

Department of Premier and Cabinet



Code of Conduct

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1 Scope and purpose

- 1.1 Staff of the Department of Premier and Cabinet (DPC) must comply with the *Code of Ethics and Conduct for NSW government sector employees* issued by the Public Service Commissioner, as well as this Code of Conduct. These two documents are available on DPC's website and are jointly referred to in this document as 'the Code'.
- 1.2 DPC supports the Premier and the Government to enhance the lives of the people of NSW by driving priorities, brokering outcomes and delivering programs and services. As staff of DPC, it is essential that we demonstrate to the government and people of NSW high standards of conduct and ethics in the performance of our duties.
- 1.3 The Code sets out the standards of behaviour required of all staff of DPC. It provides guidance on the actions that you should take when confronted with ethical issues in the course of performing your work.
- 1.4 The Code does not attempt to provide an exhaustive list of what to do in every aspect of our work. Instead, it represents a broad framework that will help you decide on an appropriate course of action when faced with an ethical issue or professional decision.
- 1.5 The Code applies from the date of issue and may be amended from time to time.
- 1.6 Together with the Code, you must comply with any relevant legislative, industrial and administrative requirements and any lawful direction made by a person with the authority to give such a direction.
- 1.7 You are also required to familiarise yourself and comply with:
 - DPC's policies and procedures (available on DPC's intranet);
 - Premier's Memoranda and any whole-of-government circulars.

Who has to comply with the Code?

All persons undertaking work for or engaged by DPC in either a paid or unpaid capacity ('staff') must comply with the Code.

Staff includes:

- all DPC employees (ongoing, temporary and casual and those on secondment to DPC);
- contractors (including employees, agents or subcontractors engaged by a contractor) and agency staff engaged to perform work for, or provide services on behalf of, DPC;
- work experience students and volunteers; and
- consultants where their engagement requires adherence to the Code.

2 Roles and responsibilities

- 2.1 As a member of staff, you are responsible for:
 - understanding the Code
 - abiding by the Code's guidelines on ethical and professional behaviour
 - reporting any breaches or suspected breaches of the Code
 - consulting management and/or DPC's Governance team when unsure of what behaviour or action is expected
 - understanding legislation and DPC's policies and procedures that support professional and ethical behaviour.
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2.2 You are expected to:

- perform your duties to the best of your ability and be accountable for your performance
- adhere to all reasonable instructions and/or directions
- comply with lawful directions made by a person with the authority to give such a direction
- carry out your duties in a professional, competent and conscientious manner
- act in good faith in providing advice or service that is honest, impartial and comprehensive, irrespective of your personal views
- be courteous, respectful and responsive in dealing with your colleagues, stakeholders and members of the public (see DPC's cultural pillars)
- work collaboratively with colleagues and appreciate the values of a diverse workforce
- take reasonable care of your own safety and the health and safety of others
- be aware that your conduct has the potential to damage public trust in DPC, even if it is in a private capacity, this could lead to action being taken by DPC for breach of the Code as set out in Section 12.

2.3 In addition, if you are a senior executive, or a manager (responsible for supervising or managing an individual or group of staff), you are responsible for:

- ensuring staff have been issued with the Code (that is, both the *Code of Ethics and Conduct for NSW government sector employees* and the DPC Code of Conduct) and that they understand its requirements
- ensuring staff complete all mandatory training on the Code and associated policies
- advising staff on DPC's expected standards of behaviour
- investigating alleged breaches of the Code
- demonstrating ethical, fair and professional behaviour.

2.4 DPC's Governance team is responsible for monitoring and maintaining the Code, providing advice and guidance to DPC about the Code and ensuring training and support is provided to staff.

You need to be aware that public trust in DPC can be affected by your actions at work and, in certain circumstances, by your conduct outside the workplace.

The *Code of Ethics and Conduct for NSW government sector employees* requires you to apply the Ethical Framework contained in the *Government Sector Employment Act 2013* at all times in working relations with colleagues, clients and customers, stakeholders and the government of the day.

3 Conflicts of interest

- 3.1 A conflict of interest (whether actual, potential or reasonably perceived) exists when a **private interest** could objectively influence the performance of your **official duties**. Conflicts of interest may lead to improper decision making, which may constitute corrupt conduct.
- This section provides guidance to ensure all employees are aware of their responsibilities and is in line with the NSW Independent Commission Against Corruption (ICAC)'s guidance on managing conflicts of interest.

- 3.2 Examples of situations which may give rise to a conflict of interest affecting the performance of your official duties include:
- a financial interest (yours or that of a family member, relative, friend or associate) in a matter you deal with in the course of your work
 - your personal beliefs or attitudes that could influence, or may be perceived to influence, your impartiality
 - a personal relationship that could be seen to unduly affect your decision, for instance, when conducting a job selection
 - receipt of a gift, benefit or hospitality that may cast doubt on your ability to apply independent judgement
 - other employment that conflicts with your duties for DPC
 - participation in political or community activities or making political comments that may relate to, or be seen as relating to, the work of DPC.
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- 3.3 You are required to avoid conflicts of interest and avoid creating conflicts of interest for others (e.g. by passing a decision-making process to a team member in circumstances where the team member may try to please the manager rather than make a fair decision).
- 3.4 Conflicts of interest must be reported and recorded as follows:
- If you are a senior executive, you must make an annual written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by you. The declaration must be filled out, even if you have no private interests to declare (this is done by declaring a 'nil return'). A new declaration must be made if you are assigned to a new role or responsibility, or if there are changes in your private interests. See the *Senior Executive Private Interest Declaration form* (available on DPC's intranet)
 - If you are not a senior executive, then any conflicts of interest (actual, potential or reasonably perceived) must be declared using the *DPC staff (non-Senior Executive) Private Interest Declaration form* (available on DPC's intranet).
 - If applicable, you must disclose to a convenor of a selection panel if you have a conflict of interest arising from the work of the panel.
 - If you are undertaking procurement, you must declare any conflicts of interest using the relevant *Procurement Declaration of Interests Form* (available on DPC's intranet).
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- 3.5 You must resolve, or otherwise manage the conflict of interest with your manager and document how this was achieved. You must comply with the methods implemented by your manager to manage the conflict. Examples of approaches for resolving conflicts of interest can be found in section 3.4 of the *Code of Ethics and Conduct for NSW government sector employees*. If you have a change in manager, you must notify the new manager of the conflict and inform them of how it is being managed.

You may also find a tool developed by the ICAC and Queensland Crime and Misconduct Commission, known as the six Rs (included below), helpful in managing a conflict of interest.

6 Rs	Strategies to manage conflicts of interest
Register	<p>The register is where details of the existence of possible or potential conflicts of interest are formally registered.</p> <p>DPC staff must declare a conflict of interest using the relevant Declaration form.</p> <p>Where there is low risk associated with the conflict, then it may be sufficient to register the interest only.</p>

6 Rs	Strategies to manage conflicts of interest
Restrict	A restriction can be placed on the staff member's involvement in a matter. This can include partial involvement only in a process or restricting the staff member's decision-making power.
Recruit	A third party who does not have a conflict, can be recruited to handle/oversee a particular matter or part or all of a process (for example, a recruitment or procurement process).
Remove	The staff member removes themselves from the matter/process/decision-making.
Relinquish	The staff member relinquishes their private interest that is creating the conflict (for example, sells shares they own, resigns their position in their club or association).
Resign	The official cannot manage their private interest effectively to avoid conflicts with their public duties so decides to resign from the DPC.

4 Gifts and hospitality

4.1 The receipt of gifts or hospitality may be perceived as having the potential to compromise current and future impartial decision making.

- 4.2 You must comply with DPC's policy and guides on Gifts and Hospitality (available on DPC's intranet).
- 4.3 If you are offered a bribe (i.e. anything given in order to persuade you to act improperly), you must refuse it, indicate it is not appropriate, and immediately report the matter to a senior manager (Executive Director or above). Any attempt to bribe a staff member, or acceptance of a bribe, is corrupt conduct and must be reported. It may also constitute a criminal offence.

5 Handling information

Confidentiality of information

- 5.1 You must maintain the confidentiality of all official information and documents which are not published or normally made available to the public. You may only disclose information not normally provided to the public if:
- it is required as part of your duties
 - proper authority has been given for you to do so
 - you are required or authorised to do so by law, or
 - you are called to give evidence before a court, tribunal, commission of inquiry or a Parliamentary Committee.
- 5.2 DPC has procedures for dealing with the media and for the release of information under the *Government Information (Public Access) Act 2009* (NSW) (GIPA). All enquiries under GIPA must be referred to the Information and Privacy Unit in Legal Branch. Enquiries from the media should be referred to DPC's Media Team.

Misuse of information

- 5.3 You must not make private use of official information. Misuse of official information, whether or not for monetary gain, may amount to misconduct and/or corrupt conduct. Approval may be given for staff to make use of official documents in defence of defamation and associated legal actions.
- 5.4 You must not misuse your role or your access to DPC or other Government-held information to secure future employment advantages within or outside DPC, or to benefit any other person or organisation, including former staff.
- 5.5 You must be careful when dealing with former staff, and make sure you do not give them favourable treatment or access to corporate information. You must report any attempt by a former staff member to influence you.
- 5.6 You must not use official information for course assignments, external presentations or other non-DPC purposes without approval.

Security of information

- 5.7 You are to ensure that any information in any form (printed or electronic) cannot be accessed by unauthorised persons and that sensitive information is only discussed with persons (inside or outside DPC) who are authorised to have access to it.
- 5.8 You are not to access information unless it is immediately relevant to the work you are performing.
- 5.9 If you are a manager, you are responsible for seeing that premises are secure, and that suitable arrangements are in place to maintain security of confidential and sensitive documents, including ensuring that contractors are aware of their information security responsibilities.

Protecting personal information

- 5.10 You must be aware of and comply with the *Privacy and Personal Information Protection Act 1998* (NSW) and the *Health Records and Information Privacy Act 2002* (NSW). These Acts contain criminal sanctions for the unauthorised use and disclosure of personal information and health information. You must comply with DPC's Privacy Management Plan (available on DPC's intranet).
- 5.11 Particular care must be taken with the collection, retention and security, use and disclosure of personal information in order to protect individuals' privacy. In general, you must not use or disclose personal information for a purpose other than for which it was collected, unless consent for other uses or disclosure is obtained from the person to whom the information relates. Personal information collected or held by DPC must be held securely to avoid loss, unauthorised access, use, modification or disclosure and all other misuse. See the [Information and Privacy Commission website](#) for further information.

Records management

- 5.12 You are required to be aware of and comply with the *State Records Act 1998* (NSW) and to:
- create and maintain full and accurate records of your official duties
 - capture records in the official records systems
 - not destroy records without appropriate authority.

You must act in accordance with DPC's Electronic Document and Records Management Policy.

Also see the [State Archives and Records website](#) for further information.

Signatures and references

- 5.13 You must review carefully any document you are asked to sign (including approving the use of your electronic signature). You must not sign any document which you know is not true and correct.
- 5.14 You must only sign your own name and never permit or encourage anyone to sign a name other than their own.
- 5.15 You should only use your own name (e.g. when sending emails) and not give the impression that you have the authority of another person without their permission.
- 5.16 If you are a manager, you must not coerce staff to sign any document.
- 5.17 You are not permitted to provide written personal references, statements or supporting material for any current or former staff member on Departmental letterhead nor use your title and position for this purpose.
- 5.18 Official DPC references should be limited to a statement of service. Verbal referee reports can be provided by managers as part of a recruitment selection process. Written references can be provided by managers where required by a recruitment process in lieu of a verbal reference. Reports should be based on verified information and not include any false or derogatory statements. You should consult with People, Culture and Talent Branch if you are asked to be a referee for a staff member who you are aware is the subject of misconduct action.
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Use of information post-employment

- 5.19 When you cease being a member of staff of DPC, you should not use or take advantage of any confidential information obtained in the course of your official duties unless it has become lawfully publicly available.

6 Use of official resources

You must be economical and efficient in the use and management of public resources.

- 6.1 You must:
- use Departmental resources efficiently and effectively for authorised purposes only
 - ensure decision making relating to the use of resources, facilities and equipment is reasonable, appropriately authorised and able to withstand public scrutiny
 - treat Departmental property and assets with care and ensure they are secured against theft or misuse
 - not create a risk or liability for DPC in using facilities or equipment (e.g. by breaching software copyright)
 - be economical in the use of office facilities and equipment, including the use of motor vehicles, travel and credit cards.

Private use

- 6.2 Limited personal use of Department communication devices (e.g. computers, printers, mobile phones or similar devices, landline telephones, email, internet) by staff is permitted, provided the use is infrequent, brief, involves minimal cost and does not interfere with the performance of work. You must comply with the relevant communication device policies, which require you to review and certify monthly accounts and pay for personal usage above the agreed threshold.
- 6.3 Official facilities and equipment may only be used for private purposes when approval has been given by a manager (self-approval is not permitted). Where the private use involves removal from the workplace, a written record must be kept of the terms of approval in a register at the workplace.
- 6.4 Stationery, letterhead and official logos must only be used for official business. You must not seek to make private use of the services of other staff whilst on duty. If you are asked to perform tasks that are not work related in work time you should refuse.
- 6.5 Departmental facilities and equipment, including software, must not be used for private employment or for private financial gain by staff (except where staff have been contracted to supply services to DPC, in which case the use of Department facilities should be clarified in the contract).
- 6.6 While DPC carries its own insurance, you must minimise the risk of loss or damage to official facilities and equipment that are in your personal possession (including laptops and mobile phones).

Communication devices

- 6.7 All usage of DPC's electronic communication facilities (computers, devices, network, software, internet, intranet, email) should be lawful, appropriate and ethical. These facilities are not to be used in any way that:
- is misleading or deceptive
 - could damage DPC's reputation
 - could result in victimisation, harassment or vilification
 - is offensive, obscene, threatening or defamatory
 - violates Australian or State regulations or laws
 - is intended to have a destructive effect on storage, processing or communications network facilities.

You must comply with DPC's policy on the acceptable use of internet and communication devices (available on DPC's intranet).

Procurement

- 6.8 DPC's purchasing practices must be of the highest standard to achieve value for money and ensure that public money is spent appropriately.
- 6.9 You are responsible for making yourself familiar with the policy and procedures that apply to the type of procurement being undertaken on behalf of DPC.
- 6.10 If you are involved in a procurement activity, you must abide by the NSW Government Procurement Policy Framework and DPC's Procurement Policy. Participants to a DPC procurement process or panel:
- Are responsible for behaving ethically and obtaining maximum possible value for money for the goods or services procured

- Must complete the conflict of interest and confidentiality declaration required
- Must not use the information obtained during the procurement process to gain any direct or indirect advantage for themselves or any party other than the NSW Government.
- Should take reasonable steps to ensure that the information on which their recommendations are based, are well-considered, correct, complete, fully documented and have minimal personal bias or influences
- Should immediately inform the chair of the procurement panel (or another DPC executive) if there is suspected unethical behaviour.

Intellectual property

- 6.11 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.
- 6.12 The copyright of material created by you during your work belongs to DPC, even if the material was developed in your own time or at home.
- 6.13 You must not use DPC's intellectual property (including copyright) for private purposes without obtaining written permission from an appropriately delegated manager.

7 Other employment (including post separation employment)

- 7.1 When considering employment outside of your role in DPC, you must assess whether it may adversely affect the performance of your duties or give rise to a conflict of interest.

If you are a full-time employee of DPC (and not a part-time or casual employee), you must obtain written approval to undertake other paid work from your Deputy Secretary or Executive Director. This also applies to new staff members who, on joining DPC, wish to continue their outside work. This is a legal requirement under the *Government Sector Employment Regulation 2014* (NSW). You must complete the DPC Secondary and Voluntary Employment Form (available on DPC's intranet) to obtain approval for periods of up to 12 months.

- 7.2 Casual staff, contractors and part time staff are not required to gain approval for outside paid employment provided:
- the work is undertaken during the period that you are not required to work for DPC
 - the discharge of your duties is not adversely affected
 - no conflict or perceived conflict of interest arises
 - the other employment does not pose a health and safety risk to you (including working excessive hours without sufficient breaks between work).

- 7.3 Volunteering outside of work hours does not require approval unless the involvement is likely to conflict with or affect the efficiency or performance of your official duties, or if DPC provides funding to the community organisation, charity or professional association concerned. Where approval is required, the DPC Secondary and Voluntary Employment Form must be completed. Involvement in unpaid Union activities or Union activities for which an honorarium is paid is not considered other paid work and does not require approval.
- 7.4 Employees/volunteers for DPC working in certain child-related positions must complete a Working with Children Check in line with the *Child Protection (Working with Children Act 2012)*. It is an offence for prohibited persons to apply for or attempt to obtain, undertake or remain in child-related employment in any capacity, whether paid, volunteering or self-employed. More information is available on [DPC's website](#) and the [Office of the Children's Guardian website](#).

- 7.5 If you are a senior executive and considering accepting a job offer (including a volunteering opportunity) outside DPC which bears a close or sensitive connection with your current official functions, you are expected to declare the matter to the Secretary. If you are a senior executive leaving DPC to take up private sector employment, you should ensure the new employment does not reflect adversely on the effectiveness of public administration or call into question the impartiality of your activities as a public employee. You must also abstain from working on or contributing to a matter in your new employment for which you had previous involvement and where there is a conflict of interest.
- 7.6 You must not accept payment from a third party for work or activities that are part of your normal DPC duties or responsibilities. In some circumstances, it may be appropriate for DPC to derive a fee for the services and time of a staff member. Any such fee should be provided to DPC and not the staff member.

8 Participation in political or other activities

- 8.1 You are to implement in an impartial manner the policies and decisions of the government of the day. You are also to participate in the development and implementation of DPC objectives and initiatives that flow from those policies.
- 8.2 You have a right to participate in political and community activities and to pursue private interests, provided that:
- your participation does not interfere with your official duties
 - your participation does not conflict with your duty as a public servant to serve the government of the day in a politically neutral manner
 - any conflict of interest (actual, perceived or potential) that arises is dealt with in accordance with the Code.
- 8.3 If there is a conflict of interest, you may be required to cease the activity or withdraw from the area of work where the conflict of interest is occurring. In determining the conflict of interest and how it should be managed, consideration will be given to the nature of the issue, your role, the extent of your participation, and your public prominence.

Political activities and contesting elections

- 8.4 Special arrangements apply to staff who are contesting State or Federal elections:
- Employees nominating as candidates for Federal elections must comply with section 72 of the *Government Sector Employment Act 2013* (NSW) and resign before nomination.
 - Employees nominating as candidates for State elections must comply with section 71 of the *Government Sector Employment Act 2013* (NSW) and section 13B of the *Constitution Act 1902* (NSW). Such employees are not required to resign until declared elected but should consider appropriate leave arrangements to cover the election period.

Conduct as member of an external organisation seeking or obtaining Department funding

- 8.5 If you are a member of an external organisation which is funded by, or might seek funding from DPC, the following conditions apply:
- you must not disclose any official Departmental information to the members of the external organisation which might provide or be seen to provide an unfair advantage to that organisation
 - you must not be a signatory to an application for funds or agreement between DPC and the other organisation (on behalf of either party)

- you must not have a role in the allocation of processing of funds for which the external organisation has applied
- the conflict of interest must be disclosed and managed.

9 Public comment

Definition of public comment

- 9.1 Public comment is any comment made where it is expected that it will be seen or heard by members of the public. It includes (but is not limited to) the following:
- appearances before Parliamentary Committees
 - public speaking engagements
 - comments to radio, television or print reporters (including letters to the editor)
 - comments in books, journals or notices
 - comments on internet sites or broadcast by electronic means
 - profiles or activities on social media (including posting, blogging, tweeting, uploading photographs, sharing, commenting, liking and re-tweeting on sites such as Facebook, LinkedIn and Twitter).
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Public comment in your capacity as an official

- 9.2 In the course of your official duties, you may be called on to make public comment. You must not make any comment on behalf of DPC unless authorised to do so. All media inquiries must be referred to DPC's Media Team.
- 9.3 Where comment is authorised to be given on behalf of DPC, comments made must be confined to factual information. Opinions on government policies or government decisions must be avoided unless required by law. You may only disclose information that is already in the public domain or that you have otherwise been authorised to release.
- 9.4 If you are developing a social media campaign as part of your work, please refer to [DPC's Official Use of Social Media Policy](#). If the use of social media is not part of your work, please refer to [DPC's Non-Official Use of Social Media Policy](#) for more guidance.
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Public comment in a private capacity

- 9.5 As a private individual, you have the right to participate in public debate on political and social issues. In making public comments in a private capacity, including on social media, you must:
- observe the restrictions on the release of official information and ensure confidentiality of Department and NSW Government information
 - make it very clear that you are commenting as a private individual
 - only provide your personal contact details and not those of DPC, including when registering for private social media accounts
 - not use any Department or NSW Government logos or insignia that may give the impression of official support or endorsement of your personal comment
 - not make any comment that could compromise or be reasonably perceived as compromising your capacity to fulfil your duties in an impartial, apolitical and professional manner

- not make or endorse any comment that could damage public trust in, or undermine the integrity of, DPC, or the broader government sector, and its capacity to operate as a professional and apolitical institution.
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9.6 You must not engage in unlawful or unprofessional conduct, even in a private capacity, that has the potential to damage public trust in DPC.

9.7 When exercising your right to participate in public debate in a private capacity, you must:

- treat others with respect, ensuring you are compliant with the law
 - not make comments that are obscene, defamatory, abusive, threatening, harassing, bullying or discriminatory
 - act with integrity and professionalism and respect privacy
 - Comply with DPC's policies on the Official and Non-Official Use of Social Media
 - comply with DPC's policies on use of official resources (including communication devices). Relevant policies on the usage of digital technologies, cyber and information security are available on DPC's intranet.
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Public comments by union delegates and office holders

9.8 If you are an elected or nominated spokesperson for a professional association or union, you are entitled to make public comments in relation to Department matters in so far as it is clear that those comments represent the association or union views, and not necessarily those of DPC. If you are making such public comments, you must clearly acknowledge the capacity in which you are expressing your views.

10 Professional behaviour

Workplace health, safety and security

10.1 You are expected to understand and comply with your responsibilities and obligations under work, health and safety legislation. You should be proactive in ensuring the workplace is safe and secure for everyone, including identifying, assessing and reporting safety risks and hazards.

10.2 You have a duty to:

- take reasonable care for the health safety and welfare of yourself and others when performing your work
 - adhere to DPC's security procedures
 - co-operate with DPC to ensure compliance with all relevant work, health and safety legislation.
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Use of alcohol, drugs and tobacco

10.3 Given your responsibility to act in a professional manner at all times, you are responsible for ensuring that your capacity to perform your duties is not impaired by the use of alcohol or drugs, and that use of such substances does not put your or any other person's health and safety at risk. See the Gifts, Benefits and Hospitality Scenarios and Q&As (available on DPC's intranet) for guidance on the consumption and service of alcohol at functions.

10.4 You are encouraged to disclose any alcohol or drug-related problems that exist so that appropriate action can be taken to provide relevant support and maintain a safe workplace (you have access to counselling support from the Employee Assistance Provider).

- 10.5 You must not have illegal drugs in your possession while at work.
- 10.6 You must not smoke or permit smoking in any DPC building, vehicle, or enclosed area.
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Gambling

- 10.7 Gambling in the workplace, other than team building activities involving trivial amounts of money such as workplace Lotto syndicates, sport tipping competitions or Melbourne Cup sweeps, is inappropriate as it may lead to conflict, indebtedness and perceptions of impropriety.
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Treating people with dignity and respect

- 10.8 You are expected to relate professionally to colleagues, stakeholders, and members of the public and to act with courtesy and fairness. In dealing with others, you should ensure that you do not prejudice the operations, security or reputation of DPC.
- 10.9 You must use courteous and respectful language in your interactions with others. Coarse and obscene language is inappropriate in any DPC workplace, as is sexual banter and suggestive language.
- 10.10 DPC expressly prohibits any form of discrimination, harassment and bullying at any time. This includes comments or posts on social media. Such behaviour may also be unlawful.
- 10.11 You should become familiar with DPC's pathways for resolving workplace problems and issues. DPC expressly prohibits retaliation against any staff member who:
- raises a workplace complaint
 - makes an allegation of harassment, discrimination or workplace bullying
 - makes a public interest disclosure (taking any detrimental action within the meaning of the *Public Interest Disclosures Act 1994* (NSW) against a person that is substantially in reprisal for a person making a public interest disclosure is misconduct)
 - has in any way participated in the management and resolution of workplace issues and conflict.
- 10.12 Deliberately submitting a workplace complaint or allegation with false statements or for malicious, vexatious or frivolous purposes may amount to misconduct.
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Treatment of children

- 10.13 You have a responsibility to act appropriately when dealing with children in the course of your work. If dealing with persons under the age of 18, you must:
- treat them with special care (e.g. use age appropriate language)
 - report incidents or allegations of inappropriate conduct towards a child to your manager
 - as soon as practicable, report to your supervisor/manager if you or a colleague are convicted of, or an allegation has been made against you or a colleague relating to, reportable conduct involving children pursuant to Part 4 of the *Children's Guardian Act 2019* (NSW). This applies to situations at work or in your private life. Reportable conduct means any sexual offence or sexual misconduct committed against, with or in the presence of a child, including child pornography offences, or any assault, ill-treatment or neglect of a child, or any behaviour that causes psychological harm to a child.

For further information please refer to the [NSW Office of the Children's Guardian's website](#).

Lobbyists

10.14 You must comply with the NSW Government Lobbyist Code of Conduct published on the DPC website and as amended from time to time. DPC will only engage with professional (third-party) lobbyists if they and their client are listed on the NSW Electoral Commission's Register of Lobbyists.

The Register is available online: <https://lobbyists.elections.nsw.gov.au/whoisontheregister>

11 Reporting conduct

Reporting bankruptcy and serious criminal offences

11.1 If you become bankrupt, you must immediately notify your manager and People and Operations Group.

11.2 If you are charged, convicted or found guilty of:

- a serious offence; or
- any offence which may impact on your ability to undertake part or all of the inherent requirements of your role

you must immediately notify your manager.

A 'serious offence' means an offence punishable by imprisonment for life or for 12 months or more (including an offence committed outside NSW that would be an offence punishable if committed in NSW). You may be suspended from duty until misconduct proceedings have, or the criminal charge has, been dealt with.

Reporting suspected wrongdoing under the *Public Interest Disclosures Act 1994* (NSW)

11.3 You should report all information you become aware of that you honestly believe, on reasonable grounds, shows or tends to show, instances of:

- corrupt conduct (as defined in the *Independent Commission Against Corruption Act 1988* (NSW))
- maladministration (action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory, or based wholly or partly on improper motives)
- serious and substantial waste of public money (the uneconomical, inefficient or ineffective use of resources which results in a loss/wastage of public funds/resources)
- government information contravention (a failure to exercise functions in accordance with the *Government Information (Public Access) Act 2009* (NSW)).

11.4 The *Public Interest Disclosures Act 1994* (NSW) provides protection against reprisals and against legal action. You must comply with DPC's Public Interest Disclosures Policy (available on DPC's intranet).

11.5 A manager who receives a report that might qualify as a public interest disclosure must advise and encourage the reporter to make a report directly to the Secretary or a nominated Public Interest Disclosure Co-ordinator, so that the reporter may be protected under the *Public Interest Disclosures Act 1994* (NSW).

12 Breaches of the Code

- 12.1 Behaviour contrary to the Code can undermine productive relationships at work, hinder service delivery, and damage public trust in DPC.
- 12.2 If you see another member of staff act in a way that is contrary to the Code, you should report the incident to your supervisor or manager. If the breach is by your supervisor or manager, then you should report it to another manager or Senior Executive.
- 12.3 If you believe that the behaviour is not just unethical conduct or a breach of the Code but is corrupt conduct, a serious and substantial waste of public money, serious maladministration or government information contravention, then report your concerns in accordance with DPC's Public Interest Disclosures Policy (available on DPC's intranet).
- 12.4 When deciding what, if any, action should be taken in relation to a breach of the Code, each case should be considered on its own facts and circumstances.
- 12.5 The matters to consider when deciding what action to take in response to breaches of the Code include:
- the seriousness of the breach
 - the likelihood of the breach occurring again
 - whether the staff member has committed the breach more than once
 - the risk the breach poses to staff, stakeholders, and any other persons
 - whether the breach would be serious enough to warrant action for misconduct.

Steps for managing an allegation of a breach of the Code are set out in DPC's Complaints and Investigations Policy (available on DPC's intranet).

- 12.6 A breach of the Code may constitute misconduct under the *Government Sector Employment Act 2013* and may result in any of the following actions:
- termination of employment
 - imposition of a fine
 - reducing remuneration
 - reducing classification or grade
 - assignment to a different role
 - caution or reprimand.

Only the Secretary can suspend an employee in connection with an allegation or a finding of misconduct.

- 12.7 A breach of the Code may also constitute corrupt conduct as defined in the *Independent Commission Against Corruption Act 1988* (NSW).
- 12.8 If you are a contractor, consultant, volunteer or student, a breach of the Code may result in your contract/ placement being terminated.

12.9 The subject matter of any misconduct may relate to an incident or conduct that happened outside of work or before the commencement of your employment.

- 12.10 In addition to any misconduct action taken by DPC, criminal proceedings may be commenced against you if there is evidence of criminal activity.
- 12.11 You may be suspended from duty (with or without pay) until an allegation of misconduct or criminal charge or investigation of corrupt conduct has been dealt with.

Types of conduct addressed by another procedure

12.12 Please refer to:

- DPC Public Interest Disclosures Policy if required, see paragraph 12.3
- DPC External Complaints Handling Policy, if a complaint is made by a member of the public about staff conduct
- DPC Bullying and Harassment Free Workplace Policy, if it is an allegation of Bullying (in line with the *Work Health and Safety Act 2011* and WorkCover)
- DPC Managing Unsatisfactory Performance Policy and Procedures, if it is a staff work performance issue.

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