



Code of Conduct and Ethics

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Contents

1	Purpose, scope and application	5
2	Definitions.....	5
3	Legislation and related policies	6
4	Our Values “TARPS”	7
5	Our conduct as Members	8
5.1	NSW SES ethical framework	8
5.2	Ethical behaviour and decision making	8
5.3	Role of senior executive.....	9
5.4	Conflict of Interest	9
5.5	Public Interest Disclosures (PID)	10
5.6	Ethical and responsible use of public resources	10
5.7	Gifts, benefits, fraud and corruption	11
5.8	Alcohol and other drugs.....	11
5.9	Political, community and personal activities	12
5.10	Secondary employment of staff and other activities	12
6	A workplace that is safe and secure.....	13
6.1	Safety	13
6.2	Security	13
6.3	Bullying, harassment and discrimination.....	13
6.4	Complaints, conflict, misconduct and serious offences	13
6.5	Remedial and disciplinary action	16
7	Our obligations regarding NSW SES information	16
7.1	Using and protecting confidential information	16
7.2	Making public comment	17
7.3	Providing references	17
7.4	Intellectual property	17
8	Breaches of the Code of Conduct and Ethics	18
9	Roles and Responsibilities	18

UNCLASSIFIED

10 Monitoring, feedback and review19
11 Related policies and documents19
12 Support and advice19
Appendix A.....20

1 Purpose, scope and application

The NSW SES Code of Conduct and Ethics and the Code of Ethics and Conduct for NSW government sector employees set out the principles Members are required to uphold, and prescribe specific conduct in areas central to the exercise of NSW SES's functions.

Both Codes are mandatory to all Members of NSW SES. For the purposes of the Code, a "Member" is a paid employee, volunteer, and other people engaged to do work for NSW SES (e.g. contractors).

Any Member can be faced with ethical dilemmas in their work and personal lives. The Code has been developed to guide Members in making decisions and in determining an appropriate course of action that is supported by our Values (TARPS). Members are required to be committed to these fundamental values in all interactions with public sector agencies, contractors, other organisations, the public and each other.

As individuals, we are responsible for our own behaviour. In the event that anyone becomes aware of, or a witness to, inappropriate behaviour by other Members or people engaged by NSW SES, they are obliged to report that to a more senior person. For example, a Controller, Region Controller, Manager, Director, Deputy Commissioner, or the Commissioner.

Breaches of the Code, the Values (TARPS) or any of the principles that it describes or fair and reasonable interpretation of the nature and intent of the concepts described in the Code, can lead to NSW SES taking disciplinary action.

If you are unsure of any aspect of this Code, consult a Controller, Region Controller, Manager, Director, Deputy Commissioner, or the Commissioner.

Compliance is mandatory for all Members.

2 Definitions

Term	Definition
Member	<p>A Member of NSW SES, including volunteer and/or employee, or other people engaged to do work for NSW SES (e.g. contractors). All NSW SES Members are public officials in accordance with the:</p> <ul style="list-style-type: none"> • <i>Independent Commission Against Corruption Act 1988 (NSW)</i> • <i>Ombudsman Act 1974 (NSW)</i> • <i>Public Interest Disclosures Act 1994 (PID Act) (NSW), and</i> • <i>Government Sector Employment Act 2013.</i>
Public authority	A government agency.

Term	Definition
Public official	<p>An individual having public official functions or acting in a public official capacity that is an officer, temporary employee, or is a member of a public authority in accordance with the;</p> <ul style="list-style-type: none"> • <i>Independent Commission Against Corruption Act 1988 (NSW)</i> • <i>Ombudsman Act 1974 (NSW)</i> , and • <i>Public Interest Disclosures Act 1994 (PID Act) (NSW)</i>.

3 Legislation and related policies

- *Anti-Discrimination Act 1977 (NSW)*
- *Crimes Act 1900 (NSW)*
- *Government Advertising Act 2011*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Government Sector Employment Act 2013 (NSW)*
- *Government Sector Employment Regulations 2014 (NSW)*
- *Government Sector Employment Rules 2014 (NSW)*
- *Health Records and Information Privacy Act 2002*
- *Independent Commission Against Corruption Act 1988 (NSW)*
- *Ombudsman Act 1974 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Public Finance and Audit Act 1983 and Regulation 2010 (NSW)*
- *Public Interest Disclosures Act 1994 (NSW)*
- *Public Sector Employment and Management Act 2002 (NSW)*
- *Public Service Commission Code of Ethics and Conduct for NSW Government Sector Employees 2015 (part of the Behaving Ethically Resource)*
- *Public Works and Procurement Act 1912*
- *State Emergency and Rescue Management Act 1989 (NSW)*
- *State Emergency Service Act 1989 No 164 (NSW)*
- *State Records Act 1998 No 17 (NSW), and*
- *Work Health and Safety Act 2011 and Regulation 2011 (NSW)*.

4 Our Values “TARPS”

Trust

- Comply with the law, institutions of government and democratic principles
- Be just, fair and reasonable in the exercise of discretion and authority on behalf of NSW SES
- Communicate intentions clearly and represent NSW SES in all things with honesty and integrity
- Provide impartial advice free of political influence
- Build relationships based on mutual trust and respect

Accountability

- Apply the NSW SES Code of Conduct and Ethics, taking responsibility for decisions and actions
- Make decisions that are transparent, accountable and able to withstand public scrutiny
- Comply with Policies, Procedures and Guidelines of NSW SES and Government
- Act prudently in the efficient and effective use of NSW SES resources
- Be fiscally responsible
- Recruit, train and promote Members on merit

Respect for People

- Treat each other, our community and stakeholders with respect and dignity
- Recognise and adapt to needs and special circumstances of our members and stakeholders
- Build an atmosphere that supports teamwork and collaboration between members and stakeholders
- Celebrate diversity and welcome learning from others

Professionalism and Integrity

- At all times place the best interests of NSW SES and the public interest over personal interest
- As our conduct is on public display strive to act so as to bring credit to NSW SES
- Consistently act professionally with honesty, integrity and impartiality
- Take responsibility for situations, showing leadership and courage to have difficult conversations and make decisions to improve performance

Safety and Service

- Promote a safe and healthy workplace culture
- Provide services fairly with a focus on community needs and safety (“Take 5”)
- Be flexible, innovative, reliable and focus on appropriate training and quality service delivery

5 Our conduct as Members

5.1 NSW SES ethical framework

The “SELF” (Scrutiny, Ethical, Lawful and Fair) decision making tool assists Members when faced with an ethical dilemma.

The S-E-L-F acronym provides an easy formula for Members to adopt in day to day situations.

Scrutiny – “would your decision withstand scrutiny by the community, NSW SES or the front page news?”

Ethical – “Is your decision ethical and in compliance with the Code of Conduct and Ethics, including the Statement of Values (TARPS)? Is it the right thing to do?”

Lawful – “Does your decision comply with all laws, regulations and rules?”

Fair – “Is your decision fair to the community, your family and colleagues?”

If you are unsure about what to do, speak to your supervisor initially or escalate to the next level of supervision, a Controller, Region Controller, Manager, Director, Deputy Commissioner, or the Commissioner.

5.2 Ethical behaviour and decision making

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

All Members must:

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

5.3 Role of senior executive

All senior executives and managers (including region/local/unit controllers) have the responsibilities of NSW SES members, and in addition have responsibilities to:

- lead and promote implementation of the Code in their workplace in line with the Public Service Commission's 'Behaving Ethically' guide
- ensure their workplace culture, practices and systems (including recruitment and promotion) operate consistently with the Code
- recognise and promote member and team conduct that exemplifies the Code
- act promptly and with due process to prevent and address any breaches of the Code
- in the case of senior executive (including an acting senior executive), declare in writing private interests that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior executive
- ensure that any real or perceived conflicts of interests are avoided or effectively managed.

The Commissioner has the responsibilities of senior executives, and in addition has responsibilities to:

- lead and promote implementation of the Code in line with the Public Service Commission's 'Behaving Ethically' guide
- ensure the general conduct and management of the functions and activities of the NSW SES is in accordance with the core values of the Code
- oversee the implementation of the Code and make improvements where necessary.

5.4 Conflict of Interest

The work of NSW SES must not be compromised or affected by any personal interest of any Member.

A Conflict of Interest (COI) can arise when a Member's public duty conflicts with their private interests. The best interests of the role and functions of NSW SES and the public interest must come first on all such occasions.

A COI, or importantly, the perception that a COI may have arisen, can do great damage to the brand, image and reputation of NSW SES and its Members.

Any Member can come to realise that they have a real, potential or perceived COI at different times in their work and/or association with NSW SES. These can be financial (pecuniary) or non-financial (non-pecuniary).

It is the responsibility of each Member to ensure that the COI is reported in writing to their Supervisor or Controller as soon as practicable. The Supervisor/Controller are required to provide all reasonable assistance for the COI to be reviewed and managed in consultation with a more senior Member. Failure to declare a possible COI could result in remedial or disciplinary action.

All Senior Executives must make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or

could be perceived to influence, decisions made or advice given, even if there is a nil Conflict of Interest a declaration is still to be made.

In some circumstances, a COI can be known and ongoing. For example, owning shares in a software company that has tendered for and won a contract to supply services to NSW SES. It is not necessary to have been a part of the tender process, but once you are aware of the conflict it must be declared to a senior Member.

Signed copies of the declaration of a conflict of interest and the agreed method for managing the conflict must be sent to the Policy owner and the conflict must be registered on the Conflict of Interest Register

If in doubt, always seek advice from a Controller, Region Controller, Manager, Director, Deputy Commissioner or the Commissioner. For more information and forms, refer to the NSW SES [Conflict of Interest Policy](#).

5.5 Public Interest Disclosures (PID)

If a Member becomes aware of specific conduct that may involve corrupt conduct, maladministration, serious and substantial waste or a breach of the *Government Information (Public Access) Act 2009* (GIPA), the Member must promptly report it.

The *Public Interest Disclosures Act 1994* (PID Act) may be applicable to complaints made by Members about the conduct of a public official. PIDs must be reported to a Nominated Disclosures Officer (Director, Deputy Commissioner), Disclosures Coordinator (Executive Officer), or Principal Officer (Commissioner).

Internal reports by NSW SES Members may fall within the PID Act and may be assessed and determined as a “Public Interest Disclosure” and handled in accordance with the NSW SES [Public Interest Disclosure \(PID\) Policy](#).

Members can make a PID on the understanding that if the complaint is accepted as falling within the PID Act, protections are available to the internal reporting Member. It is an offence for any public official to take detrimental action against a person who has made a PID in reprisal for the internal reporter making such a disclosure. Any Member who may believe that they have been detrimentally impacted because of having made a PID must report this directly to the Commissioner.

5.6 Ethical and responsible use of public resources

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

The resources used at work, including work-time, are publicly funded. These resources include—but are not limited to—facilities, motor vehicles, boats, trailers, ladders, chainsaws, computers, printers, photocopiers, stationery and office supplies, access to the internet, personal use of NSW SES mobile telephones and other ICT equipment, purchasing and fuel cards, and the paid time of people engaged by or on behalf of NSW SES.

Because these resources are publicly funded, use of them needs to be efficient and appropriate. Every Member is obliged and responsible to use publicly funded resources in accordance with applicable legislation, Treasury Directions, Department of Premier and Cabinet Directions, Public Service Commission Directions, and NSW SES policy.

Further guidance about managing the use of NSW SES resources can be found in the NSW SES [Acceptable Usage Policy, Motor Vehicle Policy,](#)

If you are responsible for receiving, spending or accounting for money, ensure you know, understand and comply with the *Procurement Policy*.

5.7 Gifts, benefits, fraud and corruption

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

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

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

A Member must immediately report to their supervisor:

- any offers that are or could be construed as an attempt to secure favourable treatment, and
- any offers where a Member believes the person or organisation is attempting to influence their decision/s or work behaviour.

Members must exercise sound judgment when deciding whether or not to accept a gift or other benefit. Members must refer to the NSW SES [Gifts, Benefits, and Hospitality Policy.](#)

Members are prohibited from soliciting any money, gift, or benefit and must never accept any offer of money in connection with paid or unpaid work carried out by or on behalf of NSW SES. To do so may constitute bribery. Bribery is soliciting, receiving, or offering any undue reward. A reward can encompass anything of value and is not limited to money or tangible goods. The provision of services may amount to a reward. Any Member offered a bribe or reward, must report it to a Controller, Region Controller, Manager, Director, Deputy Commissioner, or the Commissioner. For further information please refer to the NSW SES [Fraud and Corruption Control Policy.](#)

There are some circumstances when donations are given to NSW SES and these are covered by the NSW SES [Donations and Fundraising Policy](#) and/or the NSW SES [Sponsorship Policy \(WIP\).](#)

5.8 Alcohol and other drugs

The NSW SES [Alcohol and Other Drugs Policy](#) establishes acceptable conduct standards. It is intended to protect the welfare of all NSW SES Members and contractors, as well as the integrity, reputation and effectiveness of NSW SES.

This policy sets out the conditions governing the use of Alcohol and Other Drugs in all situations where Members are in the workplace or representing NSW SES.

Members must not use any illegal drugs in any NSW SES workplace (including NSW SES vehicles). NSW SES does not condone or accept the possession, sale or trafficking of illegal drugs by its Members

NSW SES does not condone the consumption of alcohol in a NSW SES workplace.

If a Member is to attend an official function representing NSW SES and will be consuming alcohol, uniformed or in civilian clothes, they are to adhere to the NSW SES Code of Conduct at all times, ensuring the reputation of NSW SES is not compromised

Members must not report for duty or return to duty under the influence of alcohol or other drugs as this could impair the carrying out of their duties or cause danger to themselves or others.

5.9 Political, community and personal activities

Members have the right to participate in political and community activities and to pursue personal interests. However, Members must do so in a private capacity and not allow a COI to arise with their position at NSW SES.

Members must ensure that any participation in political party activities does not conflict with their primary duty at NSW SES which is to advance the public interest of NSW SES in a politically neutral manner.

Members have an obligation to ensure that any involvement in political, community, or personal activities is understood to represent their personal views as a private citizen and in no way directly or indirectly state or imply a connection between private views and the views of NSW SES. It is also a Member's responsibility to ensure that their Controller or Manager is made aware of any political association that may affect, or be perceived to affect, a matter that they encounter in their day-to-day functions on behalf of NSW SES.

5.10 Secondary employment of staff and other activities

Secondary employment refers to a situation where a staff Member works for a public agency but also engages in paid or unpaid work for another organisation (private or public) or voluntary work. This may include operating a private business and providing paid consultancy services as well as partnerships and directorships of companies.

Staff Members must carefully consider whether their outside employment may adversely affect or be perceived to affect the impartial performance of their NSW SES duties and responsibilities, the reputation of NSW SES, or may give rise to a COI.

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

Part-time, temporary, and casual staff do not require formal approval but must ensure perceived or actual conflicts of interest are reported.

For further details regarding secondary employment, and how to apply for approval, refer to the NSW SES [**Secondary and Other Employment Policy \(WIP\)**](#). The

Secondary and Other Employment Policy also makes reference to the obligations of contractors, consultants, and agency staff to formally advise NSW SES of any outside employment undertaken while engaged at NSW SES.

6 A workplace that is safe and secure

6.1 Safety

Members are required to understand their responsibilities and obligations under the *Work, Health and Safety Act 2011* (WHS legislation). Members must be proactive in ensuring that the workplace is safe and secure for everyone, including identifying, assessing, and reporting safety risks and hazards.

For more information refer to the NSW SES Work, Health and Safety policies.

6.2 Security

Members have obligations to keep the workplace secure by being aware of and reporting, suspicious visitors and reporting any unusual events. They are also obligated to ensure buildings are secure on departure to limit loss of any NSW SES property.

6.3 Bullying, harassment and discrimination

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

The NSW SES ***Bullying and Harassment Policy*** is based on the following principles:

- NSW SES will not tolerate any form of bullying, harassment, discrimination, vilification, or victimisation
- members must report any instance of bullying, harassment, discrimination, vilification, or victimisation, at NSW SES
- prompt action to be taken when bullying or harassment occurs, and
- members of NSW SES are to treat each other and members of the public fairly and with respect and sensitivity.

For more information refer to the *Anti-Discrimination Act (1977)*.

Members should report the issue to their immediate supervisor or directly to complaints@ses.nsw.gov.au

6.4 Complaints, conflict, misconduct and serious offences

NSW SES is committed to upholding the highest professional standards and will not tolerate behaviour from Members that involves misconduct.

Additionally, NSW SES is committed to complying with the law and the institutions of government. NSW SES requires notification to the Commissioner regarding a Member who is charged with or served with a court attendance notice in relation to, or is convicted of, a serious offence.

Complaints and conflict

All members are entitled to express a complaint or conflict and have that issue or concern examined and resolved. Complaints or conflicts which are brought to the attention of the immediate supervisor (next in charge), Controller, Manager, Director, or Deputy Commissioner need to be carefully considered. Appropriate strategies to resolve the issue are to be negotiated through the chain of command with the assistance of the Director People and Culture.

NSW SES Members who have supervisory responsibility are expected to take a proactive role in complaint and conflict resolution. They also have an obligation to identify and resolve as far as possible and practicable the issue at the lowest possible level. Complaints and conflicts may or may not involve allegations of misconduct. Complaints and conflicts involving allegations of serious breaches of conduct may result in disciplinary or remedial action being taken. These are separate processes from the complaint and conflict management process. Some steps in the disciplinary process may have already been completed through the complaint and conflict management process.

Managing complaints

To ensure workplace complaints and conflict are handled correctly, the NSW SES [Internal Grievances Policy and External Complaints Policy](#) assists in the centralised triage of complaints to determine if the matter can be dealt with at a local level with appropriate advice, guidance, and support strategies in place; by way of complaint resolution processes; or by way of formal investigation which may or may not lead to disciplinary action.

Competent initial assessment of issues in a timely manner is intended to resolve complaints at the lowest possible level or allow for prompt referral of more serious matters for investigation or resolution within a more appropriate area of the organisation.

Performance Management

NSW SES aims to create and promote a high performance culture where employees have a commitment and responsibility for achieving NSW SES's vision through shared goals, values and aspirations. This includes the principles through which NSW SES determines and manages the performance of its employees and is linked to the NSW Public Sector Capability Framework. Refer to Employee Performance Management Policy for further information.

What is unsatisfactory performance?

'Unsatisfactory performance' includes, but is not limited to:

- agreed goals and targets consistent with any relevant written documentation, including work plans, position descriptions or duty statements, not achieved within a reasonable or agreed time
- set tasks consistent with any relevant written documentation including work plans, position descriptions or duty statements, which are not performed, or not performed within a reasonable or agreed time, or not performed to the required standard
- inappropriate attitude, demeanor, disruption or disrespect that may result in destabilising the harmony and productivity of a work environment, and

- identified skills required are not demonstrated within a reasonable or agreed time.

What is misconduct?

The term 'misconduct' applies to many different situations, but usually involves deliberate acts. NSW SES considers misconduct to include:

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

What is a serious offence?

A serious offence is an offence punishable by imprisonment for 12 months or more. The prison term refers to the period that the offence may carry not the actual prison term that is imposed.

A serious offence includes where a Member is:

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

Conviction for a serious offence can lead to termination of employment, or volunteer service with NSW SES.

Member obligation to report serious offences

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

If any Member has reason to believe that another Member has:

- a) been charged with having committed, or has been convicted of, a serious offence, and
- b) not reported the matter to the Commissioner.

The Member who reasonably believes this to be the case must immediately inform the Commissioner in writing.

Commissioner obligation to report serious offences

The Commissioner will assess all allegations of serious offences applying the principles of procedural fairness.

The Commissioner will, after determining an appropriate course of action, provide advice to the Minister for Police and Emergency Services.

Allegations of misconduct, unsatisfactory performance or serious offences are to be managed through the NSW SES ***Internal Grievances Policy and External Complaints Policy***.

6.5 Remedial and disciplinary action

All allegations of Member breaching NSW SES policies will be investigated.

Remedial or disciplinary action may be taken against any Member:

- found to be in breach of NSW SES policies
- found to have made a false allegation in relation to NSW SES policies
- who victimises a Member who has made an allegation
- who victimises a Member who has supported a Member who has made an allegation, and
- who breaches confidentiality or privacy in relation to a breach of NSW SES policies.

The process for assessment, investigation and the undertaking of remedial or disciplinary action will be as per *Government Sector Employment Act 2013 (NSW)* and *Government Sector Employment Rules 2014 (NSW)* for staff; together with relevant NSW SES policy e.g. NSW SES Volunteer Membership Policy for volunteers.

7 Our obligations regarding NSW SES information

7.1 Using and protecting confidential information

NSW SES work involves access to confidential information. Members must not disclose any information that is acquired during the course of work except in the fair and reasonable exercise of official and sanctioned NSW SES functions.

Members are obliged to ensure that they deal with information appropriately and use it only for the authorised purposes connected with official NSW SES work. Members are required to exercise caution and sound judgment in discussing confidential information with other NSW SES Members. Normally, information sharing must be limited to those who need it to conduct their duties, or who can assist us to carry out work because of their expertise.

Members must ensure that former NSW SES Members are not given favourable treatment or access to confidential information. Improper use of information could result in issues for other parties. Members must not use information to gain a personal or commercial advantage for themselves or another person.

NSW SES files and other confidential documents and information are not to be removed from the premises except in accordance with [Information Security Policy \(WIP\)](#).

7.2 Making public comment

The unauthorised or improper release of information to the media can adversely affect the reputation or safety of individuals, or undermine public confidence in NSW SES. In general, NSW SES Members are not authorised to make official public comment on behalf of NSW SES. Unless you are an authorised Media Liaison Officer, it is NSW SES policy that any media enquiries must be immediately referred to the Manager Corporate Communications.

Where comment might be perceived as being an official view of NSW SES, the Member must seek authorisation for such comment via the Manager Corporate Communications on behalf of the SES. In certain circumstances the Commissioner has delegated authority to make public comment, such as to Media Officers during operations.

Members are able to discuss NSW SES work that is already in the public domain, such as annual reports and media releases etc. Members must ensure that others are aware that they are only discussing material that is in the public domain, to avoid the perception that they may be telling people something that is confidential. This is a good rule to observe, for example, when talking to family, friends or acquaintances, in social settings, or at a café, party, or in public.

If uncertain as to whether information is in the public domain, consult the Manager Corporate Communications, a Controller, or a Manager.

For more information, refer to the NSW SES [Corporate Use of Social Media Policy](#) and the NSW SES [Personal Use of Social Media Policy](#).

7.3 Providing references

From time to time Members will be approached to provide references to assist people in supporting applications for employment or as character references, e.g. in disciplinary proceedings or in matters before the courts.

Members of NSW SES are expressly prohibited from providing any references on NSW SES letterhead, via a NSW SES email account, or any other means that may be identifiable as official NSW SES communication.

When providing a reference a Member must reasonably qualify themselves as a responsible community representative and may indicate in general terms that they are a Member of NSW SES, the capacity of their membership (i.e. paid employee or volunteer Controller etc.) in order to introduce themselves as the writer of the opinion. However, Members must take great care to ensure that any reference they may provide does not purport in any way to express or imply that the opinion contained in the document is intended to represent the views of NSW SES.

7.4 Intellectual property

Members are required to observe and protect NSW SES Intellectual Property (IP) rights over material it produces.

Anything developed, invented or created, either alone, or in collaboration with others in the course of membership or engagement with NSW SES, remains the intellectual

property of NSW SES. On occasion, it may be in the public interest for NSW SES to share its intellectual property with other agencies, but this must be authorised by a Director.

If a Member leaves NSW SES, the Member is required to observe and protect NSW SES's express or implied intellectual property rights over its material.

For more information, refer to the NSW SES [**Intellectual Property Policy \(WIP\)**](#).

8 Breaches of the Code of Conduct and Ethics

Acceptance of an ongoing role or term appointment, or becoming a volunteer Member, or working for on or behalf of NSW SES as a contractor or service provider, includes express and implied obligations and agreement in the contract of employment or engagement of a volunteer Member to agree to abide by this Code and the Values (TARPS).

Any breach of the Code and its express or implied behaviour requirements and standards may result in remedial or disciplinary action.

Disciplinary action may include counselling, official notification of unsatisfactory performance, dismissal, prosecution, and a number of other measures described in the NSW SES [**Internal Grievances Policy and External Complaints Policy**](#)

All allegations of a Member breaching the Code and its express or implied behaviour requirements and standards will be assessed for consideration of resolution strategies.

9 Roles and Responsibilities

Commissioner, Deputy Commissioner, and Directors:

- The Commissioner is accountable for the implementation of this policy in NSW SES.
- The Deputy Commissioner and Directors of each functional or geographic area are responsible for the implementation and communication of the policy within their directorate(s) and functional areas.

The Policy Owner and Custodian:

- The Policy Owner is accountable for the development, maintenance and dissemination of this policy to the Membership of NSW SES.
- The Policy Owner shall provide regular (quarterly and annual) reports to the Commissioner.

Supervisors and Controllers:

- Supervisors are responsible for the implementation of this policy. This includes functional groups and working groups under their direction.
- Region Controllers are responsible for the implementation of this policy in their Region. This includes Units, Region Headquarters, and function groups.
- Local/Unit Controllers are responsible for the implementation and adherence of this policy within their Units and activities under their direction.

Members:

- All Members of NSW SES are responsible for adhering to this policy.

10 Monitoring, feedback and review

The review of this policy and associated documents will be undertaken at 6 months, 12 months and 18 months after the initial V1.0 release by the Policy custodian. This will be in consultation with the Governance and Strategy Directorate and appropriate stakeholders (if required).

Feedback, comments and suggestions about this policy should be forwarded to the Policy custodian and GBI@ses.nsw.gov.au.

11 Related policies and documents

- NSW SES Intranet for relevant policies
- Public Service Commission Code of Ethics and Conduct for NSW government sector employees

12 Support and advice

You can get advice about anything in this policy from:

- Local/Unit Controllers
- Managers or Region Controllers
- The Director People and Culture, and
- The Commissioner or Deputy Commissioner.

You can get support about anything in this policy from:

Internal:

- The Policy Owner, and/or
- The Human Resources Manager.

External:

NSW SES recognises that Members may wish to obtain external advice. External agencies (some of which provide 24 hour support) include:

- NSW ICAC – 02 8281 5999 or icac.nsw.gov.au
- NSW Ombudsman – 02 9286 1000 – [HTTP://www.ombo.nsw.gov.au/](http://www.ombo.nsw.gov.au/),
- NSW Audit Office – 02 9275 7100 m- <http://audit.nsw.gov.au/>, and
- NSW Public Service Commission – 02 9272 6000 – <http://www.psc/nsw/gov/au/>.

Appendix A

NSW SES: Member acknowledgement of the Code of Conduct and Ethics

_____ Member of NSW SES _____
NAME BRANCH / UNIT

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

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

Signature

Date