



Department of State and  
Regional Development

# Code of Conduct and Ethics

## A framework for the Department of State and Regional Development

April 2007

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## Document Control

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## Document Approval

APPROVED	Senior Manager, Performance and Governance	DATE: June 2007
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## Acceptance and Release Notice

This Code of Conduct and Ethics is a managed document. The version control identifies the current version of the Code of Conduct and Ethics and the person or position to whom copies are issued. Changes will be issued as a complete replacement document covered by a release notice.

## Document History

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## Introduction

This Code of Conduct and Ethics has been developed to help you understand expected standards of conduct and behaviour, and decide how to deal with ethical problems you may encounter as a Departmental employee.

Our effectiveness relies on having staff committed to the highest standards of professionalism and integrity, and who embrace and exhibit values which the Department upholds.

These values include:

- integrity, through honesty, consistency and fairness
- equity and social justice
- respect for the diversity of our multicultural base
- achievement, through diligence, industry consultation and creative thought
- accountable, efficient and effective professional service provision.

This Code of Conduct has been developed to make clear how these values translate into behaviour. The Code applies to every individual engaged by the Department either as a permanent officer, under an employment contract, term appointment (including secondment), or temporary arrangement. Consultants and contractors engaged on a fee-for-service basis are required to commit to adhering to the principles embodied in this Code.

Staff commencing with the Department of State and Regional Development are required to sign the Staff Declaration form to acknowledge that they have read and understood the contents of this Code of Conduct and Ethics as a condition of employment (see Attachment 1).

We recognise that it is not possible to provide detailed guidance on how to deal with every situation which might arise where there are ethical conflicts. For this reason, this Code should be used as a source of practical guidance when making decisions about ethical issues. Comments and suggestions to improve the Code can be forwarded through your supervisor or manager.

Barry Buffier  
Director General

# 1. Personal and professional behaviour

What is expected of me?

You must always:

- do your work conscientiously, honestly and fairly and keep up-to-date with advances in your areas of responsibility
- be honest, reasonable, fair and sensitive in your dealings with members of the public and other staff
- give accurate and impartial advice to the Government and implement its policies conscientiously
- follow relevant legislative, industrial and administrative requirements
- adhere to the Equal Employment Opportunity principles and the Ethnic Affairs Priorities Statement
- adhere to the Department's values
- ensure gifts and benefits are recorded in the Gifts and Benefits Register as appropriate.

## Managers' code of behaviour

The behaviour of the Department's managers must contribute to a productive and harmonious work environment in the office.

The Department expects its managers to respect the dignity of other staff members by treating them with honesty and courtesy, and to respect their rights.

In particular managers must:

- act as positive role models
- promote ethical conduct, fairness and equity in the workplace
- value and manage staff by treating them with respect, honesty, fairness and courtesy, respecting their rights
- maintain and develop employees' knowledge of the Department, its purpose and plans
- develop comprehensive and realistic goal achievements with staff, monitoring progress and agreements and ensuring that performance problems are highlighted and dealt with as they arise
- encourage and value innovation by supporting and participating in the Department's commitment to continuous improvement
- ensure equal access to training
- develop and foster a learning ethic within their area of responsibility by encouraging learning from projects, offering development to staff and actively planning their own development
- manage resources in an economical and efficient manner
- ensure that the work environment is safe
- value and encourage diversity and creativity
- ensure that personal information of clients and staff is protected
- comply with relevant legislation, industrial policy and administrative requirements of the Department
- promote and encourage staff to exercise similar qualities of personal and professional behaviour to those outlined above, and
- in the case of SES officers, observe the Code of Conduct and Ethics specifically for Senior Executive Services, the contents with which they should be fully conversant
- in the case of SES officers, ensure a Gifts and Benefits Register is maintained and observed for their division.

## 2. Guide to ethical decision-making

Five questions you should consider when making decisions:

- Is the decision or conduct legal and consistent with government policy?
- Is the decision or conduct in line with the Department's strategic imperatives and code of conduct?
- What will the consequences be for me, my colleagues, the Department and others?
- Do these outcomes raise a conflict of interest or lead to a personal gain to which I am otherwise not entitled?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny? *For example*, it would be unethical to use privileged information to determine procurement of shares (insider trading).

You may find it useful to refer to or consider the above points, either by yourself or in consultation with others such as peers, your supervisor or manager. By doing this you will help foster a climate of ethical awareness, conduct and decision-making in the Department.

Refer to the Department's Fraud and Corruption Prevention Policy and Conflicts of Interest Policy for further guidance.

## 3. Conflicts of interest

How can I avoid a conflict of interest?

You must ensure that your interests, or those of people close to you, do not conflict with the proper performance of your job. A conflict of interest would exist when any one or more of these circumstances arise:

- you have a financial interest in a matter the Department deals with, or you have friends or relatives with such an interest that you are aware of. For example, owning shares in a company where you are responsible for determining the payment of a grant or subsidy
- you have a personal, philosophical, religious, moral or political belief or attitude that could influence, or be seen to influence, the impartiality of the advice you give
- you accept secondary employment that may, or may appear to, compromise your integrity and that of the Department
- you are a member of a recruitment panel where you have a relationship with one of the applicants for the position
- assessing tenders/suppliers you realise you have a relationship with one of the people making a submission
- you are a member of an external Board of an organisation which is seeking a grant from the Department or is an entrant in an industry awards program the Department is sponsoring or judging.

It is your responsibility to avoid conflicts that could compromise the impartial performance of your job, and to disclose potential, actual or perceived conflicts of interest to your supervisor or manager. You can complete the Declaration Form attached to the Conflicts of Interest policy. Executive Directors/Directors must also actively resolve any conflicts of interest (perceived or actual) that occur in the workplace.

Refer to the Conflicts of Interest Policy and Protected Disclosures Policy and Procedures for the Declaration Form and for further information.

## 4. Gifts and Benefits

Can I accept gifts or benefits?

Acceptance of a gift or benefit can create a sense of obligation that may compromise honesty and impartiality. This may also affect the public perception of the integrity and independence of the Department and its employees.

Types of gift giving in the public sector can be categorised as:

- *gifts of influence*: intended to ingratiate the giver with the recipient for favourable treatment in the future (for example, an incentive gift from a supplier, discounted or free of charge travel services)
- *gifts of gratitude*: offered to an individual or agency in appreciation of specific tasks and for exemplary performance of duties, for example a modest bottle of wine or chocolates
- *token gifts*: offered in business situations to an agency or public official representing an agency, for example, pens, calendars, folders
- *ceremonial gifts*: official gifts that are offered from one agency to another.

The following principles apply in accepting gifts or benefits:

- you must not expect or ask for gifts or benefits
- you cannot accept a gift unless it is given in gratitude or as a token, and then only where refusal would be unreasonable and unnecessarily offensive, for example, when travelling overseas or hosting overseas delegations. If you are not sure about the intent of the gift, discuss the matter with your supervisor
- you must record details of all gifts or benefits in the Gifts and Benefits Register and your Manager/Executive Director will decide the course of action regarding the disposal or display of the gift
- you should avoid all situations which create the appearance that the person offering the gift or benefit might expect it to influence the way you do your job
- you should ensure that your family and relatives do not receive benefits which could give the appearance of an indirect attempt to secure influence or favour.

Further guidance on managing gifts and benefits in the Department is available under the Gifts and Benefits Policy in the Corporate Handbook on the Intranet. The publication, *Gifts, benefits or just plain bribes? Guidelines for public sector agencies and officials*, can also be accessed on the Independent Commission Against Corruption (ICAC) web site at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

### Hospitality and entertainment

Because the Department is in the business of developing relationships with business/industry partners, it is recognised that staff have the opportunity to generate hospitality on behalf of the Department, and to attend functions organised by business/industry.

The following principles have been developed to guide your decision-making in this area:

- attendance at functions should be clearly related to your work and have clearly defined and beneficial outcomes for the Department
- working morning or afternoon teas, and working lunches, which incur expenditure for the Department, should be infrequent and of reasonable expense
- attendance at functions should not be abused, in terms of the time taken away from the workplace and in the level of hospitality accepted
- Christmas functions that are organised by and for the attendance of staff will not be funded by the Department

- tickets to sporting or cultural events should generally be accepted where a staff member is accompanying business clients or, otherwise, where permission has been given by your Executive Director.

### Can my partner attend an event with me?

It is expected that work-related functions are attended only by staff. Partners of Board members and staff may, in certain circumstances, be invited to attend a work-related function at the Department's expense. This is subject to the written approval of the Director General or the Executive Directors where relevant.

These occasions should meet the following criteria:

- functions on weekends, where significant corporate partners are being entertained and who will be bringing their partners
- significant corporate events sponsored or organised by the Department where guests accompanied by their partners will be attending as guests of the Department.

If there is any doubt about whether or not you and your partner should attend a particular function, you should consult your supervisor/manager.

## 5. Public comment

### Do I have the right to make public comment?

Public comment includes public speaking engagements, comments on radio and television or to a journalist, views expressed in letters to newspapers or in books, journals and notices where it might be expected that the publication or circulation of the comment will spread to the community at large. Comments made in email messages may also be interpreted as public comment.

The official spokespersons for the Department are the Premier of NSW and portfolio Ministers. In some circumstances the Director General speaks on behalf of the Department and the General Manager Tourism NSW for Tourism NSW.

You cannot initiate contact with the media unless authorised by the Communications Unit of the Department or, on tourism matters, the designated Media Manager in Tourism NSW, or the relevant Minister's office. Where Ministerial permission has been granted you must advise the Communications Unit or relevant Media Manager in Tourism NSW prior to speaking with the media.

You must direct any media enquiries to the Communications Unit or on specific tourism matters to the designated Media Manager at Tourism NSW. You must not attempt to respond to the enquiry (even if "off the record"), under any circumstances.

Outside your work, you have a right to comment publicly on political and social issues, provided you make it clear you are not making an official comment on behalf of the Department or NSW Public Service and that you are only commenting as a private citizen.

### Can I accept speaking engagements?

You may accept speaking engagements with professional, educational and community groups relating to the Department's activities provided you have the approval of your Executive Director. When a speaking engagement forms part of a commercial undertaking (that is, participants pay to attend) there may be a need to negotiate a fee. This should be discussed with your supervisor. All speaking engagements should have a public sector orientation or relate to the Department's corporate objectives.

Any fees received for speaking or public engagements must be paid into an appropriate Department account. Speaking fees cannot be retained by individual staff members. A non-cash benefit should be treated as a gift or benefit (refer to section 4 of this code).

Further details can be found in Premiers Department Circular 2005-40.

## 6. Official and confidential information

How should I handle official and confidential information?

During your work you will have access to commercially confidential and/or sensitive information which could relate to clients, the NSW Government, or your co-workers and former co-workers. You must ensure the integrity and security of information and documents for which you are responsible.

Some simple rules apply:

- you may not use confidential information for any unofficial purpose outside the Department
- you may use confidential or official information only in a manner that will be consistent with your obligation to act impartially
- you must exercise caution and sound judgement in discussing sensitive information with other Departmental staff. It should normally be confined to those who require access to that information in order to do their jobs, or those who can by reason of their experience, provide useful assistance
- you may not use information gained in your professional capacity for personal gain
- you may disclose information that is normally available to members of the public or if you are satisfied the request is legitimate and you have appropriate authority to release it
- you must not improperly collect, use or disclose the personal information of individuals, be they clients or staff
- information gained in the course of your work must not be used to cause harm or detriment to the Department or any person or body
- requests for written referee reports should be referred to the Human Resources unit. Verbal references should only be provided if the candidate involved has asked you to do so on their behalf. Take care to avoid making statements that could be regarded as malicious. If you are uncertain, speak to the Human Resources unit.
- Departmental documents, including Cabinet and other in-confidence documents, emails and electronic information, must be properly and safely secured at all times
- you must ensure that you document all your activities into the Department's official record-keeping systems
- you must not remove official information from the Department's premises unless required for work purposes
- you must treat email as carefully as hard copy information

Misuse of official information or documents includes:

- speculation in shares, commodities, or property on the basis of confidential information about the affairs of a business or of proposed Government actions
- seeking to take advantage of another person, for personal reasons, on the basis of information held in official records
- disclosing sensitive information to members of the public, clients, lobby groups, other public servants or other Government organisations without proper authority
- providing or trading confidential information for use by private investigators, banks and credit agencies.

It is your responsibility to maintain the Department's reputation for integrity and credibility with managing official and confidential information. These requirements apply to any information you obtain during the course of your employment after you leave the Department. If you are uncertain about the status of information you receive, ask your supervisor/Director/Executive Director.

Refer to the policy on Labelling and Handling of Confidential Documents for more information.

### Intellectual property

Intellectual property includes rights relating to scientific discoveries, industrial designs, trademarks, service marks, commercial names and designations, inventions and activity in the industrial, scientific, literary or artistic fields.

The Department is the owner of intellectual property created by you in the course of your work unless a specific agreement with the Director General has been made to the contrary. You may not sell or give away intellectual property created during the course of your employment.

## 7. Use of official facilities and equipment

### Can I use the Department's property for private purposes?

You are expected to be efficient and economical in your use and management of public resources, including your own work time. You should be scrupulous in your use of the Department's property and services.

You can only use the Department's facilities and equipment for private purposes if you have been given official permission by your Executive Director. This may include, for example, limited use of facsimile equipment that does not disrupt your work.

You may use the telephone for private calls, if they are short, infrequent and do not disrupt your work.

Executive Directors/Directors may approve the use of facilities, such as meeting rooms and equipment, by non-profit professional and community organisations in which employees are volunteers as long as there is no significant cost to the Department and the security of Departmental offices and information is maintained. The employees involved must be made aware of their responsibility to protect the security of the Department's offices.

Refer to Protocol for Acceptable use of Communication Devices and Systems for more information.

## 8. Secondary employment

### Can I engage in outside employment?

You may engage in paid employment or business activities (either as an employee, principal or business owner) outside the Department only if you meet certain conditions and have approval to do so.

You must obtain a recommendation from your Manager and from your Executive Director if you wish to take a second job, undertake a business activity or significantly vary an existing approval. Your application will then be sent to the Executive Director, Policy and Resources for written approval.

Your application will only be approved if the work:

- does not arise from or interfere with your work at the Department
- will not cause a conflict of interest with your official duties
- does not compromise the values and ethics of the Department
- will be done outside working hours
- will not involve information or any resources obtained from the Department.

Your responsibilities to the Department must always come first.

## 9. Political participation

Can I be a member of a political party?

You can participate in party political activities provided you do so in a private capacity and do not allow a conflict of interest to arise.

If you do participate in any political activity you must ensure that:

- any comment or discussion does not cast doubt on your ability or willingness to implement Government and the Department's policies and guidelines objectively
- private political activities are not carried out in the work environment
- the Department's resources are not used to assist in your personal political activities
- any information obtained through your work at the Department is not used to assist political activities, or make such information known to any other person connected with these activities
- the position of the Department is not misrepresented on any issue.

Also, you may not post any notices on Departmental noticeboards that suggest support or encouragement of a particular political viewpoint on a matter in the public domain.

## 10. Dress

The standard of dress and grooming adopted by you is important in promoting the professionalism of the Department. Generally, you are required to be well-groomed and dressed neatly in business attire.

The appropriate style of dress will also be dependent on such matters as level of contact with senior members of business, members of the public and/or visitors to the Department's premises. In the case of meetings held on the premises other than the Department's, site visits, or visits into the community, your style of dress should be appropriate to the particular situation.

From time to time a specific situation will indicate that clothes other than that reasonably considered as business attire will be appropriate. If you have specific clothing needs due to medical or other requirements, you should discuss this matter with your manager. The Department does not observe the 'casual Friday' practice.

## 11. Alcohol and drugs

You must not attend work or conduct business on behalf of the Department if you are under the influence of any drug or substance that is likely to adversely affect your ability to do your job or may pose a risk to yourself or other staff or members of the public.

You may attend internal and external work related functions where alcohol is served. However, when you attend these functions, you must take a responsible approach to the consumption of alcohol.

## 12. Leaving the Department

What should I do when I leave the Department?

When you leave the Department, you must return all Departmental property in your possession as well as any documents or items which relate to the work of the Department and which are not otherwise publicly available.

You should not use the influence of your position to seek opportunities for future employment. You should not allow yourself or your work to be influenced by plans for, or offers of, employment outside of the Department. If you do, there is a conflict of interest and both your's and the Department's integrity are at risk.

Dealings with former staff

All staff of the Department should be careful in their dealings with former Departmental staff and make sure that they do not give them, or appear to give them, favourable treatment or access to privileged information.

## 13. Corrupt and unethical conduct

What should I do if I become aware of corrupt conduct?

You must report any potentially corrupt or unethical conduct you become aware of. You do not need proof of corrupt or unethical conduct, you need only to have reasonable grounds to suspect this is occurring.

Depending on the circumstances, you should report possible corrupt or unethical conduct to:

- your supervisor or manager
- your Director/Executive Director
- the Disclosures Coordinator – Executive Director, Policy and Resources Division
- the Independent Commission Against Corruption - PH: 8281 5999 or 1800 463 909 (toll free)

Managers throughout the Department must ensure that all staff have information about the Department's reporting procedures and are responsible for ensuring the confidentiality of matters reported to them. Any supervisor/manager receiving a report of suspected corrupt or unethical conduct must report the matter to the Disclosures Coordinator - Executive Director, Policy and Resources Division.

What protection do I have if I report corrupt conduct?

The *Protected Disclosures Act 1994* gives you certain legal protections if you make a disclosure which concerns:

- corrupt conduct as defined in the *Independent Commission Against Corruption Act 1988*
- maladministration
- a serious or substantial waste of money.

If you make a lawful disclosure, you will be protected from liability for defamation and from breach of secrecy and confidentiality.

Reprisal action against you is an offence under the *Protected Disclosures Act 1994* and a possible breach of discipline under the *Public Sector Employment and Management Act 2002*.

Refer to the following for further guidance and information on internal and external reporting arrangements:

Grievance Policy and Procedures

Protected Disclosures: Policy and Procedures

Harassment-free Workplace

Fraud and Corruption Prevention Policy and Guidelines

Commentary and Guidelines on the Conduct and Performance Provisions of the Public Sector Employment and Management Act 2002.

## 14. Breaches of the Code

What happens if I breach the Code of Conduct?

You should be aware that the Department may take disciplinary action for breaches of this Code in accordance with the relevant sections of the *Public Sector Employment and Management Act 2002*.

Action may include counselling, official notification of unsatisfactory performance, formal cautions, demotion or dismissal. In serious cases the matter may be referred to the Police or other appropriate authorities.

## 15. More information

Where can I find more information about my rights and obligations as an employee of the Department?

The Department's administrative policy circulars provide detailed information on standards of conduct, and relevant policies can be found on the Department's Intranet in the Corporate Handbook. If you require more information, see your supervisor or the Senior Manager, Performance and Governance Unit. Your confidentiality is assured at all times.

An electronic version of the Code of Conduct with links to relevant policies is available on our Intranet site.

Attachment 1

DEPARTMENT OF STATE AND REGIONAL DEVELOPMENT

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CODE OF CONDUCT and ETHICS

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STAFF DECLARATION

I, .....  
working as a .....  
in.....Division  
at .....

acknowledge that I have read and understood the contents of the Department of State and Regional Development's (The Department ) Code of Conduct and Ethics. I understand that the Code sets out standards of behaviour expected of me as an employee of the Department of State and Regional Development.

Signature: ..... Date: .....

Please return this declaration to:  
Human Resource Unit  
Policy and Resources Division  
Department of State and Regional Development  
Level 43, MLC Centre, 19 Martin Place  
GPO Box 5477  
Sydney NSW 2001