

Sydney Olympic Park Authority Policy

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1 Introduction

As an employee of the Sydney Olympic Park Authority (the Authority), your actions and behaviour have a direct impact on the Authority's reputation and corporate standing – our brand. We have reasonable expectations on the standard of conduct and behaviour expected of all of us in our working relationships in order to protect our reputation as a world leading precinct built on Olympic Legacy.

1.1 Purpose

The purpose of the Code of Ethics and Conduct (the Code) is to help all employees:

- understand expected standards of conduct and behaviour
- maintain the Authority's integrity and reputation
- comply with relevant laws and policies
- deal with ethical problems that may be encountered

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

We have developed this Code based on the Authority's purpose and values and the [Government Sector Employment Act 2013 \(GSE Act 2013\)](#) and the Public Service Commission's [Behaving Ethically: A Guide for NSW government sector employees](#).

1.2 Scope

This Code applies to:

- Executive
- Permanent, temporary and casual employees
- Contractors and agency staff engaged to perform work for or on behalf of the Authority

This Code includes the requirements of the [Code of Ethics and Conduct for NSW government sector employees](#), issued by the Public Service Commissioner.

2 Authority values, the government sector ethical framework and mandatory conduct

The Authority has established its own purpose and values, however, as employees under the [Government Sector Employment Act 2013](#) we must also apply the NSW Public Service values and adhere to the Government's ethical framework.

2.1 The Authority's mission, purpose and values

The Authority's mission is to curate world class places and events that deliver exceptional customer experience and our purpose is to maintain a world leading precinct built on Olympic Legacy.

Employees must always act so as to protect the Authority's reputation and professionalism and to model our values of dynamic, excellence and sustainable.

2.2 Ethical framework for the government sector

Employees must also comply with the [NSW Government's ethical framework](#). The framework comprises an objective and core values and the principles to guide their implementation.

2.2.1 The objective

The objectives of the NSW Government's ethical 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
- apply a merit-based, apolitical and professional government sector that advises upon and implements the decisions of the Government of the day

2.2.2 Core values and the principles to guide their implementation

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

Integrity

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

Trust

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

Service

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

Accountability

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

2.3 How the Authority's values and the NSW Government ethical framework align

The Authority's values are more targeted than the NSW Government's values under its ethical framework. Employees must comply with both sets of values.

2.4 Mandatory conduct

Under the [*Code of Ethics and Conduct for NSW Government employees*](#), all employees have responsibilities to:

- Demonstrate high levels of personal conduct consistent with the Ethical Framework
- Seek assistance when unsure about how to implement the Ethical Framework
- Promote the implementation of the Ethical Framework to their colleagues
- Report possible breaches of the Ethical Framework to relevant employees
- Demonstrate ethical, efficient and safe work practices
- Maintain the integrity and security of official documents or information

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

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

The Authority also expects its managers and executives to:

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

3 Applying the code and relationships with other policies

This chapter sets out a list of requirements and expectations to guide you in your conduct and to protect the Authority, including activities requiring disclosure, behaving appropriately, managing information and complying with other policies.

3.1 Activities requiring disclosure

Transparency is one of the Authority's guiding principles and there are a number of matters that we require employees to disclose, as relevant.

3.1.1 Gifts and benefits

All employees are required to comply with Authority's [Gifts, Benefits and Hospitality Policy](#).

This policy states that Authority employees must:

- not place personal interest over public interest when carrying out organisation related functions
- act professionally with honesty, consistency and impartiality
- act with transparency to enable public scrutiny
- avoid situations that give rise to preferential treatment (or the appearance of preferential treatment) of self or others (ie. contracting parties)
- ensure that all potential and actual conflicts of interest are disclosed and managed to ensure compliance
- declare a gift or benefit valued at over \$50

You must report any offers of gifts or benefits of this nature to your Executive member and make a record of the offer in the Gifts and Benefits Register.

3.1.2 Conflicts of interest

It is important the Authority manages any perceptions of conflict of interest. Conflicts of interest exist when it is likely that you could be influenced, or could be perceived to be influenced, by a personal interest in carrying out your public duty. Conflicts of interest that lead to partial or biased decision-making may constitute corrupt conduct.

In performing public sector duties you may find yourself confronted with a conflict of interest. Having a conflict of interest is not necessarily a problem; how it is managed is what's important. The community has a right to expect that Authority employees at all levels perform their duties in a fair and unbiased way and that the decisions they make are not affected by self-interest, private affiliations, or the likelihood of personal gain or loss.

Actions you should take include:

- always disclose existing, actual or potential conflicts of interest to your manager as soon as you become aware of the conflict
- even if there may only be the appearance of a conflict of interest, declare this to your manager as soon as you become aware of it
- where a conflict of interest occurs it should always be resolved in favour of the public interest, rather than your own
- this should be recorded in writing.

3.1.3 Other paid work

You must have the formal written approval from the CEO (or delegate) before you engage in any form of paid work outside your official duties. Contractors and casuals are not required to gain approval for outside work provided that they undertake the work during the period that the person is not required to work for the Authority, and provided that there is no perceived or real conflict of interest with the Authority.

You must also carefully consider whether undertaking other paid work may adversely affect the performance of your duties and responsibilities with the Authority or give rise to a conflict of interest. This applies whether you are working full-time, part-time or on a temporary basis.

Generally, applications for permission to undertake other paid work must meet the following criteria:

- the proposed employment would not result in a conflict of interest for the Authority, either real or perceived nor use Authority time and resources
- the proposed employment is not likely to impact on the employee's availability for duty or work performance
- engagement in the proposed employment is not likely to bring Authority or the public sector into disrepute

The employee must seek approval to engage in other paid work at the beginning of each year or when their work arrangements change.

Where there has been any material change in the nature or circumstances of approved other paid work, or the employee's duties with the Authority have changed to the extent that they could conflict with previously approved other paid work, the employee must submit a revised application.

3.1.4 Political and community participation

You must make sure that any participation in party political activities does not conflict with your primary duty as an employee to serve the government of the day in a politically neutral manner. This is important because of the need to maintain Ministerial, Tribunal and public confidence in the impartiality of the actions taken and advice given by you as an employee.

What is appropriate in any particular case will depend on the nature of the issue, the role you hold, the extent of your participation, and your public prominence. If you become aware that a potential conflict of interest has arisen or might arise, you must advise your manager of this as soon as possible.

The CEO (or Delegate) may instruct you to stop the political activity or withdraw from the areas of your work where the conflict is occurring.

The Authority supports voluntary participation in community organisations, charities and professional associations. Such participation does not require approval unless the involvement is likely to, or be perceived to conflict with, or affect the efficiency or performance of the employee's official duties.

3.1.5 Criminal charges, convictions and bankruptcy

As part of employment at the Authority, criminal records checks are completed on all new Authority employees. We also conduct probity and educational checks as required.

You are required by law to immediately notify the CEO in writing (through People and Culture) if you have been charged with an offence with a possible penalty of imprisonment for 12 months or more, or if you have been convicted of any such criminal offence. Failure to do so may result in formal action. If you are facing charges where the penalty is less than 12 months imprisonment, the charge should only be reported if it is possibly connected to, or has a bearing on, your employment with the Authority.

You are to immediately notify the CEO in writing through People and Culture if you:

- become bankrupt
- make a composition, arrangement or assignment for the benefit of creditors.

Action taken by the Authority, if any, will depend on the nature/ circumstances of the situation, its relevance to your work and any mitigating factors. If unsure, contact the Senior Manager, People and Culture to discuss the matter in confidence.

3.2 Behaving appropriately

It is essential that employees behave appropriately and with professionalism at all times.

3.2.1 Drugs, alcohol and tobacco

While at work, you must not be under the influence of or in possession of a drug or substance that is illegal to possess or distribute. Similarly, you must not work whilst under the influence of alcohol.

In the context of this Code, 'under the influence' is defined as an obvious state of disturbance to one's physical and/or mental faculties that impairs their performance, or that may pose a risk to themselves or other employees or members of the public.

You must not smoke or permit smoking in any Authority building, or enclosed areas. Section 6A of the [Smoke-free Environment Act 2000](#) sets out the restrictions on smoking in the precinct and surrounds of Authority premises.

3.2.2 Misconduct

Misconduct involves improper, wrong or potentially unlawful conduct that is outside of policy, directions or the law. It usually involves an allegation of an employee's act or omission arising from negligence or with intent. Examples include assault, theft, blatant disregard for policies, or other serious actions that may require investigation.

Employees must raise all actual or perceived incidences of misconduct in the first instance with your manager and/or the Senior Manager, People and Culture. A finding of misconduct may result in actions ranging from a caution to termination of employment. If a matter proceeds to an inquiry, the inquiry is to be conducted in accordance with [Section 69 of the Government Sector Employment Act 2013](#) and the [Government Sector Employment Rules 2014](#) which require compliance with the principles of procedural fairness.

3.2.3 Use of official facilities and equipment

Reasonable personal use of telephones, facsimiles, email, and the internet is permitted, but you must not allow such use to be excessive or to disrupt official work and it must be in accordance with the Authority's [Information Security Management System Acceptable Usage Policy](#).

The Authority's communication devices, including the internet, may not be used to browse or download illegal, inappropriate or offensive material. When you use the Authority's internet and email facilities, the use must be appropriate, lawful, efficient, proper and ethical and in accordance with the relevant Authority policies.

You shall not use credit cards issued by the Authority for your own personal use. Authority facilities and equipment should only be used for private purposes when official permission has been given. Under no circumstances should facilities or equipment be used in connection with an employee's other paid work or private commercial dealings.

When using the Authority's electronic systems you must be aware of the conditions of use, including not using other people's passwords and maintaining your own password security. You must also be aware that electronic systems are closely monitored and information that is stored on, or passes across, a corporate system is considered as Authority information and may be viewed, stored or deleted as deemed appropriate by ICT Services. More details are in the [Information Security Management System Policy](#).

3.2.4 Personal and professional behaviour and performance

You must follow the reasonable direction of your manager, attend work during your designated hours and carry out your duties in a professional manner.

Your duties are to be performed to the highest standards as outlined in your role description, [Performance Development Program \(PDP\) Plan](#) or other documentation that sets performance expectations.

All Authority employees are required to actively participate in the PDP program. The PDP program comprises ongoing (both informal and formal) discussions between employees and their managers covering the setting of clear objectives, giving and receiving of constructive feedback on performance, values and behaviours and identification of career and professional development activities.

3.2.5 Bullying and Harassment

The Authority will not tolerate bullying and harassment. Bullying and harassment are behaviours that are repeated, unwelcome and unsolicited, considered offensive, intimidating, humiliating or threatening by the recipient or others who are witness to or affected by it.

Bullying behaviour may be directed upwards or downwards and towards co-workers. The following, where repeated or occurring as part of a pattern of behaviour, could be considered bullying:

- abusive, insulting or offensive language or comments
- intimidating behaviour including physical intimidation or attack
- deliberately excluding someone from workplace activities
- not allowing an individual to perform their role through denying reasonable access to information or resources
- spreading misinformation or malicious rumours
- changing work arrangements such as rosters and leave to deliberately inconvenience a particular worker
- setting tasks that are unreasonably above or below a worker's ability
- consistently setting timelines that are unreasonable
- excessive scrutiny of work
- 'initiation' rites or practices

All Authority employees should speak up against and/or report bullying behaviour that they witness. This will help prevent the recurrence and escalation of bullying behaviour. If you believe that you are being bullied or harassed at work contact your manager or People and Culture. Further details are in the [Discrimination, Harassment and Bullying Free Workplace Policy](#).

3.2.6 Discrimination

NSW and Commonwealth legislation protects people from discrimination on the grounds of their sex, gender identity, sexual orientation, marital, parental or carer status, pregnancy, age, disability, race, and political or religious belief.

If you believe there is discrimination at work, contact your manager or People and Culture.

3.2.7 Dress standards

You should dress in a clean, neat and professional manner. Your appearance and hygiene is important in promoting the professional image of the Authority.

The CEO may grant permission for special arrangements e.g. specific days may be designated as days when smart, clean, casual attire may be worn. In choosing to exercise any special arrangements employees consider whether they have meetings with external parties and public contact.

3.2.8 Corrupt conduct and fraud, maladministration, waste and government information contravention

Authority employees must uphold the law in exercising their day to day work duties and should report suspected corrupt conduct, maladministration, substantial waste of public resources and government information contravention.

Disclosures should be made in accordance with the procedures described in the Authority's [Public Interest Disclosures and procedure policy](#). The [Public Interest Disclosures Act 1994](#) provides protection against reprisals for Authority employees who report wrongdoing.

Corrupt Conduct and Fraud

Corrupt conduct is conduct of any person (public employee or not) that adversely affects the honest or impartial exercise of official functions by any public official or authority.

Fraud is defined as any practice that involves the use of deceit to confer some form of financial or personal benefit upon the perpetrator (either directly or indirectly) and results in some form of material loss to a person,

persons or organisation. Fraud is also deliberate and premeditated deception to gain advantage from a role of trust or authority.

Examples of corrupt conduct may include:

- providing a contractor with work in return for a personal benefit
- theft and misappropriation of Authority material or financial resources
- offering or accepting bribes, commissions or secret payments to provide unfair advantage to contractors or particular clients
- accepting a personal gift or benefit from a client in return for providing services partiality (ie. bias) breach of trust (ie. misuse of your role)
- fraud and attempts at fraud
- forgery, and making false or fraudulent claims (eg. working hours, overtime, expenses, vehicle usage log and creating false evidence)
- misuse or unauthorised disclosure of information held or maintained by the Authority for personal gain

The CEO has a responsibility under [Section 11 of the Independent Commission Against Corruption Act 1988](#) to report suspected corruption.

Maladministration

Maladministration involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive, improperly discriminatory or based on improper motives.

The following examples could be considered maladministration:

- approving allowances for employees that they are not entitled to
- unauthorised disclosures of confidential information
- making decisions without authority
- serious delays in making a decision or taking action
- applying a policy inflexibly without regard to the merits of an individual case
- decisions or actions not justified by any evidence or that are unreasonable
- abuses of power, intimidation or harassment
- inconsistent application of a law, policy or practices when there is no reasonable, justifiable or appropriate reason to do so.

Serious and Substantial Waste

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources which results in a loss/wastage of public funds/resources.

Government Information Contravention

Government information contravention means a failure to carry out the functions required by the [Government Information \(Public Access\) Act 2009 \(GIPA Act\)](#). Under this Act, citizens have a right to access most information held by the NSW Government to foster a government that is open, accountable, fair and effective.

Close personal relationships and private interests

The Authority is committed to fostering a professional work environment, demonstrating fair and impartial treatment for everyone. This includes a commitment to avoiding perceptions of favouritism, claims of lack of objectivity in managing performance, and complaints of sexual harassment, or even the appearance of impropriety. Consequently, employees must not favour any other colleague in work allocation, recruitment actions or the like on the basis of any personal friendship or financial or social relationship.

Close personal relationships are not grounds alone for refusing promotional, transfer or other employment opportunities or work allocation. Under anti-discrimination legislation it is unlawful to disadvantage someone because of their marital status or relationships.

3.3 Managing information

Information is critical to the Authority conducting its business and, therefore, employees must manage information carefully.

3.3.1 Records Management

Authority employees need to be aware of and comply with the [State Records Act 1998](#) and the Authority's [Records Management Policy](#).

Authority employees have a responsibility to create and maintain full and accurate records of their activities, decisions and other business transactions, to capture records into official records systems, and not to destroy records without appropriate authority.

3.3.2 Protecting Government Information

The Authority is committed to applying an appropriate level of security to protect the confidentiality, integrity and availability of its information. Authority employees must comply with information protection laws and the Authority's [Information Security Management System Policy](#) and related policies.

As a general rule, Authority employees may disclose official information that is normally given to members of the public seeking that information.

Disclosure of other official information or documents is allowed:

- in the course of duties and when proper authority has been given to do so, or
- when required to do so by law, or when authorised to do so by law.

Confidential information including commercial, sensitive, or personal information, about Authority employees, clients and stakeholders must be securely managed and used appropriately. Authority employees must not access, disclose, discuss or use any confidential information without official approval and must ensure that unauthorised people cannot access confidential information in any form.

Unauthorised disclosure may cause harm to individuals or give an individual or another organisation an improper advantage. The integrity and credibility of the Authority may also be damaged if it appears unable to appropriately secure its information.

Authority employees should be careful about the content of information they access and distribute, particularly information transmitted in digital format. In undertaking duties employees should consider issues of privacy, security, copyright and authorisation.

Further guidance on information security including handling and labelling sensitive information is detailed in the Authority's [Information Security Management System Policy](#).

3.3.3 Intellectual Property

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

You need to ensure when creating materials that the intellectual property rights of others are not infringed. Any third party copyright or other rights information is to be recorded in the materials. The copyright of material created by you in the course of your work belongs to the Authority. You must not use Authority's intellectual property (including copyright) for private purposes without obtaining written permission from the CEO.

3.3.4 Privacy and Personal Information

It is important that the community has confidence that personal information acquired and/or held by the Authority will be kept confidential as required under law. All Authority employees must ensure that personal information must only be used for the official purposes for which it was collected and comply with the Authority's [Privacy Protocol](#).

Authority employees need to be aware of and comply with the [Privacy and Personal Information Protection Act 1998](#) and the [Health Records and Information Privacy Act 2002](#) which provide protections around information collected and/or held by a public agency about a person. This includes the collection, storage, use, access, correction and disclosure of personal information.

3.3.5 Commenting publicly on the work of the Authority and making speeches

Public comment includes appearance before parliamentary committees, public speaking engagements, and comments to radio, television or print reporters. It also includes letters to newspapers, comments in books, journals or notices on internet sites, social media sites, or broadcast by electronic means (for example twitter and email) or any other circumstances where it could be expected that the comments will spread to the community at large.

All interactions with the media must follow delegations as detailed in the [Authorities Manual](#).

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 Authority or the NSW Public Sector and that you are only commenting as a private citizen. You should exercise extreme caution in commenting on areas associated with your employment and you must comply with the Authority's [Social Media Policy](#).

Comments made on matters pertaining to union business by members of unions in their capacity as a local delegate within the Authority or by union office holders employed by Authority are permissible under this Code.

You may accept speaking engagements with professional, educational and community groups related to your area of expertise, and/or which fall outside the normal scope of your work, provided you have the approval of your manager.

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. You should discuss this with your manager. All speaking engagements should have a public sector orientation or relate to the Authority's corporate objectives.

3.3.6 Protecting official information

The Authority is committed to ensuring that all government sensitive information assets are identified and where needed, classified, labelled, handled and appropriately protected to comply with whole of NSW Government requirements.

Official information such as reports, papers, studies, submissions and other documents obtained or prepared during employment that are not public and other documents that Authority indicates are confidential must only be used for the work-related purpose intended and not for personal benefit.

Unless authorised to do so by legislation, Authority employees must make sure that they do not disclose any confidential information.

Unauthorised disclosures may cause harm to individuals or give an individual or an organisation an improper advantage. The integrity and credibility of the Authority may also be damaged if it appears unable to keep its information secure.

All employees must make sure that confidential information in any form cannot be accessed by unauthorised people, and that sensitive information is only discussed, with people who are authorised and have a legitimate work related reason for access.

3.4 Complying with other Authority policies

3.4.1 Tendering for and Procuring Goods and Services

When purchasing goods and services, you must follow the Authority's [Procurement Policy](#). You are responsible for understanding the procedures that apply to the type of procurement you are undertaking on behalf of the Authority

3.4.2 Travel

When travelling on official business, seeking or accepting frequent flyer points for your personal use is not permitted as detailed in the Authority's [Official Travel Policy](#). Corporate mobile phones may be used for limited personal use as detailed in the Authority's [Mobile Telephones Policy and Procedures](#) and corporate credit cards and Cabcharge facilities provided for official travel may only be used for work purposes.

3.4.3 Work Health and Safety

The Authority's Work Health and Safety (WHS) requirements must be followed. You are expected to take all reasonable and practicable steps to:

- use equipment in accordance with instructions issued
- not risk the health and safety of yourself or other people in the workplace
- cooperate to implement WHS activities and measures designed to ensure a safe and healthy workplace, including first-aid and emergency procedures as well as maintaining office security systems

- disclose or report any real or perceived hazard, to your manager. This involves identifying hazards, assessing and prioritising risks, implementing and reviewing control measures and/or introducing suitable controls

3.4.4 Working with lobbyists

The government has established a Register of Lobbyists and introduced a [Lobbyist Code of Conduct](#). The Lobbyist Code of Conduct states that government representatives must only be lobbied by a professional lobbyist who is listed on the Register of Lobbyists.

You must comply with the NSW Government Lobbyist Code of Conduct, which states that a government representative shall not permit lobbying by a lobbyist or any employee, contractor or person engaged by a lobbyist to carry out lobbying activities who is not on the Register of Lobbyists.

3.4.5 Risk management

The Authority is committed to integrating effective risk management into planning, decision-making and operational processes. The Authority's [Risk Management Procedure](#) details our risk management framework and the [Business Continuity Plan](#) details our plan in the event of a loss of business functions.

All Authority employees are responsible for managing risk and this includes:

- applying the risk management framework to their areas of responsibility
- participating in identifying, assessing, reporting and managing risk
- using a risk management approach in all decision-making

4 Breaches of the Code

Behaviour contrary to this Code and to the Ethical Framework for the Government Sector can bring individual employees into disrepute, undermine productive working relationships in the workplace, hinder client service delivery, and damage public trust in the Authority.

If you are unsure of what is appropriate conduct under any particular circumstances, discuss the matter with your manager, People and Culture or the relevant member of the Executive.

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

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

If it is alleged you have acted in a way that is contrary to this Code, you will have an opportunity to provide your version of events. How this will happen will be proportionate to the seriousness of the matter. In those cases where the allegation is minor or of a low level, your manager will usually discuss this matter directly with you. If the allegations are more serious, a formal process may follow.

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

- procedural fairness for both the complainant and employee
- investigations should be handled expeditiously to minimise the potential for breaches of confidentiality and lack of procedural fairness
- confidentiality for all parties should be maintained until such time as the investigation process is completed
- thorough recordkeeping, including recording of reasons for all significant decisions.

The [Government Sector Employment Act 2013](#) and [Government Sector Employment Rules 2014](#) set out how allegations of misconduct are to be dealt with. Part 8 of the [Government Sector Employment Rules 2014](#) sets out the procedural requirements for dealing with allegations of misconduct, which include requirements that you be advised of the detail of the allegation, the process to be undertaken to investigate and resolve the

matter; and that you be provided an opportunity to respond to the allegations.

If you are found to have breached this Code, you will be counselled by your manager or the relevant Executive member. Serious breaches of the Code may constitute misconduct and be dealt with under section 69 of the [Government Sector Employment Act 2013](#).

If you commit a serious offence at work or outside of your work duties – where the offence could result in imprisonment of the 12 months or more – you must notify your manager when you are charged and your employment may be terminated if you are found guilty.

5 Related legislation

5.1 Legislation

The legislation that applies to Authority employees is the [Government Sector Employment Act 2013](#) and applicable legislation links have been provided throughout this document.

5.2 Other related documents

- [M2014-13 NSW Lobbyist Code of Conduct](#)
- [M2007-01 Public Disclosure of Information arising from NSW Government Tenders and Contracts](#)
- [M2007-02 Dignity and Respect: Policy and Guidelines on Preventing and Managing Workplace Bullying – this memo complements M1996-11](#)
- [C2018-05 Provision of Information to Members of Parliament](#)
- [ICAC - Code of Conduct July 2018](#)

6 Ethical decision-making

The following provides a guide for deciding and acting ethically and encouraging ethical behaviour in other employees.

Deciding and Acting Ethically

To make the best available decision:

- **Scope the problem**

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

- **Develop options that address**

- **Duties:** What are your responsibilities as defined by the law, Government policies, Authority procedures, and your role description? Is it legal? Is it consistent with the principles & policies of Authority and the NSW public sector?
- **Results:** Which options will yield the greatest benefit (or least harm) to the most people, and minimise the numbers of people who might be disadvantaged – in the short and longer term? What will the consequences be for my colleagues, Authority and me? What will the consequences be for other parties?
- **Justice:** Which options support due process, transparency, fair compensation for any loss, and fair treatment of those affected by any decision?
- **Rights:** Which options support the legal rights of citizens?
- **Public interest:** Which options best advance the public interest, without regard to your own reputation, career, personal views or potential for personal gain?
- **Resources:** What is the likely impact on government finances, workforce, infrastructure and other assets?
- **Innovation:** Can the issue be addressed in new ways (such as the redesign of services, reengineering of work practices, or a new model of service delivery)?

- **Evaluate and Decide**

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

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

- **Implement**

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