



Code of Conduct and Ethics

Policy

September 2019

Acceptance and release notice

This Policy is a managed document. The distribution list identifies the current version of the guidelines. Changes will be issued as a complete replacement document. This policy is due for review after a period of 3 years or as necessary.

Version control and distribution

Issue	Date Issued	Amendments made
1	December 2001	First release of Policy
2	July 2010	Policy review
3	June 2012	Additional of Section 4 Restricted Companies
4	December 2017	Policy review and aligned with GSE Act 2013
5	February 2018	Policy finalised and released to staff
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1 Introduction

IPART has reasonable expectations on the conduct of its employees in order to protect its reputation so that we can continue to provide independent regulatory decisions and advice to protect and promote the ongoing interests of the consumers, taxpayers and citizens of NSW.

1.1 Purpose

This Code of Ethics and Conduct (the Code) provides you with an ethical framework for your decisions, actions and behaviour as an employee of IPART. It outlines the principles for appropriate conduct and explains the standard of behaviour expected of you and others employed by the NSW Government. It is part of your employment contract.

IPART acknowledges that it is not possible to provide detailed guidance in relation to all situations where ethical conflicts might arise. For this reason, if in any doubt, you should discuss decisions, actions and behaviour with the relevant member of IPART's Senior Executive, or Human Resources.

This Code applies at all times when you are acting in the course of, or in connection with, NSW government sector employment including when you are representing IPART at meetings, attending conferences and training events, travelling for work purposes and attending work-related functions.

We have developed this Code based on IPART's purpose and values and the *Government Sector Employment Act 2013 (GSE Act 2013)* and the Public Service Commission's [Behaving Ethically: A Guide for NSW government sector employees](#)

1.2 Scope

This Code applies to:

- The Chief Executive Officer (CEO)
- Tribunal and committee members
- Senior Executives which includes the Executive Leadership Team and Directors
- All managers and employees whether employed on a permanent, temporary or casual basis
- Any employee of another public sector agency on secondment to IPART
- All contractors and agency staff engaged to perform work for or on behalf of IPART.

Members of boards and committees engaged on a fee-for-service basis must comply with *M2013-06 NSW Government Boards and Committees Guidelines* and are therefore not bound by this Code.

In addition, employees are subject to all laws applying to public sector agencies, in particular the *GSE Act 2013*, as well as other general laws affecting your employment relationship, including those listed under related legislation.

This Code does not prevent you from having all the normal rights of an employee under common and statute law, and you are not subject to unnecessary restrictions simply because you work for the NSW State Government.

This Code includes the requirements of the Code of Ethics and Conduct for NSW government sector employees, issued by the Public Service Commissioner.^a

^a Public Service Commissioner Direction No 1 of 2015 under the Government Sector Employment Act 2013, 20 April 2015

2 IPART's values, the government sector ethical framework and mandatory conduct

As an independent and separate public service agency, IPART has established its own purpose and values. However, employees under the *GSE Act, 2013* must also apply the NSW Public Service values and adhere to the Government's ethical framework.

This chapter sets out these two requirements and discusses how they are aligned and also sets out mandatory conduct for all employees.

2.1 Purpose and values

IPART is an independent organisation that provides independent regulatory decisions and advice to protect and promote the ongoing interests of the consumers, taxpayers and citizens of NSW.

You must always act so as to protect IPART's reputation for independence, impartiality and professionalism and to model IPART's values of integrity, trust and excellence.

2.2 Ethical framework for the government sector

You must also comply with the NSW Government's ethical framework.^b

The framework comprises an objective and core values and the principles to guide their implementation.

2.2.1 The objective

The objectives of the [NSW Government's ethical framework](#) are to:^c

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

^b Part 2 of the *GSE Act 2013* establishes the Ethical framework for the government sector.

^c Public Service Commissioner Direction No 1 of 2015 under the *Government Sector Employment Act 2013*, 20 April 2015

2.2.2 Core values and the principles to guide their implementation

The core values for the government sector and the principles that guide their implementation are:^d

Integrity

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

Trust

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

Service

- Provide services fairly with a focus on customer needs
- Be flexible, innovative and reliable in service delivery
- Engage with the not-for-profit and business sectors to develop and implement service solutions
- Focus on quality while maximising service delivery.

Accountability

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

^d Public Service Commissioner Direction No 1 of 2015 under the *Government Sector Employment Act 2013*, 20 April 2015

2.3 How IPART's values and the NSW Government ethical framework align

IPART's values are more targeted than, but consistent with, the NSW Government's values under its ethical framework. You must comply with both sets of values.

2.4 Mandatory conduct

Under the Code of Ethics and Conduct for NSW Government employees, **all employees** have responsibilities to:

- Demonstrate high levels of personal conduct consistent with the Ethical Framework
- Seek assistance when unsure about how to implement the Ethical Framework
- Promote the implementation of the Ethical Framework to their colleagues
- Report possible breaches of the Ethical Framework to relevant IPART employees
- Demonstrate ethical, efficient and safe work practices
- Maintain the integrity and security of official documents or information.

All managers and Senior Executives have the responsibilities of government sector employees (above), and in addition have responsibilities to:

- Lead and promote implementation of the ethical framework in their workplace
- Ensure their workplace culture, practices and systems (including recruitment and promotion) operate consistently with the ethical framework
- Recognise and promote employee and team conduct that exemplifies the ethical framework
- Act promptly and with due process to prevent and address any breaches of the ethical framework
- In the case of a Senior Executive (including an acting Senior Executive), declare in writing private interests that have the potential to influence, or could be perceived to influence, decisions made or advice given by the Senior Executive
- Ensure that any real or perceived conflicts of interest are avoided or effectively managed.

IPART also expects its managers and Senior Executives to:

- Provide IPART employees who report to them with information about the objectives and duties of their role
- Maintain open, honest, respectful and thorough communication with all IPART employees, including communicating standards of conduct and behaviour in the workplace
- Allocate work fairly and ensure that IPART employees have the resources and support required to do their job
- Inform IPART employees of performance standards expected of them and objectively assess their performance against these standards

- Ensure IPART employees can access current standards, policies and procedures and are kept informed of relevant changes
- Ensure IPART employees have equal access to information, training and development opportunities
- Support the right of IPART employees to raise workplace concerns, grievance complaints or allegations of discrimination, harassment and workplace bullying through internal and external processes
- Ensure equity in employment and the workplace is free from discrimination, harassment and bullying
- Establish, maintain and monitor the effectiveness of internal controls to minimise the risk of fraud and corruption
- Take corrective action where unacceptable behaviour or practices are identified.

3 Applying the code and relationships with other policies

This chapter sets out a list of requirements and expectations to guide you in your conduct and to protect IPART, including activities requiring disclosure, behaving appropriately, managing information and complying with other IPART policies.

3.1 Activities requiring disclosure

Transparency is one of IPART's guiding principles. Being transparent allows IPART to manage risks. Therefore there are a number of matters that we require you to disclose, as relevant.

3.1.1 Gifts and benefits

IPART's reputation for integrity and professionalism rests in part on the community being confident that we are not influenced by gifts, benefits or bribes.

The principles that apply to offer and acceptance of gifts or benefits are outlined in IPART's [Gifts and Benefits Policy](#).

Key elements include, IPART employees must not accept:

- A gift or benefit as an inducement to act in a certain way or where there could be a perception it has been offered as such an inducement
- Cash, cheques, money orders or gift vouchers
- A gift or benefit to be provided to a family member, friend or associate
- A gift or benefit if you are unsure if you should
- A gift or benefit valued at over \$100 (unless approved by an Executive Leadership Team member).

You must report any offers of gifts or benefits of this nature to the relevant member of IPART's Senior Executive r and make a record of the offer in the IPART [Gifts and Benefits Register](#).

3.1.2 Conflicts of interest

Conflicts of interest exist when it is likely that you could be influenced, or could be perceived to be influenced, by a personal interest in carrying out your public duty. Conflicts of interest that lead to partial or biased decision-making may constitute corrupt conduct.

In performing public sector duties you may find yourself confronted with a conflict of interest. Having a conflict of interest is not necessarily a problem; how it is managed is what's important.

The community has a right to expect that IPART Tribunal members and employees at all levels of IPART perform their duties in a fair and unbiased way and that the decisions they make are not affected by self-interest, private affiliations, or the likelihood of personal gain or loss.

Actions you should take include:

- Always disclose existing, actual or potential conflicts of interest to your manager or any other relevant employee that should be aware of this as soon as you become aware of the conflict
- Even if there may only be the appearance of a conflict of interest, declare this to your manager as soon as you become aware of it
- Where a conflict of interest occurs it should always be resolved in favour of the public interest, rather than your own
- You should disclose the conflict of interest in writing to your manager, Executive Leadership Team member, Principal Risk Officer or Chief Audit Executive.
- The conflict is then considered and details are forwarded to Human Resources who will update the register of interests.

To resolve any conflicts of interest that occur, or could occur, a range of options is available depending on the significance of the conflict. These options can be found in the IPART's [Conflict of Interest Policy](#).

3.1.3 Restricted Companies

Annually, and as required, IPART will notify IPART Tribunal members and employees that certain companies are 'restricted companies'. You must not control, purchase or sell securities, shares, debentures, futures, units, commodities or any other interest in these restricted companies.

If you have control over the trading activities of a spouse, partner, or family member you must ensure that these trading activities are completed in accordance with this Policy.

If you are uncertain about a particular company or related relationship being classed as 'restricted' then you should discuss the issue with the relevant manager or member of IPART's Senior Executive.

Tribunal and Committee members and employees are required to sign the Restricted Companies Declaration at the end of each financial year to confirm that they have not engaged in any trading activities and/or hold a financial interest in a restricted company, or otherwise engaged in any activity with respect to these companies.

3.1.4 Other paid employment

You must have the formal written approval from the CEO (or delegate) before you engage in any form of paid employment outside your official duties.^e

Tribunal and Committee members, contractors, casuals and the Audit and Risk Committee are not required to gain approval for outside employment provided that they undertake the work during the period they are not required to work for IPART, and provided that there is no perceived or real conflict of interest with IPART activities.

You must also carefully consider whether undertaking other paid employment may adversely affect the performance of your duties and responsibilities with IPART or give rise to a conflict of interest. This applies whether you are working full-time, part-time, temporary, or a contract basis.

Generally, applications for permission to undertake other paid work must meet the following criteria:

- The proposed employment would not result in a conflict of interest for IPART, either real or perceived
- The proposed employment is not likely to impact on availability for duty or work performance
- Engagement in the proposed employment is not likely to bring IPART or the public sector into disrepute.

Where the CEO grants approval, it will be for the current calendar year. You must seek approval to engage in other paid work at the beginning of each year or when their work arrangements change.

Where there has been any material change in the nature or circumstances of approved other paid work, or your duties with IPART have changed to the extent that they could conflict with previously approved other paid work, you must submit a revised application.

3.1.5 Political and community participation

You must make sure that any participation in party political activities does not conflict with your primary duty as an employee to serve the government of the day in a politically neutral manner. This is important because of the need to maintain Ministerial, Tribunal and public confidence in the impartiality of the actions taken and advice given by you as an employee.

What is appropriate in any particular case will depend on the nature of the issue, the role you hold, the extent of your participation, and your public prominence. If you become aware that a potential conflict of interest has arisen or might arise, you must follow the disclosure process outlined in IPART's [Conflict of Interest Policy](#).

The CEO (or delegate) may instruct you to stop the political activity or withdraw from the areas of your work where the conflict is occurring.

^e Clause 7 of the *Government Sector Regulation 2014*

IPART supports voluntary participation in community organisations, charities and professional associations. Such participation **does not** require approval unless the involvement is likely to, or be perceived to conflict with, or affect the efficiency or performance of your official duties.

3.1.6 Criminal charges, convictions and bankruptcy

As part of employment at IPART, criminal records checks are completed by Human Resources on all new IPART employees. We also conduct probity and educational checks as required.

You are required by law to immediately notify the CEO in writing (through Human Resources) if you have been charged with an offence with a possible penalty of imprisonment for 12 months or more, or if you have been convicted of any such criminal offence. Failure to do so may result in formal action.

If you are facing charges where the penalty is less than 12 months imprisonment, the charge must only be reported if it is possibly connected to, or has a bearing on, your employment with IPART.

You are to immediately notify the CEO in writing through (Human Resources) if you:

- Become bankrupt
- Make a composition, arrangement or assignment for the benefit of creditors.

Action taken by IPART, if any, will depend on the nature/circumstances of the situation, its relevance to your work and any mitigating factors. If unsure, contact the Human Resources Manager to discuss the matter in confidence.

3.2 Behaving appropriately

It is essential that employees behave appropriately and with professionalism at all times.

3.2.1 Alcohol or substance abuse or misuse

You are responsible for ensuring the health and safety of yourself and of others.

In particular, you are responsible for ensuring that you do not, by the consumption of alcohol or other drugs, endanger your own safety or the safety of any other person, including customers or clients, in the workplace.

Alcohol and other drugs include alcohol-based products, tobacco, illegal drugs, and medically prescribed and non-prescribed substances, which adversely affect your work performance or conduct.

In the context of this Code, "under the influence" is defined as an obvious state of disturbance to one's physical and/or mental faculties that impairs their performance, or that may pose a risk to themselves or other IPART employees or members of the public.

Workplace means any place where work is performed and includes government vehicles and off-site areas.

You must not attend work or conduct business on behalf of IPART if you are under the influence of alcohol or other drugs that are likely to adversely affect your ability to do your job or may pose a risk to yourself, your colleagues or members of the public.

If you or someone in your family is having problems with alcohol or drugs, you may wish to contact the [Employee Assistance Program](#) for support and guidance.

3.2.2 Misconduct

Serious allegations or incidents where the facts are unclear are more likely to be considered as allegations of misconduct. Examples include assault, theft, blatant disregard for policies, or other serious actions that may require investigation.

Misconduct involves improper, wrong or potentially unlawful conduct that is outside of policy, directions or the law. It usually involves an allegation of an employee's act or omission arising from negligence or with intent.

You must raise all actual or perceived incidences of misconduct in the first instance with your manager and/or the Human Resources Manager. A finding of misconduct may result in actions ranging from a caution to termination of employment.

If a matter proceeds to an inquiry, the inquiry is to be conducted in accordance with *Section 69 of the GSE Act 2013 and Government Sector Employment Rules 2014* (GSE Rules 2014) which require compliance with the principles of procedural fairness.

3.2.3 Use of official facilities and equipment

Reasonable personal use of telephones, facsimiles, email, and the internet is permitted, but you must not allow such use to be excessive or to disrupt official work and it must be in accordance with IPART's [User Security Awareness and Acceptable Use Policy](#).

IPART's communication devices, including the IPART-provided internet, may not be used to browse or download illegal, inappropriate or offensive material. When you use IPART internet and email facilities, the use must be appropriate, lawful, efficient, proper and ethical and in accordance with the relevant IPART policies.

You shall not use credit cards issued by IPART for your own personal use. IPART facilities and equipment should only be used for private purposes when official permission has been given. Under no circumstances should facilities or equipment be used in connection with an employee's other paid employment or private commercial dealings (i.e. directorships of family or other companies).

When using IPART's electronic systems you must be aware of the conditions of use, including not using other people's passwords and maintaining your own passphrase security. You must also be aware that electronic systems are closely monitored and information that is stored on, or passes across, a corporate system is considered IPART information and may be viewed, stored or deleted as deemed appropriate by the IT Team.

3.2.4 Personal and professional behaviour and performance

You must follow the reasonable direction of your manager, attend work during your designated hours except in the case of illness or approved leave, and carry out your duties in a professional manner.

Your duties are to be performed to the highest standards as outlined in your role description, performance agreement or other documentation that sets performance expectations.

All IPART employees (except Contractors, and Tribunal and Committee members) are required to actively participate in the IPART Performance and Enhancement Scheme (PES). The PES program comprises ongoing (both informal and formal) discussions between IPART employees and their managers covering the setting of clear objectives, giving and receiving of constructive feedback on performance, values and behaviours and identification of career and professional development activities.

3.2.5 Bullying and Harassment

IPART will not tolerate bullying and harassment.

Bullying and harassment are behaviours that are repeated, unwelcome and unsolicited, considered offensive, intimidating, humiliating or threatening by the recipient or others who are witness to or affected by it.

Bullying behaviour may be directed upwards or downwards and towards co-workers. The following, where repeated or occurring as part of a pattern of behaviour, could be considered bullying:

- Ridiculing or putting down other colleagues
- Directing loud and abusive, threatening or derogatory language particularly when other IPART employees are present
- Leaving offensive messages on email or by telephone, including offensive messages through the use of SMS and material posted on the internet
- Subjecting others to practical jokes
- Deliberately excluding someone from workplace activities
- Withholding information that is vital for a worker or workers to perform effectively.

All IPART employees (especially managers) should speak up against and/or report (depending on the severity of the conduct) bullying behaviour that they witness. This will help prevent the recurrence and escalation of bullying behaviour.

If you believe that you are being bullied or harassed at work contact your manager in the first instance, or Human Resources.

For further information refer to the: [Anti-Discrimination Board website](#).

3.2.6 Discrimination

NSW and Commonwealth legislation protects people from discrimination on the grounds of their sex, gender identity, sexual orientation, marital, parental or carer status, pregnancy, age, disability, race, and political or religious belief.

If you believe there is discrimination at work, contact your manager in the first instance, or Human Resources.

For further information refer to the: [Anti-Discrimination Board website](#).

3.2.7 Dress standard

As a member of an organisation setting the standard for the public sector, you should dress in a clean, neat and professional manner. Your appearance and hygiene is important in promoting IPART's professional image.

In choosing to exercise any special arrangements, employees are to consider whether they have meetings with external parties and public contact.

3.2.8 Corrupt conduct and fraud, maladministration, waste and government information contravention

You must uphold the law in exercising your day to day work duties at IPART. You should report suspected corrupt conduct, maladministration, substantial waste of public resources and government information contravention.

Disclosures should be made in accordance with the procedures described in the IPART [Public Interest Disclosures - Internal Reporting](#). The [Public Interest Disclosures Act 1994](#) provides protection against reprisals for IPART employees who report wrongdoing (note: the disclosure must be made in accordance with the provisions of the Public Interest Disclosure Policy and Act).

Corrupt Conduct and Fraud

Corrupt conduct is conduct of any person (public employee or not) that adversely affects the honest or impartial exercise of official functions by any public official or authority.

Examples of corrupt conduct may include:

- Providing a contractor with work in return for a personal benefit
- Theft and misappropriation of IPART material or financial resources
- Offering or accepting bribes, commissions or secret payments to provide unfair advantage to contractors or particular clients
- Accepting a personal gift or benefit from a client in return for providing services
- Partiality (i.e. bias)
- Breach of trust (i.e. misuse of your role)

- Fraud and attempts at fraud
- Forgery, and making false or fraudulent claims (e.g. working hours, expenses, vehicle usage log and creating false evidence)
- Misuse or unauthorised disclosure of information held or maintained by IPART, for personal gain.
- The Chairman and CEO have a responsibility under Section 11 of *the Independent Commission Against Corruption Act 1988* to report suspected corruption. For further information refer to the [Independent Commission Against Corruption's website](#).
- In IPART's [Fraud and Corruption Control Charter](#), fraud is defined as any practice that involves the use of deceit to confer some form of financial benefit upon the perpetrator (either directly or indirectly) and results in some form of material loss to a person, persons or organisation. Fraud is also deliberate and premeditated deception to gain advantage from a role of trust or authority.
- For further information refer to the [Audit Office of NSW website](#).

Maladministration

Maladministration involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive, improperly discriminatory or based on improper motives.

The following examples could be considered maladministration:

- Approving allowances for IPART employees that they are not entitled to
- Unauthorised disclosures of confidential information
- Making decisions without authority
- Serious delays in making a decision or taking action
- Applying a policy inflexibly without regard to the merits of an individual case
- Decisions or actions not justified by any evidence or that are unreasonable
- Abuses of power, intimidation or harassment
- Inconsistent application of a law, policy or practices when there is no reasonable, justifiable or appropriate reason to do so.

For further information refer to the [NSW Ombudsman website](#).

Serious and Substantial Waste

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources which results in a loss/wastage of public funds/resources.

For further information refer to the: [Audit Office NSW website](#).

Government Information Contravention

Government information contravention means a failure to carry out the functions required by the *Government Information (Public Access) Act 2009* (GIPA Act). Under this Act, citizens have a right to access most information held by the NSW Government to foster a government that is open, accountable, fair and effective. For further information refer to the: [NSW Information and Privacy Commission website](#).

If you receive a GIPA Act enquiry, please direct it to IPART's Right to Information Officer.

3.2.9 Close personal relationships and private interests

At times we may have a close personal relationship with a colleague and be required to work closely with that person. In the workplace, this could be seen as compromising our capability for ethical and fair work allocation or impairing our decision-making.

IPART is committed to fostering a professional work environment, demonstrating fair and impartial treatment for everyone. This includes a commitment to avoiding perceptions of favouritism, claims of lack of objectivity in managing performance, and complaints of sexual harassment, or even the appearance of impropriety. Consequently, employees must not favour any other colleague in work allocation, recruitment actions or the like on the basis of any personal friendship or financial or social relationship.

Close personal relationships are not grounds alone for refusing promotional, transfer or other employment opportunities or work allocation. Under anti-discrimination legislation it is unlawful to disadvantage someone because of their marital status or relationships.

3.3 Managing information

Information is critical to IPART conducting its business and, therefore, you must manage information carefully.

3.3.1 Records Management

IPART employees need to be aware of and comply with the [State Records Act 1998](#) and IPART's [Records Management Policy](#).

You have a responsibility to create and maintain full and accurate records of your activities, decisions and other business transactions, to capture records into official records systems, and not to destroy records without appropriate authority. Managers have a responsibility to ensure that IPART employees reporting to them comply with their records management obligations.

3.3.2 Protecting Government Information

IPART is committed to applying an appropriate level of security to protect the confidentiality, integrity and availability of its information. IPART employees must comply with information protection laws and IPART's [User Security Awareness and Acceptable Use Policy](#) and related policies.

As a general rule, you may disclose official information that is normally given to members of the public seeking that information. Disclosure of other official information or documents is allowed:

- In the course of duties and when proper authority has been given to do so, or
- When required to do so by law, or when authorised to do so by law.
 - Confidential information including commercial, sensitive, or personal information, about IPART employees, clients and stakeholders must be securely managed and used appropriately
 - You must not access, disclose, discuss or use any confidential information without official approval and must ensure that unauthorised people cannot access confidential information in any form
 - Unauthorised disclosure may cause harm to individuals or give an individual or another organisation an improper advantage. The integrity and credibility of IPART may also be damaged if it appears unable to appropriately secure its information.

You should be careful about the content of information you access and distribute, particularly information transmitted in digital format. In undertaking your duties you should consider issues of privacy, security, copyright and authorisation.

Further guidance on information security including handling and labelling sensitive information is detailed in IPART's [User Security Awareness and Acceptable Use Policy](#).

If you are unsure about disclosing any information, you should seek the advice of your manager or Executive Leadership Team member prior to releasing the information

Refer to IPART's [User Security Awareness and Acceptable Use Policy](#). These principles also apply after you cease employment with IPART.

3.3.3 Intellectual Property

Intellectual property can include rights relating to scientific discoveries, industrial designs, trademarks, service marks, software development, commercial names and designations, inventions and activity in the industrial, scientific, literary or artistic fields.

You need to ensure when creating materials that the intellectual property rights of others are not infringed. Any third party copyright or other rights information is to be recorded in the materials.

The copyright of material created by you in the course of your work belongs to IPART. You must not use IPART's intellectual property (including copyright) for private purposes without obtaining written permission from the CEO.

3.3.4 Privacy and Personal Information

It is important that the community has confidence that personal information acquired and/or held by IPART will be kept confidential as required under law. You must ensure that personal information must only be used for the official purposes for which it was collected.

You need to be aware of and comply with the [Privacy and Personal Information Protection Act 1998](#) and the [Health Records and Information Privacy Act 2002](#) which provide protections around information collected and/or held by a public agency about a person. This includes the collection, storage, use, access, correction and disclosure of personal information.

3.3.5 Commenting publicly on the work of IPART and making speeches

Public comment includes appearance before parliamentary committees, public speaking engagements, and comments to radio, television or print reporters. It also includes letters to newspapers, comments in books, journals or notices on internet sites, social media sites, or broadcast by electronic means (for example twitter and email) or any other circumstances where it could be expected that the comments will spread to the community at large.

All interaction with the media must follow IPART's [Media and Communications Policy](#).

Outside your work, you have a right to comment publicly on political and social issues, provided you make it clear you are not making an official comment on behalf of IPART or NSW Public Sector and that you are only commenting as a private citizen. You should exercise extreme caution in commenting on areas associated with your employment.

Comments made on matters pertaining to union business by members of unions in their capacity as a local delegate within IPART or by union office holders employed by IPART are permissible under this Code.

You may accept speaking engagements with professional, educational and community groups related to your area of expertise, and/or which fall outside the normal scope of your work, provided you have the approval of your Executive Leadership Team member.

When a speaking engagement forms part of a commercial undertaking (that is, participants pay to attend) there may be a need to negotiate a fee. You should discuss this with your manager or relevant member of IPART's Senior Executive. All speaking engagements should have a public sector orientation or relate to IPART's corporate objectives.

3.3.6 Protecting official information

IPART is committed to ensuring that all government sensitive information assets are identified and where needed, classified, labelled, handled and appropriately protected to comply with whole of NSW Government requirements.

Official information such as reports, papers, studies, submissions and other documents obtained or prepared during employment that are not public and other documents that IPART indicates are confidential must only be used for the work-related purpose intended and not for personal benefit.

Unless authorised to do so by legislation, you must make sure that you do not disclose any confidential information.

Unauthorised disclosures may cause harm to individuals or give an individual or an organisation an improper advantage. The integrity and credibility of IPART may also be damaged if it appears unable to keep its information secure.

All IPART employees must make sure that confidential information in any form cannot be accessed by unauthorised people, and that sensitive information is only discussed, with people who are authorised **and** have a legitimate work related reason for access.

For further information refer to the: [https://www.finance.nsw.gov.au/ict/ Privacy and Personal Information Protection Act 1998](https://www.finance.nsw.gov.au/ict/Privacy%20and%20Personal%20Information%20Protection%20Act%201998).

3.4 Complying with other IPART policies

3.4.1 Tendering for and Procuring Goods and Services

When purchasing goods and services for IPART, you must follow IPART policies and procedures. You are responsible for understanding the procedures that apply to the type of procurement you are undertaking on behalf of IPART. For advice and assistance, contact the ICT, Contracts and Procurement Manager.

For further information refer to the: [IPART Procurement and NSW Government Procurement Policy Framework](#).

3.4.2 Travel

When travelling on official business, seeking or accepting frequent flyer points for your personal use is permitted for approved IPART employees (including other people travelling at Government expense) with permission from the CEO. Benefits from airline, car or accommodation loyalty schemes or lounge memberships are not to influence travel decisions.

For further details see IPART's [Travel Policy](#) and [Guidelines](#).

3.4.3 Work Health and Safety

IPART Work Health and Safety (WHS) requirements must be followed. You are expected to take all reasonable and practicable steps to:

- Use equipment in accordance with instructions issued by management
- Not risk the health and safety of yourself or other people in the workplace
- Cooperate to implement IPART WHS activities and measures designed to ensure a safe and healthy workplace, including first-aid and emergency procedures as well as maintaining office security systems

- Disclose or report any real or perceived hazard, to your manager or relevant member of IPART's Senior Executive. This involves identifying hazards, assessing and prioritising risks, implementing and reviewing control measures and/or introducing suitable controls where required
- Any unsafe or unhealthy working conditions, work practices or behaviours.

For further information refer to the: IPART [Work Health and Safety \(WHS\) Policy and SafeWork NSW](#) website.

3.4.4 Working with lobbyists

The government has established a Register of Lobbyists and introduced a [Lobbyist Code of Conduct](#).

The Lobbyist Code of Conduct states that government representatives (Ministers, Parliamentary Secretaries, Ministerial IPART employees, IPART employees working for a Parliamentary Secretary, and persons working in public sector agencies) must only be lobbied by a professional lobbyist who is listed on the Register of Lobbyists.

You must comply with the NSW Government Lobbyist Code of Conduct, which states that a government representative shall not permit lobbying by a lobbyist or any employee, contractor or person engaged by a lobbyist to carry out lobbying activities who is not on the Register of Lobbyists.

3.4.5 Leaving IPART

Post-separation employment is the situation where a public official leaves the public sector and obtains employment in the private sector. The Public Service Commission Personnel Handbook refers to this issue in Section 8-12.

You should not use your position to obtain opportunities for future employment. You should not allow yourself or your work to be influenced by plans for, or offers of, employment outside IPART.

The type of employment which may be cause for concern is that which bears a close or sensitive relationship with the person's former position as a public official. Examples might be regulators who go to work in an industry they formerly regulated, an adviser or CEO who resigns from the public service to work in the private sector in the area of his or her former expertise, or a former government minister who obtains work as a political lobbyist.

You should not allow yourself or your work for IPART to be influenced by plans for, or offers of, employment outside IPART. If you do, there will be a conflict of interest between your current responsibilities to IPART and your personal interest and your integrity and the integrity of IPART will be at risk. In such cases you should discuss this matter with your manager or relevant member of IPART's Senior Executive.

Should you leave IPART, you must not use confidential IPART information or other confidential information that you were exposed to during your employment with IPART that may lead to gain or profit until that information has become publicly available.

While an IPART employee, you must be careful in your dealings with former IPART employees to make sure that you do not give them, or appear to give them, favourable treatment or access to privileged information.

3.4.6 Risk management

IPART is committed to integrating effective risk management into planning, decision-making and operational processes.

IPART's [risk management framework](#) consists of policy, framework, processes, enterprise and team level risk registers, and risk management plans.

All IPART employees are responsible for managing risk within their sphere of influence. This includes:

- Using a risk management approach in all decision-making
- Participating in identifying, assessing, reporting and managing risk
- Applying IPART's risk management framework to their areas of responsibility.

4 Breaches of the Code

Breaching any aspect of this Code is a serious matter and there is a range of possible consequences, depending on the situation. All employees have the responsibility to uphold this Code and to report other employees who breach this Code.

If you are unsure of what is appropriate conduct under any particular circumstances, discuss the matter with your manager, Human Resources or the relevant member of IPART's Senior Executive.

If you see someone act in ways that are contrary to this Code, you should in the first instance discuss that person's behaviour with your immediate manager, or report your concerns to any member of IPART's Senior Executive.

If you believe certain conduct is not just unethical, but may also be corrupt, a serious and substantial waste of government resources, maladministration or a breach of the GIPA Act, then report your concerns to or the relevant investigating authority (such as the Ombudsman, Independent Commission Against Corruption, the Auditor-General or the Information Commissioner). Under the *Public Interest Disclosures Act 1994*, it is both a criminal offence and misconduct to take reprisals against an employee who makes a public interest disclosure.

If it is alleged you have acted in a way that is contrary to this Code, you will have an opportunity to provide your version of events. How this will happen will be proportionate to the seriousness of the matter. In those cases where the allegation is minor or of a low level, your manager will usually discuss this matter directly with you. If the allegations are more serious, a formal process will follow.

If you are investigating an allegation of behaviour that is contrary to this Code, you must ensure your decision-making is fair and reasonable by acting consistently with four principles:

- procedural fairness for both the complainant and employee
- investigations should be handled expeditiously. This will minimise the potential for breaches of confidentiality and lack of procedural fairness
- confidentiality for all parties, where practicable and appropriate, until such time as the investigation process is completed
- meticulous recordkeeping, including recording of reasons for all significant decisions.

The *GSE Act* and *GSE Rules* set out how allegations of misconduct are to be dealt with. Part 8 of the *GSE Rules* sets out the procedural requirements for dealing with allegations of misconduct, which include requirements that you be advised of the detail of the allegation, the process to be undertaken to investigate and resolve the matter; and that you be provided an opportunity to respond to the allegations.

If you are found to have breached this Code, you will be counselled by your manager or the relevant Senior Executive member. Serious breaches of the Code may constitute unsatisfactory performance or misconduct and be dealt with under sections 68 or 69 of the *Government Sector Employment Act 2013* respectively. This would be done in consultation with Human Resources.

5 Related legislation

This chapter outlines relevant legislation and policies.

5.1 Legislation

The legislation that applies to IPART employees is the [Government Sector Employment Act 2013](#) and applicable legislation links have been provided throughout this document.

Further legislation can be found at [NSW Legislation](#).

5.2 Other related documents

- M2014-13 NSW Lobbyist Code of Conduct
- M2007-01 Public Disclosure of Information arising from NSW Government Tenders and Contracts
- M2007-02 Dignity and Respect: Policy and Guidelines on Preventing and Managing Workplace Bullying – this memo complements M1996-11
- Dealing with Employee Work-related Concerns and Grievances, and Harassment free Workplace.
- C2006-46 Provision of Information to Members of Parliament
- C1999-09 – Use of Employer Communication Devices
- ICAC - Code of Conduct May 2015.
- Direct Negotiations – Guidelines for Managing Direct Negotiations, May 2006

6 Superseded documents

This policy replaces:

IPART's Professional Standards and Behaviour Policy 2014

IPART's Secondary Employment Guidelines

Appendix A: Ethical decision-making

This appendix provides good practices guides in relation to deciding and acting ethically and encouraging ethical behaviour in other employees.

A.1 Deciding and Acting Ethically

To make the best available decision:

1. **Scope the problem.** Clarify the scope of the problem, and consider carefully how the problem affects (or may affect in the future) work colleagues, clients, stakeholders, and the government of the day. Wherever possible, consult affected people and communities.
2. **Develop options** that address:
 - **Duties:** What are your responsibilities as defined by the law, Government policies, IPART procedures, and your role description? Is it legal? Is it consistent with the principles & policies of IPART and the NSW public sector?
 - **Results:** Which options will yield the greatest benefit (or least harm) to the most people, and minimise the numbers of people who might be disadvantaged – in the short and longer term? What will the consequences be for my colleagues, IPART and me? What will the consequences be for other parties?
 - **Justice:** Which options support due process, transparency, fair compensation for any loss, and fair treatment of those affected by any decision?
 - **Rights:** Which options support the legal rights of citizens?
 - **Public interest:** Which options best advance the public interest, without regard to your own reputation, career, personal views or potential for personal gain?
 - **Resources:** What is the likely impact on government finances, workforce, infrastructure and other assets?
 - **Innovation:** Can the issue be addressed in new ways (such as the redesign of services, reengineering of work practices, or a new model of service delivery)?
3. **Evaluate and Decide.** Choose the option that best addresses the above issues and is in the public interest, supports integrity, builds trust, delivers better services and ensures accountability. To establish if your actions are consistent with The Ethical Framework consider your answers to the following questions:
 - **Integrity:** Would your workmates say you had considered the views of all interested parties and acted in the right way, even if it was at your personal cost?
 - **Trust:** Would your action, if it became public, build confidence in the public sector?
 - **Service:** Would your clients and customers say your actions improved the quality of the services they receive?
 - **Accountability:** Would the CEO say your actions are consistent with The Ethical Framework and the law?

4. **Implement.** Implement the decision in ways that are consistent with the objectives, values and principles of the Ethical Framework.

A.2 Encourage ethical behaviour by other IPART employees

Ways to support the ethical behaviour of other IPART employees include:

- Personal - encourage your colleagues to act ethically by making ethical decisions and acting ethically yourself
- Interpersonal - encourage all IPART employees to openly discuss ways to better implement The Ethical Framework in their individual actions, your team's practices and in your services to clients
- Organisational - ensure the leadership, culture, governance, management and work practices, individual employee behaviour and customer services of your workplace are consistent with The Ethical Framework.