



## Code of Ethics and Conduct

### **How We Work**

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## Message from the Secretary

It is a privilege to work in the public service, where our work directly benefits the people of NSW. It is a particular pleasure to work in the Department of Industry, where our unifying purpose is to create the conditions for NSW to prosper. We do this by ensuring the policies of the elected government are put into practice efficiently, effectively and impartially. Our job is to convert decisions made by the government elected by the people of NSW into action.

Our work is diverse and complex—we shape policy, write and enforce the laws that define our society, drive innovation in the primary industries sector, contribute to jobs growth, drive economic activity, create a competitive business environment, increase participation in sport and recreation, promote food safety, enhance biosecurity, manage natural resources and so much more.

Our endeavours are funded by hardworking taxpayers, and they rightly have high expectations of us, including a consistent standard of service and delivery.

To ensure we meet these expectations, we have developed 'How We Work' to guide our day-to-day decisions and actions.

'How We Work' is our code of ethics and conduct. It sets out the standard of behaviour I expect of all our people, including executives, contingent workers, volunteers and consultants. It is also the behaviour I set for myself.

'How We Work' describes the requirements, core values and principles that we must collectively demonstrate. Its purpose is to articulate and embed a culture that means we will:

- maintain the trust of the public
- act ethically and in the public interest
- act in a professional and non-political way while implementing the decisions of the government
- use public resources efficiently and appropriately.

I want everyone to feel comfortable speaking up if you see things that seem inconsistent with this culture, and to know you will be supported in doing so. Sometimes this can be difficult and there are other options available, including the independent, confidential 'Speak Up' service.

In line with this, if you make a mistake or fail to do something important, I encourage you to report it to your manager as soon as you realise what has happened. It is much easier to fix problems and minimise impacts if they are identified early. If you attempt to cover these things up, it's more likely there will be repercussions for you and the department.

Everyone must meet the standards of behaviour set out in this document and I expect our managers and executives (our **people leaders**\*) to lead by example.

Please read 'How We Work' carefully. Together we can create and embrace a culture of integrity, honesty and openness, of which we can all be proud.

**Simon Draper**

*\* People Leaders are Senior Executive or anyone who manages other people in the department.*

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## How we conduct ourselves

In the Department of Industry we work to the same [ethical framework](#) and values as almost 400,000 other public sector employees. The objectives of the framework are to:

- 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 implements the decisions of the Government of the day.

The objectives are supported by the NSW government sector **core values**—integrity, trust, service and accountability. These values guide our conduct and our understanding of what is expected of us, and help us reach our potential.

## Our values

### 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.

These values are at the heart of how we work and, if applied consistently, create a great place to come to work each day. They will also help us to maintain the trust of the public. This code contains links to a wealth of internal support, assistance and subject experts who can help if you

are unsure of your responsibilities. The Public Service Commission website is another source of material on [ethics good practice](#).

## Professional standards

We all want to be part of a workplace that helps make NSW a place where people want to live and work and businesses choose to invest and grow. To do this we need to:

- perform our roles to the best of our ability and meet or exceed our commitments by:
  - complying with our conditions of employment
  - including clear deliverables and measures in our performance and development plans
  - discussing performance and seeking feedback
  - identifying and agreeing with our manager the learning and development we need
  - using the department's training and development framework and requirements to identify development opportunities and needs
- foster effective collaboration within and between teams. This means:
  - contributing to decision-making through open, honest and timely advice
  - once a decision has been made, implementing that decision to the best of our abilities
  - complying with the reasonable requests of your manager.
- take care of ourselves and our workmates. If we are adversely affected by fatigue, alcohol or other substances, we are unable to perform to the best of our ability and can place ourselves and others at risk
- behave in a way that does not damage the reputation of the department or the NSW Public Service. This includes being well presented and courteous when interacting with the public
- effectively communicate the work the department is doing and how it aligns with the government's position. For this reason it is important that:
  - only authorised staff comment publicly on the activities of the department, including having conversations with journalists or posting on social media
  - public speaking engagements are approved before commitments are given.

### Ask yourself

Making the right choices is often complex. If you're in doubt about what to do, ask yourself:

- Do I really feel comfortable with this decision?
- Is it legal?
- Would my family, friends and colleagues be proud of me?
- How would I feel if this were reported in the media?
- Would I feel confident explaining my actions to external authorities?
- Would I be happy to be treated this way?

Additional resources are available under 'Speaking up and reporting matters' on the department's intranet.

## Work, health and safety

Getting our people home safe and well is a top priority—as is public safety. We will never ask you to put yourself at risk. We can only achieve a safe workplace with your help so we ask you to:

- be aware of, and implement, the safety systems and practices that help keep you and workmates safe and well
- take action if you see a safety risk—but make sure you keep yourself safe
- report all workplace health and safety (WHS) incidents, including near misses, within 24 hours on the department's WHS incident reporting system.

We expect our people leaders to:

- lead by example and ensure they model safe work practices
- develop and implement work, health and safety plans that reduce safety risks faced by our people and the public
- take action if the practices in your team are not consistent with safe work practices
- investigate all WHS reports within 72 hours and implement any new safety measures as soon as practicable.

Find out more about our work, health and safety procedures.

## Respect and inclusion

Respect and inclusion are fundamental to a harmonious, productive workplace where people feel safe to speak up about concerns. We're committed to ensuring our workplace is a safe environment in which everyone feels they can achieve their potential. Everyone is responsible for:

- treating people with dignity and respect, and contributing to a positive and productive workplace
- making sure people feel valued and are able to fully participate in the workplace
- not discriminating against, harassing or victimising anyone on any grounds including gender identity, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment, sexuality or political or religious conviction
- preventing bullying. The department has no tolerance for bullying.
  - Bullying is behaviour that is repeated, unwelcome and unsolicited and considered offensive, intimidating, humiliating or threatening **by the recipient** or others who are witness to or affected by it.
  - Bullying does not include reasonable management practices such as performance management and disciplinary procedures, or other reasonable management directions.
- if working with children and young people under the age of 18 years, creating a workplace where they are safe and protected from sexual, physical and emotional abuse and neglect. The NSW [Ombudsman](#) has child protection responsibilities—if you become aware of any such abuse you must inform the [Director Governance](#). Other requirements (such as working with children clearances) may apply and if you are unsure you should speak with a subject expert.

### What can bullying in the workplace look like?

Examples of behaviour that could be considered bullying are:

- subjecting another person to ridicule and putting them down in front of colleagues
- using loud and abusive, threatening or derogatory language
- leaving offensive messages on email or by telephone, including offensive messages through the use of SMS and material posted online
- subjecting others to practical jokes.

From time to time issues between colleagues and inappropriate behaviour can arise at work and it is important to make an effort to calmly and constructively resolve these promptly. This is not always easy, but there are practical steps you can take to resolve issues. If you have been unable to resolve an issue you can talk to your Human Resources Business Partner or lodge a formal grievance.

People leaders set the tone for their teams and it is important that they model good behaviour. Our people leaders are responsible for:

- demonstrating and regularly discussing the standards of behaviour to make sure they are clear and well understood
- supporting staff who speak up and, where necessary, seeking help from People and Culture
- understanding the facts and making sure all parties are treated fairly. In complex and sensitive cases an independent investigation may be helpful, and assistance is available
- counselling staff if inappropriate behaviour has occurred and working to appropriately resolve issues in a way that protects the wellbeing of staff and improves the effectiveness of the team
- providing clear guidance about the standard of behaviour that is expected. If the inappropriate behaviour continues, more serious action may be required and it is important that good records are kept of these conversations
- contacting People and Culture if inappropriate behaviour cannot be resolved to the satisfaction of all parties, the potential misconduct is significant or if the behaviour has happened more than once.

## Managing complaints about the services we provide

As taxpayers we expect government to provide good services and as public servants we aim to provide high-quality, seamless services to our external stakeholders and customers. This includes those who access or are affected by the programs and services we deliver.

We offer our stakeholders and customers the option to provide us with a compliment, suggestion or complaint. We all welcome feedback, and understanding the cause of complaints gives us an opportunity to improve our services and often address issues we didn't even know were occurring.

From time to time we receive complaints that are an expression of dissatisfaction made about us, our services or our staff where a response or resolution is explicitly or implicitly expected. In handling complaints we have adopted the NSW Government's six [Complaint Handling Commitments](#).

It is better to resolve a service complaint at the frontline, preferably through discussion. If this is not possible, it is your responsibility to log the complaint in Feedback Assist as soon as possible. This is easily done through the 'Your Feedback' widget on the right-hand side of the department's [main webpage](#) and the webpages of all other NSW Government agencies. This allows us to respond to concerns raised in a consistent, timely and cost-effective way.

## Conflicts of interest

A conflict of interests occurs where your private interests make it difficult for you to perform your duties impartially in the public interest. Conflicts are common and can arise, for example, from close personal relationships at work, family relationships, social friendships or animosities, and work you do outside the department, including volunteering or any political activities.

Where you have access to information or are in a position to make decisions, give approvals or authorise expenditure that may benefit or detrimentally affect someone that you have a relationship with, there are possible conflicts of interests. This can include for example recruitment, procurement, community grants or regulatory decisions.



A conflict may be:

- *Actual conflict*: there is a direct conflict between your current duties and responsibilities and your private interests.
- *Perceived conflict*: 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 the case.
- *Potential conflict*: you have a private interest that could conflict with your official duties in the future.

Failure to properly manage conflicts can lead to claims of corruption or maladministration with possible impacts on the reputation of the department and individuals. Conflicts must be declared so they can be managed in a careful and transparent way.

There are a range of ways to handle conflicts ranging from removing yourself from the affected process to simply ensuring transparency by declaring the relationship. When considering what action to take, you should think about things like the closeness of the relationship and the significance of the benefit or detriment. Find out more about conflicts and ways of managing them.

If you believe that you may have a conflict you must:

- discuss it with either your manager or the manager of the affected activity (such as the convener of a recruitment panel or chair of a tender evaluation panel)
- declare the conflict and the proposed action to manage it on the Code of Conduct portal
- comply with the approved course of action for managing the conflict
- always place the public interest over your personal interest.

If you realise you have a conflict of interests that should have previously been declared, you should promptly make a notification. It is much easier to fix problems and minimise impacts if they are identified early.

If in doubt, protect yourself, your team and the department, and declare it.

**People leaders** are responsible for promptly considering conflict declarations from their teams and ensuring appropriate management arrangements are in place and documented.

**Senior executives**, including a person acting in a senior executive role for six months or more, must make a **private interests declaration** every year via the Code of Conduct portal. This lists the interests that could influence the decisions you make or advice you give in your role, or could be perceived to do so.

## Gifts and benefits

Receiving gifts and benefits can be perceived as inappropriate influence, a conflict of interests or even corruption. This can harm your credibility and reputation as well as the department's and for this reason you are required to report the following through the Gift and Benefits Declaration form Gift or Benefits Declaration form on the Code of Conduct portal.

- all gifts and benefits above \$50 within 10 working days of receiving them
- multiple gifts from an individual or organisation that together exceed \$50 over the preceding 12 months.

When involved in a high-risk area or activity, refuse all gifts or benefits (other than light refreshments) and inform your manager of the offer. The following areas are considered high risk:

- regulatory, for example licensing or compliance officers
- procurement and/or disposal of assets
- negotiating and/or managing contracts for public-private partnerships

- administration or approval of grants and similar funding applications
- negotiating and/or managing the delivery of products and services.

We all have a role to play protecting the department. If you are offered a gift or benefit where you believe the intention of the person making the offer is to influence the way you do your work, or where the offer could be considered a bribe, contact the [Director Governance and Information Requests](#) immediately.

Be polite in your refusal of gifts and benefits—it's a great opportunity to contribute to building public trust. Further information and examples for navigating gifts and benefits is available.

## Employment outside the department

We recognise that experience in other sectors can improve people's contribution to the department, and that more people are changing from a single, full-time job to more complex and flexible arrangements that better meet individual needs. We don't unreasonably prevent you from taking on other paid work in addition to working for the department.

However, you must get approval before accepting a second job or other paid work. This ensures that, among other things, there is no conflict of interests that cannot be managed, and that the additional work will not inappropriately impact on your work with the department, such as through fatigue. You can apply via the Code of Conduct portal.

**People Leaders** will determine applications for secondary employment in a timely way and will not unreasonably withhold approval.

## Departmental resources

The department is funded by public resources—in other words, taxpayers' money. It is vital that we use that money carefully both to maintain public trust and to maximise what we can deliver with the funding parliament has allocated to us.

We are all responsible for using resources efficiently. While individual decisions about the way we use our resources may have relatively small impacts, they all add up. You should use the same care with taxpayers' money as you would with your own. Before using departmental resources think about:

- Do I really need this?
- Is there a smarter, more efficient way of doing this?
- What is the real long-term cost of doing this—not just the upfront cost? For example, are there maintenance costs, ongoing licensing fees, or extra administration resources needed?
- Am I getting value for money?
- Have I got the right people with the right skills doing the job?
- If something goes wrong, do I have the right contracts in place so I can fix it?
- Is this consistent with the department's priorities—as opposed to just mine?

Handy hints on ways to ensure value for money are available on our finance and procurement pages.

### Appropriate use of resources

Departmental resources should only be used for departmental work purposes. These resources include things like vehicles, photocopiers and purchase cards. If you are unsure about whether an activity or expenditure is appropriate, have a conversation with your manager. For example:

- providing modest in-kind support for appropriate local community events and charities may be acceptable, with written approval from a senior executive
- brief use of the department's phones for personal calls or appropriate use of the internet during breaks is acceptable as long as it does not interfere with work, including that of the people around you
- some **hospitality** and **entertainment** may be acceptable if it generates direct benefits that contribute to the department achieving our documented strategic objectives and is approved in writing. However, paying for staff social events from the department's funds is not appropriate under any circumstance.

To ensure that we have a safe and inclusive workplace it is important that the department's **communication devices** and **tools**, including the **internet**, are not used to create, browse or download illegal, inappropriate or offensive material unless this is part of your official duties.

Departmental property should only be disposed of in accordance with the approved procedures. This includes throwing out, selling or donating property, as it may still have a financial value to the department.

## Budget

Budgets are allocated to ensure that we apply resources in a way that will deliver the department's priorities. It is important that:

- you plan what is needed to deliver your functions and participate in the budget process
- once the budget is set, you comply with your budget and budget controls including net cost of service, gross expense limit, labour expense cap and any capital authorisation expenditure limit.

Sometimes, despite the best planning, circumstances change. If you are likely to be under your budget, identify this early so the excess can be reallocated to an area that needs money immediately. If you think you may go over your budget, either reframe your project so that it is within budget or obtain approval to increase your budget:

- by a reallocation from within your division; or
- from the Chief Financial Officer (e.g. using money from elsewhere in the department).

Do not assume approval for a budget increase will be granted. You can find more information about budgets on our finance and procurement intranet pages.

## Sponsorships

A sponsorship is a commercial arrangement in which a sponsor provides money or in-kind support in return for benefits such as improved relationships, enhanced profile, or association with a program or initiative. A sponsor generally expects to receive a benefit beyond a modest acknowledgement.

We do not use sponsorship as a primary tool to conduct our business, irrespective of whether we would be receiving or granting the sponsorship. It may be appropriate if the activity directly contributes to government priorities, if it directly aligns with the department's documented strategic objectives, and does not create an inappropriate conflict.

Sponsorship proposals are evaluated in line with ICAC's [sponsorship principles](#). Further information is available at sponsorship approval delegations.

## Buying goods and services

The department routinely buys (procures) goods and services to help us conduct our business. This can range from routine office supplies to consultancies and contingent labour. It is important for both successful program delivery and our reputation that public money is spent wisely, ensuring

we get value-for-money and receive quality goods and/or services. There are a few simple rules that will help you do the right thing:

- **plan ahead:** for high value, complex, goods or services it is important to plan ahead as the procurement process can take time. Failing to plan ahead can lead to pressure to cut corners down the track. This can include, for example, splitting bills to avoid more rigorous assessment processes or signing a contract before all the details are worked. Cutting corners is likely to cause problems in the future. It may also be illegal or corrupt and could cost you your job. It's just not worth it.
- **buy the right thing:** This seems obvious but for more complex purchases it is important to be clear about things like what is required, when it's required, who is doing the work, the standard of work, and when payments are to be made. Legal Branch can help with the contract but it is your responsibility to make sure you are buying what you need, when you need it, and to have thought about the risks.
- **use the right process:** Different procurement requirements apply depending on a range of factors, such as the type of goods or service, their value, and risk profile. The requirements have been put in place to ensure probity, transparency and accountability and compliance with these requirements is essential. For some high-value procurements there are also public notice requirements .
- **understand your budget responsibilities:** You must not agree to buy something unless you have the delegation to spend that amount and you have available budget. To prevent unexpected budget issues in future years, consider any additional costs that will result from the expenditure, including additional direct recurrent costs, indirect operating costs, lifecycle and future replacement costs.
- **get help if you need it:** This can be a complex process but there are subject experts in Corporate Service Partners who can help. First stop for procurement questions is the [Strategic Procurement Group](#). Talk to them early. Legal and Finance may also be needed for complex or high risk matters.
- **make sure you get what you paid for at the agreed price:** Your responsibilities do not end when you sign the contract. It is critical that before making any payments that you check you have received what you have paid for at the agreed price. Once you have handed over the money it is much harder to rectify any problems. If there is a contract dispute that cannot be appropriately resolved contact Legal.

## Intellectual property and copyright

The department owns all intellectual property you create in the course of your work, and you are required to protect this material during and after your employment. You must also tell your manager if you develop any new intellectual property, including software, trademarks, inventions and publications.

The department's Crown copyright may only be licensed or otherwise used by a third party with the relevant approval. You should contact Communication & Engagement Branch for help with requirements on the use of NSW Government logos. Other intellectual property, including designs, plant varieties, patents and inventions, may only be licensed or used by a third party with the relevant approval. It is also important that we respect and comply with others' intellectual property rights.

## Managing information

The government promotes the use of information to improve its services and benefit the people of NSW. We are responsible for managing information held by the department, which includes protecting it and making it publicly available under different circumstances. This section provides you an overview of the steps you need to follow.

## Records management

As public servants we are literally writing the history and heritage of New South Wales as we do our work. Our decisions can have huge consequences on the whole state and we need to be able to show how they were arrived at them. We do this by capturing and managing records in accordance with the department's records management procedures.

Records may be held in information systems or they may be in paper or other physical form. Either way, we all need to contribute to protecting records and information held in any information system, device, workplace or storage area used by the department. For example, you should lock your computer if you are leaving it unattended, maintain your own password security and never use other people's passwords.

Records are to be kept in an approved business system for managing records. Examples include CM9, CLID, CIRaM, MyHQ, Nautilus, eCabinet, GOView and Prime. The more significant the decision, meeting or action, the more detailed records should be, including emails, draft and final versions of documents developed on collaborative platforms (such as Google Docs) or elsewhere, meeting minutes and notes of instructions given verbally or via text message.

Physical records are to be stored in a way that protects their integrity and have their location recorded in CM9. This is important to enable records to be retrieved when required.

If you are handling classified information, contact Digital Solutions Group for advice on how to follow the correct records procedures. This type of information must not be created, stored, processed or transmitted within or from the department's information communications and technology (ICT) systems.

The same restrictions do not apply to sensitive information, but you are required to apply the relevant [NSW Government rules](#) for labelling and handling it.

You **must not destroy records** unless you're specifically authorised to do so. Learn more about creating records, archiving and destroying records and using CM9.

People leaders are responsible for ensuring:

- staff use an approved records system appropriately
- staff have access to the records they require to perform their role
- 'vital records' related to their area of responsibility are identified and logged. Vital records are documents that are essential for the ongoing effective functioning of the department. They may include significant long-term agreements, delegations and undertakings to courts or oversight bodies such as ICAC or the NSW Ombudsman.

## Confidentiality and privacy

We collect a wide range of business and personal information while carrying out our functions. The public expects us to handle their information carefully in much the same way as you expect your medical information to be kept private. This means we must have effective safeguards in place to prevent unauthorised or inappropriate use, access and disclosure of that information.

Breaching confidentiality can seriously harm public trust in us and make it harder to obtain information we need to do our jobs. In relation to business information, breaches of confidentiality may result in claims for damages. In relation to individuals, breaches of privacy in disclosing the personal or health information may be offences under the *Privacy and Personal Information Protection Act 1998* (PIPP Act) and *Health Records and Information Privacy Act 2002*.

You should not disclose or make known to anybody else business or personal information that is not already publicly available, unless this has been approved for release. However, where it is reasonably necessary to advise a complainant of the progress or outcome of a complaint, the PPIP Act (s24) allows for the limited disclosure of some personal information.

More information on confidentiality and privacy is available, but the following are the essential basics:

- Only release information if you are authorised to do so or have approval
- Only use information you have access to for departmental work purposes
- Ensure confidential and personal information is handled in a way that prevents unauthorised access or release. For example:
  - Build in privacy considerations during the design phase of initiatives. For example, state at the outset whether the department will publish submissions it invites on a public consultation paper
  - Confidential information includes Cabinet submissions and associated documentation, and these are provided to staff on a need to know basis. More information is available from the department's Cabinet Liaison Officer.
- Only collect personal information if it's necessary for a lawful purpose directly related to the department's functions
- Report breaches of confidentiality or privacy to the Director Governance and Information Requests immediately.

## Requests for information held by the department

The department receives requests to release information in a number of different ways. All formal legal notices should be referred to the Director Governance and Information Requests as soon as possible. This includes application under the *Government Information (Public Access) Act 2009* (GIPA), Parliamentary Standing Order 52 notices, and subpoenas.

If you are asked to help with an information request, it is important that you make rigorous searches for all records relevant to the request. Please do this in the required timeframes, ensure all documents within scope are assessed and a thorough response is provided. It also provides a complete record if that response is subject to external scrutiny and comment, for example by Parliament, the NSW Civil and Administrative Tribunal or the Information and Privacy Commission.

People leaders are responsible for:

- certifying that appropriate searches are undertaken and documented
- providing the Information Requests team with information about the documents that may be relevant to whether or not they are released
- advising the minister's office of the potential release of the documents
- providing documents to the Information Requests team in the required timeframes.

We also often receive informal requests for information about issues that affect or interest people. The department supports transparency but it is important to ensure that sensitive information (such as personal information, Cabinet documents or commercial information) is not inappropriately released. Advice to help you manage information requests is available on our intranet.

When we create or receive documents and records, we need to consider whether they will be released to the public. In particular, this includes policy and procedures that describe the way the department makes decisions and delivers services. Wherever possible, documents originating from within the department should be written in the expectation they may be released in some form at some stage.

## Stakeholder engagement

Stakeholder engagement allows the people of NSW to contribute to government decisions and helps us develop and implement good policy. Approved engagement activities provide an opportunity to deliver better public policy. They can also help us identify opportunities to improve service delivery and customer satisfaction.

When we engage with our stakeholders, we should seek to avoid any perception of bias for or against particular stakeholder groups.

Engagement activities should be tailored to help get the best input from the stakeholders, and arrangements should be documented and have appropriate approval.

## Governance, risk and compliance

As public servants we perform important functions that can significantly affect members of the community. For example we can:

- confer benefits that are not available to everyone (e.g. liquor licences or economic development funding grants)—we can also withhold those benefits
- grant access to limited public resources such as fisheries, water resources and Crown land
- exercise enforcement powers that impact on people's personal and property rights.

This places us in a position of great trust and carries with it significant responsibilities to carry out those functions in line with the public sector values.

It is important both that we do the right thing and are seen to be doing the right thing. Behaving in a way that causes the community to lose trust in us will make our job harder and less satisfying. It may also lead to intervention by the NSW Ombudsman, ICAC or the Auditor General. Those oversight bodies can trigger inquiries that are difficult, time consuming, stressful and may have serious reputational impacts on the department and individuals within the department.

You should speak up when you see a non-compliance or a risk. Speaking up is an important tool to improve our business—it should not be viewed as a criticism.

## Complying with legislation and policy

Complying with the law and government policy is the right thing to do. The department wants to make it easy for you to do the right thing and we want everyone to embrace a culture where there is no tolerance for wilful or reckless breaches of the law, policies or procedures. However, we also recognise that we operate in a complex legal, policy and process environment where it is not possible for any individual to be an expert in all government requirements.

Subject experts have a critical role to play in making available information to ensure we can all do our jobs in a legally compliant way. Subject experts will help you to stay up to date as they are responsible for making sure that any changes to requirements are reflected in our policies, our procedures and any information developed for staff and the community. Subject experts should ensure that guidance material:

- has been approved at an appropriate level
- is concise, customer-focussed, in plain English and accurate
- has been prepared in consultation and collaboration with related content owners and updated to reflect feedback from users
- has been communicated to those in the department most affected by the change
- remains accessible and updated as required.

Subject experts exist both in operational areas (such as liquor, gaming, training services, water, Crown land, fisheries, biosecurity and food safety) as well administrative and support areas (such as procurement, recruitment, expenditure and records management). **You** may be a subject expert. It is important you understand who subject experts are, how they can help and, if you are one, your responsibilities.

### Who is responsible for compliance including their delegated powers?

- It is everyone's responsibility to do the right thing and comply with our legal and policy responsibilities. If you are not sure about an issue, ask your manager or a subject expert.

- People leaders have an important role to play ensuring their teams are made aware of legal, policy and budget responsibilities including their delegated powers.

## What happens if there is a breach?

Breaches can indicate where further guidance or training may be beneficial or that policies or procedures need clarification. Subject experts are responsible for tracking breaches in their area of responsibility and escalating significant or systemic problems so that action can be taken.

You should speak up if there has been a breach. It is often easier to resolve issues earlier rather than later.

## Risk management

Everyone manages risks in their day to day life such as crossing the road (is that a car coming?), travelling overseas (do I need vaccinations?), buying a house (what if my income decreases?) or planning a wedding (who should sit at the table with Uncle Joe?). Risk management is the process of anticipating future events that could impact on the department and taking action to either reduce the likelihood of the risk occurring or reduce the consequences if the risk does occur. Risk management is relevant to all parts of the department from work health and safety to project delivery to budget planning to facilities management.

There are a few key concepts:

- **What is the risk?** What are your objectives and what could affect your ability to deliver? Generally risks are thought of as negative but they can also be opportunities that you might miss.
- **Understand the risk:** How serious is the risk? What can be done to reduce its consequence or likelihood? What controls are already in place? Are they working or is there more that we can do?
- **Act to reduce the risk:** Appropriate action will depend on a range of factors such as the severity of the risk, the cost of taking action, the controls that are already in place and the tolerance for a particular outcome occurring.
- **Monitor and record the risk and controls:** Even if you think a risk is under control you should monitor it. It is possible that the controls may not be as effective as you thought, government policy or community expectations may change in a way that makes us more sensitive to a particular type of risk, or our knowledge of the risk consequences may change.
- **Collaborate and communicate:** Who needs to know about the risk? Who may need to help you implement appropriate risk controls? How urgently do I need to act? The answers to all these questions depend on the type and severity of the risk.

While the concepts are simple its application can be more complex. To ensure risks are handled and reported consistently the department has a risk management framework which we are all required to implement. Find out more about risk management in the department.

Everyone is responsible for identifying and acting on risks. Frontline staff are the people most likely to see operational risks early and the department needs your help to capture these. People leaders are responsible for:

- ensuring your team feel empowered to raise and discuss potential risks
- ensuring their team is aware of the risks and controls in place
- identifying emerging risks or changes that require existing risks or their controls to be reframed or re-evaluated.
- recording new risks, reframing risks where necessary and monitoring controls to ensure they are being implemented and are effective



- encouraging their team to raise risks and issues.

### Example: Risks of long distance driving in regional areas

**Risk 1:** You don't reach your destination because you run out of fuel or vehicle breaks down  
The likelihood of this occurring can be reduced by keeping an eye on your fuel gauge and ensuring your vehicle is maintained properly. The consequences can be reduced by having a charged mobile phone (if there is coverage) and letting someone know your route and anticipated arrival time.

**Risk 2:** You injure yourself or damage a vehicle by hitting a kangaroo  
The likelihood of this occurring can be reduced by not driving at dawn or dusk or reducing your speed at those times. The consequences can be reduced by travelling in an appropriate vehicle.

**Risk 3:** Fatigue leads to a crash

The likelihood of this occurring can be reduced by ensuring you have appropriate breaks or ensuring that you do not start a long drive if you are already tired. The potential consequences are high and the department has no tolerance for high WHS risk and therefore the focus is prevention.

Risks and issues can also be identified through external reviews. Where an external review (such as an audit, inquiry or investigation) takes place, we must consider its insights and recommendations and respond appropriately. When problems occur down the track, the reputational impact on the department is greater if people knew about the problems and did not act on them. The department does not need to accept all the recommendations, but a senior executive needs to make a decision about the required action and this action needs to be carried out in a timely way.

People leaders are expected to:

- record the anticipated delivery date of the review
- ensure there is a formal response to the recommendations within 30 days or as approved by the Secretary
- ensure required actions are logged in the corporate risk system.

## Fraud, corruption and maladministration

The department has no tolerance for fraud, corrupt behaviour or maladministration. You must report all **reasonably suspected** instances of such misconduct immediately, as set out in Speaking up.

Different parts of the department may have specific fraud and corruption controls, depending on the nature of the functions and the level of risk. You need to make sure you're aware of, and comply with, any fraud and corruption controls that apply to your area.

If you are contacted by the ICAC or NSW Ombudsman, you should refer this to the Director Governance and Information Requests or the General Counsel and Chief Risk Officer.

**Senior executives** are responsible for ensuring that fraud and corruption risks are regularly reviewed in their area of responsibility. In medium and high risk areas, such as procurement, funding and grant delivery, payroll, systems administration and regulatory agencies, they must document the controls in place to manage fraud and corruption risk and ensure these controls are kept up to date.

**Fraud** can include simple things like paying for personal items with your purchase card to lying about how many hours you have worked on your timesheets and using work resources for personal purposes.

Examples of **corruption** include theft, bribery, selling confidential departmental information, manipulating recruitment decisions or accepting a gift in exchange for issuing a permit.

**Maladministration** includes acting without authority—for example, approving a purchase beyond your approved dollar limit. Another example is where rules or procedures that are intended to guide decision-making on granting licences have not been applied correctly.

You can find more information and guidance on the investigations intranet page.

## Criminal offences

If you are charged with, or convicted of, an offence punishable by imprisonment for 12 months or more, you are required to notify the Secretary, even if the offence was committed in your private capacity. If a less serious criminal charge is brought against you, you should raise this with your manager if it may affect how you do your job.

## Speaking up and reporting matters

We can only resolve problems and put improvements in place if people speak up.

It is therefore critical that leaders support people who speak up by listening and providing feedback on the actions they have taken and the reasons for these actions. Speaking up is also more likely to be effective if it takes place early and in a constructive, courteous way.

### Speaking up—practical tips

There are a number of reasons why people don't speak up. Simple tips for overcoming those reasons are listed below. A toolkit on how to promote a speak-up culture is available.

- “I raised it before and no-one did anything, so what's the point?” Make sure you listen to your team, let them know what you are going to do and then do it.
- “That's just the way it's always been done around here.” This is never a good enough reason for anything.
- “I'm junior so why would anyone listen to me?” Good ideas can come from all levels and a good leader listens to everyone in their team.
- “I'm new so why would anyone listen to me?” When you are new you can see with fresh eyes problems that people have grown used to.
- “I'm scared I might be judged and that it might limit my career.” There are no stupid questions. If you don't understand a decision, it's your leader's responsibility to explain it.

Sometimes speaking up can be difficult, and discussions at the local level are not always effective or appropriate. If you are concerned about raising a matter at a local level or previous attempts to resolve it at that level have not been effective, you can:

- talk to your human resources business advisor or the governance team about strategies for more effectively raising issues
- talk to a trusted colleague about your concerns and how to raise them
- contact Ethi-call, the free, confidential ethics counselling helpline
- anonymously contact the ‘Speak Up’ Service—this hotline is supported by KPMG and allows staff or members of the public to lodge reports about suspected fraud and other serious misconduct
- lodge a public interest disclosure to get protection under the *Public Interest Disclosure Act 1994*
- contact the NSW Ombudsman, Independent Commission Against Corruption (ICAC), Audit Office of NSW or the Information and Privacy Commission, depending on the nature of the concern.

All staff must:

- report WHS incidents through our system within 24 hours
- report any suspected corrupt conduct, maladministration, or fraud to the Director Governance and Information Requests or through one of the above pathways
- advise the Secretary if you've been charged with, or convicted of, a serious criminal offence, which is an offence punishable by imprisonment for 12 months or more, or you become bankrupt or similar. If in doubt about what you need to report you should contact People and Culture (Industrial Relations).

People leaders are responsible for:

- supporting their team members in raising concerns and providing constructive guidance
- acting if they see behaviours in their team that do not support people speaking up
- ensuring that they and their team are aware of their responsibilities under the *Public Interest Disclosures Act 1994*
- reporting all breaches or potential breaches of the law to the general counsel
- reporting all breaches of policy to the relevant subject expert
- reporting unresolved or repeat misconduct, including bullying, harassment or discrimination, to People and Culture
- recording new or changing risks and unresolved issues.

Further information about how to report an issue.

## Breach of How We Work

How We Work sets out the ethical and behavioural standards you are expected to demonstrate while working for the department. If you fail to meet those standards, corrective action will be taken in accordance with the *Government Sector Employment Act 2013*.

If there is a finding of misconduct, the action taken will depend on the circumstances but may include caution or reprimand, assignment to another role, a fine, reduction in grade or termination of employment.

## Computer and other workplace surveillance

The department undertakes continuous and ongoing surveillance of workplace systems and equipment in accordance with the *Workplace Surveillance Act 2005*. This may include reviewing departmental email accounts, electronic files and internet usage on work computers and mobile devices such as tablets and smartphones. As the department's vehicle telematics system has a location and usage reporting capability it is also a form of workplace surveillance.

The department uses this surveillance information to:

- ensure staff comply with this code of ethics and conduct
- identify conduct that may be illegal or adversely affect the department or staff
- support safe workplaces, identify at-risk behaviour and simplify reporting requirements
- identify inappropriate or excessive personal use
- protect the department's people, assets, property and finances.

Closed-circuit television (CCTV) is also in use in some of the department's workplaces and is one of the measures for providing safety at work.

## Which parts of the Code apply to me?

This code applies in its entirety to all employees of the department with specific obligations for people leaders and executives as well.

Except for those aspects that only apply to employees, this code also applies to volunteers, contingent workers, independent contractors and consultants engaged by the department on a fee-for-service basis, and members of advisory boards and committees administered by the department. For example, performance and development plans only apply to employees.

For all types of boards and committees with at least one member external to government, the [NSW Government Boards and Committees Guidelines](#) apply. These have been developed to promote accountability and integrity in the operations of boards and committees. However, this code applies to boards and committees made up entirely of departmental employees.

## How to contact our subject experts

*TIP: use Ctrl+F to search for key terms.*

Including whole-of-government and operations experts.

Topic	Subject expert
Awards and employment conditions	People and Culture
Boards and committees	Secretariat for the board or committee  General governance guidance: Governance and Information Request
Bullying	People and Culture
Cabinet processes	Cabinet Liaison Officer
Child protection—working with children requirements	People and Culture
Classified information processes	Digital Solutions Group
Code of ethics and conduct	Director Governance and Information Requests
Communication devices	Digital Solutions Group

<b>Topic</b>	<b>Subject expert</b>
Conflicts of interests	Director Governance and Information Requests
Copyright	Communication and Engagement
Discrimination	People and Culture
Employee Assistance Program (EAP)	Converge International (Confidential service provider)
Employment conditions including industrial awards	People and Culture
Fraud	Director Governance and Information Requests
Gifts and benefits	Director Governance and Information Requests
Government advertising	Communication and Engagement
Grievances	People and Culture
Hospitality and entertainment	Director Governance and Information Requests
ICAC/NSW Ombudsman	Director Governance and Information Requests
Inclusion and diversity	People and Culture
Information requests (e.g. GIPA, subpoenas)	Director Governance and Information Requests
Induction	Your manager, and, People and Culture
Information security and information systems	Digital Solutions Group

<b>Topic</b>	<b>Subject expert</b>
Intellectual property	Legal Services Branch
Interpersonal conflicts	Your manager, and People and Culture
Lobbyists—engaging with	Communication and Engagement
Logos—use of government logos	Communication and Engagement
Manager Assist Program	Converge International (confidential service provider)
Media—contact with	Communication and Engagement
Members of Parliament—communication protocols	Ministerial Liaison Office
Misconduct (also see unsatisfactory staff performance)	People and Culture
Operational policy and procedures	Executive director with primary responsibility for that function
PCards (purchase cards)	CSP Corporate Operations
Performance review and development scheme	People and Culture
Political involvement, such as public service rules if you wish to contest an election	General counsel
Private or secondary employment	Director Governance and Information Requests
Private interests declarations	Chief Risk Officer
Privacy including privacy complaints	Director Governance and Information Requests
Procurement	Strategic Procurement Group

<b>Topic</b>	<b>Subject expert</b>
Public interest disclosures	Director Governance and Information Requests
Public comment	Communication and Engagement
Public speaking engagements	Communication and Engagement
Publishing	Communication and Engagement
Records management	Digital Solutions Group
Recruitment	People and Culture
Risk management	Director Risk
Sensitive information processes	Digital Solutions Group
Service-related complaints from external customers	Director Governance and Information Requests
Social media use	Communication and Engagement
Sponsorships	Communication and Engagement
Stakeholder and community engagement	Communication and engagement
Unsatisfactory staff performance (also see Misconduct)	People and Culture
Workplace health and safety (WHS)	People and Culture