivers better services and ensures accountability. To establish if your actions are consistent with the Ethical Framework consider your answers to the following questions:

- **Integrity:** Would your colleagues say you had considered the views of all interested parties and acted in the right way, even if it was at your personal cost?
- **Trust:** Would your action, if it became public, build confidence in the public sector?
- **Service:** Would your clients and customers say your actions improved the quality of the services they receive?
- **Accountability:** Would the Secretary say your actions are consistent with the Ethical Framework and the law?

#### Implement

Implement the decision in ways that are consistent with the objectives, values and principles of the Ethical Framework.

#### Review and identify opportunities for continuous improvement.

## 2. Good practice guide 2 - encouraging ethical behaviour by other employees

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Ways to support the ethical behaviour of other employees include:

### **Personal**

Encourage your colleagues to act ethically by making ethical decisions and acting ethically yourself.

### **Interpersonal**

Encourage all employees to openly discuss ways to better implement the Ethical Framework in their individual actions, your team's practices and in your services to clients and customers.

### **Organisational**

Ensure the leadership, culture, governance, management and work practices, individual employee behaviour and customer services of your workplace are consistent with the Ethical Framework.

The Public Service Commission will provide additional advice and guidance to the government sector as needed to support conduct that is consistent with the objective, core values and principles of the Ethical Framework.

## Section 2 – Specific obligations

### 1. Introduction

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In addition to the standards of conduct outlined in Section 1, DFSI employees and others to whom this Code applies, must observe the following code of conduct.

### 2. Obey any lawful direction or instruction

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You must obey any lawful direction or instruction given to you by any person having the authority to make or give the order.

Should you be concerned about a direction or instruction you should discuss your concern with your manager or a senior executive.

### 3. Present for work in a fit and proper state

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You must present at work in a fit and proper state, not under the influence of drugs or alcohol.

If you have a problem with drugs or alcohol and it is affecting your work, you are encouraged to discuss your concern with your manager and seek assistance to mitigate and overcome the problem. You are also encouraged to speak confidentially with one of the Department's Employee Assistance Program providers.

### 4. Decline or disclose gifts, benefits and hospitality

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You should decline gifts, benefits or hospitality:

- Where you might feel a sense of obligation to the giver
- Which you think has been offered in order to create a sense of obligation, to influence you or to induce you to act in a certain way

- Where you consider a reasonable person might think that you would be influenced in the way you do your work or the intention of the giver is to influence you or to create a sense of obligation
- Where it is a discount, loan, cash or is similar to cash, including debit or pre-paid cards, money orders and vouchers
- Where you are in a higher risk job such as a regulatory, procurement or contract management role or where you have significant discretionary power
- Where it is non-token, i.e. worth more than \$100, unless it is not practical to refuse it and the relevant provisions of the gifts and benefits policy are complied with
- Where you are unsure about whether or not to accept it
- Where your manager has not approved its acceptance

Before accepting gifts, benefits or hospitality you should consider the provisions of the Department's policy on Gifts, Benefits and Hospitality.

Gifts, benefits and hospitality must be declared and entered in the register held by the Internal Audit Unit.

### 5. Conduct personal transactions with the Department through regular customer channels

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You must generally conduct your personal affairs with the service areas of the Department in the same manner, and through the same channels, as a member of the general public.

Where your personal affairs are directly with your division's service area and you wish to challenge the Department, make further enquiries about



your personal affairs, or seek privacy regarding the transaction, you may lodge the matter internally in accordance with divisional work practices.

You must not use any of the Department's information management systems to access or check the progress of:

- Your own matter
- Any matter relating to your family, friends, neighbours or work colleagues
- Any matter relating to an individual for which you do not have a legitimate work related reason.

You must not use your employment or position to exert influence or obtain a gain or benefit in relation to a personal transaction, contract or dealing.

## 6. Treat each other with dignity and respect

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You are expected to respect each other and work to resolve interpersonal issues directly with each other.

The Department expressly prohibits any form of discrimination, harassment and bullying at any time. This includes comments or posts on social media.

When it is not possible to solve problems directly, you have the right to express your concerns about workplace problems and issues.

You should become familiar with the different pathways for resolving workplace problems and issues.

When you raise a workplace concern, formal grievance or allegation you are responsible for:

- Recognising your role in harmonious workplace relations
- Being willing to resolve workplace problems and issues

- Ensuring you have attempted to resolve the matter with the other person
- Maintaining confidentiality

You may seek help, information, advice or guidance to assist you in making an informed decision about the most appropriate resolution pathway. Appropriate sources of information and guidance include:

- Your manager
- Policies and procedures
- The union
- The Employee Assistance Program
- Relevant HR practitioner.

The Department expressly prohibits retaliation against any employee who raises a workplace concern or formal grievance or makes an allegation of harassment, discrimination, or workplace bullying, or against those who have in any way participated in the management and resolution of workplace issues and conflict.

Deliberately submitting a workplace concern, formal grievance or allegation with false statements or for malicious, vexatious or frivolous purposes is considered serious misconduct.

## 7. Protect confidential, personal and private data and information

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We are all responsible for the effective and efficient handling of data and information created, received, or collected as part of our work.

You must only use official data, information and information management systems for work-related purposes and in accordance with NSW legislation.

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You must only disclose or use confidential data and information with appropriate approval and because you are authorised to do so by legislation.

We must all make sure that:

- Confidential data and information (in any form), including that stored on communication devices, is appropriately secured so that it cannot be accessed by unauthorised people
  - Confidential data and information, including personal and private information is only disclosed to or discussed with people, either within or outside the Department who are authorised to have access to it
  - We do not reveal personal data and information, such as home addresses or telephone numbers of other departmental employees to enquirers, even when the person claims to be a relative or friend. Instead, offer to take the enquirer's details and pass them on to the person concerned.
- Ensure decision making relating to the use of resources, facilities and equipment is reasonable, appropriately authorised and able to withstand public scrutiny
  - Treat departmental property and assets with due care and ensure they are secured against theft or misuse
  - Be economical in the use of office facilities and equipment, including the use of motor vehicles, travel and credit cards.

## 8. Observe standards of health and safety

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We all have a duty to:

- Take reasonable care for the health safety and welfare of ourselves and others when performing our work
- Co-operate with the Department to ensure compliance with all relevant health and safety laws.

## 9. Use public resources, facilities and equipment efficiently and effectively

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We all must:

- Use departmental resources efficiently and effectively for authorised purposes only

### Personal use of equipment

While the Department's resources should never be used for commercial purposes or personal financial benefit, limited personal use of the internet, landline and mobile phone, facsimile and photocopier equipment (but excluding motor vehicles) is generally permitted, provided it:

- Is infrequent and brief
- Does not conflict with your work or that of your colleagues
- Does not involve a significant cost to the Department
- Is undertaken in your own time
- Will not benefit you financially
- Is not for commercial purposes for yourself or others
- Is not for secondary employment or business.

### Motor vehicle use

Motor vehicles (including car-share services) provided by the Department are to be utilised as per the motor vehicle policy.

### Social media

The personal use of public social media sites should be kept to a minimum during work time and should not interfere with your work or be used to express personal opinions that reflect negatively on the Department or other employees at any time. Social

# CODE OF ETHICS AND CONDUCT

media should not be used to bully or harass others. Staff are not to endorse a product, service or another organisation by including reference to their employment at the Department. Remember on line comments are public comments and can be perceived to be offering an official comment for or about the Department. Examples of these sites include, but are not limited to Facebook, Twitter, My Space and YouTube.

Staff need to be aware and comply with the Department's social media policies.

## **Procurement**

The Department's purchasing practices must be of the highest standard to achieve value for money and ensure that public money is spent appropriately. The Department also needs to comply with specific mandatory state government policies and practices in relation to procurement and tendering.

We are all responsible for making ourselves familiar with the policy and procedures that apply to the type of procurement we are undertaking on behalf of the Department.

## **Intellectual property**

When creating materials we all need to ensure the intellectual property rights of others are not infringed. Any third party copyright or other rights information is to be recorded in the materials.

The copyright of material created by all of us in the course of our work belongs to the Department, even if the material was developed in our own time or at home.

You must seek permission from the head of the organisation or delegate before entering into any arrangements regarding the publication or disclosure of any research, articles, presentations or other materials produced as part of your work.

You must not use the Department's intellectual property (including copyright) for private purposes without obtaining written permission from the Division that created the material.

## **10. Acquisition and disposal of buildings and land and other high value assets**

Acquisition and disposal of buildings and land and other high value assets within the Department or within related entities reporting through departmental divisions must be beyond reproach and completely transparent. A potential conflict of interest may arise where you or someone connected to you, i.e. a 'related party', seek to:

- Purchase or lease buildings or land or high value assets from the Department or a related entity
- Sell or lease buildings or land or high value assets to the Department or a related entity.

We are therefore all prohibited from engaging in any of these transactions. People related to us are also prohibited from engaging in these restricted transactions.

Where you become aware that someone connected to you will be or has engaged in a restricted transaction, it is your responsibility to declare the situation to your manager or Chief Audit Executive.

A 'related party' is someone with whom you have a:

- Family relationship – specifically spouse, siblings, parents, grandparents, children, grandchildren and in-laws
- Business relationship other than a casual business relationship
- Fiduciary relationship (that is, a person who is entrusted to hold, control or manage your property)

- Close personal relationship, involving regular and frequent contact
- Relationship in which one person is accustomed, or obliged, to act in accordance with the directions, instructions or wishes of the other.

## 11. Seek approval before commenting publicly on the work of the Department

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Public comment refers to any activity where your personal comments will or are likely to spread to the community at large. It includes public speaking engagements, comments on radio and television, comments on social media, letters to newspapers, and expressing views in books, journals or other published or distributed works.

You must obtain approval from the Department's public affairs unit before making any comment to the media about any Department-related issue.

Before making any other work-related public comments or publishing official information, you must obtain approval from your manager.

If you are an elected or nominated spokesperson for a professional association or a union, you are entitled to make public comments in relation to departmental matters as long as it is made clear to the audience that those comments represent the views of the association or union, and not necessarily those of the Department.

If you wish to make a statement on an official matter as a private citizen you must declare this to your audience and not use your official position title. It must be made clear that the comments are made on your own behalf or those of other entities and are not made on behalf of the Department.

When making public comments you must be mindful that you do not reveal any confidential, personal or private information.

If you are required to give evidence in court, comments should be confined to factual information. You should avoid, as far as possible, expressing an opinion on NSW Government or departmental policy or practice unless required by the court to do so.

## 12. Identify and manage conflicts of interest in your political, community and personal activities

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Outside of work you have the right to participate in political and community activities and to pursue personal interests, provided that:

- Your participation does not conflict with your duty as a public employee to serve the government of the day in a politically neutral manner
- Any conflict of interest that arises is dealt with in accordance with the Code.

You may be required to cease the activity or withdraw from the area of work where the conflict of interest is occurring.

In determining what a conflict of interest is and how it should be managed, consideration will be given to the nature of the issue, the position you hold, the extent of your participation, and your public prominence.

If you are seeking to contest Federal or State elections there are specific government requirements to be followed.

## 13. Identify and manage conflicts of interest in close personal relationships at work

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The Department acknowledges that employees with a close personal relationship may be required to work together. It is also recognised that in the

# CODE OF ETHICS AND CONDUCT

workplace this could, or be seen to, compromise fair and ethical work performance and decision-making, and therefore are to be dealt with under the code.

You must declare immediately any close personal relationships to your manager in accordance with Divisional work practices and work actively with your manager to ensure that appropriate steps are taken to minimise any negative effects, (either perceived or real), of close personal relationships in the Department.

## 14. Ensure lobbyists are registered

Lobbying is the practice of influencing the decisions of Government officials and legislation by an external person, organisation or agency.

Departmental staff are not to meet or engage with lobbyists unless sanctioned by a Senior Executive.

A lobbyist is a person, body corporate, unincorporated association, partnership or firm whose business includes being contracted or engaged to represent the interests of a third party to a Government Representative.

A lobbyist does not include a professional association or trade union constituted to represent its members, a religious or charitable organisation or an entity representing a technical or professional occupation.

The NSW Government Lobbyist Code is aimed at ensuring that contact between lobbyists and Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty.

Under the Lobbyist Code, you must not permit lobbying by:

- A professional lobbyist who is not on the Register of Lobbyists

- Any employee, contractor or person engaged by a lobbyist whose name is not also in the Register
- Any lobbyist, employee, contractor or person engaged by a lobbyist who has not disclosed he/she is a lobbyist on behalf of a third party in his/her initial contact with you.

Breaches of the Lobbyist Code should be reported to the Secretary of the Department of Premier and Cabinet. The Register of Lobbyists is available on the Department of Premier and Cabinet's website.

## 15. Report your own bankruptcy and serious criminal offences

If you become bankrupt or make a composition, arrangement or assignment for the benefit of your creditors you must immediately notify the head of the organisation.

If you are charged (issued with a court attendance notice) with a serious offence or convicted of a serious offence in NSW you must notify your manager.

A serious offence is an offence punishable by imprisonment for 12 months or more. The prison term refers to the period that the offence may carry not the actual prison term that is imposed.

## 16. Report corrupt conduct, maladministration, waste and government information contravention

The DFSI Fraud and Corruption Internal Reporting Policy requires staff to report all information they become aware of that they honestly believe, on reasonable grounds, shows or tends to show, instances of:

- corrupt conduct (including fraud)
- maladministration

- serious and substantial waste of public money
- government information contravention.

The *Independent Commission Against Corruption Act 1988* (section 11) requires the Principal Officer of a public authority to report a complaint about a matter that concerns, or may concern, corrupt conduct.

The *Public Interest Disclosures Act 1994* provides certain protections against reprisals for employees who voluntarily report such matters, but not where the allegation is made vexatiously or with malicious intent.

To be protected under the *Public Interest Disclosures Act 1994* you must make the disclosure as follows:

- Internally to the person or persons nominated in departmental policy or
- Externally to any of the following agencies, depending on the nature of the disclosure:
  - a) Disclosures concerning corruption should be made to the Independent Commission Against Corruption ([www.icac.nsw.gov.au](http://www.icac.nsw.gov.au))
  - b) Disclosures concerning maladministration should be made to the Ombudsman ([www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au))
  - c) Disclosures concerning serious and substantial waste of public money should be made to the Auditor-General ([www.audit.nsw.gov.au](http://www.audit.nsw.gov.au))
  - d) Disclosures concerning government information contravention should be made to the Information Commissioner ([www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)).

Where you are unsure as to whether a matter involves corrupt conduct, maladministration, serious and substantial waste, or government information contravention, you should still report it to the nominated person or agency cited above.

Managers must ensure that all employees are informed about the Department's internal reporting procedures.

## 17. Obligations after leaving the Department

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Prior to separation – you must not use your position to obtain opportunities for future employment or allow yourself or your work to be influenced by plans for, or offers of, employment outside the Department.

Post separation – when you cease employment with the Department, you must not use or take advantage of any confidential information obtained in the course of your duties until it has become lawfully publicly available.

Interacting with former employees – you must be careful in your dealings with former employees of the Department and make sure that you do not give them, or appear to give them, favourable treatment or access to confidential, personal or private information. You are to report to your Manager any attempt by a former employee to influence or lobby you about the Department's activities.

## 18. Commencement date

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This version of the Code replaces previous versions issued. The Code was approved by the Secretary on 2 September 2015 and issued on 2 September 2015.

## Declaration template

### Code of ethics and conduct for NSW government sector employees declaration of private interests

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#### Instructions

The *Code of Ethics and Conduct for NSW government sector employees* requires a senior executive (including an acting senior executive and a designated individual) to make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior executive.

Where a senior executive has no such private interests to declare, s/he must declare a “nil return”.

After a senior executive makes an initial declaration, a fresh declaration must be made:

- As soon as practicable, following any relevant change in the senior executive’s private interests
- As soon as practicable, following the senior executive’s assignment to a new role or responsibility
- At least annually.

Senior executives must provide their declaration to:

- In a department, the Secretary
- In an executive agency related to a department, the agency head
- In a separate Public Service agency, the agency head

*Department Secretaries* must provide their declaration to the Secretary of the Department of Premier and Cabinet.

*Heads of an executive agency related to a department* must provide their declaration to the Department Secretary.

A person to whom a declaration is to be provided is responsible for ensuring:

- Senior executives complete declarations
- Handling and storage of declarations complies with the requirements of the *Privacy and Personal Information Protection Act 1998*.

This registration does not relieve you of your ongoing responsibility to:

- Disclose actual, potential or perceived conflicts of interest in writing to your manager
- Disclose actual, potential or perceived conflicts of interest as required by a particular function or at a particular time, e.g. when becoming a member of a tender evaluation committee
- Document with your manager how the conflict of interest will be managed
- Comply with the agreement for managing your conflict, or
- Err on the side of prudence in relation to dealing with conflicts of interest.

# CODE OF ETHICS AND CONDUCT

## Person making declaration

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Name	Role title
<input type="text"/>	<input type="text"/>
Department/Agency	Division / Branch
<input type="text"/>	<input type="text"/>
Location	
<input type="text"/>	

## Declaration

### I declare that:

1. I have read and understand the requirement under the *Code of Ethics and Conduct for the NSW government sector employees* (the Code) to declare any private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by me.
2. I will take prompt action to manage any actual and/or reasonably perceived conflicts of interests, as required by the Code.
3. **Option A**  (*Tick one option only*)  
Annex A lists my private interests for the purpose of this declaration. In preparing this list, I have had regard to:
  - My private financial, business, personal and other interests or relationships
  - The functions and responsibilities of my Department/agency
  - My role and responsibilities in the Department/agency.

OR

3. **Option B**  (*Tick one option only*)  
I have no such private interests to declare.

Signature

Name

Date



## **Annex A** **DECLARATION OF PRIVATE INTERESTS LIST OF INTERESTS**

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### **Instructions**

Please list any private financial, business, personal or other interests or relationships which have the potential to influence, or could be perceived to influence, decisions made or advice given by you.

The types of interests and relationships that may need to be disclosed include real estate investments or holdings; shareholdings; trusts or nominee companies; company directorships or partnerships; other significant sources of income; significant liabilities; gifts; and private business, employment, voluntary, social, family or personal relationships.

List interests here.