

Code of Ethics & Conduct

Staff

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1. Code statement

This should cover the objectives of this document and any potential legal/regulatory agency requirements to consider.

The Greater Cities Commission (Commission) is committed to promoting confidence in the integrity of public administration and always acting in the public interest. This Code of Ethics and Conduct – Staff (Code) outlines the standards and behaviour expected of staff in the Commission.

The purpose of this Code is to:

- provide a framework for appropriate behaviour for staff interactions with colleagues, members of the public, and stakeholders; and
- outline the values and standards required to guide employees' decisions, actions, and ethical behaviour in the performance of their duties.

Staff of the Commission have a responsibility to:

- uphold the law;
- preserve the public interest;
- defend public value;
- implement the decisions of the Government of the day; and
- add professional quality and value to the commitments of the Government of the day.

Members of the public, stakeholders and staff have a right to be treated fairly, consistently, without discrimination, and with proper regard for their rights and obligations.

In addition to complying with this Code, staff must also comply with the Public Service Commission's Code of Ethics and Conduct for NSW Government Sector Employees.

Appendix 1 contains defined terms used in this Code.

2. Who does this Code apply to?

This Code applies to all staff including:

- permanent staff;
- temporary staff;
- casual staff;
- other Government sector employees who are on secondment or assigned to the Commission;
- contractors;
- consultants;
- volunteers; and
- employees of organisations who provide services under contract to the Commission.

For the purposes of this Code, "staff" refers to all people to whom this Code applies.

In this Code, a reference to a senior executive manager means:

- Chief Executive Officer;
- Executive Director; and
- Director.

3. Key responsibilities

Senior executive managers and managers

A senior executive manager, or a manager responsible for supervising or managing an individual or group of staff, is responsible for:

- ensuring staff have been issued with this Code and are aware of the Ethical Framework for the government sector (Ethical Framework) contained in pt 2 of the Government Sector Employment Act 2013 (GSE Act), and understands their requirements;
- advising staff on the Commission's expected standards of behaviour;
- investigating alleged breaches of this Code; and
- demonstrating ethical, fair, and professional behaviour that is aligned with this Code.

All staff

Staff must:

- carry out their official duties in accordance with the values of the Commission and the NSW Government's Ethical Framework;
- treat colleagues, members of the public and stakeholders fairly, consistently and with respect;
- behave in a lawful, professional, and reasonable manner and always act in the best interests of the Commission;
- comply with the Commission's Policies, Procedures, and guidelines, as well as relevant legislative and industrial requirements that apply;
- understand the duties, responsibilities, and accountabilities of their roles, and perform these safely, honestly, courteously and fairly;
- make impartial decisions that demonstrate the values of the Commission and the Ethical Framework and promote confidence in the integrity of public administration;
- comply with reasonable lawful requests, directions and instructions given in the course of their duties by any person with the authority to do so;
- maintain the integrity, confidentiality and security of corporate information and not use and/or disclose corporate information for a private purpose or to obtain personal advantage;
- report ethical, dishonest, or corrupt conduct; and
- not discriminate, harass, bully, or engage in inappropriate workplace conduct.

4. Ethical framework

Staff must conduct themselves in accordance with the Ethical Framework contained in pt 2 of the *GSE Act*.

The objectives of the Ethical Framework are to:

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

Section 7 of the *GSE Act* outlines the core values for the government sector and the principles that guide their implementation:

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.

There is no hierarchy amongst the core values, and each is of equal importance.

4.1. Adherence to the Commission's values

In addition to the Ethical Framework, the Commission has established its own Values and Behaviours Framework that is aligned to the four core values.

The Commission seeks to embed the following behaviours as foundations for its work:

Integrity

- Make evidence-based decisions that are transparent and accountable.
- Provide independent advice.
- Embrace and welcome collaboration.
- Persevere when we have hard problems to solve.

Trust

- Have respectful, open and honest conversations – even if they are difficult.
- Welcome and respect people who are different from us.
- Include and empower others in decision-making.

- Say what we mean and do what we say.

Service

- Welcome creative, bold and fearless thinking to secure the best possible outcomes.
- Deliver quality solutions.
- Consult and collaborate with stakeholders in a meaningful way, recognising we don't have all the answers.

Accountability

- Take responsibility for our decisions and actions.
- Open ourselves up to scrutiny.
- Take care of our own wellbeing and safety, and that of the people around us.
- Use resources responsibly and sustainably.
- Keep good records.

5. Conflicts of interest

Staff must perform their duties impartially and in the public interest. They must avoid any conflict of interest.

A conflict of interest exists when a reasonable person might perceive that a staff member's personal interests could be favoured over their public duties.

This may arise through a range of personal interests or connections including family, friends, and associates, or because of financial employment and/or community or political interests and activities.

Staff must disclose every instance of any potential conflict of interest to their manager. If staff are unsure whether a conflict exists, they should discuss the issue with their manager or the Director, Governance and Legal.

Staff should refer to the Commission's Conflict of Interest Policy and Procedure for more information.

6. Gifts, benefits, and hospitality

Staff must never seek or accept any payment, gift, benefit, inducement, or offer of hospitality that is intended, or that could be reasonably perceived to be intended, to induce them to:

- act in a particular way, including make a particular decision; or
- fail to act in a particular circumstance; or
- deviate in any way from the proper exercise of their official duties.

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

If staff are offered a bribe (i.e. anything given to persuade staff to act improperly), staff must refuse it, indicate it is not appropriate, and immediately report the matter to their manager. Any attempt to bribe an employee, or acceptance of a bribe, is corrupt conduct and must be reported. It may also constitute a criminal offence.

Staff should refer to the Commission's Gifts, Benefits and Hospitality Policy and Procedure for more information.

7. Secondary employment

Staff are not permitted to engage in any form of secondary or private employment without the prior written approval of their senior executive manager or the Chief Executive Officer.

When considering employment outside of their role at the Commission, staff must assess whether it may adversely affect the performance of their duties or give rise to a conflict of interest.

Staff who join the Commission and already hold other employment must seek approval to continue in the other work.

Volunteering outside of work hours does not require approval unless the involvement is likely to conflict with or affect the efficiency or performance of their official duties, or if the Commission provides any funding to the community organisation, charity or professional association concerned.

Staff should refer to the Commission's Secondary Employment Policy and Procedure for more information.

8. Handling information

8.1. Confidentiality

Staff must maintain the security and confidentiality of all official information and documents that are not published or normally made available to the public.

Staff may only disclose information not normally provided to the public if:

- it is required as part of their duties;
- proper authority has been given for staff to do so;
- staff are required or authorised to do so by law; or
- when called to give evidence before a court, tribunal, commission of inquiry or a Parliamentary Committee.

To promote open, accountable, fair and effective government, the *Government Information (Public Access) Act 2009* (GIPA Act) gives members of the public a right to access government information. This right is restricted only when there is an overriding public interest against disclosing the specific information requested.

All formal or informal access applications must be referred to Governance and Legal. Enquiries from the media should be referred to Thought Leadership & Engagement.

8.2. Misuse of information

Staff must not make private use of official information. Misuse of official information, whether for monetary gain or not, may attract misconduct action and may be classed as corrupt conduct. Approval may be given for staff to make use of official documents in defence of defamation and associated legal actions.

Staff must not misuse their role or their access to the Commission or other Government-held information to secure future employment advantages, or to benefit any other person or organisation, including former staff.

Staff must be careful when dealing with former staff, and make sure staff do not give them favourable treatment or access to corporate information. Staff must report any attempt by a former staff member to influence staff.

Staff should refer to the Commission's Acceptable Use of Official Resources – ICT Policy, Electronic Documents and Records Management Policy, Information Security Policy, and the Privacy Management Plan for more information.

8.3. Privacy

Staff must protect personal and health information in accordance with the requirements of the Privacy and Personal Information Act 1998 and the Health Records and Information Privacy Act 2002.

Staff should consult the Commission's Privacy Management Plan for further information.

8.4. Information security

Staff 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 who are authorised to have access to it.

Staff are not to access information unless it is immediately relevant to the work staff are performing.

The NSW Government owns all intellectual property rights in the work of Government employees in the course of their employment. Staff must not use any material owned by the Commission other than in the course of their official duties.

Managers are responsible for ensuring that suitable arrangements are in place to maintain the security of confidential and sensitive documents, including ensuring that contractors are aware of their information security responsibilities.

Staff should refer to the Commission's Information Security Policy for more information.

8.5. Records Management

Staff are required to comply with the State Records Act 1998 by fulfilling such obligations as:

- making and keeping full and accurate records in respect of their official activities;
- capturing records into the official records systems; and
- not destroying records without the appropriate authority to do so.

Any records staff create including but not limited to emails, working notebooks, draft documents, and database entries, may be released to the wider public. These are all classed as records and must be managed and kept accordingly.

Staff should refer to the Commission's Records Management Policy for more information.

8.6. Signatures

Staff must carefully review any document staff are asked to sign (including approving the use of their electronic signature). Staff must not sign any document which staff know is not true and correct.

Staff must only sign their own name and never permit or encourage anyone to sign a name other than their own.

Staff should only use their own name (e.g. when sending emails) and not give the impression that staff have the authority of another person without their permission.

8.7. Use of information post-employment

When staff cease their employment with the Commission, staff should not use or take advantage of any confidential information obtained in the course of their official duties unless it has become lawfully available.

9. Use of official resources

Official resources include laptops, mobile phones, photocopiers, emails, and the internet.

Staff must be economical and efficient in the use and management of official resources.

All Commission property and assets should be treated with care and staff must ensure they are secured against theft or misuse.

Staff should refer to the Commission's Acceptable Use of Official Resources – ICT Policy for more information.

9.1. Private use

Limited personal use of Commission communication devices, such as computers, printers, mobile phones or similar, by staff is permitted provided the use is infrequent, brief, involves minimal cost and does not interfere with the performance of work. Use must also comply with relevant Policies and Procedures.

Official facilities and equipment may only be used for private purposes when approval has been given by the Executive Director, People and Corporate Services.

Stationery, letterhead, and official logos must only be used for official business. Staff must not seek to make private use of the services of other staff while on duty. If staff are asked to perform tasks in work time that are not work-related staff should refuse.

Commission facilities and equipment (including software) must not be used for private employment or for private financial gain by staff.

9.2. Communication devices

All use of the Commission's electronic communication facilities (computers or similar devices, network, software, internet, email) should be lawful, appropriate, and ethical. These facilities are not to be used in any way that:

- is misleading or deceptive;
- could damage the Commission's reputation;
- could result in victimisation, harassment or vilification;
- is offensive, obscene, threatening or defamatory;
- violates Australian or State regulations – including 'computer hacking'; or
- is intended to have a destructive effect on storage, processing or communications network facilities.

9.3. Procurement and expenses

The Commission's purchasing practices must be of the highest standard to achieve value for money

and ensure that public money is spent appropriately. The Commission also needs to comply with specific mandatory state government policies and practices in relation to procurement and tendering.

Staff must ensure the efficient and responsible expenditure of public funds in accordance with the *Government Sector Finance Act 2018*, *Government Sector Audit Act 1983*, Treasury Policy and guidelines, Treasury Circulars and Treasurer's Directions.

Staff are responsible for making themselves familiar with the Policy and Procedures that apply to the type of procurement being undertaken on behalf of the Commission.

In any procurement process, staff must appropriately consider and deal with any conflict of interest. If staff are a nominee to an opening or evaluation committee for procurement activity, staff must complete the conflict of interest and confidentiality declaration required by the Commission's Procurement Policy.

9.4. Intellectual property

Staff 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 staff in the course of their work belongs to the Commission.

Staff must not use the Commission's intellectual property (including copyright) for private purposes without obtaining written permission from a senior executive manager.

10. Participation in political or other activities

Staff must ensure that their involvement in any political, community, volunteering or personal activities does not conflict with or influence their employment of their primary duty to serve the Government of the day in an impartial and objective manner.

Staff have a right to participate in political and community activities and to pursue private interests, provided that:

- their participation does not interfere with their official duties;
- their participation does not conflict with their duty as a public servant to serve the Government of the day in a politically neutral manner; and
- any conflict of interest that arises is dealt with in accordance with this Code and the Commission's Conflict of Interest Policy and Procedure.

If there is a conflict of interest, staff 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 issues, their role, the extent of their participation and their public prominence.

10.1. Contesting at an election

Special arrangements apply to staff who are contesting State or Federal elections:

- staff nominating as candidates for Federal elections must comply with s 72 of the *GSE Act* and resign before nomination.
- staff contesting State elections must comply with s 71 of the *GSE Act* and s 13b of the *Constitution Act 1902*. Such staff are not required to resign until declared elected but should consider appropriate leave arrangements to cover the election period.

11. Public comment

Public comment is any comment made where it is expected that it will be seen or heard by members of the public. This includes (but is not limited to):

- 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; and
- profile or activities on social media, including posting, blogging, tweeting, uploading photographs, sharing, commenting, liking, and retweeting on sites such as Facebook, LinkedIn, and Twitter.

11.1. Public comment in their capacity as an official

Staff must not represent the Commission without being given authority to do so. The Chief Commissioner is responsible for speaking to the media on behalf of the Commission. The Chief Commissioner may authorise another Commissioner or the Chief Executive Officer of the Commission to speak to the media at any time on behalf of the Commission.

Any requests for public comment should be initially directed to the Thought Leadership & Engagement team.

Where comment has been authorised to be given on behalf of the Commission, comments made must be confined to factual information. Opinions on government policies and decisions must be avoided unless required by law. Staff may only disclose information that is already in the public domain or that staff have been otherwise authorised to release.

Staff should refer to the Commission's External Communications Policy for more information.

11.2. Public comment in a private capacity

As private individuals, staff 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, staff must:

- observe the restrictions on the release of official information and ensure confidentiality of the Commission and NSW Government information;
- make it clear that staff are commenting as a private individual;
- only provide their personal contact details and not those of the Commission;
- not use any logos or insignia that may give the impression of official support or endorsement of their personal comment;
- not make any comment that could compromise or be reasonably perceived as compromising their capacity to fulfil their duties in an impartial, apolitical and professional manner;
- not make any comment that could damage the reputation of or public trust in the Commission or the broader government sector; and
- comply with this Code and the Commission's External Communications Policy.

12. Professional behaviour

12.1. Workplace health and safety

Staff are responsible for complying with statutory and other obligations to ensure healthy and safe workplaces and practices. Staff should be proactive in ensuring the workplace is safe and secure for everyone, including identifying, assessing, and reporting safety risks and hazards.

All staff need to be aware of the Commission's responsibilities which are outlined in the Commission's Work Health and Safety Policy.

Staff have a duty to:

- take reasonable care for the health, safety and welfare of themselves and others when performing their work;
- adhere to the Commission's security and emergency procedures, including participating in evacuation drills and following the direction of floor wardens;
- report any identified risks, hazards, or incidents; and
- cooperate with the Commission to ensure compliance with all relevant work, health, and safety laws.

Managers and supervisors have a duty of care to maintain a safe and healthy working environment that ensures the safety and wellbeing of staff.

Staff should refer to the Commission's Work Health and Safety Policy for more information.

12.2. Use of alcohol and drugs

Staff must, while at work or on duty, be in a fit and proper state to perform their duties, so to not put at risk the health and safety of themselves or others. Staff are responsible for ensuring that their capacity to perform their duties is not impaired by the use of alcohol or drugs.

Staff must not have illegal drugs in their possession while at work.

Smoking or use of electronic cigarettes is not permitted in or near the Commission's offices.

12.3. Treating people with dignity and respect

Staff are expected to relate professionally to colleagues, stakeholders, and members of the public and to act with courtesy and fairness. In dealing with others, staff should ensure that staff do not prejudice the operations, security, or reputation of the Commission.

The Commission has zero tolerance for bullying, harassment, discrimination and inappropriate or unreasonable workplace conduct.

All staff must abide by the Commission's Prevention of Bullying and Harassment in the Workplace Policy.

Reasonable workplace actions, including legal and reasonable performance management and directions to staff, are not bullying.

Staff should familiarise themselves with the Commission's pathways for resolving workplace problems and issues.

Deliberately submitting a workplace concern, formal grievance or allegations with false statements or for malicious, vexatious or frivolous purposes may attract misconduct action.

12.4. Lobbyists

Staff must comply with the *NSW Government Lobbyist Code of Conduct, Lobbying of Government Officials Act 2011* (the Lobbying Act) as well as the Commission's Engaging with Lobbyists and Business Contacts Policy and Procedure.

A third-party lobbyist refers to an individual or body carrying on the business of lobbying Government officials (generally for money or other valuable consideration) on behalf of another individual or body. This excludes technical specialists and consultant in their work capacity.

The Commission will only engage with professional third-party lobbyists if they are listed on the NSW Electoral Commission's *Register of Third-Party Lobbyists*. Special rules apply for any meeting that takes place with any third-party or other lobbyist if they appear on the NSW Electoral Commission's Lobbyist Watch List.

Staff should refer to the Commission's Engaging with Lobbyists and Business Contacts Policy and Procedure for more information.

13. Reporting conduct

13.1. Public Interest Disclosures

Staff are encouraged to make a report about serious wrongdoing which they honestly believe, on reasonable grounds, shows or tends to show, instances of:

- corrupt conduct
- maladministration
- serious or substantial waste of public money
- government information contravention.

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 either the Chief Executive Officer, Public Interest Disclosure Coordinator or any of the Public Interest Disclosure Officers.

Staff should refer to the Commission's Public Interest Disclosure Policy and Procedure for more information.

13.2. Reporting serious offences and bankruptcy

Clause 9 of the *Government Sector Employment Regulation 2014* (GSE Regulation) requires an employee to notify the Chief Executive Officer immediately if they are charged with or convicted of a serious offence. A serious offence is one that carries a penalty of 12 months or more imprisonment. A conviction or finding of guilt of a serious offence constitutes misconduct under s 69 of the GSE Act.

In addition, if staff are charged, convicted, or found guilty of any offence which may impact on their ability to undertake part or all the inherent requirements of their role, staff must also notify their manager.

Staff may be suspended from duty until misconduct proceedings, or the criminal charge has been dealt with.

If declared bankrupt or enter into an arrangement with creditors, under cl 10 of the GSE Regulation, permanent and temporary employees must immediately inform the Chief Executive Officer in writing.

13.3. Complaints and grievance management

Any internal complaints or grievances should be reported directly by staff to their manager or People and Culture. The report will be assessed and, if necessary, investigated. Principles of procedural fairness will be applied.

For further information on report and managing complaints and grievances, staff can refer to the Commission's Grievance Resolution Policy and Procedure.

14. Breaches of this Code

Behaviour by a staff member that is contrary to this Code and/or the Ethical Framework should be reported to the staff member's supervisor or manager (unless reporting as a public interest disclosure – see the Commission's Public Interest Disclosure Policy and Procedure).

Each report will be evaluated to determine whether a formal process is required, and action may be taken in relation to any conduct that contravenes the requirements of this Code.

The matters to consider when deciding what action to take include:

- the seriousness of the breach;
- the likelihood of the breach occurring again;
- whether the employee has committed the breach more than once;
- the risk the breach poses to staff, stakeholders, and any other persons; and
- whether the breach would be serious enough to warrant action for misconduct.

The subject matter of any misconduct can also relate to an incident or conduct that happened outside of work or before the commencement of their employment. A breach of this Code of may constitute misconduct under the GSE Act and may result in any of the following actions:

- suspension and/or termination of employment;
- imposition of a fine;
- reducing remuneration;
- reducing classification or grade;
- assignment to a different role; or
- caution or reprimand.

15. Further information and resources

15.1. Internal Policies

- Acceptable Use of Official Resources – ICT Policy
- Conflict of Interest Policy
- Conflict of Interest Procedure
- Domestic and Family Violence Policy
- Engaging with Lobbyists and Business Contacts Policy
- Engaging with Lobbyists and Business Contacts Procedure
- External Communications Policy

- External Complaints Handling Policy
- External Complaints Handling Procedure
- First Aid Policy
- Flexible Working Arrangements Policy
- Flexible Working Arrangements Procedure
- Fraud and Corruption Control Policy
- Grievance Resolution Policy
- Grievance Resolution Procedure
- Leave Management Policy
- Managing Unsatisfactory Performance Policy
- Managing Unsatisfactory Performance Procedure
- Prevention of Bullying and Harassment in the Workplace Policy
- Privacy Management Plan
- Procurement Code of Conduct
- Procurement Policy
- Public Interest Disclosure Policy
- Public Interest Disclosure Procedure
- Records Management Policy
- Secondary Employment and Private Interests Policy
- Secondary Employment and Private Interests Procedure
- Work Health and Safety Policy

15.2. Legislation

Commonwealth

- *Age Discrimination Act 2004*
- *Australian Human Rights Commission Act 1986*
- *Disability Discrimination Act 1992*
- *Fair Work Act 2009*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Workplace Gender Equality Act 2012*

NSW

- *Anti-Discrimination Act 1977*
- *Constitution Act 1902*
- *Crimes Act 1900*
- *Crown Employees (Public Service Conditions of Employment) Award 2009*
- *Crown Employees (Planning Officers) Award 2016*
- *Government Information (Public Access) Act 2009*

- [Government Sector Employment Act 2013](#)
- [Government Sector Employment Regulation 2014](#)
- [Government Sector Employment \(General\) Rules 2014](#)
- [Government Sector Finance Act 2018](#)
- [Health Records and Information Privacy Act 2002](#)
- [Independent Commission Against Corruption Act 1988](#)
- [Industrial Relations Act 1996](#)
- [Privacy and Personal Information Act 1998](#)
- [Public Interest Disclosures Act 1994](#)
- [State Records Act 1998](#)
- [Work Health and Safety Act 2011](#)

15.3. Other resources

[NSW Government, Public Sector Industrial Relations Guide](#)

[NSW Public Service Commission, The Code of Ethics and Conduct for NSW Government Sector Employees](#)

[NSW Public Service Commission, Behaving Ethically: a guide for NSW government sector employees](#)

[Safework NSW, Bullying Prevention Policy and Related Procedures](#)

[Safework NSW, The basics: Physical safety at work](#)

[Safework NSW, Mental health at work](#)

[Safework NSW, Code of Practice: Managing psychosocial hazards at work](#)

15.4. Support and/or advice

Employee Assistance Program – (AccessEAP) 1800 818 728
info@accesseap.com.au

Safework NSW – Information, advice or assistance 13 10 50

16. Document management

Approver	Chief Executive Officer
Author	Manager, Governance & Legal
Revision history	Version 1 - April 2019 Version 2 – March 2022; Version 2.1 May 2022
Reviewed by	Governance Officer, Governance & Legal Senior Manager, Governance & Legal Executive Director, People and Corporate Services
Next review date	March 2024
Responsible branch	People and Corporate Services
CM9 Reference	DOC22/2377

Appendix

Form/Template/Info/Guide

Appendix 1 - Definitions

Appendix 1: Definitions

<p>Bullying</p>	<p>means repeated behaviour and unreasonable behaviour directed towards a worker or group of workers that creates a risk to health, safety, or wellbeing.</p> <p><i>Note: a single incident of unreasonable behaviour is not considered to be workplace bullying; however, it may have the potential to escalate and should not be ignored.</i></p>
<p>Corrupt conduct</p>	<p>has the same meaning as in s 8 of the <u><i>Independent Commission Against Corruption Act 1988 (ICAC Act)</i></u> and is:</p> <ul style="list-style-type: none"> • any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or • any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or • any conduct of a public official or former public official that constitutes or involves a breach of public trust, or • any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person. • any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve any of the following matters: <ul style="list-style-type: none"> – official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion, or imposition), – bribery, – blackmail, – obtaining or offering secret commissions, – fraud, – theft, – perverting the course of justice, – embezzlement, – election bribery, – election funding offences, – election fraud, – treating, – tax evasion, – revenue evasion,

	<ul style="list-style-type: none"> – currency violations, – illegal drug dealings, – illegal gambling, – obtaining financial benefit by vice engaged in by others, – bankruptcy and company violations, – harbouring criminals, – forgery, – treason or other offences against the Sovereign, – homicide or violence, – matters of the same or a similar nature to any listed above, – any conspiracy or attempt in relation to any of the above. <ul style="list-style-type: none"> • Corrupt conduct is also any conduct of any person (whether or not a public official) that impairs, or that could impair, public confidence in public administration and which could involve any of the following matters: <ul style="list-style-type: none"> – collusive tendering, – fraud in relation to applications for licences, permits or other authorities under legislation designed to protect health and safety or the environment or designed to facilitate the management and commercial exploitation of resources, – dishonestly obtaining or assisting in obtaining, or dishonestly benefiting from, the payment or application of public funds for private advantage or the disposition of public assets for private advantage, – defrauding the public revenue, – fraudulently obtaining or retaining employment or appointment as a public official. <p>However, under s <u>9</u> of the ICAC Act, in order to be corrupt conduct, the conduct must constitute or involve a criminal offence, a disciplinary offence or reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official.</p>
Discrimination	means where a person is treated unfairly because they may belong to a particular group of people or have a particular characteristic (e.g. gender, pregnancy, breastfeeding, race, age, marital or domestic status, sexual orientation, disability, carer’s responsibility).
Ethical Framework	is contained in pt <u>2</u> of the GSE Act
Fraud	means dishonest activity by any employee that causes actual or potential financial loss to the Commission or the Government, including theft of money or other property. It includes deliberate fabrication, concealment, destruction, or improper use of documentation used for a normal business purpose or the improper use of other information or position.

Government official	<p>is defined under s 3 of the <i>Lobbying of Government Officials Act 2011</i> and means:</p> <ul style="list-style-type: none"> • A Minister or Parliamentary Secretary; • A staff member of a Minister or Parliamentary Secretary (including a staff member in an electorate office); • The head of a Public Service agency; • A person employed in the Public Service of New South Wales, the Transport Service of New South Wales, or any other service of the Crown; • An individual who is engaged under a contract to provide services to or on behalf of the Public Service of New South Wales, the Transport Service of New South Wales or any other service of the Crown; or • A member (however expressed) of, or of the governing body of, a statutory body. <p>but does not include (except in Parts 5 and 6) a local government official.</p>
Harassment	<p>in the workplace means subjecting a person to repeated behaviour that:</p> <ul style="list-style-type: none"> • a reasonable person would consider to be offensive, humiliating, intimidating or threatening; • is unwelcome and unsolicited; or • the person considers to be offensive, intimidating, humiliating or threatening.
Lobbying	<p>means communicating with a Government official for the purposes of representing the interest of others in relation to:</p> <ul style="list-style-type: none"> • legislation or proposed legislation; • a government decision or proposed government decision; • a planning application; or • the exercise by a Government official of their official functions.
Lobbyists Code	<p>means the <u><i>Lobbyists Code of Conduct</i></u></p>
Lobbyists Register	<p>means the <u>Register of Third-Party Lobbyists</u>, which is kept and maintained by the NSW Electoral Commission.</p>
Lobbyist Watch List	<p>means the list maintained by the <u>NSW Electoral Commission</u> that contains the names and other identifying details of any third-party or other lobbyist place there by the Electoral Commission as a result of contraventions of the <u>Lobbyist Code of Conduct</u> or the Act.</p>
Maladministration	<p>means conduct that involves 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.</p>
Other lobbyist	<p>means any individual or body that lobbies a Government official other than a third-party lobbyist; this includes individuals engaged to undertake lobbying for a third-party lobbyist.</p>
Procedural	<p>means ensuring any person whose rights, interests or legitimate expectations will be affected by a decision or finding is entitled to an adequate opportunity</p>

fairness	to be heard.
Public official	is defined under s 4A of the <i>Public Interest Disclosure Act 1994</i> and means: (a) an individual who is an employee of or otherwise in the service of a public authority, and includes (without limitation) each of the following – (i) a Public Service employee, (ii) a member of Parliament, but not for the purposes of a disclosure made by the member, (iii) a person employed by either or both of the President of the Legislative Council or the Speaker of the Legislative Assembly, (iv) any other individual having public official functions or acting in a public official capacity whose conduct and activities may be investigated by an investigating authority, (v) an individual in the service of the Crown, or (a1) a person employed under the <i>Members of Parliament Staff Act 2013</i> , or (b) an individual who is engaged by a public authority under a contract to provide services to or on behalf of the public authority, or (c) if a corporation is engaged by a public authority under a contract to provide services to or on behalf of the public authority, an employee or officer of the corporation who provides or is to provide the contracted services or any part of those services.
Repeated behaviour	means the persistent nature of the behaviour and can involve a range of behaviours over time.
Report	means the reporting of a concern or complaint, whether informally or formally made, by or about behaviour or conduct that is contrary to this Code and/or Ethical Framework.
Serious and substantial waste	means that uneconomical, inefficient, or ineffective use of resources that could result in the loss or wastage of public resources.
Serious criminal offence	means an offence committed in NSW that is punishable by imprisonment of 12 months or more, or an offence committed elsewhere that, if it had been committed in NSW, would be an offence so punishable.
Unreasonable behaviour	means behaviour that a reasonable person in the circumstances would see as unreasonable, including behaviour that is victimising, humiliating, intimidating, or threatening.

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