



Code of Conduct and Ethics

Version 5.0
July 2024

1 Purpose

The Code of Conduct and Ethics (“the Code”), establishes the standards of conduct, ethics and core values that all Members must demonstrate.

The Code represents a broad framework to help Members decide on the appropriate course of action when faced with an ethical issue or professional decisions, rather than an exhaustive list of what to do in every aspect of our Service.

2 Scope

The Code applies to all Members (Staff and Volunteer Members) of the NSW State Emergency Service (NSW SES).

As a Member of the NSW SES, you are required to familiarise yourself and comply with this Code. Any person engaged by the NSW SES in either a paid or unpaid capacity must comply with this Code. This includes contractors, consultants, students and employees of organisations with which the NSW SES has contracts or agreements where a breach of the Code may result in their contract/placement being terminated.

In this Code, unless otherwise specified, ‘work’ refers to all activity performed on behalf of NSW SES by both Volunteer and Staff Members.

The Code should be read and complied with in conjunction with the Public Service Commission’s *Code of Ethics and Conduct for NSW government sector employees*. The *Code of Ethics and Conduct for NSW government sector employees* and this Code of Conduct and Ethics are considered jointly to be “the Code”.

Contents

1	Purpose	1
2	Scope	1
3	Roles and Responsibilities	4
	3.1 Commissioner	4
	3.2 Senior Leadership Team	4
	3.3 Members	4
	3.4 Professional Standards and Workplace Relations	4
4	What drives our conduct?	4
	4.1 Introduction.....	4
	4.2 Our Values	5
5	Conflicts of Interest	6
	5.1 Declaration of private interests	7
6	Professional behaviour	7
	6.1 Professional behaviour towards Members and others	8
	6.2 Treating people with dignity and respect	8
	6.3 Reportable conduct involving children	8
	6.4 Respectful language in the workplace	9
	6.5 Gifts, benefits and hospitality	9
	6.6 Other paid employment – Staff Members only	9
	6.7 After separation or ceasing membership.....	10
	6.8 Use of alcohol, drugs and tobacco	10
	6.9 Gambling	11
7	Representing the NSW SES	11
	7.1 Public Comment	11
	7.2 Dress and presentation	12
	7.3 Conduct while off duty	12
	7.4 Social media and public website	12
	7.5 Political and community participation	12
8	Accountability for public resources	13
	8.1 Electronic communication devices	13
	8.2 Managing records.....	14
	8.3 Managing privacy, personal and health information	15

8.4	Intellectual property	15
8.5	Signatures	15
8.6	Personal references	16
9	Behaviour contrary to the Code	16
9.1	The effect of behaviour that is contrary to the Code.....	16
9.2	If you see behaviour contrary to the Code.....	16
9.3	Reporting suspected serious wrongdoing	17
9.4	When allegations are made that a Member has breached the Code	17
9.5	What is misconduct?	17
9.6	Unlawful or criminal conduct	18
9.7	Serious offence	18
9.8	Bankruptcy (Staff Members only)	19
10	Related documents	19
10.1	Exercise of authority or authority to act	19
10.2	Related policies, procedures and guidelines.....	19
10.3	Related legislation	20
11	Support and Advice	21
12	Definitions	21
	Appendix A - Member acknowledgement.....	22

3 Roles and Responsibilities

3.1 Commissioner

- Implement the Code of Conduct and Ethics for NSW SES Members.
- Require NSW SES Members to comply with the Code.

3.2 Senior Leadership Team

- The Senior Leadership Team, including the Commissioner, Deputy Commissioners and Directors are responsible for ensuring compliance with the Code within their relevant functional areas.
- Ensure that Members are aware of and understand the principles of this Code and their obligations in relation to the Code.

3.3 Members

All NSW SES Members must:

- Comply with the Code and related policies and procedures.
- Demonstrate high levels of personal conduct and behaviour consistent with the Code.
- Seek assistance when unsure of what behaviour or action is expected or when unsure about how to implement the Code.
- Report any breaches or suspected breaches of the Code.

3.4 Professional Standards and Workplace Relations

- Provide oversight of implementation and the application of the Code.
- Provide expert advice and guidance in relation to the Code.
- Report on trends in relation to any breach of the Code to the Senior Leadership Team.

4 What drives our conduct?

4.1 Introduction

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

A key responsibility of each Member is to uphold the core values of the NSW SES and the Public Sector, and to place the public interest ahead of their own.

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

Members must:

- Uphold the NSW SES's reputation through their personal and professional behaviour
- Apply NSW SES policies, procedures and guidelines
- Act ethically and responsibly
- Take responsibility for their actions and decisions.

4.2 Our Values

The NSW SES core values are:

Trust

Accountability

Respect

Professionalism and Integrity

Safety and Service.

Our values are collectively referred to as 'TARPS'.

In NSW SES all Members must uphold the four government sector core values of Integrity, Trust, Service and Accountability, as set out in the *Ethical framework for the government sector* under Part 2 of the *Government Sector Employment Act 2013*.

Additionally, NSW SES has included Respect, Professionalism and Safety in our core values.

All NSW SES values are of equal importance with principles underpinning each value:

Trust

- Appreciate difference and welcome learning from others
- Build relationships based on mutual respect
- Uphold the law, institutions of government and democratic principles
- Communicate intentions clearly and invite teamwork and collaboration
- Provide apolitical and non-partisan advice.

Accountability

- Recruit and promote Staff Members on merit
- Take responsibility for decisions and actions
- Provide transparency to enable public scrutiny
- Observe standards for safety
- Be fiscally responsible and focus on efficient, effective and prudent use of resources.

Respect

- Respect for all Members, customers and property lies at the heart of what we do
- Everyone has the right to be treated with respect and an obligation to treat others with respect
- Show respect for diverse cultures, backgrounds, experiences and perspectives
- Communicate respectfully – listen and respond to others with understanding and respect.

Professionalism and Integrity

- Consider people equally without prejudice or favour
- Act professionally with honesty, consistency and impartiality
- Take responsibility for situations, showing leadership and courage
- Place the public interest over personal interest.

Safety and Service

- Follow safe work practices and prioritise the safety of yourself and others
- Be aware of risks and act on or escalate risks, as appropriate
- Provide services fairly with a focus on customer needs
- Be flexible, innovative and reliable in service delivery
- Focus on quality while maximising service delivery
- Engage with the not-for-profit and business sectors to develop and implement service solutions.

5 Conflicts of Interest

The situation may arise where a Member's private interests make it difficult for them to perform their duties impartially and in the public interest. This may happen when:

- there is a direct conflict between their current responsibilities and their private interests (an 'actual' conflict of interests)
- a person could reasonably perceive that a Member's private interests are likely to improperly influence the performance of their official duties, whether or not this is in fact the case (a 'reasonably perceived' conflict of interests)
- a Member has a private interest that could conflict with their official duties in the future (a 'potential' conflict of interest).

Conflicts of interest may lead to biased decision making, which could be considered corrupt or unethical.

Members must discuss any potential conflict of interest with their Supervisor/Manager or Commander.

Further guidance on managing, resolving and reporting conflicts of interest is available in the Conflict of Interest Procedure.

5.1 Declaration of private interests

A senior executive (including an acting senior executive) 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, advice or decisions made by the senior executive.

Where a senior executive has no such private interests to declare, they must declare a 'nil return'.

After a senior executive makes an initial declaration, a fresh declaration must be made annually, and as soon as practicable, following:

- any relevant change in the senior executive's private interests
- the senior executive's assignment to a new role or responsibility.

A senior executive must provide their declaration to the Commissioner.

All Members must declare any conflict of interest they identify by completing the Conflict of Interest Declaration Form.

Conflicts of interest declarations are also required for certain activities, such as when participating on a recruitment or procurement selection panel.

6 Professional behaviour

All Members must demonstrate the NSW SES TARPS values and principles through:

- ensuring ethical decision making and behaviour that places the public interest over our own
- treating the public, Members of NSW SES and other public officials with respect, courtesy, honesty and fairness, and having proper regard for their interests, rights, safety, health, and welfare
- ensuring that our behaviour, and personal and professional relationships in the workplace contribute to a harmonious and productive work environment
- performing our work to the best of our ability and committing to responsive and ethical service delivery
- making decisions fairly and promptly with proper consideration to relevant information, legislation, and NSW SES policies, procedures and guidelines
- respecting diversity of background, thought, experience and skill
- observing appropriate courtesy and etiquette in day-to-day relationships and interactions
- complying with lawful or reasonable directions given by a person with the authority to do so
- acting professionally with honesty, consistency and impartiality

- being aware that our conduct, either as a Member or in a private capacity, could violate the Code and undermine public confidence in NSW SES
- seeking assistance when unsure how to apply the Code and report any possible breaches of the Code.

6.1 Professional behaviour towards Members and others

Members of the NSW SES must always treat colleagues, clients, their families and members of the public in a professional manner and act with courtesy and fairness. Members should be careful in their interactions with others to avoid any negative impact on NSW SES operations, security or reputation.

All Members must act consistently, promptly and fairly in performing their duties. This involves dealing with matters in a non-discriminatory way and in compliance with approved procedures and the law.

6.2 Treating people with dignity and respect

NSW SES is committed to ensuring our members work and volunteer in a safe, respectful, and inclusive environment, free from discrimination, harassment and bullying at any time. Not only does NSW SES prohibit such behaviour, but it may also be unlawful.

All Members have the right to be treated with respect, and it is everyone's responsibility to ensure that everyone receives the respect they are entitled to. Members must treat their colleagues, clients, families and members of the public with respect, fairness and consistency. This includes being courteous and sensitive to the needs of others and providing all necessary and appropriate assistance as practicable.

The NSW SES is committed to making and maintaining workplaces that are free from all forms of bullying, harassment, sexual harassment, discrimination, vilification and victimisation. Members must report any such instance to their Supervisor/Manager or Commander. Further guidance and information on the process of reporting is available in the NSW SES Complaint Management Policy.

6.3 Reportable conduct involving children

The Reportable Conduct Scheme is governed by the *Children's Guardian Act 2019* and administered by the Office of the Children's Guardian. The NSW SES is deemed a public authority that is a 'relevant entity' under the scheme.

As a public authority, NSW SES must notify the Office of the Children's Guardian of any work-related reportable allegations or convictions against their members. The NSW SES must also notify the Office of the Children's Guardian of reportable allegations or convictions that happen outside of work where the member or contractor is required to hold a Working with Children Check (WWCC) for their work with the public authority.

Members who are required to hold a WWCC in their role at NSW SES must report to their Supervisor/Manager or Commander if they are convicted of, or an allegation has been made

against them, of reportable conduct involving children (i.e. a person under the age of 18 years). This applies to situations at work or in their private life.

Reportable conduct means a sexual offence, sexual misconduct, ill-treatment of a child, neglect of a child, an assault against a child, an offence under section 43B (failure to protect) or S316A (failure to report) of the *Crimes Act 1900*; and behaviour that causes significant emotional or psychological harm to a child.

6.4 Respectful language in the workplace

Behaving professionally includes using courteous and respectful language when communicating with other Members, their families, clients and members of the public.

Everyone has the right to expect that they will be spoken to in a reasonable manner by colleagues and leaders. Coarse and obscene language is not permitted, nor is sexual banter or suggestive language.

No Member should tolerate this kind of language and, if they witness it, must report it to a Supervisor/Manager or Commander.

6.5 Gifts, benefits and hospitality

Members must not act in any way, whether directly or implied, that could reasonably give someone the impression that the NSW SES or any of its Members can be influenced by any person or organisation.

Members may occasionally be offered gifts, benefits or hospitality during the course of their work. Accepting gifts and other benefits could compromise the NSW SES brand, image, and reputation as a trustworthy and respected agency in the community. A Member accepting a gift in the course of their work can also create a feeling of obligation in the receiver.

Regardless of whether they are accepted or declined, all gifts, benefits, or hospitality worth more than \$50 must be reported to the Member's Supervisor/Manager or Commander and entered into the Gifts, Benefits, and Hospitality Register.

Further information is available in the NSW SES Gifts, Benefits and Hospitality Procedure.

6.6 Other paid employment – Staff Members only

Full-time Staff Members must not undertake other paid work without permission - see clause 7 of the Government Sector Employment Regulation 2014. They must not make any commitment nor engage in outside secondary employment until they receive written approval from the Director, People and Development, in consultation with any other relevant Director. Members should seek advice from their Supervisor/Manager or Commander in the first instance prior to engaging in other paid employment.

Full-time Staff Members must seek reapproval in writing for other paid employment every 12 months, at least four weeks prior to the expiration date of the approval.

Full-time Staff Members who have more than one paid role within NSW SES should manage their obligations in close consultation between the relevant managers to ensure compliance with this Code and NSW SES policies and procedures.

Full-time Staff Members engaging in unpaid work do not require approval unless it is likely to conflict with their official duties. If it creates an actual, or a perceived conflict of interest, then Staff Members must advise their Supervisor, Manager or Commander.

Casual and part time Staff Members and contractors are not required to gain approval for outside paid employment, provided that:

- the work is undertaken during the period that the person is not required to discharge duties for NSW SES
- the discharge of duties for the NSW SES is not adversely affected
- no conflict or perceived conflict of interest arises
- and the other paid employment does not pose a health and safety risk to the Staff Member (including working excessive hours without sufficient breaks between work).

6.7 After separation or ceasing membership

After separation or ceasing their membership with the NSW SES, a Member must:

- Respect the confidentiality of information received during the course of their work with the NSW SES
- Respect the intellectual property rights over material produced by the NSW SES, including material the Member produced during the course of their work
- Not obtain or utilise NSW SES resources or other information or equipment unless authorised
- Not seek access to privileged information or favourable treatment from current Members.

Current Members must report to their Manager or Commander any attempt made by a former member to obtain any information or resources or influence them to obtain such information or resources.

6.8 Use of alcohol, drugs and tobacco

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

Members must be fit for duty when reporting for work and not work when their capacity to perform their duties is affected by alcohol, illegal drugs or non-prescribed and/or restricted substances.

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

Smoking or vaping any substance is prohibited:

- in all NSW SES workplaces, except for designated smoking areas
- in all NSW SES vehicles.

Further information is available in the Alcohol and Drugs Procedure and the Smoke-free Workplace Procedure.

6.9 Gambling

Gambling in the workplace is prohibited as it may lead to conflict, indebtedness and perceptions of impropriety.

Agreed activities, such as workplace Lotto syndicates, football or other sport tipping competitions or Melbourne Cup sweeps are exempt from this clause.

7 Representing the NSW SES

7.1 Public Comment

Public comment is any comment that is made in a place where members of the public are likely to see or hear it. Examples of this include public speaking engagements, comments to radio, television or print reporters (including letters to the editor), comments in books, journals or notices and comments on digital or social media platforms.

Members are often required to represent the NSW SES at interagency meetings, community forums and other meetings with outside agencies and individuals. Members must not make any public comment on behalf of the NSW SES or in the course of their work unless authorised to do so by a delegated manager or senior executive.

When making public comment for official duties, Members should:

- ensure that they are sufficiently briefed on the issues likely to be raised and the appropriate approved NSW SES responses
- only state the facts
- avoid expressing opinions on government policies or government decisions
- only disclose information that is in the public domain, such as in Annual Reports or official media releases, information consistent with NSW SES and Government policy and information that you are authorised to disclose.

All Members must have the necessary approval to:

- speak at or participate in seminars or conferences by professional associations, non-profit bodies or other organisations
- make written submissions to such associations or organisations on behalf of, or related to the work of, the NSW SES where the program or content is relevant to the public sector.

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

7.2 Dress and presentation

Dress and presentation must align with expected community standards and the work of the NSW SES, particularly when in contact with clients or members of the community.

Clothing must always be appropriate to the work being performed and, consistent with work health and safety standards.

The NSW SES uniform must be worn in accordance with the NSW SES Uniform Policy.

7.3 Conduct while off duty

As Members of a public service agency, even when off duty, all Members must uphold the law and this Code. Members should ensure that they model good behaviour, have a positive effect on the community and do not discredit the NSW SES or themselves, as individuals.

Members need to be aware that illegal or unprofessional conduct, even in a private capacity, can damage the reputation of the NSW SES. It may constitute misconduct, and for Staff Members lead to action being taken in accordance with section 69 of the *Government Sector Employment Act 2013*.

7.4 Social media and public website

Members must understand that this Code, its core values and standards also apply when they are using social media.

When using social media as a private individual, it is important that Members cannot be identified, associated with, or perceived to be speaking on behalf of the NSW SES.

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

This section of the Code does not apply to a Member's personal use of social media where the Member does not discuss matters relevant to the NSW SES, unless it could affect the workplace or bring the NSW SES or its Members into disrepute.

Further information is available in the NSW SES Social Media Policy.

7.5 Political and community participation

Members are free to take part in lawful political activity outside of the NSW SES, as long as it does not interfere with their normal duties.

Members must make sure that they serve the government of the day in an apolitical and impartial manner. A Member who is active in a political party or movement must be careful about the possibility of conflicts of interest. When a Member engages in political activity that

could lead to a conflict of interest, whether real, potential or perceived, they must immediately discuss this with their Supervisor/Manager or Commander and complete a Conflict of Interest declaration.

Sections 71 and 72 of the *Government Sector Employment Act 2013* outline the requirements for Staff Members who have been pre-selected as candidates for, or who propose to contest, State or Federal elections.

Members should report to their Supervisor/Manager or Commander any attempts by former Members to influence or lobby current Members about NSW SES activities.

8 Accountability for public resources

Members have a responsibility to perform their official duties and to use public resources provided by, or on behalf of, the NSW SES in an efficient, effective and prudent way.

Members should never use public resources for their own personal benefit or an unauthorised purpose and should be vigilant in ensuring that public resources are not misused.

Public resources are items paid for, owned or controlled by public sector agencies. They include but are not limited to:

- property and facilities
- motor vehicles, boats and trailers
- ladders, chainsaws and other tools
- computers, printers, photocopiers
- stationery and office supplies
- files, records and confidential information
- access to the internet, personal use of NSW SES mobile telephones and other ICT equipment
- purchasing and fuel cards
- paid time of people engaged by or on behalf of NSW SES.

Members responsible for receiving, spending or accounting for money, must ensure they know, understand and comply with the requirements of the *Government Sector Finance Act 2018*, the *Public Works and Procurement Act 1912* and the *Government Advertising Act 2011*, and related NSW SES policies and procedures.

At the end of their employment or Membership, Members must return all property belonging to the NSW SES.

8.1 Electronic communication devices

The NSW SES provides electronic communication facilities for administrative purposes. Members are personally accountable for the resources provided to them, including being vigilant to safeguard information systems, intellectual property, media and equipment in line with ICT acceptable use policy.

Use of these resources constitutes consent to monitoring of all systems owned and managed by the NSW SES. Disciplinary action may follow if they are used in a manner that contravenes NSW SES policies.

When using electronic forms of communication, Members must uphold the same values and principles as for face to face and other types of communication. Behaviour that is not consistent with these values and principles could include:

- using inappropriate language in messages, calls or meetings
- sending messages that are harassing, defamatory, threatening, abusive or obscene
- sharing, storing, promoting or displaying inappropriate, offensive, defamatory, or harassing material.

Members must understand that if an issue addressed in an email or other electronic communication becomes relevant to a legal dispute, that communication could be used in court and all parties to the dispute would be entitled to view it.

Members must report any misuse of electronic communication to their Supervisor/Manager or Commander or the Senior Manager Business Systems. Any incidents or threats to information security should be reported to the Service Desk immediately.

For further information please refer to the NSW SES ICT Acceptable Use Policy.

8.2 Managing records

A record is any information that provides evidence of the business activity of the organisation. This information can include:

- decisions made
- directions given
- advice provided
- transactions made
- action taken.

A digital record is information, captured at a specific point in time that is kept as evidence of business activity. Records created digitally such as emails, PDFs, documents, spreadsheets, presentations, web pages, digital photographs, digital audio files, GIS files or database records, as well as scanned versions of paper records that have been digitised in business processes. Keeping accurate records ensures the NSW SES and its Members provide the necessary evidence to comply with legislative, regulatory and policy obligations whilst achieving efficient and effective business outcomes.

Members have a responsibility to:

- maintain full, accurate and honest records of their work activities, decisions and other business transactions; and
- keep records in accordance with the State Records Act 1998 and the NSW SES Records Management Policy and the Privacy Management Plan.

Supervisors, Managers and Commanders are responsible for ensuring all Members that report to them comply with their records management obligations and that it is integrated into work practices, systems and services. Members must not delete or destroy records without appropriate authority.

Members must maintain the confidentiality of all official information and documents that are not in the public domain that they have access to in the course of their duties at NSW SES.

8.3 Managing privacy, personal and health information

All NSW SES clients and Members have the right to confidentiality of their personal information.

The *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* govern how Members must manage personal and health information. These Acts define what personal and health information is and contain principles to manage the information and protect the privacy of all Members and the public.

Examples of personal and health information NSW SES collects include a person's name and personal contact details, bank account details, information regarding their background, other employment or family life, opinions, photographs, audio recordings or video footage, location data, health assessments, medical certificates and injury management information.

NSW SES Members have legal duties when handling personal information that include how the information must be collected and stored, and how it may be used and disclosed. Members should refer to the NSW SES Privacy Management Plan and be aware of how it applies to their duties. When collecting personal information, Members must inform the person of the reason they are collecting the information, ensure that the information is only collected for a lawful purpose directly relevant to their official functions, and that it is only used for the intended purpose. Members should ensure information about their colleagues and clients remains confidential and is held securely.

Access to confidential information must be limited only to people who need to know. It must not be disclosed to other people, who do not require it to perform their duties, or used in an unauthorised way.

Members must take care when dealing with former NSW SES Members to ensure that they are not given, or do not appear to be given, privileged access to NSW SES information.

8.4 Intellectual property

Anything authored, developed or produced for the NSW SES by a Member during their employment or membership—including but not limited to policies, programs, manuals, courses and training materials—remains NSW SES property. Members must not use this content for their own gain or without written approval from an appropriately delegated Manager.

Further information including examples of intellectual property is contained in the Intellectual Property Policy and Procedure.

8.5 Signatures

Members are accountable for any documents they sign. Members should carefully read all documents before signing and must not sign a document they know is not accurate. Members may only sign their own name and must never allow or encourage anyone to sign a name other than their own.

When sending emails Members may only use their own name and must not give the impression that they have the authority of another person without their express permission. When using electronic signatures of a Supervisor/Manager or Commander, a Member must have their written approval on each occasion the electronic signature is used.

8.6 Personal references

A personal reference is a Member's personal assessment or opinion, and not that of the NSW SES.

Members are not permitted to write personal references or statements for any current or former Member on the NSW SES letterhead or to use their title or position for this purpose.

Members are not permitted to give references to another Member who they are aware is the subject of misconduct action.

If a Member agrees to provide a referee report for recruitment purposes, they must complete the report honestly and base it on verified information. False or derogatory statements must not be made about any individual.

9 Behaviour contrary to the Code

9.1 The effect of behaviour that is contrary to the Code

Behaviour contrary to this Code can harm the reputation of individual Members, damage working relationships, affect customer service delivery, and/or damage public trust in the NSW SES or the public sector as a whole.

If you are unsure of what is appropriate conduct under any circumstance, discuss the matter with your Supervisor, Manager or Commander.

9.2 If you see behaviour contrary to the Code

NSW SES is committed to building a 'speak up' culture where public officials are encouraged to report any conduct they reasonably believe goes against the Code. The integrity of NSW SES relies upon our Members, contractors and subcontractors speaking up if they become aware of wrongdoing.

If you see or hear a Member acting in a way you think is contrary to the Code you should discuss the person's behaviour with your Supervisor/Manager or Commander. If you think your Supervisor/Manager or Commander is acting contrary to the Code, then you should report it to your next line manager or Professional Standards and Workplace Relations.

9.3 Reporting suspected serious wrongdoing

Members should report any behaviour that they think is potentially corrupt, a serious and substantial waste of government resources, maladministration or a breach of government information or privacy rights.

The Public Interest Disclosures (PID) Policy and Procedure contains information on reporting (disclosure) of serious wrongdoing, how it is managed in the NSW SES, and protections for reporters under the *Public Interest Disclosures Act 2022*. Retaliating against a Member who discloses information in the public interest is both misconduct and a criminal offence.

In the first instance, Members are encouraged to report to their Supervisor/Manager or Commander, who must forward the report to a Disclosure Officer on behalf of the Member. A Member may also make the report directly to a Disclosure Officer or the Commissioner.

Reports may also be made directly to the relevant integrity agency:

- Independent Commission Against Corruption about corrupt conduct
- NSW Ombudsman about maladministration
- NSW Auditor-General about substantial waste of public resources
- Information or Privacy Commissioner about contravention of government information or privacy.

For further information please refer to the NSW SES Public Interest Disclosures (PID) Policy and Procedure.

9.4 When allegations are made that a Member has breached the Code

If an allegation is made that a Member has acted in a way that is contrary to the Code, that Member will have an opportunity to respond to the allegation and provide their version of events. How this happens will depend on the seriousness of the allegation(s).

Confidentiality for all parties will be ensured, as practicable and appropriate.

Accurate records, including records of the reasons for all significant decisions will be maintained.

When deciding what, if any action should be taken in relation to a breach of the Code, each case will be considered on its own facts and circumstances. Any action taken will depend on factors including the severity of the breach, whether it has happened before and the likelihood of it happening again.

A breach of the Code may constitute and be managed as misconduct under the relevant policy.

9.5 What is misconduct?

NSW SES considers misconduct to include but is not limited to:

- performance of duties in a manner justifying taking remedial or disciplinary action
- a contravention of this Code of Conduct and Ethics, NSW SES Volunteer Membership Policy, and/or NSW SES policies or procedures

- taking any action against another person that is substantially a reprisal for an internal disclosure or complaint that person has made.
- taking any 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 2022*
- a conviction or finding of guilt for a serious offence
- or Staff Members contravening any provision of the Government Sector Employment Act 2013, Government Sector Employment Regulations 2014 or Government Sector Employment (General) Rules 2014.

Any incident or behaviour that happened while the Member was off duty, or before they became a Member of the NSW SES, may be reviewed in relation to any misconduct by the Member.

If a matter involving a Staff Member proceeds to an inquiry, the inquiry must be carried out in accordance with section 69 of the *Government Sector Employment Act 2013* and Part 8 of the Government Sector Employment Rules 2014 and follow the principles of procedural fairness.

A matter involving a Volunteer Member will be assessed in accordance with the Dealing with Allegations of Misconduct Procedure.

Depending on the nature and/or seriousness of the matter and/or offence, Membership may be suspended.

9.6 Unlawful or criminal conduct

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

If a Member is found guilty of a serious offence, they may face misconduct action in addition to any sanctions imposed by a court.

9.7 Serious offence

A serious offence is an offence that is punishable by imprisonment for life or for 12 months or more (including an offence committed in another jurisdiction that would be an offence so punishable if committed in New South Wales).

A Member must as soon as practicable report in writing to their Supervisor/Manager or Commander if they:

- receive a court attendance notice in relation to a serious offence
- are charged with a serious offence
- are convicted of a serious offence
- are found guilty of a serious offence, even if no conviction is recorded.

Upon receiving a report about a serious offence, the Supervisor/Manager or Commander is to notify the Commissioner.

A Member must immediately report to the Commissioner in writing if they have reason to believe that another Member has:

- been charged, convicted or found guilty of a serious offence, and
- not reported the matter to the NSW SES.

Members may be suspended if they are charged with a serious offence. Staff Members may be suspended with or without pay.

If a Member is found guilty of a serious offence it may constitute misconduct, even if no conviction is recorded. This includes even if the offence was committed before commencing their Membership. A finding of guilt for a serious offence can lead to termination of employment or volunteer Membership with the NSW SES.

9.8 Bankruptcy (Staff Members only)

Staff members must inform the Commissioner or delegated officer if they become bankrupt, or make a composition, arrangement or assignment for the benefit of the Staff member's creditors. They must provide further information with respect to the cause, if requested by the Commissioner. This requirement is provided for in clause 10 of the Government Sector Employment Regulation 2014 and excludes casual Staff members.

It is a condition of engagement for Staff members being appointed to a role relating to the financial management of the NSW SES that they declare whether or not, at any time, they have been declared bankrupt, or have made a composition, arrangement or assignment for the benefit of their creditors.

10 Related documents

10.1 Exercise of authority or authority to act

Members must be aware of the policies, procedures, guidelines and delegations of the NSW SES, particularly those that apply to their work and/or their exercising of authority or authority to act. These documents are available online via MySES. If Members are unsure about the scope or content of any policy, procedure or guideline they need to comply with, they should their Supervisor/Manager or Commander for advice.

Members must also be aware of any legislation that may apply to the work they undertake at the NSW SES, as it may impose additional requirements. Members should discuss with their supervisor/manager or Commander the legislation that may be applicable to their duties.

10.2 Related polices, procedures and guidelines

This Code must be read in conjunction with all relevant NSW SES policies, procedures and guidelines.

All related documents can be accessed on mySES under the Resources tab, including but not limited to those listed below:

- *Alcohol and Drugs Procedure*
- *Bullying and Harassment Prevention Policy*
- *Conflict of Interest Procedure*
- *Dealing with Allegations of Misconduct Procedure - Volunteer Members*
- *Fraud and Corruption Control Policy*
- *Fraud Control Plan*
- *Gifts Benefits and Hospitality Procedure*
- *ICT Acceptable Use Policy*
- *Intellectual Property Policy and Procedure*
- *Complaints Management Policy*
- *Complaints Management Procedure*
- *Media Policy*
- *Media Procedure*
- *Privacy Management Plan*
- *Public Interest Disclosures (PID) Policy and Procedure*
- *Records Management Policy*
- *Sexual Harassment Prevention Policy*
- *Sexual Harassment Prevention and Response Procedure*
- *Smoke-free Workplace Procedure*
- *Social Media Policy*
- *Uniform Policy*
- *Volunteer Membership Policy*

10.3 Related legislation

The Acts and Regulations that legally govern the way Members undertake their work can be accessed on the NSW Legislation website. They include but are not limited to:

- *Anti-Discrimination Act 1977*
- *Children and Young Persons (Care and Protection) Act 1998*
- *Children (Community Service Orders) Act 1987*
- *Children (Criminal Proceedings) Act 1987*
- *Children (Detention Centres) Act 1987*
- *Children's Guardian Act 2019*
- *Child Protection (Working with Children) Act 2012*
- *Crimes Act 1900*
- *Government Information (Public Access) Act 2009*
- *Government Sector Employment Act 2013*
- *Government Sector Employment Regulation 2014*
- *Government Sector Employment (General) Rules 2014*
- *Government Sector Finance Act 2018*
- *Health Records and Information Privacy Act 2002*
- *Independent Commission Against Corruption Act 1988*
- *Industrial Relations Act 1996*
- *Ombudsman Act 1974*
- *Privacy and Personal Information Protection Act 1998*
- *Public Interest Disclosures Act 2022*

- *State Records Act 1998*
- *Workers Compensation Act 1987*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2017*
- *Workplace Injury Management and Workers Compensation Act 1998*
- *Young Offenders Act 1997*

The *Code of Ethics and Conduct for NSW government sector employees* means the Code contained in Section 2.2 of *Behaving Ethically: A Guide for NSW government sector employees*, available on the NSW Public Service Commission website.

11 Support and Advice

Members who have questions about the Code can seek advice from their Supervisor/Manager or Commander. If a Member still has questions after seeking advice then they can contact Professional Standards and Workplace Relations by emailing professionalstandards@ses.nsw.gov.au

12 Definitions

Term	Definition
Member	<p>A Member of the NSW SES, including Volunteer and/or Staff Member, 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</i> • <i>Ombudsman Act 1974</i> • <i>Public Interest Disclosures Act 2022</i> • <i>Government Sector Employment Act 2013.</i>
Public authority	A government agency.
Public Official	<p>An individual having public official functions or acting in a public official capacity that is an officer, temporary employee, or is a Member of a public authority in accordance with the:</p> <ul style="list-style-type: none"> • <i>Independent Commission Against Corruption Act 1988</i> • <i>Ombudsman Act 1974</i> • <i>Public Interest Disclosures Act 2022.</i>

Appendix A - Member acknowledgement

CODE OF CONDUCT MEMBERSHIP ACKNOWLEDGMENT

Name:	
Unit/Directorate:	

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.

Member Signature:		Date:
------------------------------	--	--------------

Document Control Sheet

Title	Code of Conduct and Ethics
Current Version #	5.0
Directorate	People and Development
Policy Owner	Senior Manager Professional Standards and Workplace Relations
Policy Sponsor	Director People and Development
Effective date	04/07/2024
Next Review Date	04/07/2024
Rescinds	<i>Code of Conduct and Ethics</i> v4.0 Jan 2020
Topic	Employment conditions, Workplace culture, Compliance
Function	Strategic management, Volunteer management, Personnel management
Key Words	Conduct, ethics, professional, acceptable, corruption, maladministration, conflict of interest

Version History

Version #	Creation Date	Author	Summary of changes
1.0	20 May 2014	SEG Authorised	Authorised
2.0	18 Nov 2014	Strategic Leadership Team	Authorised
3.0	23 June 2015	Governance & Strategy	Authorised
3.1	15 June 2015	Governance, Strategy & Risk	Authorised
4.0	29 June 2020	Chief of Staff	Revised to align with the Public Service Commission's and Department of Communities and Justice Code of Ethics and Conduct
5.0	17 May 2024	Snr Mgr Professional Standards and Workplace Relations	Reviewed and updated to comply with Public Service Commissioner Direction No. 2 of 2022

Approval

Title		Date	Version signed off
Senior Manager Professional Standards and Workplace Relations	Owner	17/05/2024	5.0
Director People and Development	Sponsor	28/06/2024	5.0
Damien Johnston	Deputy Commissioner Corporate Services	28/06/2024	5.0
Debbie Platz	Commissioner	04/07/2024	5.0