

**Submission
No 34**

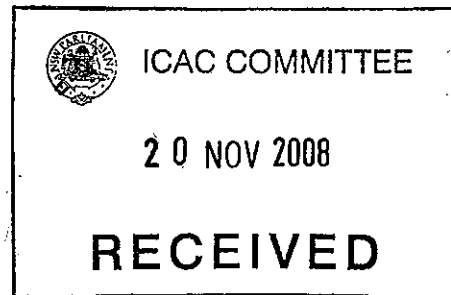
**INQUIRY INTO PROTECTION OF PUBLIC SECTOR
WHISTLEBLOWER EMPLOYEES**

Organisation: NSW Legislative Assembly
Name: Mr Russell D Grove
Position: Clerk of the Legislative Assembly
Telephone:
Date received: 20/11/2008



14 November 2008

Mr Frank Terenzini MP
Chair
Committee on the Independent
Commission Against Corruption
Legislative Assembly of New South Wales



Dear Chair

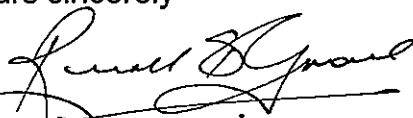
Reference is made to your letter of 14 October 2008 regarding the Committee's inquiry into the effectiveness of current laws, practices and procedures in protecting whistleblower employees who make allegations against government officials and members of Parliament.

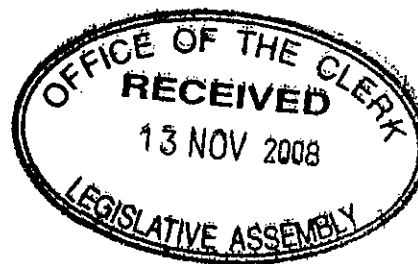
Enclosed with this letter are attachments providing information on those policies, practices and procedures applicable to the Department of the Legislative Assembly, which are relevant to your inquiry.

I wish to inform the Committee that I will be available to attend a hearing as a witness on 1 December 2008 to answer questions in relation to the administration of the "whistleblower" policy as it pertains to the New South Wales Parliament.

While it is noted that the Speaker has not been specifically asked to appear before the Committee he is prepared to be represented by the President as his Joint Presiding Officer and by myself in relation to matters particular to the Legislative Assembly. If the Committee has any issues of further concern, the Speaker is prepared to take questions on notice if that is the wish of the Committee or assist in any other way.

Yours sincerely


Russell D. Grove
Clerk of the Legislative Assembly



Committee on the Independent Commission Against Corruption.

Terms of Reference for Committee inquiry:

That the Committee on the Independent Commission Against Corruption, which is a joint statutory committee, inquire in to and report on the effectiveness of current laws, practices and procedures in protecting whistleblower employees who make allegations against government officials and members of Parliament.

Legislative Assembly of New South Wales.

Statute: The Protected Disclosures Act 1994 applies to the employees of the Parliament of New South Wales, including disclosures made against government officials and members of Parliament.

Policy:

Protected Disclosures Policy

The Parliament has implemented a policy to reflect the Protected Disclosures Act and to communicate the provisions of the Act to staff. The policy document includes the identification of the Clerk of the Legislative Assembly and the Clerk of the Parliaments as the persons to make internal reports to. Attachment 1.

Codes of Conduct for staff.

The Parliamentary Staff code of Conduct was issued in 2005 and the Members' Staff code of conduct was issued in 2006. The full codes are Attachment 2. Both codes of conduct contain reference to the Protected disclosures Act (whistleblowing) and provides links and references to the Ethical Decisions and protected disclosures policy available on our intranet. The relevant sections are:

Members staff code of Conduct June 2006

5.1 Whistleblowing

Disclosures may be made, anonymously if necessary, to the Clerk of the Legislative Assembly or the Clerk of the Parliaments, to the ICAC, the Ombudsman or to the Auditor- General, in accordance with the *Protected Disclosures Act 1994*. The *Protected Disclosures Act* ensures that all staff making protected disclosures are protected from reprisals, provided they meet the criteria set out in the Act.

Further information about reporting corrupt conduct, maladministration and serious and substantial waste of public funds can be found in the Parliament's policy on Protected Disclosures.

Parliamentary Staff Code of Conduct May 2005

5.1 Whistleblowing

You have a duty to report to your manager or to the Clerk/s any suspected corrupt conduct, maladministration, criminal or serious and substantial waste of public funds. All disclosures of such conduct will be handled in confidence according to the Parliament's *Protected Disclosures Policy*.

Disclosures may also be made to the ICAC, the Ombudsman or to the Auditor-General, in accordance with the *Protected Disclosures Act 1994*. The *Protected Disclosures Act* ensures that all employees making protected disclosures are protected from reprisals, provided they meet the criteria set out in the Act.

Further information about reporting corrupt conduct, maladministration and serious and substantial waste of public funds can be found in the Parliament's *Protected Disclosures Policy*, located on the Intranet under the [Admin Resources>Policies & Forms>Protected Disclosures \(Parliament-wide\)](#) or from your personnel section.

Procedures and Practices:

Training of staff:

In 2005, the introduction of the staff code of conducts was followed by a training program in "ethics". This training program for all Parliamentary staff included coverage of making a protected disclosure in accordance with our policy. The training program was delivered throughout 2006.

Electorate offices – Since 2006, the code of conduct and protected disclosures policy are provided to new electorate officers at their induction program. Before the code was issued in 2006 the protected disclosures policy document was provided to staff as part of their package of information at induction.

Dissemination of policy documentation:

In addition to the explicit provision of the policy to staff at induction and during the ethics training, the policy is disseminated to all staff through the Parliament's intranet site.

Support for staff - Counselling:

All staff are can avail themselves of free counselling services. These services are widely publicised and staff are informed about the service at induction training and through newsletter items. This is relevant to whistleblower staff if they become anxious or distressed and /or their disclosure impacts on themselves or their family.

Management of protected disclosures:

As the recipient of the protected disclosure, the Clerk or Clerks have a commitment to confidentiality where practical and an assessment of how to proceed with the disclosure. In practice, the matter may be referred to one of the senior staff in the Department of the Legislative Assembly to take carriage of the investigation or appointment of an external investigator. Either the Clerk or the delegate becomes the key contact with the whistleblower to inform them what action or decision has been taken.

Protection for Electorate Office Staff:

The policies relating to protected disclosures apply to electorate officers. However there is a limitation of the employment protection in the case where their member ceases to be a member of the Legislative Assembly.

Where a member ceases to be a member of the Legislative Assembly and a by-election or general election is held, the employment schedule of electorate officers and their award allows for the termination of their employment on the recommendation of the new member.

This means that an electorate officer making a protected disclosure against their member may have their employment contract terminated at any subsequent by-election or general election of a new member.

This is also the case if any member of the public or Parliamentary staff make a disclosure against a member that resulted in that member no longer remaining a member of the Legislative Assembly. It is a matter for the incoming member to exercise their right to choose their own staff.

The Legislative Assembly has no intention at this stage to change this employment arrangement for electorate staff.

However, the Department of the Legislative Assembly would be interested in exploring ways to arrange secondments to other public sector agencies for whistleblower electorate officers, however, it is submitted to the Committee that this would be best achieved through a central coordinating agency rather than ad hoc approaches between agencies.

[Home](#) » [Admin Resources](#) » [Policies & Forms](#) » [Employment](#) »

ATTACHMENT 1

Protected Disclosures

Introduction

The Protected Disclosures Act 1994 aims to encourage and facilitate disclosures by public officials in relation to corrupt conduct, maladministration or serious or substantial waste of public money.

The Act achieves this by:

- enhancing and augmenting established procedures for making disclosures;
- protecting persons from reprisals that might otherwise be inflicted upon them because of these disclosures; and
- providing a mechanism which ensures that disclosures can be properly investigated and dealt with.

What Disclosures are Protected?

The Act provides protection to public officials who make disclosures which concern:

- corrupt conduct;
- maladministration; or
- serious or substantial waste of public money.

Corruption is defined in sections 8 and 9 of the Independent Commission Against Corruption Act 1988. The definition used in the Act is very broad, but generally concerns the dishonest or partial exercise of official functions by a public official.

Corruption can take many forms, including: taking or offering bribes, public officials dishonestly using influence, black-mail, fraud, election bribery and illegal gambling. These are just some examples.

Maladministration is defined in section 11 of the Protected Disclosures Act 1994 as conduct that involves action or inaction of a serious nature that is: contrary to the law; or unreasonable, unjust, oppressive or improperly discriminatory; or based wholly or partly on improper motives.

The Auditor-General has provided the following definition of "serious and substantial waste of public money":

any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in significant loss/wastage of public funds/resources.

What Protection is Provided?

The Act provides protection to public officials who make a protected disclosure. All employees of the Parliament are "public officials" under the Act.

A person who makes a protected disclosure is not subject to any liability for making a protected disclosure and no action, claim or demand can be made of or against the person for making the disclosure.

The Act also provides protection by imposing penalties (up to \$5000 and/or 12 months imprisonment) on a person who takes detrimental action against another person in reprisal for a protected disclosure.

Detrimental action is action which may cause, comprise or involve any of the following:

- injury, damage or loss;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to employment;
- dismissal from or prejudice in employment; or
- disciplinary proceedings.

When is a Disclosure Protected?

For a disclosure of information to be deemed a "protected disclosure" it must be made by a public official, either:

- to the head of the organisation; or
- in accordance with established reporting procedures within the organisation; or
- direct to either the ICAC, Ombudsman or Auditor-General.

Disclosures made to a journalist or Members of Parliament are protected if certain conditions are met. The person making the disclosure to a journalist or Member of Parliament must have made the same disclosure to the head of their organisation or in accordance with established reporting procedures within the organisation or direct to either the ICAC, Ombudsman or Audit Office. In this case protection is only available if the information provided is substantially true and the investigating authority or public authority to whom the matter was referred:

- has decided not to investigate the matter;
- has decided to investigate the matter but not completed the investigation within six months of the original disclosure;
- has investigated the matter but not recommended any action in respect of the matter; or
- has failed to notify the person making the disclosure, within six months of the disclosure, of whether or not the matter is to be investigated.

Procedures for Making Protected Disclosures

In the first instance, disclosures should be made within the Parliament or direct to an investigating authority.

Within the Parliament: - Staff may make a protected disclosure either verbally or in writing. This may be done through:

The Clerk of the Legislative Assembly; or
The Clerk of the Parliaments; or
Both Clerks.

If a disclosure is made in writing it should be submitted to the Clerk/s in a sealed envelope and clearly marked "private and confidential". If a disclosure is to be made verbally, a meeting with the Clerk/s should be requested. All disclosures will be treated in the strictest confidence. However, in some circumstances the source of the disclosure will need to be revealed so that the matter can be fully investigated.

To an Investigating Authority - Staff may make a disclosure by contacting:

- the Independent Commission Against Corruption, if the disclosure concerns corrupt conduct; or
- the NSW Audit Office, if the disclosure concerns a serious and substantial waste of public money; or
- the NSW Ombudsman, if the disclosure concerns maladministration.

Address and phone numbers for each authority are listed below. The investigating authority will advise what action needs to be taken to make a disclosure.

Because of the special nature of the Parliament and its Members there are limitations on the powers of investigating authorities (particularly the NSW Ombudsman and Audit Office) to investigate the Parliament and its Members. If staff are making a disclosure to an investigating authority they should raise this issue and clearly indicate the involvement of the Parliament and/or the involvement of a particular Member/s. Please note that these limitations in no way reduce the protection provided to staff of the Parliament who make a protected disclosure.

To a Member of Parliament or Journalist - Staff may make disclosures to a Member of Parliament or journalist, but these disclosures are only protected in some circumstances (see *When is a Disclosure Protected?* above).

For More Information

If you have any inquiries in relation to protected disclosures contact Employee Services in the Legislative Assembly or Corporate Support in the Legislative Council

Information can also be obtained from any investigating authority:

Independent Commission Against Corruption

ICAC
GPO Box 500
SYDNEY NSW 2001
Tel: Duty Assessment Officer (02) 8281 5999 or 1800 463 909
Email: icac@icac.nsw.gov.au

The Audit Office of New South Wales

Level 15
1 Margaret Street
SYDNEY NSW 2001
Tel: (02) 9275 7100

NSW Ombudsman

Level 24
580 George Street
SYDNEY NSW 2000
Tel: (02) 9286 1000 or 1800 451 524

This version Issued: 2 August 1997

Original issued by the Clerks: January 1996



Parliament of New South Wales

CODE OF CONDUCT FOR MEMBERS' STAFF

FOREWORD

This Code applies to staff of Members of Parliament based in Electorate Offices or Parliament House. It is designed to help you meet the high standards of integrity and ethical behaviour expected of a publicly funded employee, and to give you a basis for making day-to-day decisions.

This Code is designed to convey the behaviour expected of you as a staff member. It was developed by management considering the recommendations of the Independent Commission Against Corruption, the Ombudsman's Office, the model public sector code published by Premier's Department and staff comments on early drafts. The Code was developed in consultation with the PSA and will be reviewed periodically. Your feedback is welcome and should be directed to the Clerk of the Legislative Assembly or the Clerk of the Parliaments.

It is not possible for any Code of Conduct to cover all possible issues that may arise. If you are uncertain about any aspect of this Code, or have an ethical problem you cannot resolve, you should talk to the Clerk of the Legislative Assembly or the Clerk of the Parliaments. You could also read our policy document on Ethical Dilemmas at Work, which is available on our Intranet site.

This Code applies equally to permanent and temporary staff of Members of the Legislative Assembly and the Legislative Council. It also applies to volunteers and people engaged in work experience programs with Members.

Russell Grove
Clerk of the Legislative Assembly

John Evans
Clerk of the Parliaments

Part One – Ethical Values

1.0 GENERAL VALUES

Staff of Members of Parliament must undertake their duties with regard to:

- *Integrity – you should consider your employment obligations and duties when you take action*
- *Honesty – you should abide by the law and relevant policies and procedures*
- *Impartiality – put aside personal interests, biases and views, and disclose any real or apparent conflict of interests as soon as possible*
- *Accountability - employees accept responsibility for their acts and omissions*
- *Respect – your actions and decisions as an employee of the Parliament should be based on consideration of the relevant facts*
- *Professionalism - act professionally during the course of your employment with the Parliament and ensure your actions do not compromise the reputation of Parliament or your Member*
- *Loyalty – be loyal to your Member within the workplace, in the electorate, and within their political party or supporters group if applicable*
- *Confidentiality - maintain appropriate confidentiality of information received in the course of your duties*
- *Value for money- public resources should be used for the purpose for which they are provided, and you should seek to achieve best value for money*

Part Two – Code of Conduct

2.0 INTEGRITY

2.1 Responsibility as a public employee

- As a public employee, you are employed using public resources, and responsibilities flow from this.
- Your role is to support the electorate, the constituents and the Parliamentary role of your Member.
- You have a responsibility to stay up-to-date and informed on the policy and guidelines affecting your role, including Members' entitlements, allowances and the provisions of the Members' Handbook.

2.2 Responsibility to the Member for your actions

- Your Member will be required to take responsibility for all actions he or she has directed you to take, and is answerable to the Parliament and the public for those acts.
- You are responsible for your own acts and omissions when not directed by your Member. You should ensure that your activities are not unlawful, against the public interest, against the interest of your Member, or contrary to established policy or procedure.

2.3 Ethical decision making

You should always act in a way that a reasonable person would not see as improper.

If you are faced with an ethical dilemma, you may find it useful to consider:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with Parliament House policy and this Code?
- What will be the outcome for you, for your colleagues, for your Member?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense?

3.0 HONESTY

All staff are required to act honestly and abide by lawful directions, policies, procedures and legislation.

3.1 Gifts, benefits and bribes

You should not seek or accept any gift or benefit if such action could be perceived by reasonable members of the public as intended or likely to cause you:

- to act in a particular way (including making a particular decision)
- to fail to act in a particular circumstance, or
- to otherwise deviate from the proper course of your official duties.

A reputation for integrity and professionalism can only be achieved and maintained if the community is confident that employees are not influenced by gifts, bribes or other inducements.

You may accept a gift, benefit, travel or hospitality only if it is of a token kind, and when refusal would be unnecessarily rude. All offers of gifts and benefits should be reported to your Member, whether you accept them or not. If you are uncertain

whether it is appropriate to accept an offered gift, discuss it with your Member or Manager prior to acceptance. If you need to decline an offered gift, you could do so by explaining that the Parliament does not permit its employees to accept such gifts or services.

4.0 IMPARTIALITY

4.1 Conflict of interest

Conflicts of interest exist where it is likely that an employee could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their employment duties. Your personal interests (financial and non-financial), associations and activities must not conflict with your duties.

4.2 Outside (or secondary) employment

You should inform your Member of the outside employment you wish to undertake and you are required to obtain prior approval from the Clerk of the Legislative Assembly or the Clerk of the Parliaments before engaging in any paid outside employment.

It is not necessary to obtain approval for voluntary or unpaid activities, unless a conflict of interest arises in relation to those activities and your official responsibilities.

Generally, outside employment will be approved as long as:

- the work is not associated with your work duties or knowledge gained in the course of your duties,
- the work is carried out in your own time,
- the work does not involve a conflict of interest, and
- there is no adverse impact upon your work attendance and performance or increased health and safety risks.

4.3 Post-separation employment

You should not allow yourself or your work to be influenced by plans for, or offers of, employment outside the Parliament, which give rise to or a perception of a conflict of interest where your integrity, and that of your Member or the Parliament, is at risk.

5.0 ACCOUNTABILITY

You are responsible for your own acts and omissions and will be held responsible for them. If you receive directions to perform actions you know to be illegal or improper, you should query them and refuse to perform them, and explain why.

If you have staff under your supervision, you are responsible for their acts and omissions if they are so serious, repeated or widespread that you should know of them and correct them. You should therefore ensure that staff under your supervision, understand what their duties are, how they are expected to perform them, and what results are expected.

5.1 Whistleblowing

Disclosures may be made, anonymously if necessary, to the Clerk of the Legislative Assembly or the Clerk of the Parliaments, to the ICAC, the Ombudsman or to the Auditor-General, in accordance with the *Protected Disclosures Act 1994*. The *Protected Disclosures Act* ensures that all staff making protected disclosures are protected from reprisals, provided they meet the criteria set out in the Act.

Further information about reporting corrupt conduct, maladministration and serious and substantial waste of public funds can be found in the Parliament's policy on Protected Disclosures.

6.0 RESPECT

6.1 Anti-discrimination and harassment

You must not discriminate against Members, staff or the public on the grounds of:

- sex, age, marital status, pregnancy, or Carer's responsibilities
- race, colour, nationality, ethnic or social background
- physical or intellectual disability or impairment
- homosexuality , or transgender,

Harassment and discrimination on these grounds is prohibited by law and will not be tolerated by the Parliament. Refer to Parliament's Harassment Free Workplace Policy and Equal Employment Opportunity Policy on the Intranet.

7.0 PROFESSIONALISM

Professionalism requires that you act at all times with courtesy, efficiency and thoroughness in dealing with the public, constituents and other groups in your official capacity.

8.0 LOYALTY TO YOUR MEMBER

8.1 Loyalty

Be loyal to your member within the workplace, in the electorate, and within your political party if applicable. Ensure your actions and comments do not detract or disparage the Member's reputation and role in Parliament and the electorate. Loyalty is subject to the requirement to act legally, professionally and honestly.

9.0 CONFIDENTIALITY

9.1 Public comment

Public comment includes public speaking engagements, comments to journalists, statements on radio and television or in letters to newspapers, as well as expressing views in books, journals, the Internet and notices where it is expected that the comments will spread to the wider community.

You must ensure that public comments you make on behalf of your Member or that represent the views of your Member have been authorised by him or her. If you choose to make a personal public comment you must ensure that your comments do not appear to be an official comment on behalf of your Member.

9.2 Confidentiality of information

Information you have gained in the course of your official duties must only be used for the work-related purpose intended, and not for personal benefit. All employees must make sure that confidential information, in any form (including computer files) cannot be accessed by unauthorised people and that sensitive information is only discussed with people who are authorised to have access to it.

9.3 Use of official information

You may only disclose information that is already on the public record, or which would normally be available to members of the public who seek that information.

10.0 VALUE FOR MONEY

10.1 Use of official resources

Public resources should be used for the purpose for which they are provided, and you should seek to achieve best value for money. Office facilities, funds and equipment should be used according to any rules or guidelines published by the Parliamentary Remuneration Tribunal or the Presiding Officers and Clerks.

11.0 PARTICIPATION IN ACTIVITIES OF POLITICAL PARTIES OR SUPPORTERS GROUPS

Clause 11.1 and clause 11.2 give effect to the Guidelines and general conditions regarding additional entitlements for Members. The code should be read in the conjunction with the most recently published Parliamentary Remuneration Tribunal (PRT) Determination for Members Entitlements.

Clause 11.1 – Political party activities – electioneering, political campaigning and political fundraising.

Members' staff are not permitted to engage in activities of a direct electioneering, or political campaigning, or political fundraising nature during the ordinary hours of work or as part of their role as an employee of the Parliament.

Clause 11.2 Political Party Membership and Activity

Political party membership is voluntary. Staff cannot be directed to participate in political party activities nor directed in their work by party officials or other party members.

Members' staff can assist Members in the efficient performance of the Members duties, including:

(The Member's) Participation in the activities of recognised political parties, including (the Member's) participation in national, State, and regional conferences, branch meetings, electoral council meetings, executive meetings, committee meetings, and meetings of the Members of the Parliamentary political party, its executive and committees.

For a Member elected to the Parliament as an independent, this applies to participation in activities that are reasonable alternatives to participation in the activities of recognised political parties.

The PRT prohibits resources (including staff resources) being used for political party activities, specifically:

1. Party membership drives
2. Mail distributions for non-electorate or non-Parliamentary activities
3. Election campaigning
4. Fund raising for political parties or other Members
5. Costs/activity previously borne by political parties which are not principally related to the Member's parliamentary or electorate duties

A further guide to staff is that the assistance to a Member participating in their political party should be consistent with the work performed by the Members staff as described in their position description and duties statements.

For example – the staff may organise for the Member's attendance at a party conference, organise travel and accommodation, prepare speaking notes, or research items on the agenda as background information for the Member's attendance. However, the staff cannot assist the political party in organising the conference.

Clause 11.3 Members' staff contesting State and Federal elections

Members' staff contesting State or Federal elections should consult with their Personnel Section and refer to the Parliament's Policy 'Employees Contesting State and Federal Elections dated 17 March 2003



PARLIAMENT OF NEW SOUTH WALES

CODE OF CONDUCT FOR MEMBERS' STAFF

12.0 EMPLOYEE DECLARATION

I have received and read the Code of Conduct for Members' staff. I agree to abide by this Code.

Print name

Signature

____/____/____
Date

Please return this declaration to your Personnel section to be placed on your personal file.

PARLIAMENT OF NEW SOUTH WALES

PARLIAMENTARY STAFF CODE OF
CONDUCT

FOREWORD

This Code is designed to help you meet high standards of integrity and ethical behaviour, to give you a basis for making day-to-day decisions and convey the behaviour expected of you as an employee. As an employee of the Parliament, you should be aware of the importance of the Parliament to the people of New South Wales and the impact that your behaviour can have on the overall reputation of the Parliament.

The Code was developed in consultation with management and unions and will be reviewed periodically. Your feedback is encouraged and should be directed to the Manager Employee and Corporate Services in the Legislative Assembly or the Director – Corporate Support in the Legislative Council.

It is not possible for any code of conduct to cover all possible situations that may arise. If you are uncertain about any aspect of this Code, or have an ethical problem you cannot resolve you should seek guidance from your manager (or peers). You could also read the Parliament's pamphlet, *Ethical Dilemmas at Work*, which is available on Parliament's intranet or from your personnel section.

The contribution of each employee is essential if the Parliament is to operate effectively, with integrity and in accordance with the values set out in this Code.

Russell D Grove
Clerk of the Legislative Assembly

John Evans
Clerk of the Parliaments

PARLIAMENT OF NEW SOUTH WALES

PARLIAMENTARY STAFF CODE OF
CONDUCT

INTRODUCTION

The Parliament's Staff Code of Conduct applies to:

1. All permanent, temporary and casual employees (with the exception of members' staff employed by the President of the Legislative Council or the Speaker of the Legislative Assembly):
 - (i) in the Legislative Council under the separate control of the President of the Legislative Council
 - (ii) in the Legislative Assembly under the separate control of the Speaker of the Legislative Assembly
 - (iii) in a Joint Services Department or Section under the control of the President of the Legislative Council and Speaker of the Legislative Assembly jointly.
2. Contractors engaged on site.
3. Volunteers and people engaged in work experience programs.

PART ONE – ETHICAL VALUES

1.0 ETHICAL VALUES

Employees of the Parliament must undertake their duties with regard to:

- Integrity – you should consider your duty as an employee whenever you take action
- Honesty – abide by the law and appropriate policies and procedures
- Impartiality – put aside personal interests, biases and views, and disclose any real or apparent conflict of interests as soon as possible
- Accountability -- employees accept responsibility for their acts and omissions
- Respect – your actions and decisions as an employee should be based on equitable consideration of the relevant facts
- Professionalism -- ensure your actions and decisions do not compromise your reputation or the reputation of the Parliament
- Confidentiality – the information received in the course of your duties should only be used for the purposes intended and not disclosed to any other person
- Value for money – parliamentary resources should be used for the purpose for which they are provided, and you should seek to achieve the best value for money.

PART TWO – CODE OF CONDUCT

2.0 INTEGRITY

2.1 Responsibility to the public and other client groups

The people of New South Wales are entitled to expect the business of the Parliament to be conducted with efficiency, economy, fairness, impartiality and integrity. Employment with the Parliament carries with it a particular obligation to the public interest. You are required to:

- meet a standard of professional behaviour that promotes and maintains public confidence and trust in the work of the Parliament
- treat members of the public with courtesy and sensitivity
- ensure that your actions do not compromise the reputation of Parliament
- stay up-to-date and informed on legislation, policy and guidelines affecting your role.

2.2 Responsibility to Members

You must perform your duties irrespective of your personal political beliefs. This involves:

- being impartial in your treatment of members of Parliament, and providing accurate information to all members equally
- providing advice to all members that is frank, independent, based on an accurate representation of the facts and as comprehensive as possible
- maintaining complete confidentiality in relation to the information you provide to, and receive from, members.

2.3 Ethical decision making

If you are faced with an ethical dilemma, you may find it useful to refer to or consider, either by yourself or in consultation with your peers or manager, the following points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with Parliament House policy and in line with the Code of Conduct?
- What will be the outcomes for you, for your colleagues, for the Parliament and for other parties?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense?
- Can the decision or conduct be justified in terms of the public interest?
- Would it withstand public scrutiny? That is, how would you feel if details of the decision were made public?

You might also wish to consult the Parliament's pamphlet, *Ethical Dilemmas at Work*, which is available on the Parliament's intranet under the Admin Resources> Policies & Forms>Ethical Dilemmas at Work (Parliament-wide) or from your personnel section.

3.0 HONESTY

All employees are required to act honestly, and abide by lawful directions, policies, procedures and the law.

3.1 Gifts, benefits and bribes

You should not seek or accept any gift or benefit if such action could be perceived by reasonable members of the public as intended or likely to cause you:

- to act in a particular way (including making a particular decision)
- to fail to act in a particular circumstance, or
- to otherwise deviate from the proper course of your official duties.

A reputation for integrity and professionalism can only be achieved and maintained if the community is confident that employees are not influenced by gifts, bribes or other inducements.

Gifts and benefits are items or services that are provided to you, your family or anyone associated with you resulting from your employment. These could include money, discounts, free travel, hospitality, accommodation or employment. You must not accept or demand gifts or benefits from any person or organisation in return for doing your work, because this could impose obligations upon you, or appear to do so.

Generally, offers of gifts and benefits should be declined if they may compromise you in your decision-making. You must decline offers which are individually targeted and are not available to your colleagues who share a common task or purpose. Hospitality unconnected to an official work-related function should be refused. Frequent flyer points and other consumer loyalty award schemes which you have accrued from official expenditure should not be used for personal benefit. For example, if you have accrued frequent flyer points while travelling on official business at the Parliament's expense, those frequent flyer points can only be used for further official travel and not for personal use.

You may find that you are invited to events or functions, such as Christmas lunches, which aim to facilitate "networking" with outside companies or external professional groups. These may be accepted if they occur infrequently, and if your participation will not potentially impose obligations upon you. You should consult with your manager when you receive an invitation of this kind.

You may accept a gift, benefit, travel or hospitality only if it is of a token kind, and when refusal would be unnecessarily rude. For example, it is quite common for gifts to be accepted or exchanged as part of the courtesy and protocol of visits. All managers responsible for employees involved in delegations and visitors should brief employees on the accepted practice and courtesy of these occasions.

All offers of gifts and benefits should be reported to your manager, whether you accept them or not. If you are uncertain whether it is appropriate to accept an offered gift, discuss it with your manager prior to acceptance. If you need to decline an offered gift, you could do so by explaining that the Parliament does not permit its employees to accept such gifts or services.

3.2 Making representations to Members and Ministers

Employees like other citizens can seek access to their local member or contact a Minister in relation to an issue. You should not approach members or Ministers for a private purpose through your official role.

If employees wish to meet with or make a representation to their local member or a Minister you should make it clear to the member or Minister that you wish to approach them as a constituent. It is preferable that the initial approach is made through the member's or Minister's office in the same way that other constituents access the member.

4.0 IMPARTIALITY

4.1 Conflict of interest

A conflict of interest may exist where an employee could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their official duties. You have a responsibility to ensure that your personal interests, financial and non-financial, associations and activities do not conflict with your duties. Managers may also assist in the management of conflict of interest by enquiring about the existence of any conflict of interest for their staff, especially for projects which involve a tendering process. Managers can bring this issue into normal planning and review processes.

An example of conflict would occur if you are involved in calling tenders or organising the purchase of supplies, and you find that a close friend or relative is one of the tenderers or suppliers. Another conflict may arise where your personal beliefs or attitudes may influence the impartiality of advice given.

You may be the only person aware of the potential for a conflict. It is therefore your responsibility to avoid any financial or other interest that could compromise the impartial performance of your duties. You should disclose any potential or actual conflict of interest to your manager as soon as you become aware of it, so that an informed decision can be made about what action to take.

4.2 Political and community participation

You should make sure that any participation in party political activities does not conflict with your duty to serve in a politically neutral manner.

This is important because of the need for members and the public to maintain confidence in your impartiality when you take action or give advice.

The nature of your position, the extent of involvement, and public prominence will affect the level of political activity which is appropriate or inappropriate. For example, for a Clerk at the Table of either House, it will be inappropriate to participate in any form of political activity, because the need to be and appear to be impartial is critical in that position. A gardener or waiter, however, would be less restricted because bias is unlikely to influence decision-making in those positions.

If you believe a conflict has arisen, or may arise, you must report it to your manager for further advice. This may result in your stopping your political activity, or withdrawing from areas of work where conflict is occurring where this is possible.

Employees who are contesting State or Federal elections, should consult with their manager and personnel section on the policies that apply. Within the context of the requirements of this code, all employees are free to participate in voluntary community organisations, charities and professional associations.

4.3 Outside employment

You are required to obtain prior approval from the Clerk/s before engaging in any paid outside employment.

Generally, outside employment will be approved as long as:

- the work is not associated with your work duties or knowledge gained in the course of your duties
- the work is carried out in your own time
- the work does not involve a conflict of interest with your work at Parliament, and
- there is no adverse impact upon your work attendance and performance or increased health and safety risks.

For example, lecturing at educational institutions, hospitality / catering work, sports officiating, or undertaking activities as a Poll Official at elections, outside working hours, would normally be approved.

It is not necessary to obtain approval for voluntary or unpaid activities, unless a conflict of interest arises in relation to those activities and your official responsibilities.

4.4 Post-separation employment

You should not use your position with the Parliament to obtain opportunities for future employment. You should not allow yourself or your work to be influenced by plans for, or offers of, employment outside the Parliament. If you do, there is a conflict of interest and your integrity, and that of the Parliament, is at risk. We recognise that the knowledge and skills you have attained while working at Parliament will assist you in your future career.

You should be careful in your dealings with former employees, and make sure that you do not give them, or appear to give them, favourable treatment or access to privileged information.

4.5 Bankruptcy and private financial affairs

Any employee who becomes bankrupt or has to form an arrangement with creditors or a debt collection agency must immediately notify the Clerk/s. This procedure is in place because bankruptcy or other financial hardship has been identified as a situation which could lead to corrupt conduct.

5.0 ACCOUNTABILITY

You must accept responsibility for your own acts and omissions. If you receive directions to perform actions which you believe to be illegal or improper, you should query them and may refuse to perform them, and explain why.

If you have employees under your supervision, you are also responsible for their acts and omissions if those acts or omissions are so serious, repeated or widespread that you should know of them and correct them. You should therefore ensure that employees under your supervision understand what their duties are, how they are expected to perform them, and what results are expected.

5.1 Whistleblowing

You have a duty to report to your manager or to the Clerk/s any suspected corrupt conduct, maladministration, criminal or serious and substantial waste of public funds. All disclosures of such conduct will be handled in confidence according to the Parliament's *Protected Disclosures Policy*.

Disclosures may also be made to the ICAC, the Ombudsman or to the Auditor-General, in accordance with the *Protected Disclosures Act 1994*. The *Protected Disclosures Act* ensures that all employees making protected disclosures are protected from reprisals, provided they meet the criteria set out in the Act.

Further information about reporting corrupt conduct, maladministration and serious and substantial waste of public funds can be found in the *Parliament's Protected Disclosures Policy*, located on the Intranet under the Admin Resources>Policies & Forms>Protected Disclosures (Parliament-wide) or from your personnel section.

6.0 RESPECT

You should treat members of the public and other employees honestly, fairly, responsibly, and compassionately.

You should behave in a way that upholds the Parliament's commitment to respecting the dignity, rights and views of others. Employees must not engage in any form of bullying, mistreatment, coercion or harassment.

You should always act in a manner that is inclusive and tolerant of people regardless of:

- gender or sexual orientation
- linguistic, cultural, religious, ethnic, national or racial backgrounds
- physical or mental attributes or disabilities
- age.

You must not discriminate against members, staff or the public on the grounds of:

- Sex, age, marital status or pregnancy
- Race, colour, nationality, ethnic or social origin
- Physical or intellectual disability or impairment
- Sexual preference or transgender identity
- Religious or political belief, or
- Personal carer's responsibilities.

Such discrimination can be:

- unlawful – proscribed by statute
- unfair – arising from such things as arbitrary action, error, failure to consider relevant facts or consideration of irrelevant facts.

You should also read the Parliament's *Harassment Free Workplace* and *Anti-Bullying Policies* available on the Parliament's Intranet under the Admin Resources>Policies & Forms> Harassment Free Workplace Policy (Parliament-wide) and Admin Resources>Policies & Forms> Anti-Bullying Policy (Parliament-wide) or from your personnel section.

7.0 PROFESSIONALISM

Professionalism requires that you act at all times with courtesy, efficiency and thoroughness.

7.1 Dress

The standards of dress for employees of the Parliament can have an important impact on the image of the Parliament. All employees should conform to the generally accepted standards of business dress or standards set by your Department or Section. If you are provided with a uniform, you must wear it at all times whilst on duty.

7.2 Drugs and alcohol

Although the Parliament has dining room and bar facilities, you must not perform your job, remain at work, or undertake any work-related activity, if you are adversely affected by alcohol or other drugs. You may be directed by your manager to stop work or leave the workplace if you are affected by alcohol or drugs to the detriment of your work or for safety reasons.

7.3 Attending functions

Employees need to exercise discretion when attending private functions and celebrations held at Parliament House. Although members may offer "open invitations" to employees to attend such functions this is usually a courtesy and you are still expected to conduct yourself in a professional manner while attending the function.

8.0 CONFIDENTIALITY

8.1 Public comment

Public comment includes public speaking engagements, comments to journalists, statements on radio and television or letters to newspapers, as well as expressing views in books, journals and notices where it is expected that the comments will be published to the wider community. Only the Presiding Officers and Clerks will make statements in an official capacity for the Parliament. You must not make public comments on issues relating to the Parliament unless you have been authorised to do so by the Clerks.

As a member of the community, you can make public comment and enter into public debate on political and social issues. If you choose to make a public comment, you must ensure that:

- your personal views are not presented or interpreted as official comment, although made in a private capacity. You should preface your remarks with a comment that they are made in a private capacity and do not represent the views of the Parliament
- the information you disclose is official information and material that is normally given to members of the public seeking that information.

Employees acting in the capacity of a local union delegate or union office holder may comment on matters involving union business.

It is quite common for journalists to talk to employees seeking background information or comments. Unless the information sought is published and available to the public or you have been authorised to make a comment or give information to journalists, you should refer all media inquiries to the relevant Clerk.

8.2 Confidentiality of information

Information you have gained in the course of your official duties must only be used for the work-related purpose intended, and not for personal benefit. All employees must make sure that all confidential information including computer files cannot be accessed by unauthorised people and that sensitive information is only discussed with people who are authorised to have access to it.

9.0 VALUE FOR MONEY

9.1 Use of official resources

You should seek to ensure that value for money is obtained when using parliamentary resources and report any misuse of resources by others. You are to use parliamentary resources economically and should avoid any action or situation which could create the impression that parliamentary property, equipment, official services or facilities are being improperly used by you or any other person, for private benefit.

Any facilities provided by the Parliament, such as office equipment, stationery, telephones or transport, for use by employees in performing their duties should be used strictly for those duties and for no other purpose. However, your manager may permit occasional and minor use of some facilities for private purposes, for example, occasional telephone calls, e-mails or faxes; use of the Internet (refer to the Parliament's Internet and Email Usage Policies, located on the Intranet under the Admin Resources>Policies & Forms>:

- > Communication Devices Policy
- > Internet and Email Usage Policy

Generally, you should not use parliamentary resources for private purposes.

You also should not expect or ask other employees to use work time for private purposes. For example, if you are supervising other employees, it is not appropriate to direct them to collect your dry cleaning, pay bills, or to perform other personal tasks for you.

10.0 SANCTIONS FOR BREACHES

Sanctions may be applied if your conduct breaches this Code of Conduct. Depending on the severity of the breaches, the impact upon the Parliament and your employment, sanctions may include counselling, a formal warning or dismissal.

PARLIAMENT OF NEW SOUTH WALES

PARLIAMENTARY STAFF

CODE OF CONDUCT

MAY 2005

EMPLOYEE DECLARATION

I have received and read the Parliamentary Staff Code of Conduct, May 2005. I agree to abide by the Code.

Print Name

Signed

____/____/____
Date

Please return this page to your manager or personnel section, so that it can be placed on your Personal file.