



Harbour Foreshore Authority

Code of Conduct for Staff Members

Sydney Harbour Foreshore Authority

Document Control

Approved by:	Corporate Governance Committee
Date of Approval:	21 May 2008
Review Cycle	Biennial
Review Date:	May 2010
Division Originating:	Corporate Services
Officer Responsible:	Manager, Culture and Performance

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1 CHAIRMAN AND CHIEF EXECUTIVE OFFICER'S MESSAGE

“The way we do things around here”

Sydney Harbour Foreshore Authority (the Authority) is part of the NSW Public Service, and Public Employment carries with it an obligation to the community to conduct our business diligently, efficiently, impartially and with integrity. This obligation is particularly important in organisations such as the Foreshore Authority where we not only deliver services but also have regulatory responsibilities.

At the Authority **we value integrity, teamwork and take pride in fulfilling our promises.** Integrity means being honest to ourselves and to others. Teamwork means working together, right across the organisation, to achieve outcomes for our customers and stakeholders. Fulfilling our promises means delivering on what we say. It means being trustworthy.

To be true to our values, we all must act in a manner which will maintain public confidence and trust. The Code of Conduct explains the values and principles that are expected from everyone employed at the Authority, including the Board, Chief Executive Officer, Executive Directors, General Managers, permanent and temporary employees, consultants and contractors.

The Code of Conduct has been developed in accordance with the principles of ethical (or responsible) decision-making and it embodies the following public sector values:

- Respect for the law
- Respect for the system of government
- Respect for the community and persons
- Integrity
- Diligence
- Economy and Efficiency
- Accountability

The Code of Conduct also deals with situations where a person may be unsure of the appropriate course of action. Matters dealt with in the Code of Conduct are:

- Attendance at external courses or work related functions
- Bribes
- Conflicts of Interest
- Copyright and Licenses
- Gifts, Favours and Hospitality
- Impartiality
- Information on our clients and ourselves
- Other employment (having a second job)
- Political Participation
- Public Comment
- Dealings with ex-employees of the Authority
- Reporting breaches of the Code and corrupt conduct

- Using the Authority's Resources

Some Authority staff exercise statutory responsibilities as part of their job, while many others have administrative and/or financial delegations. Staff must act within the limits of their responsibilities and delegations at all times. These limits of authority are detailed in position descriptions. In addition, all staff are expected to comply with various legislative requirements. These include, but are not limited to:

- Public Employment and Management Act 2002
- Public Finance and Audit Act 1983
- Occupational Health and Safety Act 2000

1.1 NON COMPLIANCE WITH THE CODE OF CONDUCT

A Code of Conduct is like a Code of Practice. It encourages us to think about the standards we expect of one another and to think about how they can become part of everyday practice.

If an employee decides not to follow the Code of Conduct, they run the risk of doing the wrong thing, and may not have the support of their colleagues or management. They could face disciplinary action. In a few instances, an employee may commit a serious breach of the Code, which, in fact, might be a criminal offence under the Independent Commission Against Corruption Act and/or the Crimes Act, or a breach of discipline under the Public Sector Employment and Management Act.

1.2 COMMUNICATIONS DEVICES POLICY

With the increase in technology and access to technology, such as the Internet, guidelines on the correct use of communication devices has been created by the NSW Government and the Authority, as an addition to the Code of Conduct.

Authority employees are accountable for the efficient, economical and ethical use and management of public resources. Communication devices, such as telephones and E-mail are public resources provided for business purposes, and all employees have a responsibility to ensure their proper use.

The Communication Devices Policy forms part of the Foreshore Authority's Code of Conduct, and you are required to read, acknowledge and agree to abide by this policy.

If you have any questions regarding the Code of Conduct, please consult with your manager or the Human Resources Manager.

Dr Robert Lang
Chief Executive Officer

Michael Collins
Chairman

2 GENERAL

2.1 OVERVIEW

This document describes the ethical framework for the decisions, actions and behaviour expected of employees of the Sydney Harbour Foreshore Authority (the Authority). It explains the principles covering appropriate conduct in a variety of contexts and outlines the minimum standard of behaviour expected of these public officials.

2.2 PURPOSE

The purpose of this document is to set out the standards of behaviour expected of the Authority's employees and to provide guidelines for dealing with ethical dilemmas that may be faced in their role as public officials.

2.3 RESPONSIBILITIES

It is the responsibility of Authority employees to adhere to the principles described in this document and to maintain standards of conduct and ethics that maintain public confidence and trust.

2.4 DOCUMENT HISTORY

Date	Author	Modifications
May 2008	Corporate Secretary	Updating of secondary employment text and inclusion of secondary employment application form.
Nov 2006 drafted April 2007 approved	Technical Writer	Inserted document into template and included the ICAC <i>Accepting Gifts & Benefits Decision Making guide</i> (process flow) into the Appendices.
2006	CEO	Reviewed and updated original document.
2004	CEO	Created original document.

3 PURPOSE AND CONTENT OF THE CODE

"The Code applies to everyone at the Authority"

3.1 HOW DO I USE THE CODE OF CONDUCT?

This Code of Conduct is here to help us, to explain how we should behave and make decisions. The Code does not list every possible situation and it is not intended as such. It is only a guide to assist us in deciding the responsible course of action or decision. The Code is designed to encourage ethical behaviour by improving your decision-making process. This is done by setting out the Ethical Principles underlying the Code and a simple series of questions you can ask yourself as you make a decision. These are set out in the following pages.

From time to time there might be difficult situations, which are not addressed in the Code or have not been covered in any training related sessions. If this happens, discuss the situation with someone you regard as ethical, more experienced staff, a manager or a senior manager.

3.2 ETHICAL PRINCIPLES UNDERLYING THE CODE OF CONDUCT

The Code of Conduct has been developed in accordance with the principles of ethical (or responsible) decision-making and it embodies the following public sector values:

- **Respect for the law**
Public officials shall uphold the laws of New South Wales and of Australia and shall not be a party to their breach, evasion or subversion.
- **Respect for the system of government**
Public officials shall implement the decisions and policies of the elected Government and shall not be a party to their breach, evasion or subversion.
- **Respect for the community and persons**
Public officials shall treat members of the public and persons they work with or have dealings with in an honest and fair manner and with courtesy and sensitivity. They shall respect the rights, entitlements, duties and obligations of all members of the community.
- **Integrity**
Public officials shall always seek to maintain or enhance public confidence in the public service and will always work in manner so as to enhance the common good of the community. They shall not use their official powers and position for personal advantage of any kind. They shall not have any conflict of interest between their official duties and their personal interests.
- **Diligence**
Public officials shall exercise a duty of care, be attentive and always strive for the highest standard of performance. They shall keep up-to-date with legislative and policy changes affecting their work, document their decisions and keep accurate records.
- **Economy and Efficiency**
Public officials shall remember that they are employed by the people of New South Wales and that all resources and funds used by them belong to the people of New South Wales. Therefore, they shall strive to perform their official's tasks in the most economical and efficient manner. They shall avoid serious and substantial waste, which the Auditor General defines as any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which ends in significant loss and wastage of public funds and/or resources.
- **Accountability**
Public officials shall be willing and prepared to account to the community through management, the Minister, the Parliament and special agencies (eg Auditor General), the judiciary and the courts for:
 - the use of powers and privileges of public office
 - use of official resources and management of people
 - personal performance of official duties.

3.3 DECISION MAKING IN THE WORKPLACE

When making a decision, ask yourself these questions:

- Is the decision lawful?
- Is the decision consistent with Government policy?

- Is the decision consistent with our corporate goals, values, policies, procedure and the Code of Conduct?
- What are the consequences of my decision - for the public? for the Authority? for my colleagues? for myself?
- Can my decision be justified to another person?
- Can the decision be justified to my family, friends and if it became the subject of public scrutiny?
- Should I ask someone for advice?

4 HOW WE DO THINGS AROUND HERE

4.1 ATTENDANCE AT EXTERNAL COURSES OR WORK RELATED FUNCTIONS

The Foreshore Authority is committed to providing training and education for its staff and to supporting the attendance of staff at seminars and conferences that will provide professional development and collegiate interaction.

However, it is important that any external activities paid for by the Authority are approved by your manager and meet appropriate guidelines of relevance and budgetary allocation.

It is also important to remember that, when you are attending any external functions eg seminars, conferences, dinners) you are representing the Authority and you should conduct yourself with decorum and professionalism.

On occasions, you may attend Authority sponsored events or functions where stakeholders, business leaders, members of parliament and other dignitaries are in attendance. Again, you are expected to act in a professional manner and not in a way that may bring discredit upon you or the Authority. Remember, the Code of Conduct applies to you on these occasions as well.

4.2 BRIBES - WHAT DO I DO?

As a public servant, it is both a criminal offence under the NSW Crimes Act and a corrupt act under the ICAC Act for any person to offer you a bribe or for you to ask for a bribe. A bribe is any offer of money or cash convertibles (e.g. cheques, vouchers), gifts or services, which is offered to persuade a person to act other than according to their normal duties. It need not involve a criminal act, such as being bribed to steal something, but it can involve a corrupt act, such as giving a person a benefit to which the person was not entitled.

If someone clearly offers you a bribe, immediately terminate the conversation, task or meeting. If the person is on Authority property, excuse yourself and contact your manager immediately. Your manager will immediately inform the Executive Director of what has happened. If you are in the field, return to the office and as soon as possible write a detailed record of what happened – e.g. time, exact words used. This will be vital for your own protection and will be used in any investigation.

Offers of money and/or bribes in any form must never be accepted.

Under no circumstances should you endanger yourself or attempt to make a citizen's arrest. The Authority will contact the appropriate authorities as soon as possible.

Sometimes a person can say things in an ambiguous or unclear way that might indicate an intention to bribe, without being explicit e.g. "We might be able to sort something out." "Perhaps I can do you a favour." In these circumstances, simply ask the person exactly what they mean. In most cases, people don't realise the implications of what they are saying, or there is a simple misunderstanding and there is no attempt to bribe. However, if the person confirms that you are being offered a bribe, follow the advice in the previous paragraph.

4.3 CHANGING JOBS

Generally speaking, there are no restrictions on you using skills, knowledge or experience gained while being employed with the Authority. When you leave, you must return all Authority property in your possession, especially property that you might have been given to do your job outside of the office (e.g. computers, modems, printers, facsimile machines and mobile telephones).

However, you must maintain the confidentiality of the information you acquired while at the Authority (e.g. information about clients or other staff; details of prosecutions, test results or financial data, policy or legislative material or details of computer software). The same applies should you leave the NSW Public Service altogether.

You should also make sure that you do not use anything in your new job that was developed while working at the Authority because it could be subject to copyright. If in doubt, ask!

4.4 CONFLICT OF INTEREST

A conflict of interest is a situation where an employee could be influenced, or could be perceived to be influenced by, a personal interest in carrying out their public duty. A conflict of interest that affects the decision making process may amount to corrupt conduct.

Possible conflicts of interest include:

- making a decision affecting a family member or friend
- awarding contracts, ordering goods or services from a person or organisation in which you, a friend or a member of your family has a financial interest
- any financial or personal interest that could directly or indirectly influence or compromise you in performing your duties
- personal beliefs or attitudes that influence the impartiality of advice given or the decision made
- disclosing sensitive or confidential information gained through your employment in the Authority to another person or organisation
- secondary employment that compromises the integrity of you or the Authority
- making adverse political comments that relate to the Authority.

It is the responsibility of individual staff to be aware of possible conflicts of interest and to think about how others might view the situation. If a conflict exists or may exist, you must advise your manager or senior officer. If you are uncertain whether or not a conflict exists, then you must notify your manager or the Human Resources Manager so that together you can resolve the conflict of interest. The message is – if in doubt – talk to a senior member of staff or the Human Resources Manager.

If your manager or the Human Resources Manager confirms that they believe such a conflict of interest exists, you must immediately take steps to ensure that you follow the advice and direction given.

A failure to disclose a conflict of interest may constitute grounds for disciplinary action and possible dismissal.

You must also disclose any actual, potential or perceived conflicts of interest that may exist when you start work with the organisation.

Managers must make sure that the details of the disclosure and of any action taken to resolve the conflict are recorded and that the Chief Executive Officer is informed of the action taken.

Examples of conflicts of interest include:

- A member of a selection panel has a close personal relationship with one of the applicants for the job. This conflict of interest may bias, or could reasonably be expected to bias, the decision of the panel. It may be appropriate for the panel member to withdraw from the process. The panel member must disclose this relationship prior to the recruitment process commencing.
- A staff member's partner is the director of a company that has tendered for an Authority contract. That staff member must not be involved in the decision making process to award the tender, otherwise, the staff member would have, or could be perceived to have, a personal interest in the outcome of the tender process.
- A regular supplier offers an Authority staff member an expensive meal. The officer's impartiality when dealing with the supplier could be compromised if the offer was accepted.
- A staff member has a close interest in a business in our precincts. That staff member must withdraw from all and any dealings and discussions which involve their business interests, directly or indirectly and must disclose their reason for withdrawal.

4.5 CONFLICT MANAGEMENT

It is the Manager's responsibility to take all necessary action to ensure the conflict and any ongoing conflict is appropriately managed and that the CEO is advised.

There are a number of ways a conflict of interest can be resolved. Often, the immediate reaction is to remove a person from the situation altogether. However, there are other options available to the Authority and could depend on:

- the nature and extent of the conflict
- whether the conflict is of a controversial nature
- the cost of the contract or action
- the damage the conflict might cause to the process
- public perceptions of the situation.

Some of the options available are:

- The conflict may be recorded but no further action taken. For example, if the conflict is minor, or the person concerned is not in a position to influence decisions, it may be decided that no action is necessary apart from documenting that the conflict has been disclosed.
- You may be removed from your duties/activities in which the conflict occurs.
- Remove the source of the conflict, for example, the staff member may give up the personal interest, sell their shares, or resign from a position with the company involved in a tender.
- For complex or controversial projects – include a probity auditor to provide advice about how to resolve issues that arise and/or establish an ethics committee.
- Disciplinary action.
- Resignation from the Authority in order to pursue business interests without conflict.

When a person withdraws from involvement in a project or dealings due to a conflict of interest, the situation should be closely monitored by the manager to ensure that involvement in the project/dealings does not continue.

4.6 COPYRIGHT AND LICENCES

In many cases, material used and/or produced by Authority staff is subject to copyright. The Commonwealth Copyright Act 1968 applies to:

- written material such as books and journal articles, computer software manuals
- computer programs
- compilations, including directories and databases
- cinematograph films
- sound recordings
- published editions.

Copyright does not need to be registered - a work is automatically protected. Generally speaking, the copyright of work made by the Authority's employees is owned by the Government of New South Wales in the form of the Sydney Harbour Foreshore Authority.

Owners of copyright have the exclusive right to do certain things with their material. The rights of copyright owners can be assigned or licensed, with or without restrictions, and with or without conditions. In particular, the Authority must have appropriate licences for all its computer software.

Remember, if you deal with copyrighted material in any way without the permission of the owner of the copyright, then you will be infringing that copyright. There are penalties for both individuals and corporations under the Copyright Act.

For information about using Copyright Policy Statements and templates, see **Appendix A**.

4.7 GIFTS, FAVOURS AND HOSPITALITY

A public servant must not take advantage of their official position to get a benefit for themselves or other people. It does not matter that the duties performed were during, before or after working hours. A public servant cannot demand or accept any type of payment (either financial, gifts or favours) for services performed in the normal course of duties. Offers of money in any form should never be accepted.

All gifts and benefits received become the property of the Authority and its use or disposal is the responsibility of the Authority, not the individual. This can take many forms, including donation to the social club or a charity. In some circumstances however, you may be allowed to keep the gift.

Before you accept any gift or benefit from clients, first ask yourself these questions:

- Could I give the impression to the client or to the general public that I might be favouring this person above others?
- If I accept such hospitality or gift will it put me, or even appear to put me, in this person's debt?

If the answer to either of these questions is "yes", you must refuse the offer. If you are in doubt as to whether or not it is appropriate to accept the gift, refer the offer to your manager for consideration before the offer is accepted.

These guidelines also apply in your dealings with any consultants the Authority engages.

You can accept, for example:

- unsolicited gifts or benefits of nominal value or of an inconsequential or trivial nature where there is no real or apparent conflict of interest, for example inexpensive marketing items such as corporate mementos, pens, mugs, notepads and key rings
- in some cases, it may be appropriate to accept modest hospitality simultaneously available to colleagues such as tea, coffee and a modest lunch. In some cases, this can be regarded as a common courtesy, as opposed to a gift or benefit
- prizes won as a result of conducting official business
- invitations to local sporting or cultural functions, however, you must ensure that your presence does not imply an inappropriately close or preferred relationship with the person or company who invited you
- items with a public benefit.

but you should **not** accept, for example:

- free or discounted products for personal use, such as gym membership, holiday accommodation or personal travel
- expensive alcohol beverages
- club memberships or magazine subscriptions that have been made available only to you
- any gift, benefit or hospitality during any period of contract negotiation.

Note: The maximum nominal value of gifts or benefits that can be accepted by Authority employees is **\$100**. If in excess of \$100, the CEO's approval must be obtained to accept the gift or benefit.

See **Appendix B** - Accepting Gifts and Benefits Decision Making Guide for more information and **Appendix C** for a copy of the **Gifts and Benefits Declaration** form which once completed, should be submitted to the Corporate Secretary.

4.8 THE GIFTS AND BENEFITS REGISTER

The Authority maintains a Gifts and Benefits Register that is located with the Corporate Secretary. All staff who accept a gift or benefit must notify their Manager and register the gift in the Gifts and Benefits Register.

The Corporate Secretary will advise of the most appropriate way to use or dispose of the gift/benefit (for example, donation to the social club or a charity or allowing the staff member to keep the gift).

4.9 IMPARTIALITY

Public officials must perform their official duties honestly, completely and fairly. You must make your decisions and perform your duties so that you do not favour anyone or discriminate against anyone. You must take all relevant facts into consideration when making a decision and must not consider any irrelevant facts.

4.10 INFORMATION ON OUR CLIENTS AND OURSELVES

The Authority collects, uses, stores and disposes of information that is either personal, politically sensitive or of commercial value. This information is not only about our clients, but also about our staff and includes things such as Tax File Numbers and workers compensation claims. Therefore, we need to ensure the security and confidentiality of information in the Authority because anyone's privacy can be violated, either accidentally or

corruptly. The result could be embarrassment, political or financial disadvantage and even physical harm.

Furthermore, information held by public officials cannot be used improperly or corruptly, such as:

- speculation in property or shares based on information about government decisions or the affairs of a company
- swapping confidential information with staff of other organisations
- providing information from official records to anyone outside the Authority for reasons not directly related to the work of the organisation.

Therefore, you should follow these simple principles:

- Information gained or received while doing your job, or while at work, must remain strictly confidential. It is given to you in trust for specific purposes. Before you discuss information with anyone, inside or outside the Authority, you must ask these two questions: "Do I need to do so to do my job?" and "How best do I present the information to obtain the result I need?"
- You may only disclose official information or documents gained in the course of your job to someone outside the Authority if you are authorised, as part of your normal responsibilities, or when required by law, for example, under the Freedom of Information Act, when called to give evidence in court. Information should only be used for the purposes for which it was collected.
- Information stored in computer databases must not be accessed without proper authorisation - to do otherwise is a criminal offence under the NSW Crimes Act.
- All information classified as confidential must be protected from unauthorised release, use or sharing. It must be stored in a secure and confidential manner.
- Information obtained through your official duties must not be used to gain a direct or indirect economic advantage; gain improper advantage for yourself or others; act partially or inconsistently with your obligations; cause harm to the Government, business or other persons.
- Information available to the public should be provided readily, quickly and cheaply. If there are delays in providing this information, there is a risk that corruption might occur with speed as its selling point.
- If you become aware of a possible breach in security or the possibility of a failure in security arrangements, tell your manager immediately.

These guidelines continue to apply even if you have left employment with the Authority.

Staff should also be aware of their obligations under the *Privacy and Personal Information Protection Act 1998*.

4.11 SECONDARY EMPLOYMENT - HAVING A SECOND JOB

Before taking a second job or engaging in private work, you must have approval from the CEO. A Secondary Employment Declaration Form is at **Appendix D**.

What is "Secondary Employment"?

Secondary employment refers to a situation where an employee engages in work outside his or her job at the Authority. It may be paid or unpaid work.

- lecturing or demonstration work
- writing or producing publications

- working for yourself
- public appearances where a fee is paid in money or kind
- working for another employer
- operating a business
- providing consultancy services
- Director of a company.

What are the risks?

Some of the major risks which arise from secondary employment include:

- A conflict of interest between the duties of the employee at the Authority and the duties of the employee in his or her outside employment. This also includes the risk that the public may perceive that the employee has a conflict of interest (whether an actual conflict exists or not).
- Misuse of the Authority's resources and information which may include improper use of confidential information, intellectual property, telephones.
- Loss of efficiency/performance of the employee which may damage the Authority's delivery of services.

Guidelines for Secondary Employment

Employees are to apply for approval to undertake secondary employment before commencing that employment.

Generally, approval will not be granted where the secondary employment:

- Is undertaken during the employee's work time at the Authority.
- Places the employee in conflict with his or her official duties, or would lead to the perception that he or she has placed himself or herself in conflict with official duties.
- Involves the use of Authority resources or information including vehicles, materials, equipment and confidential information.
- Is likely to affect the employee's efficiency in the performance of his or her official duties.

Casual and part time staff are not required to obtain approval for other paid work during the period that the person is not required to discharge duties in the public service, but only if the discharge of those duties is not adversely affected and there is no conflict of interest. These staff are still bound by the Authority's Code of Conduct.

If in doubt, you should speak with your manager to clarify and deal with any perceived conflict of interest between your employment with the Authority and your other paid work.

Application for Secondary Employment

Your application must include a memo to the CEO for approval detailing:

- All relevant details of and reasons for the secondary employment
- All relevant details of your current position

- Any current links/contacts with your prospective employer, for example contractual or personal arrangements
- A signed Declaration Form (**Appendix D**)
- Agree that the arrangements will not be varied without further application.

Approvals are valid for 12 months, and you must reapply after 12 months. Any approval may cease if your circumstances change or you are transferred to other duties or another work location within the Authority. You must notify your manager of any relevant changes.

4.12 POLITICAL PARTICIPATION

As a member of the community, you have the right to enter into public debate, but you must ensure that any participation in political matters does not bring you into conflict with your primary duty as a public servant. This is important in order to maintain public confidence in the impartiality of the advice you give and the decisions you make.

If you are politically active outside work, as a potential parliamentary candidate or as a spokesperson or representative of a political party, social cause or movement, you must be aware of the potential for a conflict of interest. You must ensure that your political or social activities are kept clearly separate from your role and duties as a public servant. If you feel concerned that your political participation might have an impact on your career or official duties, discuss your concerns with your manager.

If a conflict of interest does arise, you might need to stop your participation in political activity. It might be possible for you to withdraw from the areas of your duties, which cause the conflict of interest. However, do not withdraw from any of your duties until you have spoken with your manager.

Finally, under no circumstances can the Authority's resources be used for political activities.

4.13 PUBLIC COMMENT

The Authority often deals with sensitive issues, often in an environment of public and media scrutiny. Only authorised staff can make public comment on matters affecting the Authority.

Public comment includes attendance at external functions, speaking engagements, comments on radio, television, or expressing views on the Internet (or other computer links), in the press or in publications such as letters and journals, which might flow to the community at large.

The Authority's Issues, Media and Communication Protocols and Procedures (available on the Intranet) requires that officers refer all media enquiries to the relevant authorised spokesperson. These persons must familiarise themselves with the policy guidelines and be aware of the policies and priorities of the Government. Spokespersons should confine their comments to facts and should not express an opinion on official policy or practice.

As members of the community, all Authority staff have the right to take part in public debate on political and social issues. However, you must remember that there are some circumstances in which public comment is inappropriate. These include:

- when someone could think that, although your comments were made as a private individual, you were in some way making an official comment on behalf of the Authority or the Government
- when public comment, even though unrelated to your normal duties, amounts to criticism sufficiently strong or persistent to give the impression that you are not prepared to implement or administer the Government policies.

If you are elected or nominated as a spokesperson for a professional or community association, you are entitled to make public comments about relevant issues. In making such statements, you must clearly acknowledge that you are making those comments on behalf of that association.

4.14 RECORD-KEEPING RESPONSIBILITIES

All staff have a number of basic record-keeping responsibilities. These include a requirement to:

- make records to support the conduct of business activities which justify or explain actions
- register records in the corporate records management system
- not destroy records without authority
- be aware of record keeping procedures.

4.15 DEALINGS WITH EX-EMPLOYEES OF THE FORESHORE AUTHORITY

Although it is natural to remain friends with former Authority employees, you must treat them the same as you would members of the public. You must not favour them in contracting or consulting work, provide "inside" knowledge that might give them a financial or other advantage over others. Similarly, you must refuse any requests for assistance from former staff, which you would not offer to anyone else. And, while it is okay for ex-employees to visit the workplace, you must make sure that they do not wander about. Remember, they should be treated as visitors.

4.16 USING THE FORESHORE AUTHORITY'S RESOURCES

The Authority provides money, equipment, facilities, materials and human resources to achieve its Mission. All these resources should be used safely, efficiently and effectively. You must not misuse or permit the misuse of these official resources for personal purposes.

You should ensure that you have the necessary delegation before incurring or authorising any expenditure on behalf of the Authority. No expenditure should be incurred or items obtained for a purpose unrelated to the work of the Authority.

Personal use of resources should be reasonable. For example:

- Local private telephone calls that are short and infrequent are allowed. Managers should ensure that phone access is consistent with work requirements and that excessive use of phones for private calls must be paid for by the user.
- Use of word processors, photocopiers and fax machines for personal purposes is allowed, if done without interfering with work or that of others and only uses a minimum number of sheets of paper. If you have special paper requirements, the most appropriate action would be for you to supply the required paper.
- Use of the Internet for personal purposes is allowed providing that usage is consistent with the Electronic Communications Protocol, located on the Intranet Resource Centre.
- Adding personal mail to the Authority's post is allowed if it already has a stamp and a special mail trip is not required.

4.17 REPORTING BREACHES OF THE CODE AND CORRUPT CONDUCT

You are responsible for reporting known or suspected breaches of the Code, corrupt conduct, maladministration or serious and substantial waste. Remember, if you fail to do so, when the case is investigated people might think you were involved and you could be

investigated as well. It is also possible that you might be charged with the offence of hindering the investigation of a serious offence (s315 of the Crimes Act) and/or concealing a serious crime (s316 of the Crimes Act).

Should real or perceived conflicts of interest or corrupt conduct become apparent to you, Authority management will take positive action. Therefore, your reporting of these situations is an important step in establishing and maintaining these standards.

We owe it to each other to act responsibly and not frivolously or maliciously.

Decisions about reporting the corrupt conduct or suspected corrupt conduct of others must be made responsibly and with sensitivity to their rights. If doubt arises the matter should be discussed with your manager or Executive Director.

4.18 WHAT HAPPENS IF I DON'T COMPLY WITH THE CODE OF CONDUCT?

A Code of Conduct is like a Code of Practice. It encourages us to think about the standards we expect of one another and to think about how they can become part of "the way we do things around here".

If someone decides not to follow the Code of Conduct, they run the risk of doing the wrong thing and might not have the support of their colleagues or management. They could face disciplinary action including dismissal.

Obviously, all of us will strive to follow this Code and when our conduct falls short of the standard we have set ourselves, we will try to correct this together. Sometimes, if these failures persist, managers will ask for assistance from senior or other relevant officers for appropriate counselling and guidance.

In a very few instances, someone will commit a serious breach of the Code which, in fact, might be a criminal offence under either the Independent Commission Against Corruption Act and/or the Crimes Act or a breach of discipline under the Public Sector Employment and Management Act 2002. In these circumstances, an employee might have breached the conditions and other obligations of their employment contract. Consequently, disciplinary action under the Public Sector Employment and Management Act will be considered.

5 CONTACTS/REFERENCES

5.1 CONTACTS

Questions? Need Advice? The Human Resources Manager is available to give advice or answer any questions and can be contacted via *Your HR* or on telephone (02) 9240 8590.

5.2 REFERENCES

Other relevant legislation providing information and guidelines to Authority staff include (but are not limited to):

- Anti Discrimination Act (1977)
- Crown Lands Act (1989)
- Freedom of Information Act (1989)
- Independent Commission Against Corruption Act (1988)
- Occupational Health and Safety Act (2000)
- Ombudsman Act (1974)
- Protected Disclosures Act (1994)
- Public Finance and Audit Act (1983)

- Public Sector Management Act (1988)
- Public Sector Management Act (General) regulation (1996)
- Public Sector Management Act (Goods and Services) regulation (2000).

For information about these Acts, regulations and other legislation, see www.legislation.nsw.gov.au.

6 APPENDICES

The following information is contained in the Appendices:

- **Appendix A** – Accepting Gifts and Benefits – Decision Making Guide
- **Appendix B** – Gifts and Benefits Declaration Form
- **Appendix C** – Copyright Policy Statement and Templates
- **Appendix D** – Secondary Employment Declaration Form

6.1 APPENDIX A – COPYRIGHT POLICY STATEMENTS AND TEMPLATES

When a NSW government agency creates a work, it is automatically protected by full copyright – whether you want it protected or not; whether you file for protection or not; whether you display the copyright symbol or not.

As the owner of works protected by copyright, the NSW government has certain exclusive rights over these works. Without a copyright statement to the contrary, works produced or owned by the government are automatically “locked up” and permission is needed from the government agency to reproduce them.

For example, if NSW Health created a fact sheet on Rubella and no copyright notice appeared on the fact sheet or its website link, the public could not legally reproduce or use the fact sheet (except in very limited ways otherwise allowed under the *Copyright Act*).

The public could not:

- print out the fact sheet from the Internet (a “reproduction” under the *Copyright Act*)
- make photocopies of the fact sheet (a reproduction)
- download the fact sheet and email it to others (a reproduction and a “communication to the public” under the *Act*).

Without an accompanying copyright policy statement, members of the public do not know whether they can freely use the publication and are often reluctant to do so. This can undermine the distribution and overall educational objective of the publication – the purpose for creating the fact sheet in the first place.

A copyright policy benefits a government agency in a number of ways as it:

- lets the public know the extent to which they may freely reproduce and use a work protected by copyright
- protects Crown copyright by specifying the circumstances in which the work may not be copied and distributed
- assists in the internal management of intellectual property.

6.1.1 Copyright policies in NSW government agencies

A copyright policy can lock-up the material and allow only very limited uses, or it can release the material and permit a wide variety of uses.

Copyright policies displayed on government websites run the gamut of protection:

Level of protection	Locked:	Restrictive:	Permissive:	Released:
	Exceptions allowed under the Copyright Act only	Use for personal, non-business purposes	Use for all purposes, other than for business	Public Domain
Sample wording	“All rights reserved”;© ownership statement only; no notice at all	“You may reproduce this work for personal, in-house or non-commercial use.”	“You may freely deal with this work for any purpose, other than in a product for sale.”	“You are free to use this work for any purpose.”
Frequency of use in NSW Government*	52%	45%	2%	1%
Sample agencies	Motor Accidents Authority of NSW, NSW Police	NSW Rural Fire Service	Attorney General’s Department of NSW	NSW Legislation and Judgements

* Data current as at August 2006

6.1.2 Standard copyright notices – template

The standard copyright notice should be displayed on all agency publications. A long-form and short-form option is provided.

The notice may be displayed in small print and may appear:

- on the inside front cover of a publication
- at the end of a publication (if not in book form), or
- at any other appropriate location.

Standard copyright notices	
Long-form	© State of New South Wales through the [Department], [year of first creation or publication]. You may copy, distribute, display, download and otherwise freely deal with this work for any purpose, provided that you attribute the Department as the owner. However, you must obtain permission if you wish to (1) charge others for access to the work (other than at cost), (2) include the work in advertising or a product for sale or (3) modify work.
Short-form	© State of New South Wales through the [Department], [year of first creation or publication]. This work may be freely reproduced and distributed for most purposes, however some restrictions apply. See the copyright notice on www[agency website].nsw.gov.au or contact the Department.

6.1.3 Restricted copyright notices – template

The standard copyright notice will suit the vast majority of the agency's purposes. However, sometimes the agency will produce information that has strategic or commercial value. In those instances, the standard copyright policy may be too permissive.

If the agency intends to sell the product and does not wish the user to freely reproduce and distribute the product to others, then a more restricted copyright notice should apply to that publication.

Restricted copyright notices	Explanation
© State of New South Wales through the [Department], [year of first creation or publication]. All rights reserved.	This notice is the most restrictive. If a member of the public purchases the publication, it prevents that person from making additional copies, except as otherwise permitted by the <i>Copyright Act</i> .
© State of New South Wales through the [Department], [year of first creation or publication]. This work may be freely reproduced and distributed for personal, educational or government purposes. Permission must be received from the Department for all other uses.	This notice appreciates that while the Department may wish to limit the private sector's use and reproduction of a publication, it allows (and does not expect remuneration for) copying and distribution for personal use or by educational or government bodies.

6.1.4 Website copyright statement – template

To communicate the agency's copyright policy to the public, a copyright statement should appear on the agency's public website.

The Government Chief Information Office is creating a Style Directive for all government websites. It recommends a copyright link on the bottom right-hand corner of each web page.

Copyright notice for the website

This website contains information, data, documents, pages and images ("the material") prepared by the [name of agency]. The material is subject to copyright under the *Copyright Act 1968* (Cth), and is owned by the State of New South Wales through the Department.

The Department encourages the availability, dissemination and exchange of public information. You may copy, distribute, display, download and otherwise freely deal with the material for any purpose, on the condition that you include the copyright notice "© State of New South Wales through the Department" on all uses.

You must, however, obtain permission from the Department if you wish to:

- charge others for access to the work (other than at cost)
- include all or part of the work in advertising or a product for sale, or
- modify the work.

To obtain such permission, please contact [insert contact details].

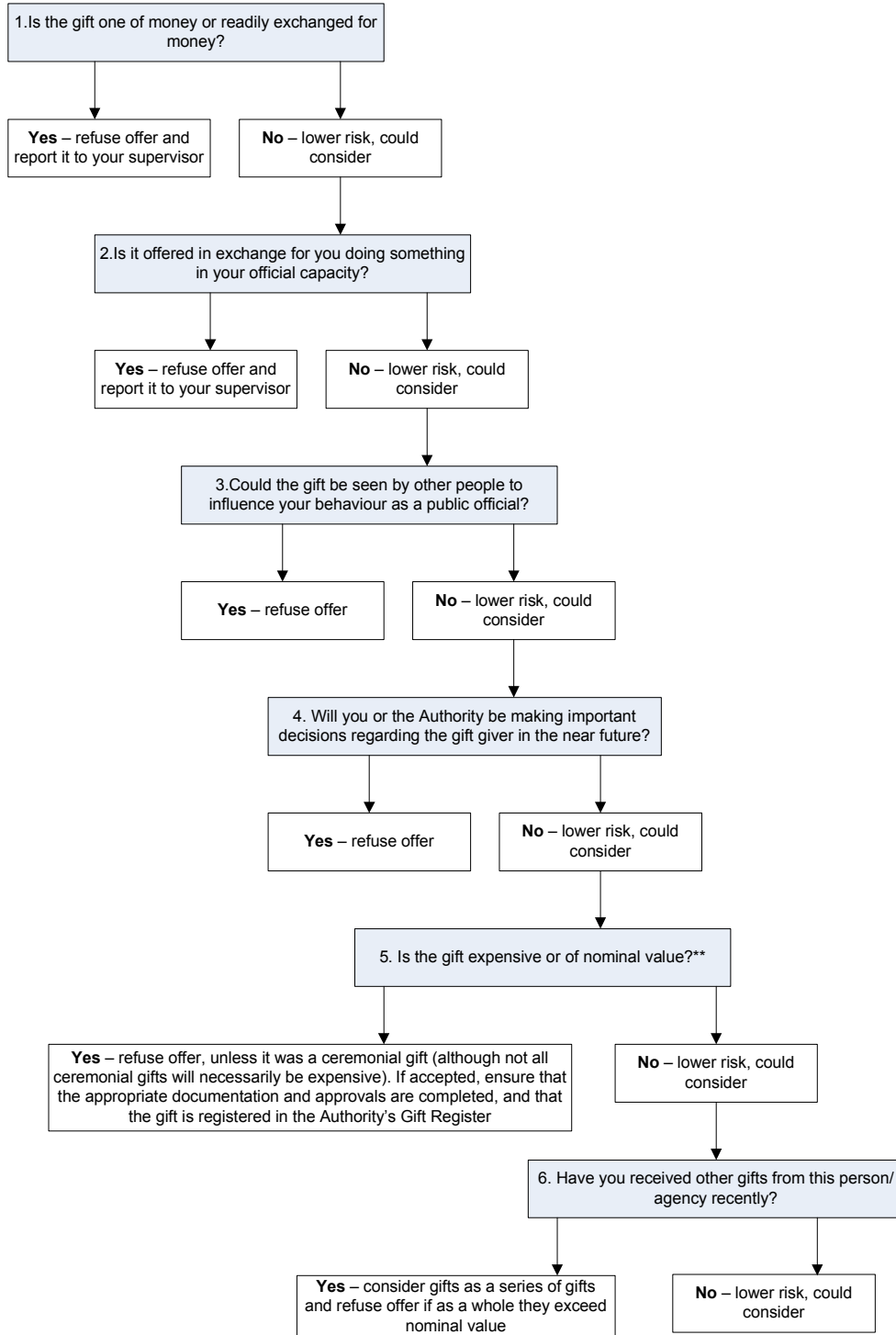
You may publish the material to another website, however, if you publish an entire document or publication, we prefer you to make a direct link to this website to ensure that the latest version is always displayed.

This permission does not extend to copyright in the materials on this website that are owned by others.

This information was transcribed from the *Copyright Management Toolkit, Attorney General's Department of NSW, October 2006*.

6.2 APPENDIX B – ACCEPTING GIFTS AND BENEFITS DECISION-MAKING GUIDE

Accepting Gifts & Benefits - Decision Making Guide*



* This model is based on the model provided by the ICAC *Managing Gifts & Benefits in the Public Sector Toolkit*

** As a guide, gifts of nominal value are usually between \$20-\$50. Gifts over \$100 require CEO approval

6.3 APPENDIX C – GIFTS AND BENEFITS DECLARATION FORM

If you have accepted a gift or benefit, complete this form then submit it to the Corporate Secretary.

SYDNEY HARBOUR FORESHORE AUTHORITY

GIFTS AND BENEFITS DECLARATION

Step 1 - DECLARER TO COMPLETE

YOUR DETAILS

Your name: e-mail:
 Position Title: Phone number:
 Division/Branch: Fax Number:

DETAILS OF GIFT OR BENEFIT

Person who offered gift or benefit
 Company / organisation
 Relationship of gift giver to the Authority
 Is the Authority in negotiations with gift giver No
 Yes (specify)
 Date gift or benefit offered
 Description of gift or benefit and reason for offer
 Estimate value of gift or benefit \$

WHAT DID YOU DO WITH THE GIFT OR BENEFIT?

(i.e. keep it for yourself, give it to Social Club...)

 Signature
 Date submitted for approval

Step 2 - CORPORATE SECRETARY TO COMPLETE

Approved Rejected
 Comment
 Signature
 Date

Step 3 - SUPERVISOR TO COMPLETE (Please return to Corporate Secretary for entry into Gift & Benefit Register)

Approved by (Choose a position title) Yes No
 Name
 Signature
 Date

*If gift or benefit value is \$100 or more, the approval must be signed off by the CEO
 For any gift or benefit given to EDs, GMs, the approval must be signed of by the CEO
 For any gift or benefit given to the CEO, the approval must be signed of by an ED or GM*

6.4 APPENDIX D – SECONDARY EMPLOYMENT DECLARATION FORM

I, _____, undertaking secondary employment at _____, acknowledge that I have read and understood the Authority's policy on secondary employment as contained in the Code of Conduct.

I state that:

- To the best of my knowledge, I have no conflict of interest between my employment at the Authority and the secondary employment. Nor is there a perceived conflict of interest between my employment at the Authority and the secondary employment.
- I will notify the Authority as soon as possible if a possible conflict of interest (real or perceived) arises between my employment at the Authority and the secondary employment.
- I will not use or disclose, and will keep confidential, any and all confidential information obtained through my employment at the Authority. I will not use or misuse any other information obtained through my employment at the Authority for personal gain.
- I will not use any of the Authority's resources including vehicles, materials and equipment for any purpose in connection with the secondary employment.
- I will only undertake any activities in connection with the secondary employment during my personal time.
- I will not represent that I am an employee or agent of the Authority while undertaking activities in connection with the secondary employment.
- I will not engage in activities that may bring disrepute to the Authority.
- I hereby release the Authority from all claims, loss, damage, cost, expenses and liabilities whatsoever suffered or incurred by the Authority arising out of, or in any way in connection with the secondary employment.
- I understand that the approval for secondary employment is for a 12 month period only and that I will be required to re-apply if secondary employment is to continue beyond that period.

Signed: