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Department of Planning and Environment

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# Code of Ethics and Conduct

March 2022





# Acknowledgment of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Code of Ethics and Conduct

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# Message from the Secretary

Each day we make decisions on behalf of the government and the people of New South Wales. Our customers, stakeholders and ministers rely on us to be transparent, ethical, and to act in the public interest.

To help us understand the standards of behaviour expected of us at work, we've developed a Code of Ethics and Conduct (the Code). The Code guides our decision-making so we can:

- maintain the trust of the public and our stakeholders
- act ethically and in the public interest
- act in a professional and non-political way while implementing the decisions of the government
- use public resources efficiently and appropriately.

Most important, the Code supports us if we encounter something that isn't right and provides different ways to make a confidential report.

The Leadership Team and I will be focused on probity, productivity and performance in order to make sure that we're remaining delivery focused and holding ourselves to account. If you see something that's not right, please speak up. Talk to me, your people leader or use one of the reporting mechanisms detailed within the Code. We will follow up. There will be action; where possible confidentiality will be maintained; and you will be supported.

Everyone must meet the standards of behaviour set out in in the Code and I expect our people leaders to lead by example.

Please read the Code carefully. Together, we can create and embrace a culture of integrity, honesty and openness, of which we can all be proud.

Mick Cassel

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## Introduction and application of the Code

The Department of Planning and Environment's (Department) Code of Ethics and Conduct sets out the standards of behaviour expected of all departmental employees. To make it easier for people to understand their responsibilities, the Code links to extra information and procedures. It also links directly to supporting systems, where these are available.

Our Department is large and diverse. Some areas may also have specific ethics and conduct obligations related to the role they are employed to do and the professional requirements. For example: regulators may have stricter requirements for gifts and benefits. Planning and policy functions may have stricter requirements for lobbyists and community engagement. Funding, procurement or development bodies may have stricter requirements for conflict of interests.

It is important that you take the time to understand not only the responsibilities that apply to all employees, but also any extra responsibilities that may apply to the particular role you perform.

The Code applies to all employees of the Department. It also applies to volunteers, contingent workers, independent contractors and consultants engaged by the Department, except for those aspects, such as talent plans, that are only applicable to employees.

It is mandatory for all employees and others working in and throughout the Department to make an annual declaration that they have read and understood their obligations under the Code.

Many of the responsibilities in the Code apply to all employees. In some instances, senior executives, people leaders or subject matter experts have more responsibilities. For the purposes of the Code, the following definitions apply:

- A **people leader** is anyone who is responsible for managing other people within the Department.
- A **subject matter expert** is anyone in a role that has responsibility for a particular functional area.

If you are an ex-officio member of a board or committee (i.e. if you are appointed to a board or committee by virtue of your role within the Department), multiple codes of ethics and conduct may apply to you.

A board or committee may adopt one of the following:

- its own code of conduct
- the Department's Code of Ethics and Conduct
- the [NSW Government Boards and Committees Guidelines](#).

You should familiarise yourself with all relevant codes of ethics and conduct.

# Standards of conduct

The Department works to the same ethical framework and core values as almost 400,000 other public sector employees - the [NSW Government Ethical Framework](#). The objectives of the framework are to:

- recognise the role of the government sector in preserving the public interest, defending public values, and adding professional quality and value to the commitments of the government of the day
- establish an ethical framework for a merit-based, apolitical and professional government sector that implements the decisions of the government of the day.

The objectives are supported by the NSW Government sector core values which are set out in the [Government Sector Employment Act 2013](#) which are:

- Integrity
- Trust
- Service
- Accountability.

These core values (our ethics) guide our conduct and understanding of what is expected of us and help us reach our potential.

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## Our values

The NSW Government core values are the heart of how we work and, if applied consistently, they help us to maintain the trust of the public.

A key aspect of delivering the Department's vision and priorities is by living our values and owning our behaviours. This is why we have values specific to the Department.

Our values are:

- Daring
- Collaborative
- Creative
- Kind
- Inclusive.

Our values, and their associated behaviours are the key to making the Department a really great place to work.

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## Professional standards

We all want to be part of a workplace that helps make NSW a place where people want to live and work and where businesses choose to invest and grow.

To do this we need to perform our roles to the best of our abilities, meeting or exceeding our commitments by:

- complying with our conditions of employment (including having a valid Working with Children Check where necessary)
- including clear deliverables and measures in our talent plans
- discussing performance and seeking feedback
- identifying and working with our people leaders on what learning and development we need
- using the Department's capability development framework and requirements to identify development opportunities and needs.

We need to foster effective collaboration within and between teams. This includes:

- contributing to decision-making and effective administration through open, honest and timely advice
- negotiating with your colleagues or other stakeholders in advance if you need more time to complete agreed work.

Once a decision has been made, we must implement that decision to the best of our abilities and comply with reasonable requests from our people leader.

We must take reasonable care of the health, safety and wellbeing of ourselves, our workmates and members of the public while performing our work. Given our responsibility to act in a professional manner at all times, we are all responsible for ensuring that our capacity to perform our duties is not impaired by fatigue or the use of alcohol or other drugs that put our or any other person's health and safety at risk.

We must behave in a way that does not damage the reputation of the Department or the NSW Public Service. This means being well presented and courteous when interacting with the public, other organisations, including internally within the Department in person or via electronic means such as skype, teams or internal social media platforms.

We should effectively communicate the work the Department is doing and how it aligns with the government's position. For this reason, it is important that:

- only authorised employees comment publicly on the activities of the Department, including having conversations with journalists or posting on social media
- public speaking engagements are approved before commitments are given.

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### Ask yourself

Making the right choices is often complex. If you're in doubt about what to do, ask yourself:

- Do I really feel comfortable with this decision?
- Is it legal?
- Would my family, friends and colleagues be proud of me?
- What impact would my decision have on the Department's reputation?
- Would I feel confident explaining my actions to external authorities?
- Would I be happy to be treated this way?

Additional resources are available under 'Speaking up and reporting matters'. The Public Service Commission website also has excellent material on [behaving ethically](#).

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## Work health and safety

Ensuring our people, including contractors and volunteers, have a safe and healthy place to work is a top priority as is public safety. The Department is committed to eliminating and minimising work health and safety (WHS) risks as far as reasonably practicable. A safe and healthy workplace can only be achieved with your help, so we must all:

- be aware of and understand our legal obligations for WHS
- be aware of, and implement, the safety systems and practices that help keep each other safe and well
- behave in a way that does not cause risk of physical or psychological injury to others
- look for workplace hazards and take action if you see a safety risk—but make sure you keep yourself safe
- report all WHS incidents, including near misses, within 24 hours on the relevant WHS incident reporting system.

People leaders are expected to:

- lead by example and ensure they model safe work practices
- ensure all team members actively identify safety hazards, assess risks and have in place controls that reduce safety risks faced by our people and the public
- take action if the practices in your team are not consistent with safe and healthy work practices
- address any violence or aggressive behaviour in the workplace
- investigate all WHS reports in accordance with Department safety systems and implement any new safety measures as soon as practicable.



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## Respect and inclusion

Respect and inclusion are fundamental to a harmonious, productive and psychologically safe workplace where people feel safe to speak up. All employees are expected to observe the highest standards of ethics, integrity and behaviour, and the Department is committed to ensuring our workplace is a safe environment in which everyone feels they can achieve their potential.

The Department has zero tolerance for bullying, harassment, victimisation or discrimination.

The Department requires that everyone is treated with respect. All forms of violence are unacceptable, and there is a zero tolerance approach for violence and threats at work.

We are all responsible for:

- treating people with dignity and respect, and contributing to a positive and productive workplace
- making sure people feel valued and are able to fully participate in the workplace
- not discriminating against, harassing or victimising anyone on any grounds, including:
  - sex, gender identity or sexual orientation
  - marital status
  - pregnancy
  - age
  - race or ethnicity
  - disability status
  - political or religious conviction
- demonstrating inclusive behaviours and using inclusive language
- creating a workplace that is safe and offers protection from sexual, physical and psychological harassment and neglect
- preventing bullying.

Bullying is behaviour that is repeated, unwelcomed and unsolicited. It is considered offensive, intimidating, humiliating and threatening by the recipient or others who witness the actions or are affected by them.

Bullying does not include reasonable management practices such as performance management and disciplinary procedures, or other reasonable management directions.

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## Examples of bullying behaviour in the workplace

Examples of behaviour that could be considered bullying are:

- subjecting another person to ridicule and putting them down in front of colleagues
  - using loud and abusive, threatening or derogatory language
  - leaving offensive messages on email or by telephone, SMS, other messaging services and material posted online
  - subjecting others to practical jokes that are humiliating, dangerous or offensive.
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In a large and diverse workplace there may be differences of opinions or personal standards of acceptable behaviour between colleagues. The Department has workplace standards that we all have to follow. It is important that we try to calmly, constructively and promptly resolve these issues.

It's not always easy to do, but there are practical steps you can take to resolve issues. If you haven't been able to resolve an issue, contact your people partner or report a [workplace issue](#).

People leaders set the tone for their teams and it is important they model good behaviour.

Our people leaders are responsible for:

- demonstrating and regularly discussing the standards of behaviour to make sure the standards are clear and well understood
- supporting employees who speak up and, where necessary, seeking help from your people partner
- understanding the facts and making sure all parties are treated fairly. In complex and sensitive cases an independent investigation may be helpful, and assistance is available
- counselling employees if inappropriate behaviour has occurred, and working to appropriately resolve issues in a way that protects the wellbeing of employees and improves the effectiveness of the team
- providing clear guidance about the standard of behaviour that is expected. If inappropriate behaviour continues, further action may be required, and it is important that good records are kept of any relevant conversations
- contacting your people partner if:
  - inappropriate behaviour cannot be resolved to the satisfaction of all parties
  - the potential misconduct is significant
  - the behaviour has happened more than once
- getting further guidance on resolving workplace issues

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## Managing conflict of interests

A conflict of interests occurs when an individual's private interests make it difficult to perform official duties impartially in the public interest or where a reasonable person may perceive the existence of a conflict. Conflicts

are common and can arise, for example, from close personal relationships at work, family relationships, social friendships or animosities, and work done outside the Department, including volunteering, unpaid work or any political activities.

For the purpose of understanding and managing conflict of interests, the Department defines the following:

- **a family relationship** as one which includes your partner (spouse or de facto), any child, parent and sibling.
- **a close personal relationship** as one which include other persons living in the same household with whom you have a dependant relationship, close personal relationship at work or close social friendship.

It is also important to understand that closeness is determined by the nature of the friendship, the frequency of contact and the duration of the friendship or relationship. When we have access to information or are in a position to make decisions, give approvals or authorise expenditure that may benefit or detrimentally affect someone with whom we have a relationship, there are possible conflict of interests. This can include for example, decisions involving recruitment, procurement, community grants or regulatory decisions.

These may be described as:

- **actual conflict** – there is a direct conflict between your current duties and responsibilities and your private interests
- **reasonably perceived conflict** – a person could reasonably perceive that your private interests are likely to improperly influence the performance of your official duties, whether or not this is the case
- **potential conflict** –you have a private interest that could conflict with your official duties in the future.

It is mandatory for all employees and others working in and throughout the Department to make an annual declaration as to whether they have, or do not have a conflict of interests.

In declaring a conflict of interests, ensure you describe if it is a direct (an interest that you hold personally) or indirect (an interest that held by a person who is in a close personal or business relationship with the you) interests.

Your declaration will also require you to nominate if it is related to a:

- **pecuniary interest** – a financial interest, including an actual or potential financial loss or gain or other material benefit including an increase or decrease in the value of an asset or liability, or actual or potential future gains and benefits
- **non-pecuniary interest** – a non-financial interest that may arise from personal or family relationships or involvement in sporting, social or cultural activities and can include any tendency towards favour or disfavour resulting from friendship, animosity or other personal involvement that could influence your judgement, duties or decisions.

In addition to the mandatory annual declaration, you should always promptly declare in writing any actual, reasonably perceived, or potential conflict that arises in the course of your work:

- on commencing employment with the Department
- when changing roles
- as a result of changing circumstances

- if you are involved in evaluating quotes or tenders
- if working in a high risk area.

If we fail to properly manage conflicts, we leave ourselves open to claims of corruption or maladministration. This can affect the reputation of the Department and individuals. Conflict or the perception of a conflict, must be declared so they can be managed in a careful and transparent way.

There are a range of ways to handle conflicts, from removing yourself from the affected process to simply ensuring transparency by declaring the relationship. When you consider what action to take, think about things such as the closeness of the relationship and the significance of the benefit or detriment.

If you believe that you may have a conflict of interests, you must:

- discuss it with either your people leader or the people leader of the affected activity (such as the convener of a recruitment panel or chair of a tender evaluation panel)
- in writing declare the conflict and detail the proposed action to manage it
- comply with the approved course of action for managing the conflict
- always place the public interest over your personal interest.

If you realise you have a conflict of interests that should have been declared previously, you must notify your people leader promptly. It is much easier to fix problems and minimise effects if they are identified early.

If in doubt, protect yourself, your team and the Department by declaring the situation.

People leaders are responsible for promptly considering conflict declarations from their teams and ensuring appropriate management arrangements are in place and documented.

Any management arrangements should be subject to at least six-monthly review by you and your people leader to assess whether the conflict is still present, and if so, ensure continuing alignment between the management plan and the conflict/s it addresses.

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## Conflict of duty

A conflict of duty is a form of conflict of interests and can arise when you can make decisions in more than one functional area. This is sometimes referred to as 'wearing two hats' and can arise for example when a person is responsible for both the area that re-classifies something and the area that regulates change.

If a conflict of duty arises it must be declared, properly documented, and all decisions must be made in an appropriate and transparent way.

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## Senior executive private interests

In addition to declaring any conflict, all senior executives must make annual declarations about private financial, business, personal and other interests or relationships that have the potential to influence, or could be perceived to influence, decisions they make or advice they give. If you are acting in a senior executive role for six months or more, you must also make this declaration.

These declarations are made annually and as soon as practicable following:

- commencing work with the Department
- changing roles (even on a temporary basis)
- the interests or relationships declared have changed.

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## Secondary employment

Experience in other sectors can improve people's contribution to the Department. Also, more people are changing from full-time work to more complex and flexible arrangements that better meet their individual needs.

While the Department will support employees who wish to perform paid work elsewhere, you must gain approval before doing so. This ensures that any conflict of interests can be discussed and appropriately managed.

You must reapply for approval when you transfer to a new position, business unit or work location within the Department.

If you are casual and part time you may engage in additional employment outside of your hours of duty providing there is no adverse effect on your regular duties and any conflict of interests are declared and managed.

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## Gifts, benefits and hospitality

Receiving gifts, benefits or hospitality in the course of your work can be perceived as inappropriately influencing your decisions or actions (such as choosing from which supplier to buy), a conflict of interests or even corruption. This can harm your personal credibility and employment status as well the reputation of the Department.

If you are offered a gift, benefit or hospitality ideally you should not accept but there are some circumstances when this will not be possible. This may include when it would cause an offence to refuse such as a ceremonial gift or one that has cultural significance, or when the gift arrived unannounced and the opportunity to decline is not available. If you do need to accept a gift, benefit, or hospitality, ensure you notify your people leader and declare it within 10 working days. Your people leader will discuss with you the appropriate course of action. Additionally, if you believe there is conflict of interests in relation to the offer, it should be declined and declared.

High-risk areas and activities where you should never accept gifts, benefits or hospitality include:

- regulatory functions, for example licensing or compliance officers
- procurement and/or disposal of assets
- negotiating and/or managing contracts for public–private partnerships
- administration or approval of grants and similar funding applications
- recruitment
- negotiating and/or managing the delivery of products and services
- assessing and reviewing development applications or similar.

If you believe the intention of the offer was to influence the way you do your work, or that might otherwise be considered a bribe, **you must report it immediately to your people leader.**

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## Criminal offences and bankruptcy

If you are charged with, or convicted of, an offence punishable by imprisonment for 12 months or more, you are required to notify the Secretary, even if the offence was committed in your private capacity. You are also required to notify the Secretary if you are declared bankrupt or enter into an arrangement with creditors. If a less serious criminal charge is brought against you, you should raise this with your people leader if it may affect how you do your job.

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## Flexible workforce

The Department promotes a flexible culture that embraces different ways of working. Everyone has the right to request flexible working arrangements that:

- support the needs of the individual, the team and the Department
- maintain or improve services delivery
- uphold our work health and safety standards

- are in harmony with our employment conditions and legislation.

People leaders should consider requests promptly and provide feedback where the proposed arrangement is not considered appropriate.

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## Leaving the Department

Before leaving the Department, you must complete several tasks including submitting certain information. This includes when you transfer to another agency or have a temporary secondment. This will help finalise any payments as close to your departure date as possible.

People leaders are responsible for completing the required actions.

We all have an ongoing duty to protect confidential information that we have had access to through our work, which could include departmental information, information generated by another government agency or through a recruitment or procurement process.

# Departmental resources

It is vital that we use public money carefully to maintain trust and to maximise cost efficiency.

Every person is responsible for using resources efficiently. While individual decisions about the way we use our resources may have relatively small effects, they all add up. Before using departmental resources ask yourself the following questions:

- Do I really need this?
- Is there a smarter, more efficient way of doing this?
- What is the real long-term cost of doing this—not just the upfront cost? For example, are there maintenance costs, ongoing licensing fees, or extra administration resources needed?
- Am I getting value for money?
- Have I got the right people with the right skills doing the job?
- Am I managing my contracts properly to ensure we get the best outcome?
- Is this consistent with the Department's and government's priorities?

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## Appropriate use of resources

Departmental resources should only be used for departmental purposes. These resources include things such as vehicles, digital devices, photocopiers and purchase cards. If you are unsure whether an activity or expenditure is appropriate, have a conversation with your people leader.

For example:

- Providing modest in-kind support for appropriate local community events and charities may be acceptable, with written approval from a senior executive.

- Brief use of the Department's phones for personal calls or appropriate use of the internet during breaks is acceptable if it does not interfere with work, including that of the people around you.
- Some hospitality and entertainment may be acceptable if it generates direct benefits that contribute to the Department achieving its strategic objectives and is approved in writing.
- Paying for employee social events from the Department's funds is not appropriate under any circumstance.
- Departmental vehicles including fleet and specialised vehicles may only be used for official business purposes and in accordance with any operational rules. Fleet vehicles are to be driven in a safe manner and in accordance with the road rules.

To ensure that we have a safe and inclusive workplace, it is important the Department's digital devices and tools, including the internet, are not used to create, browse or download illegal, inappropriate or offensive material or to harass or bully employees.

Departmental resources such as electronic devices and paper files or documents may hold sensitive information or state records and may still have a financial value. Such property should only be disposed of in accordance with the approved procedures.

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## Budget

Budgets are allocated to ensure that we apply resources in a way that will deliver the Department's priorities. It is important that:

- you plan to deliver your allocated services, projects and priorities and participate in the budget process
- once the budget is set, you comply with your budget and budget controls, including net cost of service, gross expense limit, labour expense cap and any capital authorisation expenditure limit.

Sometimes circumstances change, despite the best planning. If it becomes likely that you will not be able to spend your budget within the agreed timeframe, let your people leader know as soon as possible. Similarly, let your people leader know if you think you may go over your budget. They will provide advice on priorities and funding. Sources of additional funding, if this is considered appropriate, can include:

- a reallocation from within your division or
- approvals facilitated by the Cluster Chief Financial Officer.

Please contact the Business Advisory team of your area for more information.



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## Buying goods and services

The Department routinely buys (procures) goods and services, to help us conduct our business. This can range from routine office supplies to consultancies and contingent labour. It is important for both successful program delivery and our reputation that public money is spent wisely, ensuring we get value-for-money and receive quality goods and/or services. There are a few simple rules that will help you do the right thing:

- **Plan ahead.** For high value, complex, goods or services it is important to plan as the procurement process can take time. Failing to plan can lead to pressure to cut corners down the track. This can include, for example, splitting bills to avoid more rigorous assessment processes or signing a contract before all the details are finalised. Failing to follow proper process is likely to cause problems in the future. It may also be illegal or corrupt and could cost you your employment.
- **Buy the right thing.** This seems obvious, but for more complex purchases it is important to be clear about things such as what is required, when it's required, who is doing the work, the standard of work, and when payments are to be made. Procurement can help with the procurement process and type of contract, but it is your responsibility to make sure you are buying what you need, when you need it, and to have thought about the risks.
- **Use the right process.** Different procurement requirements apply to ensure probity, transparency, and accountability. The requirements depend on a range of factors such as the type of goods or service, their value, and risk profile, you must comply with these requirements. There are also some procurement requirements or frameworks that are mandated for the whole of government. For some high-value procurements there are also public notice requirements.
- **Understand your budget responsibilities.** You must not agree to buy something unless you have the delegation to spend that amount and you have available budget. To prevent unexpected budget pressures in future years, consider any additional costs that will result from the expenditure, including additional direct recurrent costs, indirect operating costs, and life cycle and future replacement costs.
- **Get help if you need it.** Procurement can be a complex process, but there are subject matter experts who can help. The first contact for procurement questions is your procurement team. Talk to them early. Legal and Finance may also be needed for complex or high-risk matters.
- **Make sure you get what you paid for at the agreed price.** Your responsibilities do not end when you sign the contract. It is critical that before making any payments you check you have received what you have paid for, and at the agreed price. Once you have made payment it is much harder to rectify any problems. If there is a contract dispute that cannot be appropriately resolved, contact Legal.

While there are many teams and resources to help you carry out your purchase, you are responsible for effective and efficient expenditure of taxpayers funds.

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## Intellectual property and copyright

Whole of government principles apply to the creation, management and use of intellectual property which includes copyright, trademarks, patents, plant breeders' rights and designs.

The Department owns all intellectual property you create in the course of your work. Anyone who becomes aware of or suspects misuse of the Department's intellectual property must immediately notify their people leader.

The Department's intellectual property may only be licensed or used by a third party with the relevant approval. Licences for third parties to use Crown copyright will often be free. However, if you think it should be commercially licensed, discuss this with your senior executive or talk to Legal.

If a procurement or a collaboration with a third party will result in the creation of intellectual property, ownership of the intellectual property should be dealt with in the contract—talk to Legal.

It is also important that we respect and not infringe others' intellectual property rights (even if intellectual property material is publicly available on the internet, for example). This includes the cultural knowledge and material of Aboriginal and Torres Strait Islander peoples.

You should make yourself familiar with the principles contained in the [Intellectual Property Management Framework for the NSW Government Sector](#) for more information about intellectual property.

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## Managing grant and funding agreements

If you are responsible for programs that provide grants or other funding you must ensure that:

- program guidelines are approved at an appropriate level, consistent with the decision that established the program
- the program guidelines include a probity framework
- the team understands the probity requirements
- funding is being allocated in accordance with program guidelines and the probity framework
- a grant or funding agreement is entered into with a recipient which contains terms and conditions that reflect the purpose of the grant or other funding, and the Department's requirements
- the deliverables are clearly articulated and that the grant or funding amounts are paid on appropriate milestones throughout the funding agreement
- grant and funding agreements are monitored and managed to ensure that the funds are being applied for the purpose for which they were given and the recipient is meeting its other obligations under the agreement.

## Managing information

The Department collects, stores, uses and releases information in order to support government decision making, deliver services for the people of NSW and meet our administrative obligations. We are required to manage this information appropriately, as detailed in relevant legislation and governmental policy and to make it publicly available in certain circumstances.

The Department may also share your employee information internally with business units who have compliance or governance related functions and responsibilities.

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## Records management

Our decisions can have huge consequences on the whole state and we need to be able to show how they were made. We do this by creating, capturing and managing records in accordance with the Department's [Records and Information Management Policy](#).

Records may be held in information systems or they may be in paper or other physical form. Either way, we all need to contribute to protecting records and information held in any information system, digital devices including mobile phones, workplace or storage area used by the Department. For example, you should lock your computer if you are leaving it unattended, maintain your own password security and never use other people's passwords.

Digital records must be held in an approved business system or in an electronic document and records management system (EDRMS). Physical records are to be stored in a way that protects their integrity and their location recorded in a relevant EDRMS. This is important to enable records to be retrieved when required.

The more significant the decision, meeting or action, the more detailed records should be, including emails, draft and final versions of documents developed on collaborative platforms or elsewhere, meeting minutes and notes of instructions given verbally or via Microsoft Teams chat, channel post or text message.

If you are handling classified information, contact Records Management for advice on how to follow the correct records procedures. This type of information must not be created, stored, processed or transmitted within or from the Department's information communications and technology systems.

The same restrictions do not apply to sensitive information, but you are required to apply the relevant [NSW Government rules](#) for labelling and handling.

You must not destroy records unless you're specifically authorised to do so.

People leaders are responsible for ensuring:

- employees understand their records management responsibilities, the scope of information and records in their operations and how these should be captured and stored in an approved records system
- employees have access to the records they require to perform their role.

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## Confidentiality and privacy

We collect a wide range of business and personal information while carrying out our functions. The public expects us to handle their information carefully, in much the same way as you expect your medical information to be kept private. This means we must have effective safeguards in place to prevent unauthorised or inappropriate use, access and disclosure of that information.

Breaching confidentiality can seriously harm public trust in us and make it harder to obtain information we need to do our jobs. For business information, breaches of confidentiality may result in claims for damages. Disclosing personal or health information may be an offence under the [Privacy and Personal Information Protection Act 1998](#) (PPIP Act) and the [Health Records and Information Privacy Act 2002](#).

You should not disclose business or personal information that is not already publicly available, unless this has been approved for release. However, where it is reasonably necessary to advise a complainant of the progress or outcome of a complaint, the PPIP Act (s24) allows for the limited disclosure of some personal information.

More information on confidentiality and privacy is available, but these are the basic principles:

- Only release information if you are authorised to do so or have approval.
- Only use information you have access to for departmental work purposes.
- Ensure confidential and personal information is handled in a way that prevents unauthorised access or release. Among other things, you should:
  - build in privacy considerations during the design phase of initiatives. For example, state at the outset whether the Department will publish submissions it invites on a public consultation paper
  - consider that confidential information includes Cabinet submissions and associated documentation, and these are provided to employees on a need-to-know basis..
- Only collect personal information if it's necessary for a lawful purpose directly related to the Department's functions.
- Report breaches of confidentiality or privacy to the Information Access and Privacy unit immediately.

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## Requests for information

The Department receives requests to release information in a number of ways.

- Formal applications under the *Government Information (Public Access) Act 2009* (GIPA Act), including hearing notices for the NSW Civil and Administrative Tribunal (NCAT).
- Subpoenas
- Parliamentary Standing Order 52 requests
- Notices to Produce from NSW Independent Commission Against Corruption (ICAC) or the NSW Ombudsman and NSW Audit Office.
- Informal requests for information can be dealt with by the relevant business unit, but if you need help or advice in handling an informal request, contact the Information Access & Privacy unit.

If you receive one of the above requests reach out to the subject matter experts through the linked information.

### If you receive a search request

If you are asked to help with an information request, it is important you make rigorous searches for all records relevant to the request. You should perform the search in the required timeframes, ensure all documents within scope are assessed, and provide a thorough response. This provides a complete record in case a response is subject to external scrutiny and comment, for example by Parliament, NCAT, the Information and Privacy Commission, ICAC and the NSW Ombudsman.

In general, you will need to:

- ensure an appropriate people leader has certified that appropriate searches are undertaken and documented
- provide all relevant documents, highlighting any that may be sensitive in respect to release (such as legal privilege, Cabinet, commercial-in-confidence)
  - note: it is vital that you provide all relevant documents, regardless of how sensitive.
- provide the documents in the required timeframes.

The Department often receives informal requests for information about issues that affect or interest people. The Department supports transparency, but it is important to ensure that sensitive information (such as personal information, Cabinet documents or commercial information) is not inappropriately released.

## Always consider that the records you create may be released

Every time you create a new record (including work emails, texts and posts), keep in mind that it could be released at some point in the future. Wherever possible, documents originating from within the Department should be written in the expectation they may be released in some format at some stage.

Any policy and procedures that describe the way the Department makes decisions and delivers services must be made available to the public as mandatory open access information.

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## Cyber security

Cyber security is a rapidly evolving challenge. It is important that we take some simple steps to help protect our systems and information. These include that you:

- don't share or reuse your work passwords across different accounts or for non-work-related information systems
- use multifactor authentication where possible
- physically secure your device if you are travelling for work. This reduces the chance of it being lost or stolen
- never plug in devices from unknown sources including USBs or external hard drives given as gifts or found lying around
- don't use public Wi-Fi with sensitive data. Cyber criminals can impersonate a legitimate Wi-Fi hotspot, or attack a connection that is not appropriately secured
- think twice before opening email attachments and or links. Phishing emails are becoming increasingly difficult to detect, so be careful when opening email attachments and clicking on the links as it can result in a malware infection, fraud, lost credentials and lost sensitive data
- only use information and information systems for responsible and authorised purposes
- talk to the Digital Information Office before purchasing or using any new information, communications and technology services, software or devices to ensure they are secure and meet our cyber security requirements, now and in the future

- report violations of cyber security policies, cyber security incidents and suspicious activity to the Corporate Services Service Centre.

People leaders are responsible for:

- determining what information communication and technology access an employee, contractor or third party (for example a vendor or outsourced business partner) should have. This should be done in consultation with the system owner or relevant ICT Service Centre support
- ensuring employees have the right level of access—no more and no less
- ensuring timely amendment to existing access when employees leave or change their role, including revocation of access where appropriate.

Cyber security incidents should be promptly reported.

## Making good decisions

We perform important functions that can significantly affect members of the community.

For example, we can:

- confer benefits that are not available to everyone (for example, local planning and zoning or energy affordability packages), and we can also withhold those benefits
- grant access to limited public resources such as water resources and Crown Land
- exercise enforcement powers that affect people's personal and property rights.

This places us in a position of great trust and responsibility to carry out those functions in line with the public sector values, legislation, departmental polices and our delegations.

It also means that individuals may seek to improperly influence or subvert our decision making in order to gain advantage for themselves or people they know. This type of behaviour could be attempted by someone internal or external to the Department.

We can reduce the likelihood that wrongdoing will adversely affect our decisions by ensuring we can demonstrate transparency and our business processes include the following (at a minimum):

- Written processes for all aspects of our work – these must be aligned to guidance materials (e.g. legislation and policy), current and available to employees (with training provided as necessary).
- Documentation of all decisions, including the reasons for the decision and confirmation that the decision maker has appropriate delegation.
- Retention of records in accordance with departmental policy.

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## Complying with legislation and policy

Complying with the law and government policy is the right thing to do. The Department wants to make it easy for every person to do the right thing and embrace a culture where there is no tolerance for wilful or reckless breaches of the law, policies or procedures. However, the Department also recognises that we operate in a

complex legal, policy and process environment where it is not possible for any individual to be an expert in all government requirements.

Subject matter experts have a critical role to play in making information available to ensure we can all do our jobs in a legally compliant way. Subject matter experts will help you to stay up-to-date as they are responsible for making sure that any changes to requirements are reflected in our policies, our procedures and any information developed for employees and the community. Subject matter experts should ensure that guidance material:

- has been approved at an appropriate level
- is concise, customer-focussed, inclusive, in plain English and accurate
- has been prepared in consultation and collaboration with related content owners and updated to reflect feedback from users
- has been communicated to those in the Department most affected by the change
- remains accessible and updated as required.

Subject matter experts exist both in operational and corporate areas. **Anyone** may be a subject matter expert. It is important every person understands who subject experts are, how they can help and, if you are one, your responsibilities.

## Who is responsible for compliance?

It is everyone's responsibility to do the right thing and comply with our legal and policy responsibilities. If you are not sure about an issue, ask your people leader or a subject matter expert.

People leaders have an important role to play in ensuring their teams are made aware of legal, policy and budget responsibilities including their delegated powers.

## What happens in the event of a breach

Breaches can indicate where further guidance or training may be beneficial or that policies or procedures need clarification. Subject matter experts are responsible for tracking breaches in their area of responsibility and escalating significant or systemic problems so that action can be taken.

You should report to your people leader if there has been a breach. It is often easier to resolve issues earlier rather than later.

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## Risk management

The Department aims to create a positive and risk-aware culture within a single, integrated and robust risk management framework that supports the clear and transparent understanding and management of risks.

Risk management is the process of anticipating future events that could adversely affect the Department and taking action to either reduce the likelihood of the risk occurring or reduce the consequences if the risk does occur.

The key reasons why we need to manage our risks are to:

- improve the likelihood of achieving our strategic and business objectives

- proactively identify and manage opportunities and threats
- improve stakeholder confidence and trust
- improve loss prevention and incident management
- enhance organisational learning and resilience
- provide an effective basis for decision-making and planning.

Everyone is responsible for identifying and acting on risks. Frontline employees are the people most likely to see operational risks early and the Department needs your help to capture these.

You have a responsibility to embrace the management of risk, which includes:

- adhering to departmental policies and procedures
- undertaking appropriate risk education
- embedding and applying key risk-management processes and practices within your group.

People leaders are responsible for:

- ensuring their team is encouraged and feels empowered to raise and discuss potential risks
- identifying and recording emerging risks or changes that require existing risks or their controls to be reframed or re-evaluated
- monitoring controls to ensure they are being implemented and are effective
- ensuring their team is aware of the risks and controls in place
- quarterly reviews, or reviews when a material change in business conditions, operations or environmental context could arise or is experienced.

To ensure risks are handled and reported consistently, the Department has developed risk management policy and guidelines, which we are all required to implement.

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## Business continuity management

We all have a responsibility to be aware of and understand the elements of the Department's business continuity management framework including roles and responsibilities in the event of a business disruption.

Additionally, you may have specific responsibilities under the framework that you need to be aware of to support the continuation of our critical business functions during a disruptive event.

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## Business improvement—audits, inquiries and investigations

We can identify problems with, and opportunities to improve, our systems and processes through a number of mechanisms. Reviews such as internal and external audits, inquiries or investigations often result in improvement recommendations to improve internal controls, governance and reduce risk.



While the Department does not need to accept all recommendations, it must give due consideration to insights and recommended improvements and respond appropriately. If we know about the issues and do not act on them, we face significant risks such as reputational damage if not addressed appropriately.

People leaders are expected to:

- provide informed and prompt responses to auditors and investigators
- undertake the agreed actions by the due date
- ensure there is a formal response to the recommendations within the agreed timeframe
- ensure required actions are logged, monitored and reported through to completion.

Senior executives need to make decisions about the required action and ensure any action needed is carried out in a timely manner.

## Engaging with the community

We manage a range of programs, and it is our responsibility to engage and seek the views of the community. This occurs through the following:

- formal consultation processes
- meeting with interested parties
- directly with our customers
- sponsorship programs to inform the community.

We need to be clear about how we engage with the community to ensure standards are upheld and public expectations are met. As we engage with the community, it is important to remember that, sometimes, a stakeholder may seek to influence your work in an improper way (either knowingly or unknowingly). Examples include offers of low value gifts or hospitality, through to promises of substantial financial or other benefits. Any such attempts (even if you're not completely sure) must be reported to your people leader.

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## Stakeholder engagement

Stakeholder engagement ensures the people of NSW have the opportunity to contribute to government decisions. It helps us develop and implement good policy. Approved engagement activities provide an opportunity to deliver better public policy and can also help us identify opportunities to improve service delivery and customer satisfaction.

When we engage with our stakeholders and communities, it is important to acknowledge that their needs vary, and we must use a range of engagement approaches to ensure all views are understood and represented.

Engagement activities should be tailored to help create the best environment for authentic engagement with the community and stakeholders, and engagement strategies and plans should be documented and evaluated and have appropriate approval.

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## Lobbying

The Department recognises the need to make important decisions in an open and transparent manner, without any real or perceived undue influence from external parties.

There are obligations on parties seeking to influence decisions and outcomes, and on employees they interact with, to ensure any interactions are transparent, properly recorded and don't involve or have the perception of exerting undue influence.

It is your responsibility to make sure you understand what lobbying is and how to identify lobbying activity and to maintain transparency.

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## Managing complaints about the services we provide

We all aim to provide high-quality, seamless services to our external stakeholders and customers. This includes those who access or are affected by the programs and services we deliver.

From time to time, we receive complaints that are an expression of dissatisfaction made about us, our services or our employees where a response or resolution is explicitly or implicitly expected.

We welcome these complaints and see these as an opportunity to identify the causes of service-related complaints. This allows us to improve our services and often address issues we didn't even know were occurring. In handling complaints, we have adopted the [NSW Government's six Complaint Handling Commitments](#).

Complaints can be received through various methods, including but not limited to; email, online form (Feedback Assist), in person, in writing or by phone. It is better to resolve a service complaint at the frontline, preferably through discussion.

Using Feedback Assist is the consistent way of registering complaints. This is easily done through the 'Your Feedback' widget on the right-hand side of the [Department's main webpage](#) and the webpages of all other NSW Government agencies. This allows us to respond to concerns raised in a consistent, timely and cost-effective way. If the complaint is received through means other than Feedback Assist, the details need to be entered in to Feedback Assist by the receiving employee, who will then email an acknowledgment and case number to the complainant and directs the complaint to the relevant business area for assessment, referral and resolution.

Each complaint issue will be addressed. Improvement opportunities will be identified and implemented.

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## Sponsorships

A sponsorship is a commercial arrangement in which a sponsor provides money or in-kind support in return for benefits such as improved relationships, enhanced profile, or association with a program or initiative. A sponsor generally expects to receive a benefit beyond a modest acknowledgement.

We do not use sponsorship as a primary tool to conduct our business, irrespective of whether we would be receiving or granting the sponsorship. It may be appropriate if the activity directly contributes to government

priorities, if it directly aligns with the Department's documented strategic objectives and does not create an inappropriate conflict.

Sponsorship proposals are evaluated in line with [ICAC's sponsorship principles](#).

## Speaking up and reporting matters

We can only resolve problems and put improvements in place if people speak up.

You may encounter a situation which just doesn't seem right. Sometimes it relates to an action taken by someone else, and sometimes it's about an action you have been asked to do (or not do). Sometimes the reason it seems wrong is clear cut, and other times it's more of a feeling.

Our leaders will support people who speak up by listening to concerns, assessing and taking the necessary action and providing feedback on the outcomes. Speaking up early and in constructive and courteous manner is more likely to be effective and allow the concerns to be addressed in a timely manner.

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### Practical tips for employees and people leaders

There are a number of reasons why people don't speak up. Simple tips for overcoming those reasons are listed below.

- 'I raised it before and no-one did anything, so what's the point?' Make sure you listen to your team, let them know what you are going to do and then do it.
- 'That's just the way it's always been done around here.' Show your team that new ideas and process improvements are actively sought.
- 'I'm junior so why would anyone listen to me?' Good ideas can come from all levels of the Department and a good leader listens to everyone in their team.
- 'I'm new so why would anyone listen to me?' When you are new you can see with fresh eyes problems that people have grown used to.
- 'I'm scared I might be judged and that it might limit my career.' There are no unwarranted questions. If you don't understand a decision, it's your people leader's responsibility to explain it.

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## Reporting options and requirements

Sometimes speaking up can be difficult. Asking for help is the first step and there are a range of avenues through which you can get advice and guidance, both within and external to your business unit and the Department (including confidentially).

It's better for you to raise something and it turn out to be a minor issue, than for one serious matter to go unaddressed because someone didn't raise it.

Options to raise your concerns are:

- talk to your people leader or senior executive
- talk to your people partner or the Ethics Branch about strategies for more effectively raising issues
- make an anonymous report via the [online reporting form](#), which allows employees to lodge reports about suspected fraud, wrongdoing, corruption and other serious misconduct
- lodge a public interest disclosure to get protection under the Public Interest Disclosure Act 1994
- contact the [NSW Ombudsman](#), [ICAC](#), [Audit Office of NSW](#) or the [Information and Privacy Commission](#)

If you wish to speak with an external service, you can contact Ethicall, a free, confidential ethics helpline provided by The Ethics Centre.

We are all expected to:

- report WHS incidents within 24 hours
- report any suspected corrupt conduct, maladministration, or fraud through one of the options listed above.

People leaders are responsible for:

- supporting their team members in raising concerns and providing constructive guidance
- acting if they see behaviours in their team that do not support people speaking up
- ensuring that they and their team are aware of their responsibilities under the Public Interest Disclosures Act 1994
- reporting all breaches or potential breaches of the law to the Chief Legal Counsel
- reporting all breaches of policy to the relevant subject matter expert or their people partner
- reporting unresolved or repeat misconduct, including bullying, harassment or discrimination, to People, Performance and Culture
- recording new or changing risks and unresolved issues.

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## Fraud, corruption and maladministration

The Department has no tolerance for fraud, corrupt behaviour or maladministration. You must report all reasonably suspected instances of wrongdoing.

Wrongdoing includes:

- corrupt behaviour
- maladministration
- serious and substantial waste of money
- breach of the GIPA Act
- local government pecuniary interest contravention (by council officials only).

Different parts of the Department may have specific fraud and corruption controls, depending on the nature of the functions and the level of risk. Make sure you're aware of and comply with any fraud and corruption controls that apply to your work area.

If you are contacted by the ICAC or NSW Ombudsman to attend an interview to provide information, you should contact the Chief Legal Counsel or contact Ethics.

Senior executives are responsible for ensuring that fraud and corruption risks are regularly reviewed in their area of responsibility. In medium and high-risk areas, such as procurement, funding and grant delivery, payroll, systems administration and regulatory functions, senior executives must document the controls in place to manage fraud and corruption risk and ensure these controls are kept up to date.

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**Fraud** can include simple things such as paying for personal items with your purchase card; falsifying your timesheets about how many hours you have worked or using work resources for personal purposes.

**Examples** of corruption include theft, bribery, selling confidential Departmental information, manipulating recruitment decisions or accepting a gift in exchange for issuing a permit.

**Maladministration** includes acting without authority—for example, approving a purchase beyond your approved dollar limit. Another example is where rules or procedures that are intended to guide decision-making on granting licences have not been applied correctly.

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## Breach of the Code

The Code sets out the ethical and behavioural standards, you are expected to demonstrate while working for the Department. If you fail to meet those standards, management action may be taken in accordance with the [Government Sector Employment Act 2013](#). Management action that may be taken includes caution or reprimand, assignment to another role, a fine, reduction in grade, or termination of employment.

The Department identifies potential breaches using a range of mechanisms, including:

- audits (internal and external)
- data analysis and exceptions reporting (financial transactions, purchase card usage, etc.)
- surveillance (departmental email, internet and motor vehicle activity etc.) in accordance with the [Workplace Surveillance Act 2005](#)
- consideration of reports of wrongdoing.

If you suspect someone is in breach of the Code or you suspect wrongdoing, you must report your suspicions.