

# Sydney Olympic Park Authority Policy

Policy Name	Code of Conduct
Policy No.	POL01/17
Department File No.	F02/2495
Business Unit	Commercial & Corporate
Office Responsible	General Manager, Commercial & Corporate
Approving Officer	Chief Executive Officer
Date of Approval	

Version	Date
1	23 May 2003
2	8 January 2006
3	June 2007
4	April 2008
5	September 2008
6	October 2009
7	June 2010
8	October 2010
9	November 2010
10	May 2011

# CODE OF CONDUCT

## Introduction

The Sydney Olympic Park Authority Code of Conduct has been written to assist employees:

- understand the standards of conduct and behaviour expected by the Authority; and
- deal with ethical problems which might arise at work.

The Code applies to every employee engaged by the Authority, whether by way of permanent appointment or temporary employment.

While the Code of Conduct applies to all employees of the Sydney Olympic Park Authority, consultants and other service providers engaged by the Authority are required to undertake the tasks for which they are engaged in a manner which is consistent with the principles underpinning this Code of Conduct.

## Principles

The Code of Conduct has three underlying principles:

1. The general public has a right to expect the highest integrity and competence from Sydney Olympic Park Authority employees and service providers engaged by the Authority.
2. The Government is entitled to impartial and accurate advice, and prompt implementation of its policies.
3. All staff have rights and obligations as employees of the Authority.

Sydney Olympic Park Authority employees are required to comply with all applicable Government legislation, public sector policies and the Authority's approved policies and procedures. The Code should be used as a guide to achieve the standards of excellence in conduct and ethics expected by the Authority.

The Code is also based on the principle that all individuals engaged by the Authority are accountable for their own acts and omissions. These principles underpin the following sections of the Code.

## **1. Personal and Professional Behaviour**

The Authority expects its employees to:

- work conscientiously, honestly and efficiently and keep up to date with advances in their area of responsibility;
- be honest, reasonable, fair and sensitive in their dealings with members of the public and other employees and contract staff;
- give fair, unbiased and accurate advice to the Government, and implement its policies conscientiously;
- maintain the confidentiality of information received in the course of their duties;
- be aware of and follow all relevant legislative, industrial, Departmental and administrative policies, procedures and other requirements;
- adhere to Equal Employment Opportunity principles; and
- avoid real or apparent conflicts of interest.
- Not engage in behavior that may be regarded as racial vilification, bullying or sexual harassment.

## **2. Statement of Business Ethics**

The principle of best value for money is at the core of all SOPA's business relationships with private sector suppliers of goods and services.

SOPA will ensure that all its policies, procedures and practices related to tendering, contracting and the purchase of goods or services are consistent with Government requirements, best practice and the highest standards of ethical conduct. SOPA is committed to ensuring that its business relationships with the private sector are fair, ethical, transparent and productive.

SOPA staff are expected to:

- use public resources effectively and efficiently
- deal fairly, honestly and ethically with all individuals and organizations
- avoid any conflicts of interest

SOPA expects its tenderers, contractors, suppliers and their employees and subcontractors to comply with SOPA's procurement principles.

## **3. Corrupt Conduct**

"Corrupt conduct", as defined by the Independent Commission Against Corruption Act 1988, is any conduct which adversely affects, or could adversely affect, the honest or impartial exercise of official functions by any public official or public authority. It includes any conduct of a public official that involves dishonest or impartial exercise of official functions, a breach of public trust or the misuse of information or material acquired in the course of official duties.

If any Sydney Olympic Park Authority employee knows of or has any good reason to suspect maladministration, fraud, corrupt, criminal or unethical conduct they are obligated to report it immediately to their manager. Failure to do so constitutes a breach of this Code.

If employees feel that they cannot report the matter to their supervisor, it can be reported to a more senior manager, an General Manager or the Chief Executive. A further option is to report the matter direct to the Independent Commission Against Corruption.

Any Sydney Olympic Park Authority employee who brings a suspicion of corrupt conduct to the Authority's attention is not required to draw a conclusion, make a value judgment or undertake any preliminary investigation into the circumstances of the cause. They should simply report the facts as known to them.

All reports of suspected corrupt conduct will be investigated and appropriate action taken.

The employee who makes a complaint or reports information will be treated fairly and without discrimination or prejudice. The Public Interest Disclosures Act 1994 protects public officials who make voluntary disclosures about corrupt conduct.

The Public Interest Disclosures Act aims to encourage and facilitate the disclosure of public offences (in the public interest) of corrupt conduct, maladministration, or serious and substantial waste in the public sector. Sydney Olympic Park Authority's Public Interest Disclosures Policy (POL01/13) outlines rights and responsibilities of employees relating to the Act. The policy:

- establishes the Authority's internal reporting system;
- ensures disclosures are treated confidentially;
- ensures that staff making disclosures are not victimised; and
- ensures feedback on the outcome of the investigation.

#### **4. Fraud Control**

Sydney Olympic Park Authority's Corruption Prevention Strategy (POL02/3) outlines its policy and procedures to control against internal and external fraud.

Fraud is a common form of corrupt conduct and includes inappropriate behaviour. It is any practice which involves the use of deceit to confer some form of financial benefit upon the perpetrator (either directly or indirectly) and which results in some form of material loss to the entity defrauded.

The responsibility for the prevention and detection of fraud lies with the Authority's management. However, in carrying out their duties, all Sydney Olympic Park Authority employees should be aware of possible irregularities as fraud prevention is an important part of fraud management.

## **5. Maladministration**

Members of the public have a right to expect a high standard of ethical conduct from the Sydney Olympic Park Authority in dealing with cases where they have suffered detriment arising out of maladministration for which an official from SOPA is responsible.

The Authority will take appropriate steps to rectify a situation where an incident of maladministration has caused detriment to a person or organisation. At a minimum SOPA will explain what occurred and make an apology to the person or organisation who has suffered detriment, and/or where appropriate, negotiate a settlement that is fair and reasonable in the circumstances.

## **6. Standards**

Within the Authority, it must be clearly understood that fraud and corruption will not be tolerated and that perpetrators will face disciplinary action in accordance with conduct and performance guidelines relating to disciplinary provisions with the Public Sector Employment and Management Act 2002. Disciplinary actions may include:

- *Caution*
- *Reprimand*
- *Fine*
- *Reduction in salary*
- *Demotion to a lower graded position*
- *To be allowed to resign*
- *Direction to resign*
- *Dismissal, or in the case of an officer on probation - annulment*

## **7. Fairness and Equity**

All work related decisions should be made consistently, impartially, fairly, in a timely manner and in accordance with Government policy.

All reasonable steps must be taken to ensure that the information upon which decisions or actions are based is factually correct.

## **8. Conflicts of Interest**

A conflict arises when private or professional interests or duties conflict directly or indirectly with obligations to the Sydney Olympic Park Authority.

Some related interests which may give rise to a conflict of interest are:

- Serving as a member of a selection committee considering an application from a friend, relative or business partner;
- Providing advice in support of a decision that would have financial or other benefits for you, your friends, relatives or business partners;

- Exercising delegated powers to purchase goods, services or equipment from a supplier who then provides you with a hidden benefit, eg, purchase of a computer from a supplier who then provides you with a laptop computer for private use;
- Recommending a contract be issued to a supplier who provides you with a benefit, eg, access to sporting events or hospitality.

The Authority's employees should always act in the interest of the Government and the general public interest and not in their own interest. They should disclose in writing to the Authority any pecuniary or other personal interest held or activities undertaken which may cause a conflict of interest.

If the Authority's employees and service providers have a conflict, or think that they may have a conflict, it must immediately be reported to their manager or a General Manager who will discuss the matter and advice on a possible course of action. Where appropriate, the matter may be referred to the General Manager, Commercial & Corporate for further advice.

## **9. Duties that Conflict With the Personal Views or Beliefs of Employees**

Employees of the Authority must always follow directions and requests given by authorised staff. There may be circumstances where employees conscientiously object to a particular course of action. They should discuss the matter with their supervisor or a senior officer.

## **10. Political Participation**

Sydney Olympic Park Authority employees who are active in any political party, or a representative of a political party, cause or movement must be especially careful about the possibility of conflicts of interest with the duties of their position in the Authority. Employees must ensure that they are always able to serve the NSW Government in a politically neutral manner. If they are aware of a potential conflict they must immediately inform their senior manager.

## **11. Acceptance of Gifts and Benefits**

Sydney Olympic Park Authority employees must never:

- accept for themselves, any family member, or other Authority officer any cash, reward, gratuity, gift, favour or concession including accommodation, meals, entertainment or free tickets to events of greater than nominal value;
- directly or indirectly seek any cash, reward, gratuity, gift, favour or concession for themselves or any family member, or any other officer of the Authority.

Any staff member who accepts or seeks such a gratuity or benefit can expect disciplinary action.

Gratuities do not include standard hospitality provided at official functions. Gifts in this context do not include items of a relatively inexpensive nature issued by firms for promotional purposes, for example, pens, coasters, pocket diaries, calendars, etc. If the

items in question are given, or appear to be given, with the intention of making the Authority employees change the way in which they do their work, or if other people could reasonably conclude that they are intended for that purpose, they are not to be accepted. Any doubts in this regard should be referred to the relevant supervisor.

In every instance where Sydney Olympic Park Authority employees are offered or sent a gift or concession within the definition of this section, a written disclosure should be made to their supervisor using the Gifts and Benefits Register pro forma. The supervisor is to refer the matter to the General Manager, Commercial & Corporate. Gifts of cash must not be accepted under any circumstances.

Further information in this regard is set out in the Authority's Gifts and benefits policy (POL01/27) and Staff Access to Events Policy (POL01/26).

## **12. Public Comment and the Use of Official Information**

### **General:**

Other than where authorised in the course of duty or when called to give evidence in court, employees should not comment on matters relating to official business or government policies.

This is particularly so where:

- i) a new Government policy is proposed or a policy is under Government review;
- ii) it might be inferred that a comment made is made by a person purporting to have specialised direct or official knowledge or authority in relation to the matter which is the subject of the comment.

Employees and service providers are, however, not prohibited from commenting on information which is either the subject of public knowledge or would be given to any member of the public seeking disclosure of that information.

Media enquiries should be referred to the officer responsible for media liaison within the Authority unless the employee's duties specifically include handling such enquiries.

### **Use of Official Information:**

Sydney Olympic Park Authority's information may only be released when authorised in the normal course of business. Information of an administrative or personal nature (for example, the address or telephone number of a fellow worker) is likewise not to be released without authority.

Sydney Olympic Park Authority employees, service providers, consultants and their employees involved on sensitive Authority projects will be required to sign a confidentiality undertaking.

Use of Sydney Olympic Park Authority's Information Systems, including e-mail and the Internet, must be in accord with the Authority's policy on Use of Communication Devices (POL01/3).

### **Speaking Engagements:**

Speaking engagements relating to the Authority's activities with professional, education and community groups may be accepted with the approval of the Authority.

Where a speaking engagement forms part of a commercial undertaking (that is, participants pay to attend), consideration should be given to charging a management fee, which should be deposited in the Authority's bank account.

The Minister should be advised of any speaking engagements approved for any conferences which are likely to gain a high profile.

### **13. Outside Employment**

Employees of the Authority may engage in other paid employment outside their official duties, provided they meet certain conditions and have prior approval to do so.

Applications to undertake other paid employment, or significantly vary an existing approval, must be submitted in writing and placed on the applicant's personal file.

Approvals will generally be given where it is clear that:

- (a) the work does not arise from, or interfere with, the employee's work at the Authority;
- (b) the work will not cause a conflict of interest with the employees official duties; and
- (c) the work will be done outside working hours.

Employees' duties relating to their employment within the Authority must always come first.

### **14. Use of Official Facilities and Equipment**

Employees of the Authority should ensure that resources, funds, staff or equipment are used effectively and economically in the course of their duties.

Employees are expected to:

- be efficient and economical in their use and management of the Department's resources;
- be careful in their use of public property and services and not permit misuse by others;
- obtain official permission before any use of the Department's facilities and equipment for personal purposes beyond what is authorised in the Department's published policies and practices;

- ensure that they have the necessary delegation before incurring or authorizing any expenditure on behalf of the Authority.

## **15. Personal Behaviour**

The Authority will not tolerate any form of offensive or inappropriate behaviour.

Employees should refrain from any form of conduct, in relation to other employees or the public, likely to cause the Crown, the Authority or any person offence or embarrassment, or which intimidates, humiliates or threatens that person.

Employees are required to notify the Chief Executive Officer if they become bankrupt or are charged or convicted of a serious offence. A serious offence is where the Courts can impose a custodial sentence of 12 months or more.

## **16. Recordkeeping**

Recordkeeping is an essential business function throughout the New South Wales Public Sector with responsibility at every level of decision making. Records are one of the principal assets of the Sydney Olympic Park Authority and are an invaluable and irreplaceable source of information which provides documentary evidence of day to day activities of the Authority.

Records are kept to meet business needs, accountability requirements and community expectations. SOPA's records must be managed in an effective and efficient manner to allow retrieval of complete information quickly to support decision making, business performance, accountability and legal obligations. SOPA is committed to meeting requirements under the State Records legislation and supporting policies and standards, which are to be implemented by all employees at all times. Managers in SOPA are to ensure that records are accounted for when staff leave the Authority.

Departmental records must never be destroyed or disposed of other than in a manner which is in accord with approved Disposal Schedules.

## **17. Leaving The Authority**

When employees leave the Authority, they must return all property of the Authority that is in their possession.

After leaving, it is expected that they will not improperly use official or personal information gained as a result of their employment with the Authority.

## **18. Breaches of the Code-Sanctions**

All employees are subject to the provisions set down in this Code. Failure to observe the principles and standards could lead to disciplinary action or possibly civil proceedings.

## **19. Privacy Policy**

The Government Information Public Access Act establishes a system for public sector agencies to handle personal information. SOPA has obligations to deal with personal information in accordance with the Act and has its own Privacy Management Plan.

The Plan creates obligations and restrictions relating to the collection, retention, use and disclosure of personal information.

## **20. Enquiries**

Any enquiries relating to the Code of Conduct should be referred to the Manager, Human Resources (Alan Hynes tel: 9714 7307).

**Chief Executive Officer**