



Natural
Resources
Commission

CODE OF ETHICS AND CONDUCT

April 2019

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1 Introduction

The Natural Resources Commission (the Commission) is committed to 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. 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**).

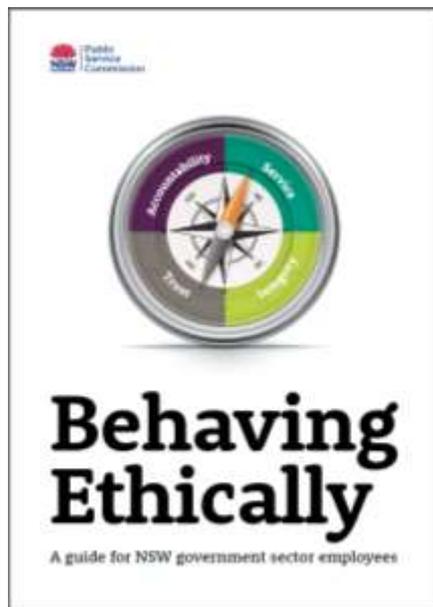
3 Commission additions to the Code of Ethics and Conduct

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**).

4 Document control

Date approved	June 2018
Review period	Annual
Next revision	April 2020
Responsible Officer	Director Corporate Services
Approving Officer	Commissioner
Changes made during the last revision	Review completed with no changes made to the Sector policy

Attachment 1: Behaving Ethically



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”.

Introduction

- Note to Reader
- What you need to know
- Your responsibility – a summary

Section 1: Legal, Ethical and Institutional Context

- 1.1 Roles and responsibilities in the Westminster System
- 1.2 The Ethical framework for the government sector
- 1.3 Other Legislation
- 1.4 Oversight agencies

Section 2: Commissioner’s directions

- Commissioner’s directions
- Public Service Commissioner Direction No. 1 of 2014
- Managing Gifts and Benefits
- Legislative Context
- Minimum Standards
- Other things to consider
- [Code of Ethics and Conduct for NSW government sector employees](#)
- Public Service Commissioner Direction No 1 of 2015
- Relationship to department and agency codes of ethics and conduct
- The Ethical Framework for the government sector
- Mandatory Conduct
- Behaviour contrary to the Code
- Good practice guides

Section 3: Ethics Good Practice

- 3.1 Difficult Decisions - Introduction
- 3.2 Difficult Discussions - Scope
- 3.3 Agency Ethics Self-Assessment
- 3.4 Leadership
- 3.5 Governance
- 3.6 Changing Agency Culture
- 3.7 Supporting Employees
- 3.8 Customer Service Standards
- 3.9 Measurement and Monitoring

Section 4: Other Resources

- 4.1 Acting in the public interest
- 4.2 How to report serious wrongdoing
- 4.3 Ethical Scenarios
- 4.4 Declaration of private interest template

Attachment 2: 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 wrong doing 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.

Conflicts of interest

Conflicts of interest, or 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 effect, or be seen to effect, 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 the development manager. 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.