



Natural  
Resources  
Commission

# CODE OF ETHICS AND CONDUCT

November 2022

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## 1 Introduction

The Natural Resources Commission (the Commission) is committed to the Ethical Framework for the NSW government sector employees, comprising core values and the principles that guide their implementation.

The Commission's Code of Ethics and Conduct consists of the:

- Code of Ethics and Conduct for NSW government sector employees
- Commission additions to the above Code of Ethics and Conduct.

## 2 Code of Ethics and Conduct for NSW government sector employees

The *Government Sector Employment Act 2014* (the Act) establishes a legal requirement for all people involved in the government sector to act ethically and in the public interest.

Details of the government sector core values and principles that guide their implementation can be found in Part 2 of the Act: **Ethical Framework** for the government sector. All Commission staff are required to comply with the core values of the Ethical Framework.

All Commission staff are required to:

- demonstrate the highest standards of ethical conduct in their work
- review the Code annually and report in your development plan of review of the Code and compliance. To access the latest version of the Code of Ethics and Conduct please click the link noted below.

These standards of conduct are specified in the [Code of Ethics and Conduct for NSW government sector employees](#).

[Behaving Ethically](#) is a package of resources designed to help government sector employees to better understand the obligations to act ethically and in the public interest. This resource is designed to be accessed online (**Attachment 1**).

## 3 Your responsibilities – a summary from the code

As a NSW Government employee you must act in ways that are lawful, ethical and build trust in the public sector. It is your responsibility to know, understand and comply with all the ethical and legal obligations that apply to you.

You should also take the time to learn what risks there are – in the context of your own job – to your acting lawfully and ethically. This is especially important if you are new to public sector employment, as there are certain obligations that are different from, or do not exist in, the private and not-for-profit sectors.

Remember – your conduct, both inside and outside the workplace, can have a significant impact on your employer, your colleagues and, most importantly, the people of NSW.

### Personal conduct

At all times, your conduct must be consistent with the Ethical framework for the government sector. The Ethical framework for the government sector is set out in Part 2 of the *Government Sector Employment Act 2013*.

## Code of Ethics and Conduct

The Public Service Commissioner has developed a Code of Ethics and Conduct for NSW government sector employees. Consistent with the PSC Commissioner's Directions, you are required to comply with the mandatory requirements of the code, and with any supplementary requirements determined by your Department Secretary or agency head.

### Public resources

You must use public resources in an efficient, effective and prudent way. Never use public resources – money, property, equipment or consumables – for your personal benefit, or for an unauthorised purpose. If you are responsible for receiving, spending or accounting for money, ensure you know, understand and comply with the requirements of the *Government Sector Finance Act 2018*, the *Public Works and Procurement Act 1912* and the *Government Advertising Act 2011*.

### Equal access and opportunity

Treat people equally, whether they are members of the public, customers or colleagues. Don't discriminate against people because of their sex, race or ethnicity, disability, age, marital status or sexual orientation, or because they are a carer or a transgender person.

Your obligations are set out in the *Anti-Discrimination Act 1977* (NSW), and applicable Commonwealth discrimination legislation. The Anti-Discrimination Board of NSW and the Australian Human Rights Commission have more information.

### Bullying

Bullying is not tolerated in NSW government sector workplaces. You are required to treat members of the public, customers and colleagues fairly and with courtesy and respect. If you are bullied by anyone, or you witness bullying, it is important that you report it immediately so that it can be stopped. Refer to your agency's policies and procedures on how the report should be made and to whom.

Bullying in the workplace is defined as 'repeated, unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety'. A single incident, or reasonable workplace actions (including legal and reasonable performance management and directions to employees), are not bullying.

### Corruption

As a government sector employee, you must never make improper use of the knowledge, power or resources of your position for personal gain or the advantage of others. To do this would be corrupt.

Make sure you understand the definition of corrupt conduct which is in the Independent *Commission Against Corruption Act 1988*. If you see or suspect corrupt conduct, you should report it – see the section 4.2 'How to report serious wrongdoing' at page 126 of the NSW Government Code of Ethics and Conduct.

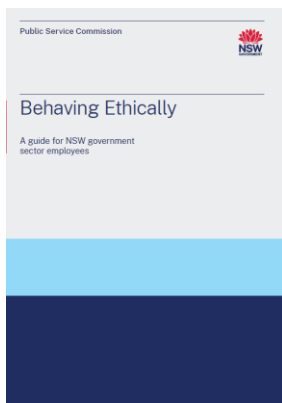
## 4 Commission additions to the Code of Ethics and Conduct

The Commission staff are also required to comply with the Commission-specific additions to the Code of Ethics and Conduct for NSW government sector employees, as specified by the Natural Resources Commissioner (**Attachment 2**).

## 5 Document control

Date approved	November 2022
Review period	Annual
Next revision	November 2023
Responsible Officer	Director Corporate Services
Approving Officer	Commissioner
Changes made during the last revision	Review completed minor updates.

## Attachment 1: Behaving Ethically



## Access the Behaving Ethically Guide

This resource is designed to be accessed online and is available from the NSW Public Service Commission website. The “Commissioner” in this resource means the “NSW Public Service Commissioner”. Click here to download the [manual](#)

## Behaving Ethically

All NSW Government sector employees are required to behave in ways that are ethical, lawful and build trust in the sector. This means acting in ways that demonstrate the government sector core values of Integrity, Trust, Service and Accountability.

Behaving Ethically is the key central source of legislation, policy and practical resources to assist government sector agencies to develop ethical cultures, leadership and workplace practices, and to assist employees to demonstrate ethical conduct.

Behaving Ethically:

- gives legal, ethical and institutional context
- describes good ethics practice
- guides you on how to act in the public interest
- shows you how to report serious wrongdoing.

## Positive and productive workplaces

NSW government sector agencies have a responsibility to provide work environments that are safe, ethical, inclusive and productive. This means they must be free from bullying, harassment and other unreasonable behaviour

It is important that NSW Government employees reflect on their own behaviour and take ownership for the role they play in creating a positive workplace.

The Positive and Productive Workplaces Guidelines support NSW Government sector agencies, their leaders and employees in preventing, identifying and responding to workplace bullying. These guidelines encourage individual employees to:

- Respect your role, each other, and our organisation’s values and code of conduct.
- Reflect on how your behaviour contributes to an inclusive, positive and productive workplace.
- Reset your mindset and step into a positive frame.

Respect, Reflect, Reset [click here](#) to download the guide

# Creating behavioural change

There are nine themes in the Positive and Productive Workplace guidelines which can help effect behavioural change in individuals to create inclusive workplaces.

## **Inclusion**

When I include everyone on my team, I'm creating a positive and inclusive workplace.

## **Collaboration**

When we work together, we go further.

## **Expectations**

I succeed when I'm accountable for the work I do and the way I behave.

## **Leadership**

I make a positive contribution to the team when I support others in reaching their goals.

## **Adapting**

When there is change, we find ways to support each other, to adapt and learn new skills.

## **Story telling**

The stories I tell can shape a positive and constructive workplace.

## **Speaking up**

When I speak up openly and respectfully, I create a more positive and productive workplace.

## **Learning environment**

When we learn from our mistakes and support each other, we are creating a positive workplace.

## **Acting early**

Spotting the warning signs and speaking up helps maintain a positive and inclusive workplace.

# The ethical framework

A summary of the ethical responsibilities for all sector employees under the GSE Act.

The *Government Sector Employment Act 2013* establishes a legal requirement for all people employed in the government sector to act ethically and in the public interest. Details of the 4 government sector core values and 18 principles that guide their implementation can be found in Part 2 of the Act: Ethical framework for the government sector.

The Ethical Framework is listed below. In addition, Sections 25 and 30 of the Act make Department Secretaries and heads of agencies responsible for the ethical conduct and management of their agencies.

The Behaving Ethically guide assists employees to better understand the obligation to act ethically.

## ***Government Sector Employment Act 2013***

### **Part 2 [Ethical framework for the government sector](#)**

- Objective of Part

(a) recognises 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,

(b) establishes an ethical framework for a merit-based, apolitical and professional government sector that implements the decisions of the government of the day.

- Government sector core values

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

1 **Integrity**

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

2 **Trust**

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

3 **Service**

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

4 **Accountability**

- (a) Recruit and promote staff on merit.
- (b) Take responsibility for decisions and actions.
- (c) Provide transparency to enable public scrutiny.
- (d) Observe standards for safety.
- (e) Be fiscally responsible and focus on efficient, effective and prudent use of resources.

### **General provisions**

- The Public Service Commissioner has the function of promoting and maintaining the government sector core values.
- There is no hierarchy among the core values, and each is of equal importance.
- Nothing in this Part gives rise to, or can be taken into account in, any civil cause of action.

## Attachment 2: Natural Resources Commission additions to the Code of Ethics and Conduct

In addition to adopting the Code of Ethics and Conduct for NSW government sector employees, the Commission has included the following items in its Code of Ethics and Conduct.

### Personal and professional behaviour

The personal and professional behaviour of the Commission staff must contribute to a productive and harmonious workplace. All Commission staff are required to:

- comply with legislative, industrial or administrative requirements, and lawful and reasonable directions given by persons in authority
- exercise their best judgement in the interests of the Commission and the NSW public
- be aware of the requirements of Anti-Discrimination and Workplace Health and Safety legislation; GIPA Act and the responsibilities these place on the staff
- make decisions fairly, consistently, promptly and without bias, using the best factual information available
- maintain adequate and secure documentation to support decisions, and transparently disclose information in the public interest as guided by policy
- respect the dignity of the public, clients and other staff by treating them with courtesy, honesty and sensitivity to their rights
- implement and abide by the Commission policy, procedures and directions
- ensure that the systems and procedures used in the workplace are effective, and encouraged to take responsibility for recommending system improvements
- act on suggestions for improvements, when they are requested, developed or received
- act responsibly when becoming aware of any unethical behaviour or wrongdoing by any other staff member by reporting known or suspected corrupt conduct or activities to a senior staff member
- treat others in the workplace fairly and with respect, and not bully, harass, victimise or discriminate against staff or others in work practices on any ground, including but not limited to; sex (including pregnancy), sexuality, race, colour, ethnic or ethno-religious background, descent or national identity, marital status, disability, age, political conviction or religious belief, carer's responsibilities or other grounds covered by relevant legislation.

### Perceived conflicts of interest

Perceptions of conflict of interest, can arise when staff have to choose between two or more interests in a matter; that is, when a personal interest could potentially interfere with, or appear to interfere with, the performance of public duties.

Examples of conflicts of interest include:

- You are a member of a recruitment panel and you have a personal, financial, business or other relationship with one of the applicants for the position or with another panel member.
- You are seeking to undertake secondary employment or volunteer work which is in conflict with your primary work at the Commission.
- You are assessing tenders/suppliers and realise you have a personal, financial, business or other relationship with one of the people making a submission.



- You have a personal, financial business or other interest in a supplier or an operator with whom the Commission does business.

When these situations arise, public interest must always come first.

Any staff member must report in writing to the Director Corporate Services if they became aware of an actual or potential conflict of interest. It is preferable to err on the side of caution and disclose any interest that could affect or be seen to affect, the unbiased and fair performance of duties. In some situations, the staff may need to step aside from a role to ensure the integrity of the process. The Director Corporate Services will register the interest and inform the Executive Director of the potential conflict.

At the commencement of each Commission meeting, members of the Commission will declare any interests relevant to the agenda and update the register of interests for the wider functioning of the Commission.

To resolve any conflicts of interest that occur, or could occur, a range of options is available, depending on the significance of the conflict. These options include:

- recording the details of the disclosure and taking no further action because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision
- the staff member relinquishing the personal interest
- the staff member temporarily restricting duties so that the conflict is managed and does not impact the workplace
- the staff member transferring (at no disadvantage in their terms and conditions of employment) from the area of work or particular task, where the conflict arises.

Disputes over alleged conflicts of interest may be resolved through the Commission's normal grievance procedures.

## **Safety and security**

All staff are expected to understand their responsibilities and obligations under *Work Health and Safety Act 2012* and regulation.

All staff should proactively ensure that the workplace is safe and secure for everyone, including identifying, assessing and reporting safety risks and hazards. Staff have obligations to keep the workplace safe and secure by being aware of the security system.

## **Using public resources**

All staff should aim to ensure that resources (i.e. materials, funds, personnel, equipment, plant, facilities, electronic communications, Commission logo on a letterhead etc.) entrusted to them are used efficiently, carefully, lawfully, securely and honestly. Unless permission has been granted, the Commission resources are not to be used for private purposes.

## **Secondary employment**

A staff member wishing to take on another job must first obtain formal, written approval from the Director Corporate Services. The request is to be submitted through the development manager who will make recommendation to the Director Corporate Services. This is because secondary employment can lead to conflicts of interest, disclosure of confidential information and misuse of the Commission's resources.

The request to engage in another employment must provide details of the type of work and hours proposed to be worked. It will be assessed according to the following criteria:

- It does not arise from, or interferes with, or is related to, the staff member's work at the Commission.
- It will not cause a conflict of interest with the staff member's official duties.
- It does not compromise the values of the Commission.
- It will be done outside the staff member's working hours at the Commission
- It will not result in the staff member becoming too tired to undertake responsibilities at the Commission.
- It will not involve information or any resources, which are obtained from the Commission.

A staff member wishing to vary the nature or extent of any secondary employment (including cessation), must seek approval in writing, providing the details of the variation sought.

All staff must make sure that any participation in any political activities does not conflict with their primary duty as an employee of the Commission to serve the Premier and Government of the day.

In the event a staff member wishes to contest in either a State or Federal election, they are required to take leave without pay.

Within the context of the requirements of this Code of Ethics and Conduct, staff members are free to fully participate in voluntary community organisations, charities and in professional associations.

Casual, part-time staff members and contractors are likely to have other employment. In some situations, this could create a conflict of interest. This real or potential conflict should be discussed with the development manager or the person entering into the contract on behalf of the Commission, and steps taken to resolve or manage it.

Contractors cannot be given delegated authority to incur expenses. Only permanent staff members can receive delegated authority to approve and authorise expenditure, purchasing, leasing, leave, recruiting or contracting.

## **Use of official information**

During the course of duties, staff members will gain information on a number of areas, for example, government policy and information about client groups and individuals. Such information includes written information, stored information, information on computer systems or something that has been overheard or been told at work.

Such information may only be used for the purposes of work at the Commission. Each staff member is responsible to maintain the Commission's reputation for integrity and credibility in this area. The GIPA Act provides individuals with the right, under certain circumstances, to obtain information retained by the Commission. Likewise, the *Privacy and Personal Information Act 1998* imposes requirements on staff regarding 'personal information'.

## **Public comment**

Staff members should ensure that their public comments (either written or verbal) made in a private capacity are not attributed as official comments of the Commission. In this regard, a staff member should not use official stationery for private correspondence or for purposes not related to our official duties.

## **Alcohol and drugs**

The consumption of alcohol is not permitted when exercising official functions for the Commission, or on the Commission premises, except for authorised, work related functions, or where approval has been granted by a Director or above. When attending a work related function, staff members must take a responsible approach to the consumption of alcohol. Staff members are not permitted to consume so-called recreational drugs during work hours, nor may attend work while under the influence of alcohol or other non-prescribed drugs.

## **Enforcing this code of conduct**

This Code of Ethics and Conduct is designed to promote and enhance the ethical behaviour of all staff at the Commission. If a staff member is found to have breached the code of conduct, the Commission may decide to take action against them. Such action may include disciplinary action for misconduct. Any such action may result in sanctions imposed, including and up to, termination of employment.

Breach of this code of conduct may also result in action being taken by a statutory authority and/or agency, where breaches of relevant legislation may be evident, and may result in criminal action, fines or imprisonment.

## **Reporting corrupt conduct, maladministration and waste**

All Commission staff are encouraged to disclosure of corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention.

The Commission's **Public Interest Disclosure Policy** provides details of making a public interest disclosure (internal to the Commission or to an external investigating authority), protections for persons making public interest disclosures, and contact details for investigating authorities.