



Code of Conduct and Ethics

Key points

- A Member's key responsibility is to place the public interest over their own personal interests and to demonstrate the core values of the NSW State Emergency Service (NSW SES) and the Public Sector.
- The core values of the NSW SES, aligned to the Public Sector values, are:
 - Trust
 - Accountability
 - Respect
 - Professionalism and Integrity
 - Safety and Service
- In addition to demonstrating the core values, all Members must demonstrate values of ethical and honest behaviour; professionalism and responsibility; fairness and equality; learning and innovation; and collaboration.
- The Code does not attempt to provide a detailed and exhaustive list of what to do in every aspect of our Service; it represents a broad framework that will help all Members decide on an appropriate course of action when faced with an ethical issue or professional decisions.

Expected understanding

Audience	Level of understanding required		
	Detailed	Key points	Awareness
Commissioner	●		
Deputy Commissioner	●		
All Members	●		

Contents

1	Scope and purpose	3
2	What drives our conduct?	3
	2.1 Our Values.....	3
	2.2 Who does the Code apply to?	3
	2.3 What happens if a Member breaches this Code?	4
	2.4 What is misconduct?	4
	2.5 Procedural fairness	5
	2.6 Unlawful or criminal conduct	5
	2.7 Exercise of authority or authority to act.....	5
3	Professional and ethical decision making	6
	3.1 Conflict of interest.....	6
	3.2 What is a conflict of interest?	6
	3.3 Resolving conflicts of interest.....	6
	3.4 Declaration of private interests.....	7
4	Professional behaviour	8
	4.1 Ethical behaviour and decision making.....	8
	4.2 Treating people with dignity and respect.....	8
	4.3 Working with children	9
	4.4 Professional behaviour towards Members and others.....	9
	4.5 Respectful language in the workplace and in public	10
	4.6 Confidentiality, privacy and appropriate records	10
	4.7 Signature	10
	4.8 Use of alcohol, drugs and tobacco.....	11
	4.9 Gambling	11
5	Representing the NSW SES	11
	5.1 Conduct while off duty	11
	5.2 Serious Offence.....	12
	5.3 Public comment	12
	5.4 Social media and public websites	13
	5.5 Political and community participation	13
	5.6 Personal references	14
	5.7 Other paid employment	14
	5.8 Dress and presentation	15
	5.9 Prior to leaving	15
	5.10 After separation	15
6	Accountability	15
	6.1 NSW SES resources	15
	6.1.1 Electronic communication devices.....	16
	6.1.2 Intellectual property.....	16
7	Reporting suspected wrong doing	16
	7.1 Gifts, benefits and hospitality	17
	7.2 Duty to report conduct.....	17
8	Compliance	17

8.1	Where to get more information.....	18
8.2	Relevant legislation and sources of authority.....	18
9	Monitoring and review	18
10	Related documents	19
11	Roles and responsibilities	19
11.1	Office of the Commissioner is required to:	19
11.2	Senior Executives or delegated roles are required to:	19
11.3	Members are required to:	19
12	Definitions.....	19
Appendix A – Member acknowledgement.....		21
Appendix B – Conflict of Interest Declaration Form		22
Document control sheet.....		23

1 Scope and purpose

This Code of Conduct should be read and complied with in conjunction with the Public Service Commission's *Code of Ethics and Conduct for NSW government sector employees*.

The *Code of Ethics and Conduct for NSW government sector employees* and this Code of Conduct and Ethics are considered jointly to be "the Code"

The Code sets out the standards of conduct, ethics and behaviour required of all Members (employees, volunteers and contractors) and a process for managing non-compliance.

The Code will apply from the date of effect.

2 What drives our conduct?

The people of New South Wales have a right to expect Members of the NSW SES to deliver services with a high level of efficiency, fairness, impartiality and integrity.

A Member's key responsibility is to place the public interest above their own personal interests and to the core values of the Public Sector and the NSW State Emergency Service (NSW SES).

In addition to demonstrating the core values of the NSW SES and the Public Sector, all Members must demonstrate values of ethical and honest behaviour; professionalism and responsibility; fairness and equality; learning and innovations; and collaboration.

2.1 Our Values

The core values of the NSW SES are:

- T**rust
- A**ccountability
- R**espect
- P**rofessionalism and Integrity
- S**afety and Service.

These core values align with the NSW Public Sector values of Integrity, Trust, Service, Accountability and Respect.

2.2 Who does the Code apply to?

The Code applies to all Members of the NSW SES.

By accepting employment with and membership of the NSW SES, Members must be aware of and comply with this Code.

Therefore, Members must:

- engage in personal and professional conduct that upholds the reputation of the NSW SES;
- apply NSW SES policies, procedures and guidelines;

- act ethically and responsibly; and
- be accountable for actions and decisions made.

Contractors, consultants, students and employees of other organisations with which the NSW SES has contracts or agreements must be aware of this Code and act in line with the conduct described in it. While contractors, consultants and students are not subject to misconduct action, conduct that would be assessed as being a serious breach of the Code may result in their contract/placement being terminated and/or future engagements limited.

When engaging or managing external consultants, contractors, students and employees of other organisations with which the NSW SES has contracts or agreements, it is a Member's responsibility to make them aware of the expectations of the NSW SES during the period of their engagement. It is also a Member's responsibility to take the necessary action to address any concerns about their conduct.

2.3 What happens if a Member breaches this Code?

When deciding what, if any action should be taken in relation to a breach of this Code, each case should be considered on its own facts and circumstances.

Members must report breaches of the Code by colleagues to their supervisor or manager. If the breach is by their supervisor or manager then it should be reported to the next line manager.

Matters involving a breach of the Code may constitute misconduct and may be managed as a Professional Standards matter.

2.4 What is misconduct?

NSW SES considers misconduct to include :

- a contravention of any provision of the *Government Sector Employment Act 2013* (NSW) (GSE Act), *Government Sector Employment Regulations 2014* (NSW) (GSE Regs) or *Government Sector Employment Rules 2014* (NSW). This relates to employees only.
- performance of duties in a manner justifying taking remedial or disciplinary action
- a contravention of this Code of Conduct and Ethics, NSW SES Volunteer Membership Policy, and/or NSW SES policies or procedures;
- taking detrimental action against a person which is substantially a reprisal for the person making a protected disclosure within the meaning of the *Public Interest Disclosures Act 1994* (NSW), and
- taking any action against another person that is substantially a reprisal for an internal disclosure or complaint made by that Member.

The subject matter of any misconduct by an employee may relate to an incident or conduct that happened while the employee was not on duty or before his or her commencement with the NSW SES.

If a matter proceeds to an inquiry, the inquiry is to be conducted in accordance with the GSE Act and *Government Sector Employment Rules 2014*, requiring compliance with the principles of procedural fairness.

2.5 Procedural fairness

Procedural fairness, also known as natural justice, applies in situations where a decision is to be taken which could have a detrimental effect on the rights, interests or legitimate expectations of a Member. Any Member who might suffer detriment as a result of a decision (be they the complainant or the relevant Member) must be afforded procedural fairness.

Procedural fairness refers to a process that provides fairness to all parties. It includes the right to be heard, the right to be treated without bias, the right to be informed of allegations being made and to be provided with an opportunity to respond to them and the right to be advised of the status of the complaint.

2.6 Unlawful or criminal conduct

Unlawful or criminal conduct at work or whilst off duty may also involve a breach of the Code and may constitute misconduct.

Members convicted of a serious offence/s may be liable to court imposed sanctions and may also be liable to misconduct action.

Depending on the nature and/or seriousness of the breach and/or offence suspension of a staff member may be with or without pay.

2.7 Exercise of authority or authority to act

Members must be aware of the policies, procedures, guidelines and delegations of the NSW SES, particularly those that apply to their work and/or their exercising of authority or authority to act. These are available online via EOS; and others may be made available to Members through induction and training and development programs. If Members are uncertain about the scope or content of a policy, procedure or guideline with which they must comply, they should seek clarification from their supervisor.

Members must also be familiar with the legislation and/or regulations under which they are employed or undertake duties with for the NSW SES as this may specify requirements with which they need to comply.

3 Professional and ethical decision making

3.1 Conflict of interest

A conflict of interest occurs when a Member is in a position to be influenced by their private interests when doing their job or delivering a service. Real or perceived conflicts of interest exist when it is likely that a Member could be influenced or could be perceived to be influenced by a personal interest when performing their official duties. Conflicts of interest may lead to biased decision making, which may constitute corrupt conduct.

3.2 What is a conflict of interest?

Examples of conflict of interests relating to a personal interest may include (but are not limited to) situations where a Member may have:

- a financial interest or the Member is aware that a family member, relative, friend or associate has a financial interest in a matter they deal with in the course of their work;
- a personal relationship that could be seen to unduly affect the Member's decision, for instance, when conducting a job selection;
- a close personal relationship with another Member;
- personal beliefs or attitudes that could influence, or may be perceived to influence, the Member's impartiality;
- other paid employment which conflicts with the Member's duties; and
- participation in political activities or making political comments that may relate to, or be seen as relating to, the work of the NSW SES.

Conflicts of interest, whether real or perceived, must be reported to the Member's supervisor and recorded.

3.3 Resolving conflicts of interest

To resolve or manage a conflict of interest which occurs or could occur, a range of options is available depending on the significance of the conflict. These include:

- the supervisor/manager recording the details of the conflict and taking no further action in relation to the conflict because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision;
- the supervisor/manager removing the Member from the particular activity or decision where the conflict arises and documenting this;
- the Member transferring from the area of work or particular task where the conflict arises without disadvantage;

- the supervisor/manager of the Member with the conflict checking and endorsing (if appropriate) all action with respect to the matter creating the conflict;
- the supervisor/manager referring the decision to a senior manager;
- the Member relinquishing the personal interest; and
- the Member restricting their personal interest so that it does not impinge on the workplace.

To ensure that honesty and integrity is not questioned, it is a Member's responsibility to:

- recognise and disclose any actual, potential, or perceived conflict of interest to their supervisor, manager or another appropriate more senior manager;
- take appropriate steps to resolve the conflict of interest in accordance with policy prior to engaging in the affected work; and
- not knowingly make decisions or convey information that may obtain, or may appear to obtain, a personal benefit or a benefit for family members, relatives, close friends, business partners or associates, unless it is a benefit received in common with a class of people who would ordinarily receive the benefit.

All supervisors/managers/commanders are additionally responsible for facilitating compliance by those they supervise by:

- being aware of the risks of conflicts inherent in the work of the Members they manage;
- advising Members on appropriate ways to manage a conflict of interest;
- recording the receipt of disclosures of conflicts of interest as reported to them by Members, using the Conflict of Interest Form at Attachment 1. This is to be kept confidential in a secure place by the supervisor/manager for future reference if necessary; and
- a copy is to be provided to the Manager/Leader who made the disclosure, to the Zone Commander (where the Member is a volunteer) for approval, and to the Senior Manager, Probitry and Standards for review and recording on the Conflict of Interest Register. The ultimate decision concerning the appropriate course of action to take over a real, perceived or potential conflict of interest rests with the relevant Manager/Zone Commander.

3.4 Declaration of private interests

A senior executive is required to make a written declaration of private financial, business, personal and other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior executive.

Where a senior executive has no such private interests to declare, then a 'nil return' still needs to be declared.

After a senior executive makes an initial declaration, a fresh declaration must be made:

- as soon as practicable, following any relevant change in the senior executive's private interests
- as soon as practicable, following the senior executive's assignment to a new role or responsibility
- annually.

A senior executive must provide their declaration to the Commissioner.

4 Professional behaviour

4.1 Ethical behaviour and decision making

Members are obliged to meet high standards of ethical behaviour and accountability. These are the same standards that NSW SES promotes in its dealings with other government organisations and the community.

All Members must:

- treat the public, members of NSW SES and other public officials with respect, courtesy, honesty and fairness, and have proper regard for their interests, rights, safety, health, and welfare
- ensure that our work habits, behaviour, and personal and professional relationships in the workplace contribute to a harmonious and productive work environment
- perform our work honestly, diligently, and with commitment to ethical performance of services
- make decisions in a fair and timely manner, giving due attention to relevant information, legislation, and NSW SES policies, procedures, and guidelines
- respect diversity of background, thought, experience and skill
- observe appropriate courtesies and etiquette in terms of day-to-day relationships and interactions
- comply with lawful or reasonable directions given by a person in a position of authority
- act professionally with honesty, consistency and impartiality, and
- seek assistance when unsure about how to implement the Code and report any possible breaches of the Code.

4.2 Treating people with dignity and respect

All Members have the right to be treated with respect, and it is everyone's responsibility to ensure this occurs. Members are to treat their colleagues, clients, their families and members

of the public with respect, fairness and consistency. Members are to be courteous and sensitive to the needs of others and provide all necessary and appropriate assistance as practicable.

NSW SES is committed to achieving and maintaining workplaces which are resistant to all forms of bullying, harassment and discrimination.

NSW SES will not tolerate any form of bullying, harassment, discrimination, vilification, or victimisation. Members must report any instance of bullying, harassment, discrimination, vilification, or victimisation, at NSW SES, to their immediate supervisor. NSW SES Probity and Standards is responsible for the triage and assessment of all such reports.

4.3 Working with children

It is important that Members working with children understand and observe child protection legislation. Pursuant to Part 3A of the *Ombudsman Act 1974* (NSW), all Members working with children must report to their supervisor/manager if they or another Member are convicted of, or an allegation has been made against them or a Member relating to, reportable conduct involving children (i.e. a person under the age of 18 years). This applies to situations at work or in their 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.

Members working with children are also required to report if an Apprehended Violence Order has been issued against them where a child is recorded as requiring protection from them, or if a report to Family & Community Services has been made about their conduct which meets the definition of reportable conduct.

All Members working with children have an obligation to ensure the NSW SES is made aware of any convictions or allegations of reportable conduct as soon as practicable.

Members working with children should report this information to their supervisor or directly to the Senior Manager, Probity and Standards.

4.4 Professional behaviour towards Members and others

Members of the NSW SES must strive at all times to treat colleagues, clients, their families and members of the public in a professional manner and to act with courtesy and fairness. In dealings with others, Members should ensure that they do not prejudice the operations, security or reputation of the NSW SES.

In performing their duties, all Members must act consistently, promptly and fairly. This involves dealing with matters in accordance with approved procedures and in a non-discriminatory manner.

4.5 Respectful language in the workplace and in public

Members must use courteous and respectful language in their interactions with colleagues, clients, their families and members of the public.

Everyone has the right to expect that they will be spoken to in a reasonable manner by colleagues and managers. Coarse and obscene language is inappropriate, as is sexual banter and suggestive language.

No Member should tolerate such language and if witnessed, must report it to a supervisor/manager.

4.6 Confidentiality, privacy and appropriate records

Members have a right to expect that their personal information is private and confidential.

In acting with a high level of professionalism Members must ensure that information about their colleagues remains confidential and private. Members should always exercise caution and sound judgment in discussing other peoples' personal information with other staff.

Normally information should be limited to those who need to know in order to conduct their duties, or to those who can assist in carrying out our work because of their expertise. Gossiping about other Members or unauthorised disclosure of private information (personal phone numbers, address etc) is unprofessional and a breach of this Code.

In relation to the maintenance of appropriate records, a record serves an essential administrative, legal and historical purpose. Records may be (but not limited to) emails, electronic documents, digital images and audio recordings, correspondence and files.

Members have a responsibility:

- to create and maintain full, accurate and honest records of their work activities, decisions and other business transactions; and
- to capture or store records in line with the *State Records Act 1998* (NSW).

Managers and Supervisors have a responsibility to ensure that all Members reporting to them comply with their records management obligations. Members must not destroy records without appropriate authority.

Members must maintain the confidentiality of all official information and documents which are not publicly available or which have not been published.

The NSW SES may utilise and collect membership related data in accordance with legislative requirements and privacy considerations.

4.7 Signature

Members are accountable for any documents that they sign. Therefore, Members should carefully read all documents they are asked to sign. Members must not sign a document, which they know is not factual.

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

Members must only use their own name when, for example, sending emails, and should not give the impression that they have the authority of another person without their express permission. In addition, when using electronic signatures of a manager or supervisor, a Member must have their express approval on each occasion the electronic signature is used.

4.8 Use of alcohol, drugs and tobacco

NSW SES is committed to achieving and maintaining a safe and healthy workplace, free from the hazards and risks associated with substance misuse and/or abuse, to ensure it protects the interests of NSW SES, its members and the wider community. .

Members must be fit for duty when reporting to the workplace and not attend work under the influence of alcohol, illegal drugs or non-prescribed and/or restricted substances. The Alcohol and Drugs Policy contains the requirements of Members.

NSW SES encourages members who have concerns about their drug or alcohol use to seek the advice of a registered medical practitioner who can provide medical assessment and referral to treatment options.

Smoking is prohibited:

- within all NSW SES buildings;
- within all NSW SES vehicles and
- in the grounds of any NSW SES owned and/or leased workplace.

4.9 Gambling

Gambling in the workplace, other than approved activities such as workplace Lotto syndicates, football or other sport tipping competitions or Melbourne Cup sweeps, is inappropriate as it may lead to conflict, indebtedness and perceptions of impropriety.

5 Representing the NSW SES

5.1 Conduct while off duty

As members of a public sector organisation all Members must, even when off duty, act in accordance with the law and the content of this Code. In so doing Members should ensure that they do not bring discredit to themselves as private citizens or to the NSW SES, and that they model exemplary behaviour and act as a positive influence in the community.

Members should be aware that unlawful or unprofessional conduct, even in a private capacity, which may damage, or has the potential to damage, the reputation of the NSW SES, may constitute misconduct, and for employees attract action by the NSW SES in accordance with the *Government Sector Employment Act 2013* (NSW) (GSE Act).

5.2 Serious Offence

If a Member is charged and receives a court attendance notice in relation to a serious offence or is declared bankrupt, they are required to immediately notify their supervisor/manager. A serious offence is an offence that is punishable by imprisonment for 12 months or more.

A serious offence includes where a Member is:

- Charged (issued with a court attendance notice) with a serious offence
- Convicted of a serious offence in NSW
- Convicted elsewhere of an offence that, had it been committed in NSW, would have been punishable by imprisonment of 12 months or more, or
- Found guilty of a serious offence, conviction not recorded.

It should be noted that Members may be suspended and employees may be suspended with or without pay as a result of being charged.

A conviction for a serious offence (or a finding of guilt that does not proceed to conviction) may constitute misconduct, whether or not the offence was committed in the course of membership. Conviction for a serious offence can lead to termination of employment, or volunteer service, or with the NSW SES.

A Member who is charged with having committed, or is convicted of, a serious offence must immediately report that fact in writing to the Commissioner.

If any Member has reason to believe another Member has:

- a) Been charged with having committed, or has been convicted of, a serious offence, and
 - b) Not reported the matter to the commissioner,
- they must immediately report this to the Commissioner in writing.

5.3 Public comment

Members are frequently required to represent the NSW SES in an official capacity at interagency meetings, community forums and other meetings with outside agencies and individuals. In representing the NSW SES, Members must have the appropriate delegation and authorisation to do so, and ensure that they are sufficiently briefed on the issues likely to be raised and the appropriate approved NSW SES responses.

All Members must have the approval of a delegated manager and/or senior executive before agreeing to address or be involved in seminars or conferences by professional associations, other organisations or non-profit bodies where the program or content is relevant to the public sector.

Members must also have the approval of a delegated manager or senior executive before making a written submission to such associations or organisations on behalf of, or related to the work of, the NSW SES.

Members may only disclose official information that is already in the public domain, such as the Annual Report or official media releases and avoid offering a personal comment. The provision of information should also be consistent with NSW SES and Government policy.

The NSW SES Media Policy outlines circumstances where it is and is not appropriate to make comment to media. Members must not approach the media on NSW SES-related matters, or discuss NSW SES business with the media unless authorised to do so in accordance with the NSW SES Media Policy.

5.4 Social media and public websites

When engaging in social media Members must make it very clear they are engaging in discussion as a private individual and not representing the official views of the NSW SES or the NSW Government.

Only official information that is already in the public domain and does not breach confidentiality requirements may be disclosed.

It is important to note that this section of the Code does not apply to a Member's personal use of social media platforms where the Member makes no reference to NSW SES-related issues, unless it has the potential to impact the workplace and bring other Members or the NSW SES into disrepute.

For further information, please refer to the NSW SES Corporate Use of Social Media Policy and NSW SES Personal Use of Social Media Policy.

5.5 Political and community participation

As public officials, Members are free to take part in lawful political activity outside of working hours, so long as it does not interfere with normal duties.

However, Members need to be mindful that in their public life, they are required to serve the government of the day in an impartial manner. Where any political activity may create, or has created, a potential or actual conflict of interest, Members must discuss this with their supervisor/manager immediately.

Special arrangements apply to public employees who have been pre-selected as candidates for, or who propose to contest, State or Federal elections.

5.6 Personal references

Members are not permitted to use NSW SES letterhead when writing a personal reference for another Member that is considered the Member's personal assessment or opinion, and not those of the NSW SES.

Members are not permitted to supply references to other Members who are the subject of misconduct action.

If asked to provide a referee report in relation to a recruitment action, the Member is responsible for completing the report honestly and should be based on information that can be verified. False or derogatory statements should not be made about an individual.

5.7 Other paid employment

Prior to engaging in any secondary employment or other professional activity staff Members must each seek advice from their supervisor. Full-time Staff must not make any commitment, nor engage in outside secondary employment, until formal approval has been given by the Director People and Development in consultation with any other relevant Director.

Approval of other paid employment can only be given for periods of up to 12 months. Employees who seek to renew an existing approval must do so in writing at least four weeks prior to the anniversary date or expiration date (whichever is the sooner) of the approval.

Multiple employment within the NSW SES is subject to the procedures associated with this employment and any breach of these procedures may result in misconduct action. The onus is on the employee to ensure the procedures are not breached.

Whilst unpaid work does not require approval, if it creates an actual, or a perceived conflict of interest then employees must advise their supervisor/manager.

Casual only employees, contractors and part time employees are not required to gain approval for other paid employment provided that:

- the work is undertaken during the period that the person is not required to discharge duties for the NSW SES;
- that the discharge of duties for the NSW SES is not adversely affected;
- and the other paid employment does not pose an occupational health and safety risk to the staff member (including working excessive hours without sufficient breaks between work).

For further information please refer to the *Government Sector Employment Regulation 2014* (NSW).

5.8 Dress and presentation

All Members should be mindful of the way in which they present themselves in the workplace, particularly if they are in contact with clients or members of the community.

Clothing must always be appropriate to the workplace, consistent with work health and safety standards and enable Members to respond in an emergency.

Dress and presentation must at all times project an image that is consistent with accepted community standards and the work of the NSW SES. Further information is available in the NSW SES Uniform Policy.

5.9 Prior to leaving

Members must not improperly use their role to improve their own prospects of future employment. Members must not allow their work to be improperly influenced by plans for, or offers of, employment outside the NSW SES. Members must not create a conflict of interest and/or place their integrity and that of the NSW SES at risk.

Members must return all property they have belonging to the NSW SES prior to leaving.

5.10 After separation

When Members cease employment or membership with the NSW SES they must not use or take advantage of any confidential information obtained in the course of their official duties unless it has become publicly available.

Current Members must be careful in their dealings with former Members of the NSW SES and make sure that they do not give them, or appear to give them, favourable treatment or access to privileged information.

Members should report to their supervisor or line manager any attempts made by former Members to influence or lobby current Members about NSW SES activities.

6 Accountability

Whilst at the NSW SES, a Member's primary responsibility is to perform their official duties efficiently and use NSW SES resources economically.

6.1 NSW SES resources

Public resources provided by or on behalf of NSW SES must be used efficiently, effectively, and in a prudent way. They are not for personal benefit or for an unauthorised purpose.

The resources used at work, including work-time, are publicly funded. These resources include—but are not limited to—facilities, motor vehicles, boats, trailers, ladders, chainsaws, computers, printers, photocopiers, stationery and office supplies, access to the internet,

personal use of NSW SES mobile telephones and other ICT equipment, purchasing and fuel cards, and the paid time of people engaged by or on behalf of NSW SES.

Members must be vigilant in ensuring that the NSW SES resources are not misused.

6.1.1 Electronic communication devices

The NSW SES provides electronic communication facilities for administrative purposes. The NSW SES reserves the right to monitor and view any data stored or transmitted using NSW SES facilities. By its nature, electronic communication is a fast and informal way of communicating.

Members must:

- exercise good judgment when using electronic mail, following the principles of ethical behaviour;
- use appropriate language in electronic mail messages;
- be aware that if an issue addressed in an email becomes the subject of a legal dispute, then those emails would be 'discoverable': that is, the court and all parties to the dispute would be entitled to see them;
- not send messages that are harassing, defamatory, threatening, abusive or obscene;
- not invite clients and former clients into personal social network site;
- remember transmission, storage, promotion or display of inappropriate, offensive, defamatory, or harassing material is strictly forbidden; and
- report any situations of inappropriate use of electronic communication and social networking sites.

6.1.2 Intellectual property

Documentation such as policies, programs, manuals, courses, training resources, written, developed or produced by a Member or a colleague during the course of the Member's membership with the NSW SES remains the property of the NSW SES. Members must not use such material for personal benefit or without the expressed approval of an appropriately delegated manager.

7 Reporting suspected wrong doing

If a Member witnesses wrong-doing or suspected wrong-doing they should discuss the matter with their supervisor or manager. If a Member witnesses wrong-doing or suspected wrong-

doing of a serious nature, they must report it to their supervisor, commander or manager, or Director.

7.1 Gifts, benefits and hospitality

Members are prohibited from engaging in conduct, express or implied, that could reasonably be perceived to create the impression that NSW SES, or any of its Members, can be influenced by any person or organisation.

NSW SES Members may from time to time be offered gifts, benefits, hospitality, or other opportunities for personal enrichment during the course of paid or volunteer work by or on behalf of NSW SES. The acceptance of gifts and other benefits has the potential to compromise the brand, image, and reputation of NSW SES and its position of trust and respect in the community and in government by creating a perception or a sense of obligation in the receiver.

All gifts, benefits, or hospitality, not of a token nature (\$50 or less), must be reported to the Member's supervisor and entered into the Gifts, Benefits, and Hospitality Register irrespective of whether they are accepted or declined. The Gifts, Benefits & Hospitality Procedure contains further information.

7.2 Duty to report conduct

Members have a public duty to immediately report any corrupt conduct, maladministration and serious and substantial waste of public resources.

The NSW SES will not accept any level of corruption.

Misconduct action will be considered in all instances of corruption and criminal referral will be considered in all instances of corruption identified.

The NSW SES is committed to ensuring that opportunities for corruption are minimised, mitigated against and regularly monitored.

For further information please refer to the NSW Audit Office's website; the NSW SES Fraud and Corruption Policy and Plan and the NSW SES Public Interest Disclosure Policy and Procedure.

8 Compliance

All Members have a responsibility to comply with legislation, policies, procedures, guidelines, this Code and perform their duties effectively.

8.1 Where to get more information

If Members have questions about the content of this Code, they need to seek advice from their supervisor or manager in the first instance, and then the Office of the Commissioner.

8.2 Relevant legislation and sources of authority

Members are expected to be aware of the Acts and Regulations that legally govern the way they undertake their work. This Code does not stand alone and should be read in conjunction with the following legislation:

- *Anti-Discrimination Act 1977* (NSW);
- *Children and Young Persons (Care and Protection) Act 1998* (NSW);
- *Children (Community Service Orders) Act 1987* (NSW);
- *Children (Criminal Proceedings) Act 1987* (NSW);
- *Children (Detention Centres) Act 1987* (NSW);
- *Child Protection (Working with Children) Act 2012* (NSW);
- *Crimes Act 1900* (NSW);
- *Government Information (Public Access) Act 2009* (NSW);
- *Government Sector Employment Act 2013* (NSW);
- *Government Sector Employment Regulation 2014* (NSW);
- *Government Sector Employment Rules 2014* (NSW);
- *Independent Commission Against Corruption Act 1988* (NSW);
- *Industrial Relations Act 1996* (NSW);
- *Ombudsman Act 1974* (NSW);
- *Privacy and Personal Information Protection Act 1998* (NSW);
- *Public Interest Disclosures Act 1994* (NSW);
- *Public Finance and Audit Act 1983* (NSW);
- *State Records Act 1998* (NSW);
- *Workers Compensation Act 1987* (NSW);
- *Work Health and Safety Act 2011* (NSW);
- *Work Health and Safety Regulation 2017* (NSW);
- *Workplace Injury Management and Workers Compensation Act 1998* (NSW); and
- *Young Offenders Act 1997* (NSW).

Members are expected to be aware of the policies, procedures and guidelines that apply to their work. This Code does not stand alone and must be read in conjunction with all NSW SES policy, procedures and guidelines.

9 Monitoring and review

The Office of the Commissioner is responsible for reviewing the Code and for amending the Code in relation to issues raised across the NSW SES.

This Code will be reviewed in accordance with the policy review schedule and at other times if any significant new information or legislative or organisational change warrants a change in this document. Reviews will be completed in consultation with the appropriate stakeholders for relevance and effectiveness.

Feedback, comments and suggestions about this Code can be directed to your respective Leader, Director or the Office of the Commissioner.

10 Related documents

All related internal policy, procedures, guidelines and legislation documents can be located in the Key Document Index on EOS.

11 Roles and responsibilities

11.1 Office of the Commissioner is required to:

- monitor and maintain the Code.
- provide advice and guidance to the NSW SES and individuals and ensure that training and support is provided to Members.

11.2 Senior Executives or delegated roles are required to:

- ensure that Members are aware of and understand the principles of this Code and their obligations in relation to the Code.
- refer issues or non-compliance to Professional Standards Unit for action.

11.3 Members are required to:

- comply with this Code.
- seek supervisor/manager advice and guidance when required.

12 Definitions

In this policy, the term:

- **Must/required/shall** – indicates a mandatory action required that must be complied with.
- **Should** – indicates a recommended action that should be followed unless there are sound reasons for taking an alternative course of action.
- **May** – indicates there are other acceptable options of similar or equal application.

Term	Definition
Member	<p>A member of the NSW SES, including volunteer and/or employee, or other people engaged to do work for NSW SES (e.g. contractors). All NSW SES members are public officials in accordance with the:</p> <ul style="list-style-type: none"> • <i>Independent Commission Against Corruption Act 1988 (NSW)</i> • <i>Ombudsman Act 1974 (NSW)</i> • <i>Public Interest Disclosures Act 1994 (NSW)</i> • <i>Government Sector Employment Act 2013 (NSW)</i>
Public authority	A government agency
Public Official	<p>An individual having public official functions or acting in a public official capacity that is an officer, temporary employee, or is a member of a public authority in accordance with the:</p> <ul style="list-style-type: none"> • <i>Independent Commission Against Corruption Act 1988 (NSW)</i> • <i>Ombudsman Act 1974 (NSW)</i> • <i>Public Interest Disclosures Act 1994 (NSW)</i>

Appendix A – Member acknowledgement

CODE OF CONDUCT MEMBERSHIP ACKNOWLEDGMENT

_____ Member of NSW SES _____
NAME BRANCH/UNIT

I acknowledge receipt of the NSW SES Code of Conduct and Ethics Policy.

I acknowledge that I have read and familiarised myself with its content and application and agree to be bound by it.

Signature

Date

Appendix B – Conflict of Interest Declaration Form

CONFLICT OF INTEREST DECLARATION

Name:

Unit/Directorate:

Position:

Manager or Zone Commander:

Describe the circumstances which may give rise to an actual, perceived or potential conflict of interest:

Describe the role/duties you are to perform:

Identify the actual, perceived or potential conflict of interest:

ACTION

The following action is proposed to be taken to resolve or manage this conflict of interest:

I acknowledge that the above action has been agreed/directed to resolve the conflict of interest.

Member Signature:

Date:

Manager or Zone Commander Signature:

Date:

MONITORING/REVIEW (if required)

I agree that the conflict of interest will be regularly monitored and reviewed on:

Member Signature:

Date:

Manager or Zone Commander Signature:

Date:

FINALISATION OF CONFLICT OF INTEREST

The conflict of interest declared on this form has now been resolved and no further action is required.

Member Signature:

Date:

Manager or Zone Commander Signature:

Date:

Document control sheet

Title	<i>Code of Conduct and Ethics</i>
Current Version #	4.0
Document Approval Status	Approved
Directorate	Office of the Commissioner
Branch/Region/Unit/	N/A
Policy Owner	Chief of Staff
Policy Sponsor	Commissioner
Effective date	31/01/2020
Next Review Date	31/01/2023
Rescinds	Code of Conduct and Ethics, Conflict of Interest Policy
Key Words	Conduct, ethics, professional, acceptable, corruption, maladministration, conflict of interest, working with children

Version History

Version #	Creation date	Author	Summary of changes
1.0	20 May 2014	SEG Authorised	Authorised
2.0	18 Nov 2014	Strategic Leadership Team	Authorised
3.0	23 June 2015	Governance & Strategy	Authorised
3.1	15 June 2017	Governance, Strategy & Risk	Authorised
4.0	29 Jan 2020	Chief of Staff	Revised to align with the Public Service Commission's and Department of Communities and Justice Code of Ethics and Conduct

Approval

Name	Title	Date	Version signed off
Clarinda Sheeley	Chief of Staff, Policy Owner	29/01/2020	4.0
Fatima Abbas	Deputy Commissioner, Policy Sponsor	29/01/2020	4.0
Carlene York	Commissioner	29/01/2020	4.0