WOOLOOWARE BAY TOWN CENTRE > STAGE 2 RESIDENTIAL

DEVELOPMENT APPLICATION



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View 3_ Building H, Cafe and Pocket Park





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View 4_ Building B and Podium Landscape







Street Level view of Building Entries, Cafe, Pocket Park and Street Activation



View from North East of Building G & H

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Office of Environment and Heritage

Code of Ethical Conduct



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Introduction

The ethics policies and framework of the Office of Environment and Heritage NSW (OEH) should be integrated into all aspects of our work. This commitment reflects the NSW Government's policy that:

The people of New South Wales have a right to expect the business of the State to be conducted with efficiency, fairness, impartiality and integrity.

Public employment carries with it a particular obligation to the public interest. It requires standards of professional behaviour from staff that promote and maintain public confidence and trust in the work of government agencies.

This Code of Ethical Conduct describes the ethical framework that should guide our actions, decisions and behaviour as OEH employees. It applies to everyone engaged by OEH, whether by permanent appointment, temporary appointment, on work experience, volunteer work or as contractors. OEH strongly supports this policy and is committed to maintaining a workforce that displays the highest standards of conduct and ethics through our diverse range of workplaces.

The Code of Ethical Conduct is not an absolute statement of what is right and wrong in all circumstances. No statement could adequately perform that function. Ethical dilemmas are often vague and correct courses of action are not always obvious. Seek guidance from the sources identified in this code when confronted with workrelated ethical dilemmas.

An ethical OEH

OEH strives to be an ethical organisation. This concept acknowledges that 'ethics' is not simply an individual responsibility – it is also a corporate responsibility. In practice, this means that OEH must have ethical policies, systems, procedures and practices for delivering its services and managing staff. There must also be appropriate management systems to assist in resolving ethical dilemmas as they arise and responding to unethical decisions and practices when they are identified.

Everyone in OEH has both an organisational and an individual responsibility to act ethically.

Chief Executive and the Executive Team

The Chief Executive and the Executive Team are responsible for:

- establishing and maintaining ethical policies, systems and procedures for all aspects of OEH work
- ensuring that staffing policies and practices are fair and equitable
- ensuring that mechanisms for responding to potentially unethical circumstances are appropriate and effective (e.g. grievance and complaint handling systems)
- ensuring that areas of work that are of inherently higher risk in terms of ethics and corruption are identified and that preventive strategies are in place
- monitoring the ethical health and culture of OEH and responding to any problems identified.

Managers

All OEH managers are responsible for:

- monitoring their workplaces to identify and address situations more likely to raise ethical
- dilemmas (e.g. by establishing good procedural guidance for decisionmaking, particularly the exercise of discretion)
- ensuring that staff are not placed in potentially difficult situations (e.g. by working alone in the field where they may face compromising situations)
- being available and supportive to staff who require guidance on ethical dilemmas
- fostering a work environment free of harassment, discrimination, victimisation, corruption, maladministration and waste
- ensuring that staff are aware of the principles contained in this Code of Ethical Conduct and the established systems and procedures for addressing ethical problems
- supporting and protecting staff who report, in good faith, instances of potentially unethical or corrupt practices
- ensuring that staff are treated fairly, equitably and in accordance with legislation and policy (e.g. access to training and other development possibilities).

All OEH staff

All staff have a duty to:

- act ethically, lawfully and in accordance with the principles contained in this Code of Ethical Conduct
- report potentially unethical or corrupt practices via the established mechanisms.

Principles guiding personal and professional behaviour

OEH's corporate values

We have six corporate values which shape the way we work. Together these values guide our actions as an organisation and our internal and external relationships.

1. Protect the environment

We understand that the health of the environment underpins our social and economic prosperity as well as the health and wellbeing of the community.

2. Recognise the rights and status of Aboriginal people

We respect the unique rights and status of Aboriginal people based on their prior and continuing occupation of the land and waters of NSW, including the right to self- determination in economic, social and cultural development. We also acknowledge the importance of connection to Country for community wellbeing.

3. Act with integrity

We are ethical, impartial and honest. We are also open, accessible and accountable to the community and each other.

4. Act professionally

We treat everyone with respect. We need to be responsive and flexible and to get things done quickly and effectively. We base our decisions on facts, analysis and community values. We encourage debate, but we speak with one voice once a decision has been made.

5. Work collaboratively

We value the knowledge, skills and experience of the people we work with. We encourage teamwork and work collaboratively to achieve the best outcomes.

6. Be innovative

We bring energy and creativity to our work. We will learn and improve by questioning, challenging and thinking about the future.

Applying values to our work situations

Protect the environment

Protecting the environment is a fundamental value. We do this through a range of roles. We implement Government policy and influence behaviour throughout the community to improve environmental outcomes while building knowledge, tools and policy frameworks for informing and improving decision-making by government and others. We minimise our environmental impact at work by reducing our consumption of paper, energy and fuel and by reusing and recycling resources.

Recognise the rights and status of Aboriginal people

Our approach will support reconciliation by acknowledging and recognising the rights and status of Aboriginal people based on their prior and continuing occupation of the land and waters of NSW.

We acknowledge that Aboriginal spiritual and cultural values exist in the land, waters and natural resources of NSW and we seek advice from Aboriginal people on how best they should be respected. We recognise that there will be times and places where Aboriginal spiritual values and beliefs will require a culturally sensitive approach to the management of other values.

We value the contributions of the Aboriginal people in the management of natural and cultural heritage. Our approach to engagement with Aboriginal communities will be early and ongoing to give them the best opportunities to be involved in environmental management and protection decisions that affect them, and to allow them to fully enact their custodial responsibilities to traditional lands and seas and their resources.

In our dealings with aboriginal people we adapt our business processes, communication strategies and practices so they are appropriate to the circumstances, needs and capacities of Aboriginal communities, and encourage the most effective way of doing business.

Act with integrity

Community confidence in OEH depends on the responsiveness, correctness, impartiality and quality of our actions and decisions. As OEH employees, we must always act in OEH's interest and not in our own personal interest, performing our duties honestly and lawfully at all times. We must try to avoid situations where conflict in our work as OEH officers and in our private lives might throw into question the integrity of OEH's decision making. Where there is a potential conflict of interest, we must disclose this. OEH's processes, policies and decision-making are intended and designed to be as clear and transparent as possible (subject to statutory and other legal confidentiality requirements). This principle applies internally for the benefit of staff as well as externally for the benefit of our stakeholders and clients. In both cases, people should be able to understand the steps that have been followed and the reasons for arriving at a particular conclusion or outcome. Our decisions must be fair, reasonable and appropriate, given the facts of the situation. Our decision-making should consider only relevant facts and must be supported by adequate documentation, data and information.

Act professionally

Acting professionally involves delivering high-quality decisions and service to stakeholders and clients. This should be achieved as effectively and efficiently as possible.

We should seek to understand and respect the expectations of the people we deal with and, where possible, to meet those expectations. If client expectations are unrealistic, we should explain why this is so and what is reasonable and deliverable. We should explain the decision-making steps and processes and provide an approximate time frame for completion.

It is important that we provide clear, accurate, current and complete information in a format that is easy for clients to understand. There could be significant legal consequences for OEH if we provide incorrect information in circumstances where clients could be expected to rely upon it. If you are unsure about the correct response to an information request, tell the client that you will make inquiries and inform them later.

It is our responsibility to make the best use of our time and the resources made available to assist us with our work. To assist OEH in its ongoing aim to achieve both individual and team-based improvements in performance, there is a responsibility to ensure that we keep up to date with changes and developments in our areas of expertise. We should also advise our supervisors of any areas or ways in which we believe improvements to efficiency or effectiveness could be made.

We should approach our work impartially, implementing the policies and decisions of the government of the day in a politically neutral manner regardless of our personal beliefs and opinions. Actions and decisions we take need to be in line with relevant legislative, industrial and administrative requirements.

We should only access OEH information for authorised work-related purposes. If our work involves access to confidential, sensitive, personal, commercial or political information, we need to guard against disclosing the information without clear authority.

Acting professionally also means that, although internally we have diverse views and robust debate about the best way to deal with an issue, we respect and act consistently with the final decision once it is made.

Work collaboratively

By working together within OEH and with our many external partners, we can often deliver better environmental, social and economic outcomes for the people of NSW. Our external partners include other NSW agencies, local councils and Commonwealth agencies, as well as a range of organisations within industry, environment groups, local communities and the scientific community. We work with these partners to deliver joint programs, help us achieve our goals or help them achieve their goals.

From an ethical perspective, we should be aware that working collaboratively is often essential for producing optimal outcomes. However, when considering whether and how to collaborate, we need to assess the benefits and costs involved. We must ensure that OEH resources are used efficiently and that our decisions are informed and focused on delivering desired results.

Be innovative

We should constantly be seeking new methods and means of improving the quality of our decision-making and service delivery. From an ethical perspective, this involves seeking new systems and procedures to ensure and enhance the integrity, transparency, professionalism, effectiveness and efficiency of our work.

Guide to ethical decision-making

There is no simple blueprint for identifying and dealing with ethical dilemmas. However, the following questions can help to determine whether difficult decisions or actions are proper and ethical. We should consider the following questions:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with government policy and in line with OEH's corporate values, goals and Code of Ethical Conduct?
- What will be the outcome of the decision for us, our work colleagues, OEH and other parties?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense
- (actual or perceived)?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?
- Is the making of the decision or the undertaking of the action within the delegated authority for the position?

If there is still any concern as to whether the proposed action or decision is contrary to the Code of Ethical Conduct, we may need to consider the following options:

- Clarify matters with supervisors or other senior management. It may help to put the issues on paper.
- Give supervisors verbal and written advice of any concerns and implications of the decision or action to be taken.
- Document your actions on the issue.
- Seek advice from other officers not directly involved, such as other trusted senior officers.
- Governance Branch staff can also provide advice.
- Seek advice from appropriate external government agencies such as the Independent Commission Against Corruption (ICAC), the NSW Ombudsman, the Auditor-General NSW, and/or the NSW Public Service Commission's "Behaving Ethically" document for NSW Government Sector employees. The ICAC has an advice line with a duty officer who is able to assist to work through ethical issues.

Significant ethical issues

This section provides guidance about how to deal with more commonly encountered ethical issues. This is not an exhaustive list and many other ethical situations are likely to be encountered at work. In all circumstances, if we are unsure how to respond to a situation, we should seek guidance.

Conflicts and disclosures of interest

The community, our clients, stakeholders and colleagues expect all OEH decisions to be impartial and not influenced by inappropriate considerations. It is corrupt behaviour to knowingly make a decision influenced by a conflict of interest.

A conflict of interest exists when it is possible that we can be influenced, or perceived to be influenced, by a personal interest when carrying out our duties.

If a conflict of interest exists, could arise or could be perceived by third parties to exist, the issue should be raised in writing with the relevant manager, who must then inform the Group's or Division's Executive member. Employees and their managers have a joint responsibility to avoid or resolve conflicts of interest.

Some examples of situations that may give rise to a conflict of interest and some of the options for dealing with them are detailed below:

- having a significant financial interest in a matter in which OEH is involved (e.g. holding shares in a company you are inspecting or which is the subject of a prosecution brief you are writing)
- having friends or relatives with a significant financial interest in a matter OEH deals with (e.g. if a friend or relative has tendered for a OEH contract, especially when you could potentially influence the outcome or use commercial-in-confidence information for insider trading)
- participating in a selection panel where a relative or friend has applied for the position
- employing friends or relatives on short-term contracts without undertaking proper selection processes
- allowing personal beliefs or attitudes, not related to your work, to influence the impartiality of any advice given
- having or developing personal relationships that go beyond the professional working level
- with OEH clients or stakeholders that we have dealings with, or people we are investigating or prosecuting on behalf of OEH
- having another job or other employment that may, or may appear to, compromise
- OEH's integrity or our integrity as OEH officers
- participating in political activities to do with, or making political comments about, OEH's work.

To resolve conflicts that arise, or could arise, staff, their managers and Executive members should consider the significance of the conflict and apply one of the following options:

- Where the potential for conflict is minimal or can be eliminated by disclosure or effective supervision, record the details of the situation and take no further action.
- Dispose of the conflicting personal interest (e.g. sell the shares; give up the second job).
- Do not participate in the particular task which may, or may appear to, raise a conflict

OEH Code of Ethical Conduct

of interest (e.g. we should declare our interest and not participate in any way in the selection process for a position or a tender which has attracted an application from a friend or relative). In the case of a selection process for a position, a panel member should make the convenor aware and the convenor can then determine, consulting with more senior staff, if necessary, whether it is appropriate for the person to remain on the panel.

 Consider whether the conflict is significant enough to require transfer, either on a permanent or temporary basis, from the area of work where the conflict exists.

There will be circumstances where interests and potential conflicts are more likely to arise. For example, staff in remote areas may not be able to avoid sitting on a selection committee for a position that a friend or relative has applied for if no other suitably qualified committee member is available. In these circumstances, you should discuss the matter with your Executive Director or Director.

In the case of meetings of boards or committees, general practice would be for:

- the meeting Chair to call for any potential or actual conflicts of interest at the commencement of the meeting
- member/s discloses any potential conflict and the impact
- members discuss the conflict and make a decision on whether, for example, the member/s participates or is excluded on the particular matter
- meeting minutes reflect the declaration, discussion, decision and action.

Particular OEH boards and committees will have specific codes of conduct and may have specific declaration forms and hold a register of interests.

Aboriginal staff may face unique challenges as representatives and advocates for the Aboriginal community, while at the same time implementing government policy. Seek advice from senior managers if potential interests or conflicts arise.

Acceptance of gifts, benefits or hospitality

Offers of gifts, benefits or hospitality by any party that we have business dealings with create particularly delicate ethical dilemmas. The problem with such offers is that they may create a sense of obligation and even an expectation that something will be given in return. Feelings of obligation can undermine the impartiality of our decision-making. Even when there is no sense of obligation, the acceptance of gifts can create a perception that your impartiality is compromised.

Generally, we should not accept any gifts, benefits or hospitality offered in the course of our work.

An exception to the above rule is gifts or benefits that are essentially token. Gifts of nominal value such as inexpensive pens, notepaper, key rings or modest diaries that are promotional material broadly distributed by the provider may be accepted by staff. Gifts of promotional clothing such as caps or t-shirts which display stakeholder logos should not be worn in the working environment. Displaying this material could be perceived as stakeholder promotion.

Meals should only be accepted by OEH staff if they are clearly part of a working session and the cost is minimal. Modest and genuine working lunches, offered to a working group, are usually acceptable.

Decline any offer that is individually targeted and not generally available to public employees or stakeholder participants. Invitations to social activities such as harbour cruises and restaurants should be declined.

We should respond to offers in the following manner:

- If we are offered significant items or benefits (including cash), after refusing them, take notes of the incident and refer the matter to our supervisors.
- If we consider that the offer was a bribe, or could have been a bribe, we should immediately refer the incident to supervisors who will then notify the Division's Executive member. Senior management will then determine how to conduct future relationships with the party offering the benefit. In significant cases, the police and ICAC may be informed.
- If a gift cannot be refused, and it is of more than nominal value, then the receiver should note details of the gift on one of OEH's gift registers. Depending on the nature of the gift, it will then become the corporate property of OEH and be displayed, be donated to charity or otherwise disposed of, or be destroyed.

For more information, see the *Policy and Guidelines for the Acceptance of Gifts and Benefits by OEH Staff* (OEH staff access only).

When lodging an expenses claim which is ancillary to accepting hospitality, staff should adopt the policy set out

at: http://OEHnet.npws.nsw.gov.au/intranet/publish2.nfs/ Content/Travel Claim (OEH staff access only).

It is prohibited to expend State funds on any event (e.g. farewell or other social functions) that will provide predominately personal benefit to NSW public sector employees.

For more information see Ministerial Memorandum M2008-24 Out of Pocket Expenses and Christmas Season Parties www.dpc.nsw.gov.au/publications/memos_and_circulars

Public comment on OEH's work

Public comment includes public speaking engagements, comments on radio, the internet, email and television, and expressing views in letters to newspapers or in books, journals or notices or where it might be expected that publication or circulation of the comment would spread to the wider community.

There needs to be a clear distinction between any public comments made as a private citizen and that which is made as a government or OEH official (see Political and Community Participation below).

As private citizens, we have the right to make public comment and to enter into public debate on political and social issues. However, there are some circumstances when such public comment is inappropriate, such as where:

- we may be seen as being associated with OEH
- comment may be seen or interpreted as the official position of OEH
- comment may be seen or interpreted as an OEH officer criticising the policies and practices of the government of the day, the Minister for Environment and Heritage or OEH
- making a public comment would compromise our ability to carry out our duties in a competent and efficient manner
- comment would create the public perception that we are not prepared to implement or administer the policies and practices of the government of the day
- making a public comment would involve releasing confidential information, or any other information not publicly available, that is held by OEH.

To avoid any confusion, private citizen comments must not be made using any OEH resources (e.g. letterhead or email systems).

If the media contacts staff, they should not provide any comment on the issues raised unless specially authorised by OEH's media policy. Contact OEH Public Affairs for advice.

Private submissions to proposals or inquiries

In general, OEH staff can exercise the right of all citizens to provide submissions to public inquiries or proposals, except those initiated by OEH. Input to OEH inquiries and submissions should be made via internal channels. However, there are some significant restrictions placed upon this right to avoid the possibility of compromising OEH:

- We should not present our views as being the views of OEH.
- We should not use our positions with OEH to give greater status to our personal submissions.
- We should not release, paraphrase or otherwise use any confidential information or any other information not publicly available, acquired in the course of our employment or otherwise held by OEH. This could jeopardise the future supply of information to OEH and may have detrimental legal consequences.
- We should not use any OEH resources when producing our private submissions.

Political and community participation

As private citizens, staff have the right to be members of political parties and other political, special interest or community groups. However, it is necessary to consider whether involvement as members of such groups could lead to an actual or perceived conflict of interest and have an impact on OEH's reputation. As public employees, our primary duty is to serve the government of the day in a politically neutral manner.

We need to maintain Ministerial and public confidence in the impartiality of the actions and advice of public employees.

Staff must inform the Deputy Chief Executive or Executive Director, through their manager, as soon as they become aware that a potential conflict has occurred or might occur.

Depending on the circumstances, affected staff may choose to stop a particular political or community activity or, if possible, withdraw from the area of work where the conflict is occurring. If a manager becomes aware of a conflict of interest they have a responsibility to advise the staff member accordingly.

Special arrangements apply to public employees who are contesting State or Federal elections. Details of these arrangements are given in Part 5 sections 71 and 72 of the Government Sector Employment Act 2013 (GSE Act) refer to the <u>Public Service</u> <u>Commission website</u>.

Public release of information

OEH supports public participation and transparency of decision-making. We assume the information upon which we base our decisions will be publicly available. However, if our work involves access to confidential, sensitive, personal, commercial or political information, we need to guard against disclosing this information without clear authority. Unauthorised disclosures may harm individuals or organisations or provide an improper advantage to other parties. In this regard, staff should be careful not to release private information relating to fellow staff and clients, such as home addresses and private phone numbers.
The integrity and credibility of OEH may be damaged if the agency appears unable to keep its information secure. It is our responsibility to make sure that unauthorised people cannot access confidential information in any form, including computer files and emails. We should discuss sensitive information only with people inside or outside OEH who are authorised to have access to the information.

OEH releases information in various formats, including reports, brochures, booklets, and advice in print and on the internet. We can provide official information, when requested, that is already available to members of the public. However, other official information or documents should only be provided when:

- it is a normal part of the job and proper authority exists to provide the information
- it is a requirement to do so by law, e.g. subpoenas or requests under the <u>Government Information (Public Access) Act 2009</u> (refer requests to OEH's Governance Branch - Privacy and Information Access unit staff).
- the Legislative Council requests documents under the Standing Orders 52 provision.
- staff are called to give evidence in court.

In these cases, comments should be restricted to the facts and should not, as far as possible, express an opinion on official policy or practice unless required to do so (e.g. when being examined in court).

If it is not clear whether information is in the public domain, seek advice from team leaders / managers or an appropriate senior officer in the Governance Branch - Privacy and Information Access unit.

When information sought is not in the public domain, seek advice from the Privacy and Information Access Team in the Governance Branch about Privacy and Information Access procedures.

Use of public resources

Public resources include finances, equipment, people and information. As they are all publicly funded, it is important to ensure that OEH resources are directed toward the performance of OEH's public duties. In particular:

- ensure that OEH's plant and equipment are not used or borrowed for private purposes, other than in the limited circumstances discussed below
- ensure that OEH's facilities and equipment are used appropriately and efficiently
- ensure others do not use facilities and equipment inappropriately or inefficiently
- be effective and economical in the management of our own work time and others' time
- have proper authorisation when incurring expenditure on behalf of OEH
- do not use OEH's information for personal or other improper purposes.

Using OEH facilities and equipment for private purposes is not permitted, apart from a few limited circumstances. It may be acceptable to make minor use of some work facilities or equipment for private purposes. This could involve limited use of computers and printers for private assignments outside work hours. It may also include use of e-mails and phone calls during work hours to deal with family or business matters. The use should involve minimal cost and time for OEH.

OEH managers, or higher staff positions, may authorise the use of OEH office facilities, such as meeting rooms and equipment, for activities and meetings involving community or other voluntary organisations, where appropriate.

OEH vehicles should only be used for official purposes. For more information see OEH FBT Pool Car Policy (OEH staff access only).

For further information see chapter 8.8 of the NSW Government Personnel Handbook: Use of facilities and equipment. www.dpc.nsw.gov.au/publications/personnel_handbook

Sustainability issues at work

OEH is committed to being a model organisation in adopting sustainability principles. 'Sustainability' in this context refers to the environmental, social and economic aspects of how we do our work. It incorporates our current environmental strategies on waste and energy reduction as well as our social programs.

Our commitment to sustainability benefits staff and the community. It also reflects a number of government policies and directions that promote various elements of sustainability. These policies include the Government's Waste Reduction and Purchasing Policy, the Sustainability Policy and the Procurement Policy.

We are encouraged to be actively involved in our sustainability program and to apply the principles and recommended actions contained within our sustainability agenda. These principles and actions are reflected in existing OEH plans and programs. They will be progressively updated and integrated to reflect our greater commitment to a more holistic sustainability approach.

Ethics of professions

Some staff are members of a profession, e.g. lawyers, engineers, accountants and chemists. They may be required, or choose, to be a member of a relevant professional organisation. Those organisations may have a professional code of ethics or code of conduct that members are expected to uphold. In some cases, failing to uphold the code may mean that members are unable to practise their profession.

We need to be aware of the existence and impact of professional codes of ethics as they relate to OEH corporate values. OEH's Code of Ethical Conduct should not be in conflict with those professional codes. However, if conflicts do arise, they should be brought to the attention of supervisors. Managers will respect the professional ethics staff may have to comply with and will not expect them to act in a contrary manner.

Other employment or business interests

When considering new employment or business interests outside OEH, or if you have just joined OEH and already have a second job, it is necessary to consider whether work performance for OEH could be adversely affected and whether there is any potential for a conflict of interest.

Employees covered by the Government Sector Employment Act 2013 (GSE Act) must obtain written approval from management prior to accepting a second job, or if they already have a second job, continuing with it. The relevant delegated officer can approve outside

employment or business interests that do not involve an apparent conflict of interest. The People and Culture Division can provide information on who holds the appropriate delegation in your circumstances. Requests will be assessed on the basis of whether or not the second job could have an adverse impact on an employee's work for OEH.

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Any employment situations that involve, or have the potential to involve, a conflict of interest must always be referred to the Chief Executive. Approvals given for outside employment should be reviewed each year. All areas should establish and maintain a register to record secondary employment declarations and approval details. Those details must be forwarded to the People and Culture Division where a central register is maintained.

Even though some employees, such as contractors and agency temporary staff, are not covered by the GSE Act the same principles apply: we need to consider whether outside employment or business could have an adverse impact on work for OEH. In these cases where there is a potential or perceived conflict of interest staff should discuss the issue with their manager.

Employment after leaving OEH and dealing with former employees

Particular care should be taken to avoid allowing decisions and actions to be influenced by plans for, or offers of, employment outside OEH. If we allow ourselves to be influenced in this way, we will be creating a conflict of interest and risking our own and OEH's integrity.

Obtaining employment with an organisation that has a business relationship with OEH, or is regulated by OEH, creates a difficult ethical situation. In this circumstance, it would be unethical to release, use or otherwise take advantage of confidential or sensitive information we had access to while an OEH employee. We must also respect OEH's intellectual property rights over material it has produced. This means not using or profiting from such information unless it becomes publicly available.

On leaving OEH, we must return all equipment and resources issued including access cards, any OEH records or other information, and library books that may have been taken away from work.

When dealing with former OEH employees, we must make sure that we do not give them, or appear to give them, favourable treatment or access to information that is not publicly available.

Lobbying

All persons employed, contracted or engaged by OEH must comply with the NSW Government Lobbyist Code of Conduct

(http://www.dpc.nsw.gov.au/ data/assets/pdf_file/0017/32066/Lobbyist-Codeamendments-2013-strict.pdf) published on the Department of Premier and Cabinet's website.

Lobbying is a very broad term and includes any attempt to influence a Government representative in the exercise of their official functions on behalf of a third party.

Lobbying does not necessarily need to involve a formal meeting. Lobbying activities can be conducted over the phone, in writing (including by email), or in an informal setting in or outside of the work environment. Lobbyists need to be registered before they can lobby NSW Government representatives or Government Members of Parliament.

The Lobbyist Code of Conduct defines a "lobbyist" and sets out the key responsibilities of lobbyists and Government officials, including not permitting lobbying by unregistered lobbyists; informing lobbyists of their obligations to be registered and, when necessary, declining further contact; and reporting breaches of the Code.

The NSW Government Lobbyist Code of Conduct and the Lobbyist Register are together intended to ensure that contact between lobbyists and Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty.

In any interactions between lobbyists and Government, we must be mindful of their broader legal and ethical obligations. These include the obligation to act with integrity and honesty, and to avoid conflicts of interest. A Lobbyist Query Flowchart (<u>http://www.dpc.nsw.gov.au/prem/lobbyist register/questions and answers</u>) is available to assist in cases where you are contacted by a person who requests a meeting in order to make representations to you or other Government officials. If you need further assistance, seek advice from the Probity Team, Governance Branch.

OEH employees charged with criminal offences

Staff who may have been charged with a criminal offence punishable by imprisonment for 12 months or more must immediately advise their Executive member, through their reporting officer. The People and Culture Division will be consulted for advice as to what actions may have to occur.

Staff may be facing minor charges. In these cases, if the offence is not punishable by 12 months or more imprisonment, it should only be reported if it is possibly connected to, or has a bearing on, employment with OEH.

For example, in most circumstances a traffic infringement normally would not need to be reported, even if work involves driving on a regular basis. However, if the infringement results in a driving licence suspension and work involves driving, then the offence will have a bearing on our employment with OEH. We would need to inform our reporting officer.

As another example, if the offence involved misappropriation of funds and the work to be performed with OEH involves authorising expenditure, then the offence could have a bearing on work and must be reported.

Action taken by OEH will depend on:

- the nature and circumstances of the alleged crime
- its relevance to the work to be performed
- any mitigating factors.

These factors will determine not only what action, if any, is taken by OEH in the event of a conviction, but also whether any action should be taken pending the outcome of the legal proceedings. If there are any doubts or concerns about whether to report an offence, we should contact the People and Culture Division to discuss the matter in confidence.

Working with children

Some work in OEH falls within the requirements of child protection legislation because it involves unsupervised contact with children. The Commission for Children and Young People Act 1998 and the Child Protection (Prohibited Employment) Act 1998 are designed to ensure that people who may pose a risk to children do not work with them. The legislation means that for some positions, OEH staff and volunteers, such as Discovery rangers and community programs staff, will be required to undergo a 'working with children' check.

Staff in certain positions may be asked to provide a declaration about whether they have any convictions for child-related offences, or have faced disciplinary proceedings that involve children. When a declaration is made, OEH will contact other departments

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to confirm the advice. It is important to notify your reporting officer if your work involves unsupervised access to children and you face proceedings that might fall within the child protection legislation. For information about the working with children check, see http://www.kidsguardian.nsw.gov.au/working-with-children

Dress and uniform

Staff's appearance when representing OEH can reflect on the agency. Where uniforms are provided, it is important to bear in mind that they associate us with OEH even when we are not at work. In some circumstances, it may not be appropriate or advisable to wear uniforms outside work hours. For example, it would not be appropriate to wear the uniform to a political protest because it may lead to our personal views being taken as those of OEH.

Uniform and non-uniform dress in all workplaces, especially where we can be viewed by members of the public, should meet the community's expectations for professional service delivery. The full uniform must always be worn in a clean and neat manner and not combined with other clothing.

For additional information see Appropriate Use of Uniforms guidelines (OEH staff access only).

Drug, alcohol and other personal problems

It is our responsibility to make sure that alcohol and drugs do not impair work performance or the safety or performance of others. OEH staff must ensure that they do not drive vehicles or operate plant / machinery while impaired by drugs or alcohol, including prescribed medicines.

The consumption of alcohol or other drugs can also adversely affect OEH's image in dealing with others. We must be responsible at all times and be aware of the impact our actions may have. Similarly, we must inform supervisors if we are taking medication that may affect work.

If we experience problems affecting work or home life, we have access to the Employee Assistance Program to provide free professional, confidential counselling services to OEH staff and members of our immediate family. We can be assured of complete confidentiality as OEH is not told about whom uses the service or the individual matters discussed. For an appointment, phone toll free 1300 360 364.

See also the Safety and Alcohol While Fire Fighting document (OEH staff access only).

Information technology use

Premier's Circular 99-9 requires all NSW public sector agencies to ensure that IT resources are used appropriately. We need to ensure that:

- computer resources are used for OEH business purposes
- pornographic, sexually explicit and other offensive or defamatory material is not accessed or sent
- the security of our IT systems is maintained to prevent access to confidential information by unauthorised people
- the integrity of OEH data and IT systems is maintained.
- We must understand and comply with the following protection requirements:
- Access to the internet, e-mail services and mobile phones is provided for OEH business use.
- · Using OEH's computer resources to seek out access or send any material of an

offensive, obscene, pornographic, threatening, abusive or defamatory nature is prohibited.

- Unauthorised or unacceptable use of OEH's computer resources may result in disciplinary action.
- Passwords must be memorised and kept secret. They are not to be written down or disclosed to any other person, including a supervisor or fellow worker.
- Unauthorised computer software is not to be downloaded to OEH computer equipment.
- Access to the internet should be via officially approved mechanisms only.
- OEH may monitor computer systems.
- Only limited personal use is permitted. For more information, see OEH's:

Network Acceptable Use Policy (includes emai/l internet usage) (OEH staff access only)

Password Policy (OEH staff access only)

Mobile Telephone and SMS Usage Policy (OEH staff access only)

Discrimination and harassment

Harassment of, or unfair discrimination against, staff or members of the public is not acceptable in any circumstances or for any reason including:

- gender
- physical appearance
- marital status
- pregnancy
- age
- race
- ethnic or national origin
- physical or intellectual impairment
- sexual preference
- religious or political conviction
- carers' responsibilities.

Examples of harassment include:

- verbal abuse or threats
- unwelcome remarks, jokes, innuendoes or taunting about a person's body, attire, marital status, sex, pregnancy, ethnic or national origin, sexual lifestyle or disability
- displaying or electronically transmitting sexually suggestive, racist or other offensive or derogatory material
- physical intimidation
- practical jokes which may cause awkwardness or embarrassment
- persistent and unwelcome invitations, requests or intimidation
- leering and/or other offensive gestures

• persistent and unwelcome physical contact such as patting, pinching, punching or touching.

Instances of harassment or unfair discrimination should be reported to your manager or other senior officer (OEH Respectful Workplace Policy and Procedures) and the NSW Government Personnel Handbook for further guidance).

Reporting and assessing unethical and corrupt conduct

Protected disclosures

We have a responsibility to report any instances of corruption, maladministration and waste by public officials or other public employees. We are protected when we make such reports by the terms of the Protected Disclosures Act 1994.

The Act provides certain protection against reprisals for employees who voluntarily report such matters either to nominated Protected Interest Disclosure (PID) Officers, the Chief Executive, the Director Governance (who is the OEH PID Coordinator) or to one of three investigative bodies (ICAC, the NSW Ombudsman or the NSW Auditor-General). Such protection does not apply to vexatious or malicious allegations.

OEH is strongly committed to the aims and objectives of the PID Act and has established a protected disclosure reporting system that is designed to encourage and protect such disclosures. If staff provide information about possible corruption, maladministration or waste, but for whatever reason elect not to make a formal protected disclosure, OEH will still provide similar protections to those provided by the Protected Disclosure Act (except where the allegations are vexatious or malicious).

Grievance procedures

We all have the right to complain about and seek resolution of our concerns about OEH decisions or actions that affect us, interpersonal conflicts with other staff, or issues such as harassment and bullying. There are established procedures to deal with such grievances while protecting the interests of all parties involved. For more information, see the OEH Respectful Workplace Policy and Procedures available on OEH Intranet. You can also contact Employee Relations.

Complaints

Complaints usually arise because of client dissatisfaction with the quality of our service or where they do not agree with our actions or decisions. Generally, if the complaint is routine it may be resolved locally. However, if the complainant alleges potential corruption or other significant issues (e.g. service delivery system problems) they will be investigated more formally. In these circumstances, or for general information, contact the Governance Branch. Also see the OEH Policy and approach for managing external complaints and allegations on the OEH website.

Compliance with this code

We are all expected to foster an ethical and equitable work environment, free of harassment, discrimination, victimisation, corruption, maladministration and waste. As individuals, we are ultimately responsible for our own acts, omissions and behaviour.

As managers, we should be role models for staff and our behaviour must be beyond reproach. It is our responsibility to ensure that staff under our supervision understands

their duties, performance expectations and the ethical principles contained in this Code. We are accountable for identifying and correcting any behaviour that occurs in our workplaces contrary to the Code of Ethical Conduct. Supervisors are expected to take immediate and appropriate steps to address any apparent problems, as well as to implement preventive and awareness measures, such as training, to deal with harassment and discrimination.

Managers should seek guidance, if necessary, from their own managers or senior People and Culture staff.

Acting contrary to the principles contained in this Code may lead to disciplinary action by OEH. Disciplinary action may include counselling, official notice of unsatisfactory performance, dismissal or prosecution.

Legislation, awards and policies applying to staff

As OEH employees, our rights are set out under the relevant employment laws as well as under the Government Sector Employment Act 2013 (GSE Act) and local award arrangements, and associated NSW public service and OEH policies and procedures.

The main legislation, industrial instruments, policies and directions relevant to us as OEH employees include:

- Staff and administrative notices
- OEH procedure guides
- Responsibilities included in the legislation administered by OEH
- NSW Public Service Commission "Behaving Ethically" a guide for Public Sector Government Employees.
- NSW Government Personnel Handbook
- Anti-Discrimination Act 1977
- Commission for Children and Young People Amendment Act 2005 No 108 (formerly the Commission for Children and Young People Act 1998 and Child Protection (Prohibited Employment) Act 1998).
- Crimes Act 1900
- Government Information and Public Access Act 2009
- Independent Commission Against Corruption Act 1988
- Industrial Relations Act 1996, No. 17
- Work Health and Safety Act 2011 and relevant OEH policies.
- NSW Ombudsman Act 1994
- Privacy and Personal Information Protection Act 1998
- Protected Disclosures Act 1994 (PID Act)
- Public Finance and Audit Act 1983, No. 152
- NSW Government Sector Employment Act 3013 (GSE Act)

Conclusion

OEH is committed to maintaining a workforce characterised by the highest standards of conduct and ethics. Ultimately, we are all responsible for maintaining standards that inspire public confidence and trust in the work of OEH.

This OEH Code of Ethical Conduct is intended to assist us in undertaking our duties in an ethical, professional manner. However, if you are unsure of the appropriate course of action in a particular circumstance, you should discuss the matter with your reporting officer in the first instance. If this is not practical, you can contact your manager or director. Staff in the Governance Branch will also provide general advice about ethical issues and procedures.



Office of Environment and Heritage

Code of Ethical Conduct



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Introduction

The ethics policies and framework of the Office of Environment and Heritage NSW (OEH) should be integrated into all aspects of our work. This commitment reflects the NSW Government's policy that:

The people of New South Wales have a right to expect the business of the State to be conducted with efficiency, fairness, impartiality and integrity.

Public employment carries with it a particular obligation to the public interest. It requires standards of professional behaviour from staff that promote and maintain public confidence and trust in the work of government agencies.

This Code of Ethical Conduct describes the ethical framework that should guide our actions, decisions and behaviour as OEH employees. It applies to everyone engaged by OEH, whether by permanent appointment, temporary appointment, on work experience, volunteer work or as contractors. OEH strongly supports this policy and is committed to maintaining a workforce that displays the highest standards of conduct and ethics through our diverse range of workplaces.

The Code of Ethical Conduct is not an absolute statement of what is right and wrong in all circumstances. No statement could adequately perform that function. Ethical dilemmas are often vague and correct courses of action are not always obvious. Seek guidance from the sources identified in this code when confronted with workrelated ethical dilemmas.

An ethical OEH

OEH strives to be an ethical organisation. This concept acknowledges that 'ethics' is not simply an individual responsibility – it is also a corporate responsibility. In practice, this means that OEH must have ethical policies, systems, procedures and practices for delivering its services and managing staff. There must also be appropriate management systems to assist in resolving ethical dilemmas as they arise and responding to unethical decisions and practices when they are identified.

Everyone in OEH has both an organisational and an individual responsibility to act ethically.

Chief Executive and the Executive Team

The Chief Executive and the Executive Team are responsible for:

- establishing and maintaining ethical policies, systems and procedures for all aspects of OEH work
- ensuring that staffing policies and practices are fair and equitable
- ensuring that mechanisms for responding to potentially unethical circumstances are appropriate and effective (e.g. grievance and complaint handling systems)
- ensuring that areas of work that are of inherently higher risk in terms of ethics and corruption are identified and that preventive strategies are in place
- monitoring the ethical health and culture of OEH and responding to any problems identified.

Managers

All OEH managers are responsible for:

- monitoring their workplaces to identify and address situations more likely to raise ethical
- dilemmas (e.g. by establishing good procedural guidance for decisionmaking, particularly the exercise of discretion)
- ensuring that staff are not placed in potentially difficult situations (e.g. by working alone in the field where they may face compromising situations)
- being available and supportive to staff who require guidance on ethical dilemmas
- fostering a work environment free of harassment, discrimination, victimisation, corruption, maladministration and waste
- ensuring that staff are aware of the principles contained in this Code of Ethical Conduct and the established systems and procedures for addressing ethical problems
- supporting and protecting staff who report, in good faith, instances of potentially unethical or corrupt practices
- ensuring that staff are treated fairly, equitably and in accordance with legislation and policy (e.g. access to training and other development possibilities).

All OEH staff

All staff have a duty to:

- act ethically, lawfully and in accordance with the principles contained in this Code of Ethical Conduct
- report potentially unethical or corrupt practices via the established mechanisms.

Principles guiding personal and professional behaviour

OEH's corporate values

We have six corporate values which shape the way we work. Together these values guide our actions as an organisation and our internal and external relationships.

1. Protect the environment

We understand that the health of the environment underpins our social and economic prosperity as well as the health and wellbeing of the community.

2. Recognise the rights and status of Aboriginal people

We respect the unique rights and status of Aboriginal people based on their prior and continuing occupation of the land and waters of NSW, including the right to self- determination in economic, social and cultural development. We also acknowledge the importance of connection to Country for community wellbeing.

3. Act with integrity

We are ethical, impartial and honest. We are also open, accessible and accountable to the community and each other.

4. Act professionally

We treat everyone with respect. We need to be responsive and flexible and to get things done quickly and effectively. We base our decisions on facts, analysis and community values. We encourage debate, but we speak with one voice once a decision has been made.

5. Work collaboratively

We value the knowledge, skills and experience of the people we work with. We encourage teamwork and work collaboratively to achieve the best outcomes.

6. Be innovative

We bring energy and creativity to our work. We will learn and improve by questioning, challenging and thinking about the future.

Applying values to our work situations

Protect the environment

Protecting the environment is a fundamental value. We do this through a range of roles. We implement Government policy and influence behaviour throughout the community to improve environmental outcomes while building knowledge, tools and policy frameworks for informing and improving decision-making by government and others. We minimise our environmental impact at work by reducing our consumption of paper, energy and fuel and by reusing and recycling resources.

Recognise the rights and status of Aboriginal people

Our approach will support reconciliation by acknowledging and recognising the rights and status of Aboriginal people based on their prior and continuing occupation of the land and waters of NSW.

We acknowledge that Aboriginal spiritual and cultural values exist in the land, waters and natural resources of NSW and we seek advice from Aboriginal people on how best they should be respected. We recognise that there will be times and places where Aboriginal spiritual values and beliefs will require a culturally sensitive approach to the management of other values.

We value the contributions of the Aboriginal people in the management of natural and cultural heritage. Our approach to engagement with Aboriginal communities will be early and ongoing to give them the best opportunities to be involved in environmental management and protection decisions that affect them, and to allow them to fully enact their custodial responsibilities to traditional lands and seas and their resources.

In our dealings with aboriginal people we adapt our business processes, communication strategies and practices so they are appropriate to the circumstances, needs and capacities of Aboriginal communities, and encourage the most effective way of doing business.

Act with integrity

Community confidence in OEH depends on the responsiveness, correctness, impartiality and quality of our actions and decisions. As OEH employees, we must always act in OEH's interest and not in our own personal interest, performing our duties honestly and lawfully at all times. We must try to avoid situations where conflict in our work as OEH officers and in our private lives might throw into question the integrity of OEH's decision making. Where there is a potential conflict of interest, we must disclose this. OEH's processes, policies and decision-making are intended and designed to be as clear and transparent as possible (subject to statutory and other legal confidentiality requirements). This principle applies internally for the benefit of staff as well as externally for the benefit of our stakeholders and clients. In both cases, people should be able to understand the steps that have been followed and the reasons for arriving at a particular conclusion or outcome. Our decisions must be fair, reasonable and appropriate, given the facts of the situation. Our decision-making should consider only relevant facts and must be supported by adequate documentation, data and information.

Act professionally

Acting professionally involves delivering high-quality decisions and service to stakeholders and clients. This should be achieved as effectively and efficiently as possible.

We should seek to understand and respect the expectations of the people we deal with and, where possible, to meet those expectations. If client expectations are unrealistic, we should explain why this is so and what is reasonable and deliverable. We should explain the decision-making steps and processes and provide an approximate time frame for completion.

It is important that we provide clear, accurate, current and complete information in a format that is easy for clients to understand. There could be significant legal consequences for OEH if we provide incorrect information in circumstances where clients could be expected to rely upon it. If you are unsure about the correct response to an information request, tell the client that you will make inquiries and inform them later.

It is our responsibility to make the best use of our time and the resources made available to assist us with our work. To assist OEH in its ongoing aim to achieve both individual and team-based improvements in performance, there is a responsibility to ensure that we keep up to date with changes and developments in our areas of expertise. We should also advise our supervisors of any areas or ways in which we believe improvements to efficiency or effectiveness could be made.

We should approach our work impartially, implementing the policies and decisions of the government of the day in a politically neutral manner regardless of our personal beliefs and opinions. Actions and decisions we take need to be in line with relevant legislative, industrial and administrative requirements.

We should only access OEH information for authorised work-related purposes. If our work involves access to confidential, sensitive, personal, commercial or political information, we need to guard against disclosing the information without clear authority.

Acting professionally also means that, although internally we have diverse views and robust debate about the best way to deal with an issue, we respect and act consistently with the final decision once it is made.

Work collaboratively

By working together within OEH and with our many external partners, we can often deliver better environmental, social and economic outcomes for the people of NSW. Our external partners include other NSW agencies, local councils and Commonwealth agencies, as well as a range of organisations within industry, environment groups, local communities and the scientific community. We work with these partners to deliver joint programs, help us achieve our goals or help them achieve their goals. From an ethical perspective, we should be aware that working collaboratively is often essential for producing optimal outcomes. However, when considering whether and how to collaborate, we need to assess the benefits and costs involved. We must ensure that OEH resources are used efficiently and that our decisions are informed and focused on delivering desired results.

Be innovative

We should constantly be seeking new methods and means of improving the quality of our decision-making and service delivery. From an ethical perspective, this involves seeking new systems and procedures to ensure and enhance the integrity, transparency, professionalism, effectiveness and efficiency of our work.

Guide to ethical decision-making

There is no simple blueprint for identifying and dealing with ethical dilemmas. However, the following questions can help to determine whether difficult decisions or actions are proper and ethical. We should consider the following questions:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with government policy and in line with OEH's corporate values, goals and Code of Ethical Conduct?
- What will be the outcome of the decision for us, our work colleagues, OEH and other parties?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense
- (actual or perceived)?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?
- Is the making of the decision or the undertaking of the action within the delegated authority for the position?

If there is still any concern as to whether the proposed action or decision is contrary to the Code of Ethical Conduct, we may need to consider the following options:

- Clarify matters with supervisors or other senior management. It may help to put the issues on paper.
- Give supervisors verbal and written advice of any concerns and implications of the decision or action to be taken.
- Document your actions on the issue.
- Seek advice from other officers not directly involved, such as other trusted senior officers.
- Governance Branch staff can also provide advice.
- Seek advice from appropriate external government agencies such as the Independent Commission Against Corruption (ICAC), the NSW Ombudsman, the Auditor-General NSW, and/or the NSW Public Service Commission's "Behaving Ethically" document for NSW Government Sector employees. The ICAC has an advice line with a duty officer who is able to assist to work through ethical issues.

Significant ethical issues

This section provides guidance about how to deal with more commonly encountered ethical issues. This is not an exhaustive list and many other ethical situations are likely to be encountered at work. In all circumstances, if we are unsure how to respond to a situation, we should seek guidance.

Conflicts and disclosures of interest

The community, our clients, stakeholders and colleagues expect all OEH decisions to be impartial and not influenced by inappropriate considerations. It is corrupt behaviour to knowingly make a decision influenced by a conflict of interest.

A conflict of interest exists when it is possible that we can be influenced, or perceived to be influenced, by a personal interest when carrying out our duties.

If a conflict of interest exists, could arise or could be perceived by third parties to exist, the issue should be raised in writing with the relevant manager, who must then inform the Group's or Division's Executive member. Employees and their managers have a joint responsibility to avoid or resolve conflicts of interest.

Some examples of situations that may give rise to a conflict of interest and some of the options for dealing with them are detailed below:

- having a significant financial interest in a matter in which OEH is involved (e.g. holding shares in a company you are inspecting or which is the subject of a prosecution brief you are writing)
- having friends or relatives with a significant financial interest in a matter OEH deals with (e.g. if a friend or relative has tendered for a OEH contract, especially when you could potentially influence the outcome or use commercial-in-confidence information for insider trading)
- participating in a selection panel where a relative or friend has applied for the position
- employing friends or relatives on short-term contracts without undertaking proper selection processes
- allowing personal beliefs or attitudes, not related to your work, to influence the impartiality of any advice given
- having or developing personal relationships that go beyond the professional working level
- with OEH clients or stakeholders that we have dealings with, or people we are investigating or prosecuting on behalf of OEH
- having another job or other employment that may, or may appear to, compromise
- OEH's integrity or our integrity as OEH officers
- participating in political activities to do with, or making political comments about, OEH's work.

To resolve conflicts that arise, or could arise, staff, their managers and Executive members should consider the significance of the conflict and apply one of the following options:

- Where the potential for conflict is minimal or can be eliminated by disclosure or effective supervision, record the details of the situation and take no further action.
- Dispose of the conflicting personal interest (e.g. sell the shares; give up the second job).
- Do not participate in the particular task which may, or may appear to, raise a conflict

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of interest (e.g. we should declare our interest and not participate in any way in the selection process for a position or a tender which has attracted an application from a friend or relative). In the case of a selection process for a position, a panel member should make the convenor aware and the convenor can then determine, consulting with more senior staff, if necessary, whether it is appropriate for the person to remain on the panel.

 Consider whether the conflict is significant enough to require transfer, either on a permanent or temporary basis, from the area of work where the conflict exists.

There will be circumstances where interests and potential conflicts are more likely to arise. For example, staff in remote areas may not be able to avoid sitting on a selection committee for a position that a friend or relative has applied for if no other suitably qualified committee member is available. In these circumstances, you should discuss the matter with your Executive Director or Director.

In the case of meetings of boards or committees, general practice would be for:

- the meeting Chair to call for any potential or actual conflicts of interest at the commencement of the meeting
- member/s discloses any potential conflict and the impact
- members discuss the conflict and make a decision on whether, for example, the member/s participates or is excluded on the particular matter
- meeting minutes reflect the declaration, discussion, decision and action.

Particular OEH boards and committees will have specific codes of conduct and may have specific declaration forms and hold a register of interests.

Aboriginal staff may face unique challenges as representatives and advocates for the Aboriginal community, while at the same time implementing government policy. Seek advice from senior managers if potential interests or conflicts arise.

Acceptance of gifts, benefits or hospitality

Offers of gifts, benefits or hospitality by any party that we have business dealings with create particularly delicate ethical dilemmas. The problem with such offers is that they may create a sense of obligation and even an expectation that something will be given in return. Feelings of obligation can undermine the impartiality of our decision-making. Even when there is no sense of obligation, the acceptance of gifts can create a perception that your impartiality is compromised.

Generally, we should not accept any gifts, benefits or hospitality offered in the course of our work.

An exception to the above rule is gifts or benefits that are essentially token. Gifts of nominal value such as inexpensive pens, notepaper, key rings or modest diaries that are promotional material broadly distributed by the provider may be accepted by staff. Gifts of promotional clothing such as caps or t-shirts which display stakeholder logos should not be worn in the working environment. Displaying this material could be perceived as stakeholder promotion.

Meals should only be accepted by OEH staff if they are clearly part of a working session and the cost is minimal. Modest and genuine working lunches, offered to a working group, are usually acceptable.

Decline any offer that is individually targeted and not generally available to public employees or stakeholder participants. Invitations to social activities such as harbour cruises and restaurants should be declined.

We should respond to offers in the following manner:

- If we are offered significant items or benefits (including cash), after refusing them, take notes of the incident and refer the matter to our supervisors.
- If we consider that the offer was a bribe, or could have been a bribe, we should immediately refer the incident to supervisors who will then notify the Division's Executive member. Senior management will then determine how to conduct future relationships with the party offering the benefit. In significant cases, the police and ICAC may be informed.
- If a gift cannot be refused, and it is of more than nominal value, then the receiver should note details of the gift on one of OEH's gift registers. Depending on the nature of the gift, it will then become the corporate property of OEH and be displayed, be donated to charity or otherwise disposed of, or be destroyed.

For more information, see the *Policy and Guidelines for the Acceptance of Gifts and Benefits by OEH Staff* (OEH staff access only).

When lodging an expenses claim which is ancillary to accepting hospitality, staff should adopt the policy set out

at: <u>http://OEHnet.npws.nsw.gov.au/intranet/publish2.nfs/</u> Content/Travel Claim (OEH staff access only).

It is prohibited to expend State funds on any event (e.g. farewell or other social functions) that will provide predominately personal benefit to NSW public sector employees.

For more information see Ministerial Memorandum M2008-24 Out of Pocket Expenses and Christmas Season Parties www.dpc.nsw.gov.au/publications/memos_and_circulars

Public comment on OEH's work

Public comment includes public speaking engagements, comments on radio, the internet, email and television, and expressing views in letters to newspapers or in books, journals or notices or where it might be expected that publication or circulation of the comment would spread to the wider community.

There needs to be a clear distinction between any public comments made as a private citizen and that which is made as a government or OEH official (see Political and Community Participation below).

As private citizens, we have the right to make public comment and to enter into public debate on political and social issues. However, there are some circumstances when such public comment is inappropriate, such as where:

- we may be seen as being associated with OEH
- comment may be seen or interpreted as the official position of OEH
- comment may be seen or interpreted as an OEH officer criticising the policies and practices of the government of the day, the Minister for Environment and Heritage or OEH
- making a public comment would compromise our ability to carry out our duties in a competent and efficient manner
- comment would create the public perception that we are not prepared to implement or administer the policies and practices of the government of the day
- making a public comment would involve releasing confidential information, or any other information not publicly available, that is held by OEH.

To avoid any confusion, private citizen comments must not be made using any OEH resources (e.g. letterhead or email systems).

If the media contacts staff, they should not provide any comment on the issues raised unless specially authorised by OEH's media policy. Contact OEH Public Affairs for advice.

Private submissions to proposals or inquiries

In general, OEH staff can exercise the right of all citizens to provide submissions to public inquiries or proposals, except those initiated by OEH. Input to OEH inquiries and submissions should be made via internal channels. However, there are some significant restrictions placed upon this right to avoid the possibility of compromising OEH:

- We should not present our views as being the views of OEH.
- We should not use our positions with OEH to give greater status to our personal submissions.
- We should not release, paraphrase or otherwise use any confidential information or any other information not publicly available, acquired in the course of our employment or otherwise held by OEH. This could jeopardise the future supply of information to OEH and may have detrimental legal consequences.
- We should not use any OEH resources when producing our private submissions.

Political and community participation

As private citizens, staff have the right to be members of political parties and other political, special interest or community groups. However, it is necessary to consider whether involvement as members of such groups could lead to an actual or perceived conflict of interest and have an impact on OEH's reputation. As public employees, our primary duty is to serve the government of the day in a politically neutral manner.

We need to maintain Ministerial and public confidence in the impartiality of the actions and advice of public employees.

Staff must inform the Deputy Chief Executive or Executive Director, through their manager, as soon as they become aware that a potential conflict has occurred or might occur.

Depending on the circumstances, affected staff may choose to stop a particular political or community activity or, if possible, withdraw from the area of work where the conflict is occurring. If a manager becomes aware of a conflict of interest they have a responsibility to advise the staff member accordingly.

Special arrangements apply to public employees who are contesting State or Federal elections. Details of these arrangements are given in Part 5 sections 71 and 72 of the Government Sector Employment Act 2013 (GSE Act) refer to the <u>Public Service</u> <u>Commission website</u>.

Public release of information

OEH supports public participation and transparency of decision-making. We assume the information upon which we base our decisions will be publicly available. However, if our work involves access to confidential, sensitive, personal, commercial or political information, we need to guard against disclosing this information without clear authority. Unauthorised disclosures may harm individuals or organisations or provide an improper advantage to other parties. In this regard, staff should be careful not to release private information relating to fellow staff and clients, such as home addresses and private phone numbers.

The integrity and credibility of OEH may be damaged if the agency appears unable to keep its information secure. It is our responsibility to make sure that unauthorised people cannot access confidential information in any form, including computer files and emails. We should discuss sensitive information only with people inside or outside OEH who are authorised to have access to the information.

OEH releases information in various formats, including reports, brochures, booklets, and advice in print and on the internet. We can provide official information, when requested, that is already available to members of the public. However, other official information or documents should only be provided when:

- it is a normal part of the job and proper authority exists to provide the information
- it is a requirement to do so by law, e.g. subpoenas or requests under the <u>Government Information (Public Access) Act 2009</u> (refer requests to OEH's Governance Branch - Privacy and Information Access unit staff).
- the Legislative Council requests documents under the Standing Orders 52 provision.
- staff are called to give evidence in court.

In these cases, comments should be restricted to the facts and should not, as far as possible, express an opinion on official policy or practice unless required to do so (e.g. when being examined in court).

If it is not clear whether information is in the public domain, seek advice from team leaders / managers or an appropriate senior officer in the Governance Branch - Privacy and Information Access unit.

When information sought is not in the public domain, seek advice from the Privacy and Information Access Team in the Governance Branch about Privacy and Information Access procedures.

Use of public resources

Public resources include finances, equipment, people and information. As they are all publicly funded, it is important to ensure that OEH resources are directed toward the performance of OEH's public duties. In particular:

- ensure that OEH's plant and equipment are not used or borrowed for private purposes, other than in the limited circumstances discussed below
- ensure that OEH's facilities and equipment are used appropriately and efficiently
- ensure others do not use facilities and equipment inappropriately or inefficiently
- be effective and economical in the management of our own work time and others' time
- have proper authorisation when incurring expenditure on behalf of OEH
- do not use OEH's information for personal or other improper purposes.

Using OEH facilities and equipment for private purposes is not permitted, apart from a few limited circumstances. It may be acceptable to make minor use of some work facilities or equipment for private purposes. This could involve limited use of computers and printers for private assignments outside work hours. It may also include use of e-mails and phone calls during work hours to deal with family or business matters. The use should involve minimal cost and time for OEH.

OEH managers, or higher staff positions, may authorise the use of OEH office facilities, such as meeting rooms and equipment, for activities and meetings involving community or other voluntary organisations, where appropriate.

OEH vehicles should only be used for official purposes. For more information see OEH FBT Pool Car Policy (OEH staff access only).

For further information see chapter 8.8 of the NSW Government Personnel Handbook: Use of facilities and equipment. www.dpc.nsw.gov.au/publications/personnel_handbook

Sustainability issues at work

OEH is committed to being a model organisation in adopting sustainability principles. 'Sustainability' in this context refers to the environmental, social and economic aspects of how we do our work. It incorporates our current environmental strategies on waste and energy reduction as well as our social programs.

Our commitment to sustainability benefits staff and the community. It also reflects a number of government policies and directions that promote various elements of sustainability. These policies include the Government's Waste Reduction and Purchasing Policy, the Sustainability Policy and the Procurement Policy.

We are encouraged to be actively involved in our sustainability program and to apply the principles and recommended actions contained within our sustainability agenda. These principles and actions are reflected in existing OEH plans and programs. They will be progressively updated and integrated to reflect our greater commitment to a more holistic sustainability approach.

Ethics of professions

Some staff are members of a profession, e.g. lawyers, engineers, accountants and chemists. They may be required, or choose, to be a member of a relevant professional organisation. Those organisations may have a professional code of ethics or code of conduct that members are expected to uphold. In some cases, failing to uphold the code may mean that members are unable to practise their profession.

We need to be aware of the existence and impact of professional codes of ethics as they relate to OEH corporate values. OEH's Code of Ethical Conduct should not be in conflict with those professional codes. However, if conflicts do arise, they should be brought to the attention of supervisors. Managers will respect the professional ethics staff may have to comply with and will not expect them to act in a contrary manner.

Other employment or business interests

When considering new employment or business interests outside OEH, or if you have just joined OEH and already have a second job, it is necessary to consider whether work performance for OEH could be adversely affected and whether there is any potential for a conflict of interest.

Employees covered by the Government Sector Employment Act 2013 (GSE Act) must obtain written approval from management prior to accepting a second job, or if they already have a second job, continuing with it. The relevant delegated officer can approve outside

employment or business interests that do not involve an apparent conflict of interest. The People and Culture Division can provide information on who holds the appropriate delegation in your circumstances. Requests will be assessed on the basis of whether or not the second job could have an adverse impact on an employee's work for OEH. Any employment situations that involve, or have the potential to involve, a conflict of interest must always be referred to the Chief Executive. Approvals given for outside employment should be reviewed each year. All areas should establish and maintain a register to record secondary employment declarations and approval details. Those details must be forwarded to the People and Culture Division where a central register is maintained.

Even though some employees, such as contractors and agency temporary staff, are not covered by the GSE Act the same principles apply: we need to consider whether outside employment or business could have an adverse impact on work for OEH. In these cases where there is a potential or perceived conflict of interest staff should discuss the issue with their manager.

Employment after leaving OEH and dealing with former employees

Particular care should be taken to avoid allowing decisions and actions to be influenced by plans for, or offers of, employment outside OEH. If we allow ourselves to be influenced in this way, we will be creating a conflict of interest and risking our own and OEH's integrity.

Obtaining employment with an organisation that has a business relationship with OEH, or is regulated by OEH, creates a difficult ethical situation. In this circumstance, it would be unethical to release, use or otherwise take advantage of confidential or sensitive information we had access to while an OEH employee. We must also respect OEH's intellectual property rights over material it has produced. This means not using or profiting from such information unless it becomes publicly available.

On leaving OEH, we must return all equipment and resources issued including access cards, any OEH records or other information, and library books that may have been taken away from work.

When dealing with former OEH employees, we must make sure that we do not give them, or appear to give them, favourable treatment or access to information that is not publicly available.

Lobbying

All persons employed, contracted or engaged by OEH must comply with the NSW Government Lobbyist Code of Conduct

(<u>http://www.dpc.nsw.gov.au/ data/assets/pdf file/0017/32066/Lobbyist-Code-amendments-2013-strict.pdf</u>) published on the Department of Premier and Cabinet's website.

Lobbying is a very broad term and includes any attempt to influence a Government representative in the exercise of their official functions on behalf of a third party.

Lobbying does not necessarily need to involve a formal meeting. Lobbying activities can be conducted over the phone, in writing (including by email), or in an informal setting in or outside of the work environment. Lobbyists need to be registered before they can lobby NSW Government representatives or Government Members of Parliament.

The Lobbyist Code of Conduct defines a "lobbyist" and sets out the key responsibilities of lobbyists and Government officials, including not permitting lobbying by unregistered lobbyists; informing lobbyists of their obligations to be registered and, when necessary, declining further contact; and reporting breaches of the Code.

The NSW Government Lobbyist Code of Conduct and the Lobbyist Register are together intended to ensure that contact between lobbyists and Government representatives is conducted in accordance with public expectations of transparency, integrity and honesty.

In any interactions between lobbyists and Government, we must be mindful of their broader legal and ethical obligations. These include the obligation to act with integrity and honesty, and to avoid conflicts of interest. A Lobbyist Query Flowchart (<u>http://www.dpc.nsw.gov.au/prem/lobbyist register/questions and answers</u>) is available to assist in cases where you are contacted by a person who requests a meeting in order to make representations to you or other Government officials. If you need further assistance, seek advice from the Probity Team, Governance Branch.

OEH employees charged with criminal offences

Staff who may have been charged with a criminal offence punishable by imprisonment for 12 months or more must immediately advise their Executive member, through their reporting officer. The People and Culture Division will be consulted for advice as to what actions may have to occur.

Staff may be facing minor charges. In these cases, if the offence is not punishable by 12 months or more imprisonment, it should only be reported if it is possibly connected to, or has a bearing on, employment with OEH.

For example, in most circumstances a traffic infringement normally would not need to be reported, even if work involves driving on a regular basis. However, if the infringement results in a driving licence suspension and work involves driving, then the offence will have a bearing on our employment with OEH. We would need to inform our reporting officer.

As another example, if the offence involved misappropriation of funds and the work to be performed with OEH involves authorising expenditure, then the offence could have a bearing on work and must be reported.

Action taken by OEH will depend on:

- the nature and circumstances of the alleged crime
- its relevance to the work to be performed
- any mitigating factors.

These factors will determine not only what action, if any, is taken by OEH in the event of a conviction, but also whether any action should be taken pending the outcome of the legal proceedings. If there are any doubts or concerns about whether to report an offence, we should contact the People and Culture Division to discuss the matter in confidence.

Working with children

Some work in OEH falls within the requirements of child protection legislation because it involves unsupervised contact with children. The Commission for Children and Young People Act 1998 and the Child Protection (Prohibited Employment) Act 1998 are designed to ensure that people who may pose a risk to children do not work with them. The legislation means that for some positions, OEH staff and volunteers, such as Discovery rangers and community programs staff, will be required to undergo a 'working with children' check.

Staff in certain positions may be asked to provide a declaration about whether they have any convictions for child-related offences, or have faced disciplinary proceedings that involve children. When a declaration is made, OEH will contact other departments

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to confirm the advice. It is important to notify your reporting officer if your work involves unsupervised access to children and you face proceedings that might fall within the child protection legislation. For information about the working with children check, see http://www.kidsguardian.nsw.gov.au/working-with-children.

Dress and uniform

Staff's appearance when representing OEH can reflect on the agency. Where uniforms are provided, it is important to bear in mind that they associate us with OEH even when we are not at work. In some circumstances, it may not be appropriate or advisable to wear uniforms outside work hours. For example, it would not be appropriate to wear the uniform to a political protest because it may lead to our personal views being taken as those of OEH.

Uniform and non-uniform dress in all workplaces, especially where we can be viewed by members of the public, should meet the community's expectations for professional service delivery. The full uniform must always be worn in a clean and neat manner and not combined with other clothing.

For additional information see Appropriate Use of Uniforms guidelines (OEH staff access only).

Drug, alcohol and other personal problems

It is our responsibility to make sure that alcohol and drugs do not impair work performance or the safety or performance of others. OEH staff must ensure that they do not drive vehicles or operate plant / machinery while impaired by drugs or alcohol, including prescribed medicines.

The consumption of alcohol or other drugs can also adversely affect OEH's image in dealing with others. We must be responsible at all times and be aware of the impact our actions may have. Similarly, we must inform supervisors if we are taking medication that may affect work.

If we experience problems affecting work or home life, we have access to the Employee Assistance Program to provide free professional, confidential counselling services to OEH staff and members of our immediate family. We can be assured of complete confidentiality as OEH is not told about whom uses the service or the individual matters discussed. For an appointment, phone toll free 1300 360 364.

See also the Safety and Alcohol While Fire Fighting document (OEH staff access only).

Information technology use

Premier's Circular 99-9 requires all NSW public sector agencies to ensure that IT resources are used appropriately. We need to ensure that:

- computer resources are used for OEH business purposes
- pornographic, sexually explicit and other offensive or defamatory material is not accessed or sent
- the security of our IT systems is maintained to prevent access to confidential information by unauthorised people
- the integrity of OEH data and IT systems is maintained.
- We must understand and comply with the following protection requirements:
- Access to the internet, e-mail services and mobile phones is provided for OEH business use.
- Using OEH's computer resources to seek out access or send any material of an

offensive, obscene, pornographic, threatening, abusive or defamatory nature is prohibited.

- Unauthorised or unacceptable use of OEH's computer resources may result in disciplinary action.
- Passwords must be memorised and kept secret. They are not to be written down or disclosed to any other person, including a supervisor or fellow worker.
- Unauthorised computer software is not to be downloaded to OEH computer equipment.
- Access to the internet should be via officially approved mechanisms only.
- OEH may monitor computer systems.
- Only limited personal use is permitted. For more information, see OEH's:

Network Acceptable Use Policy (includes emai/l internet usage) (OEH staff access only)

Password Policy (OEH staff access only)

Mobile Telephone and SMS Usage Policy (OEH staff access only)

Discrimination and harassment

Harassment of, or unfair discrimination against, staff or members of the public is not acceptable in any circumstances or for any reason including:

- gender
- physical appearance
- marital status
- pregnancy
- age
- race
- ethnic or national origin
- physical or intellectual impairment
- sexual preference
- religious or political conviction
- carers' responsibilities.

Examples of harassment include:

- verbal abuse or threats
- unwelcome remarks, jokes, innuendoes or taunting about a person's body, attire, marital status, sex, pregnancy, ethnic or national origin, sexual lifestyle or disability
- displaying or electronically transmitting sexually suggestive, racist or other offensive or derogatory material
- physical intimidation
- practical jokes which may cause awkwardness or embarrassment
- persistent and unwelcome invitations, requests or intimidation
- leering and/or other offensive gestures

• persistent and unwelcome physical contact such as patting, pinching, punching or touching.

Instances of harassment or unfair discrimination should be reported to your manager or other senior officer (OEH Respectful Workplace Policy and Procedures) and the NSW Government Personnel Handbook for further guidance).

Reporting and assessing unethical and corrupt conduct

Protected disclosures

We have a responsibility to report any instances of corruption, maladministration and waste by public officials or other public employees. We are protected when we make such reports by the terms of the Protected Disclosures Act 1994.

The Act provides certain protection against reprisals for employees who voluntarily report such matters either to nominated Protected Interest Disclosure (PID) Officers, the Chief Executive, the Director Governance (who is the OEH PID Coordinator) or to one of three investigative bodies (ICAC, the NSW Ombudsman or the NSW Auditor-General). Such protection does not apply to vexatious or malicious allegations.

OEH is strongly committed to the aims and objectives of the PID Act and has established a protected disclosure reporting system that is designed to encourage and protect such disclosures. If staff provide information about possible corruption, maladministration or waste, but for whatever reason elect not to make a formal protected disclosure, OEH will still provide similar protections to those provided by the Protected Disclosure Act (except where the allegations are vexatious or malicious).

Grievance procedures

We all have the right to complain about and seek resolution of our concerns about OEH decisions or actions that affect us, interpersonal conflicts with other staff, or issues such as harassment and bullying. There are established procedures to deal with such grievances while protecting the interests of all parties involved. For more information, see the OEH Respectful Workplace Policy and Procedures available on OEH Intranet. You can also contact Employee Relations.

Complaints

Complaints usually arise because of client dissatisfaction with the quality of our service or where they do not agree with our actions or decisions. Generally, if the complaint is routine it may be resolved locally. However, if the complainant alleges potential corruption or other significant issues (e.g. service delivery system problems) they will be investigated more formally. In these circumstances, or for general information, contact the Governance Branch. Also see the OEH Policy and approach for managing external complaints and allegations on the OEH website.

Compliance with this code

We are all expected to foster an ethical and equitable work environment, free of harassment, discrimination, victimisation, corruption, maladministration and waste. As individuals, we are ultimately responsible for our own acts, omissions and behaviour.

As managers, we should be role models for staff and our behaviour must be beyond reproach. It is our responsibility to ensure that staff under our supervision understands

their duties, performance expectations and the ethical principles contained in this Code. We are accountable for identifying and correcting any behaviour that occurs in our workplaces contrary to the Code of Ethical Conduct. Supervisors are expected to take immediate and appropriate steps to address any apparent problems, as well as to implement preventive and awareness measures, such as training, to deal with harassment and discrimination.

Managers should seek guidance, if necessary, from their own managers or senior People and Culture staff.

Acting contrary to the principles contained in this Code may lead to disciplinary action by OEH. Disciplinary action may include counselling, official notice of unsatisfactory performance, dismissal or prosecution.

Legislation, awards and policies applying to staff

As OEH employees, our rights are set out under the relevant employment laws as well as under the Government Sector Employment Act 2013 (GSE Act) and local award arrangements, and associated NSW public service and OEH policies and procedures.

The main legislation, industrial instruments, policies and directions relevant to us as OEH employees include:

- Staff and administrative notices
- OEH procedure guides
- Responsibilities included in the legislation administered by OEH
- NSW Public Service Commission "Behaving Ethically" a guide for Public Sector Government Employees.
- NSW Government Personnel Handbook
- Anti-Discrimination Act 1977
- Commission for Children and Young People Amendment Act 2005 No 108 (formerly the Commission for Children and Young People Act 1998 and Child Protection (Prohibited Employment) Act 1998).
- Crimes Act 1900
- Government Information and Public Access Act 2009
- Independent Commission Against Corruption Act 1988
- Industrial Relations Act 1996, No. 17
- Work Health and Safety Act 2011 and relevant OEH policies.
- NSW Ombudsman Act 1994
- Privacy and Personal Information Protection Act 1998
- Protected Disclosures Act 1994 (PID Act)
- Public Finance and Audit Act 1983, No. 152
- NSW Government Sector Employment Act 3013 (GSE Act)

Conclusion

OEH is committed to maintaining a workforce characterised by the highest standards of conduct and ethics. Ultimately, we are all responsible for maintaining standards that inspire public confidence and trust in the work of OEH.

This OEH Code of Ethical Conduct is intended to assist us in undertaking our duties in an ethical, professional manner. However, if you are unsure of the appropriate course of action in a particular circumstance, you should discuss the matter with your reporting officer in the first instance. If this is not practical, you can contact your manager or director. Staff in the Governance Branch will also provide general advice about ethical issues and procedures.