

NSW SPORT AND RECREATION

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# CODE OF CONDUCT and ETHICS

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## Notice

This Code of Conduct provides standards, a framework and guidelines. For more detailed policies and procedures, consult the relevant Departmental policy, public sector legislation and policy, the Personnel Handbook and NSW S&R policies on an “as needed” basis.

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## COVERAGE

This NSW Sport and Recreation Code of Conduct covers all staff, contractors and volunteers within

- NSW Sport and Recreation
- the Director General's Unit, Department of the Arts, Sport and Recreation
- the Corporate Services Division, Department of the Arts, Sport and Recreation; and
- anyone who represents the abovementioned areas of the Department of the Arts, Sport and Recreation including people appointed by the Minister or Department to serve on departmental or ministerial committees.

**Note:** The framework, standards and policies set out in this Code for NSW Sport and Recreation reflect the framework, standards and policies to be followed by staff within the Director General's Unit and the Corporate Services Division of the Department of the Arts, Sport and Recreation.

When applying the provisions of the Code staff within the Director General's Unit and the Corporate Services Division should substitute:

*Department of the Arts, Sport and Recreation (DASR) for NSW Sport and Recreation (NSW S&R); and*

*Director, Director General's Unit or Director, Corporate Services Division for General Manager – Sport and Recreation.*

## POLICY STATEMENT

At New South Wales Sport and Recreation (NSW S&R) we exercise leadership in the New South Wales community with regard to the development of the sport and recreation industries.

Our efforts must be underpinned by staff and managers who are committed to the highest efforts of professionalism and integrity and who embrace and exhibit values which NSW S&R upholds.

These values include:

- providing professional and quality services;
- being accountable for our actions;
- carrying out our duties with diligence and integrity;
- being fair and impartial in our decision making; and
- treating other people with respect and dignity.

We must expect high ethical standards of ourselves and our colleagues in order to maintain community and stakeholder trust in us, and our own pride in belonging to NSW S&R. We are individuals who bring to the workplace our own attitudes, beliefs, values system and standards of conduct which may not always be in accord with the expectations of our workplace.

It is a requirement that staff commencing with NSW S&R sign the Staff Declaration form to acknowledge that they have read and understood the contents of the NSW S&R Code of Conduct and Ethics as a condition of employment with the Department.

This *Code of Conduct and Ethics* has been developed to make these issues and our expected behaviour clear. It applies to all staff, contractors, volunteers and anyone who represents NSW S&R, including people appointed by the Minister or Department to serve on departmental or ministerial committees.

We recognise that it is not possible to provide detailed guidance on how to deal with every situation which might arise, where our responses and behaviour might be compromised. For this reason, this Code should be used as a source of practical guidance when making decisions about ethical issues.

Our commitment to the values, principles and guidelines provided in this *Code of Conduct and Ethics* will further enhance the professionalism and commitment already displayed by staff of the Department.

**Robert (Bob) L Adby**  
Director-General

## 1.

### SIGNIFICANT VALUES AND PRINCIPLES

In carrying out our work and making decisions on a day-to-day basis, staff are expected to base their decisions and behaviour on values and principles which require that we:

- act in a professional manner at all times, keeping in mind the effect of our conduct on NSW S&R's reputation;
- maintain high ethical standards and perform our work impartially and with integrity;
- deal fairly with all people and organisations, either within or outside NSW S&R, and respect individual's rights as citizens without discrimination;
- present NSW S&R's view, not our personal view, in our dealings with the public;
- make effective use of public resources and not be wasteful;
- not let matters of personal interest affect or compromise the work of NSW S&R; and
- seek advice from an appropriate Manager or Supervisor, at any time, if uncertain about the right thing to do.

## 2.

### RIGHTS AND RESPONSIBILITIES

#### 2.1 Staff Members: Rights

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- be treated fairly and with respect and without discrimination;
- have your professional expertise respected by your colleagues;
- be provided with opportunities to learn and develop in your role;
- be trusted and receive loyalty from your managers and peers;
- be provided with a safe work environment;
- work in a harmonious and productive work environment;
- receive open, inclusive and honest communication;
- be treated in a professional, helpful and courteous way; and
- contribute to the benefits of teamwork.

#### 2.2 Staff Member: Responsibilities

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- treat individuals fairly and with respect and not engage in discrimination, harassment or bullying behaviour;
- comply with lawful instructions given by an authorised colleague;
- respect the professional expertise of colleagues;
- be professional, helpful and courteous to colleagues and clients;

- dress professionally and appropriately, relative to the position you hold;
- work diligently with respect for timeframes and associated commitments;
- trust and be loyal to colleagues and clients;
- respect and meet the needs of clients;
- work cooperatively with colleagues in a team based approach to work;
- be productive, work proactively and demonstrate initiative as appropriate;
- be open, inclusive and honest;
- represent NSW S&R in a professional manner;
- be economical and efficient in the use of work-supplied resources;
- ensure that the work environment is safe;
- ensure that you do not use your position for personal gain; and
- ensure that your personal and professional conduct does not bring NSW S&R into disrepute.

### 2.3 Managers and Supervisors: Expectations

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As well as your responsibilities as a staff member, NSW S&R expects Managers and Supervisors to also:

- act as positive role models;
- value and manage your staff by treating them with respect, honesty, fairness and courtesy, respecting their rights;
- promote ethical conduct, fairness and equity in the workplace;
- value and encourage diversity and creativity;
- be alert to circumstances which may cause a staff member to be vulnerable to accusations of misconduct;
- report potential or actual incidents of misconduct in a confidential manner;
- promote open, honest and two-way communication in the workplace, and provide your staff with access to all the information they need to understand and do their job;
- encourage your staff in performing their duties, monitor and provide guidance as is appropriate to the situation;
- make sure performance problems are highlighted and dealt with as they arise;
- ensure equal access to training and development for all your staff, and foster a learning environment

within your area of responsibility

- respond promptly to requests from management, your staff and clients and keep them informed if there is a delay;
- manage resources in an economical and efficient manner; and
- always behave in ways consistent with NSW S&R's corporate values (see Section 1).

### 3.

## PUTTING THE CODE OF CONDUCT AND ETHICS INTO PRACTICE

### 3.1 Ethical Decision Making

Because a Code of Conduct cannot provide guidance on every situation that an employee may face, the values, principles, roles and responsibilities outlined in sections 1 and 2 should be used as the basis for determining the appropriate course of action when you are faced with making a decision which has ethical considerations.

The following guide can assist in clarifying the issues and resolving the matter.

#### Guide to Ethical Decision Making

- ? Is it legal and consistent with government policy?
- ? Is it consistent with NSW S&R's values, principles and policies?
- ? What will the consequences be for me, my colleagues, NSW S&R and others?
- ? Do these outcomes raise a conflict of interest or lead to a personal gain to which I am otherwise not entitled?
- ? Could this decision or conduct be perceived by a member of the public, colleague, client or supplier as inappropriate?
- ? Would my decision withstand public scrutiny?

There are four issues which have particular significance for our conduct and decisions in the NSW S&R workplace. These are **Conflicts of Interests, Gifts and Benefits, Using Public Resources** and **Secondary Employment**. Each of these is dealt with below.

### 3.2 Conflicts of Interest

Conflicts of interest, or *perceptions* of conflicts of interest, can arise when you have to choose between two or more interests in a matter; that is, when a personal interest could potentially interfere with, or *appear to interfere with*, the performance of your public duties.

### For example:

- you are a member of a recruitment panel and you have a relationship with one of the applicants for the position;
- you are assessing tenders/suppliers and realise you have a relationship with one of the people making a submission;
- you have a financial interest in a supplier or an operator with whom NSW S&R does business; and/or
- you are a member of the board of an organisation which is seeking a grant from NSW S&R or is seeking funding for an event.

When this situation arises, public interest always comes first; this is necessary to ensure public confidence in the process of government.

You must report in writing to your Manager if you become aware of an actual or potential conflict of interest. This report, including your Manager's decision about the issue you raised, should be placed on the file of the matter in question.

It is preferable to err on the side of caution and disclose any interest that could affect, or be seen to affect, the unbiased and fair performance of your duties. In some situations, you may need to step aside from a role to ensure the integrity of a process.

### ⚡ Action Required – Conflicts of Interest

Newly appointed staff and Trust/Board members are required to provide a list of any financial interests or board memberships where there is potential for a conflict of interest at the time that they accept the offer of employment or appointment.

This list will be entered into the NSW S&R Pecuniary (Financial) Interests Register which is kept by the Office of the Director-General. Periodic updates of this register will be undertaken.

In the case of staff, the list will require approval or otherwise by the applicant's Director. In addition, you must report in writing to your Manager if you become aware of an actual or potential conflict of interest during the course of your employment. The report and your Manager's decision are to be placed on the file of the matter in question.

In the case of Board or Committee members, the Director-General or the General Manager, Sport and Recreation must review the list and discuss with the member any conflicts of interest and how they will be managed.

### 3.3 Gifts and Benefits

During the course of your work in NSW S&R, you may be offered gifts or other benefits. Gifts are items of value, while benefits are usually less tangible gifts, such as access to facilities, tickets, free accommodation or similar.

Acceptance of a gift or benefit can create a sense of obligation that may compromise honesty and impartiality. This may also affect the public perception of the integrity and independence of NSW S&R and its employees.

For these reasons, offers of gifts or benefits must be declined, except for token gifts (see below). Should you decide to accept a gift or benefit you bear personal responsibility for that decision.

Unsolicited gifts that are provided as marketing incentives, for example, cartons of wine or baskets of food at Christmas, should be returned, with a letter advising that it is against the policy of NSW S&R to accept gifts.

However, token gifts of nominal value may be accepted. Token gifts include marketing objects such as key rings, pens and mugs. In some circumstances, it may be appropriate for the gift to be received by NSW S&R as a 'corporate' gift, for example, a book which may be placed in the library.

If you have agreed to speak officially at a function, wherever possible, you should notify your host in advance that it is inappropriate for you to receive gifts or rewards. You should ensure that any fee that is payable for your participation is made payable to NSW S&R.

#### ✦ Action Required – Gifts and Benefits

Offers of gifts and benefits, including token gifts and benefits, must be reported in writing to your Manager and Director and recorded in the monthly Code of Conduct and Ethics report.

In this report, you may notify that you declined the gift or benefit, or seek approval to keep the gift or benefit (if a token) or advise arrangements for their return or acceptance as a 'corporate' gift.

Following your Manager's or Director's endorsement or other decision, these reports are to be forwarded to the Corporate Human Resources Group, where they will be placed on the official Gifts and Benefits file.

### Money and Bribery

You may not solicit any money, gift or benefit or accept any offer of money or other improper inducement. To do so may involve the common law offence of bribery and may also be treated as an offence under the *Crimes Act* and/or the *Public Sector Employment and Management Act 2002*.

A key concept in bribery is 'undue reward'. A reward can encompass anything of value and is not limited to money or tangible goods; therefore, the provision of services may amount to a reward. If you believe that you or a colleague has been offered a bribe, you must provide immediately a detailed written report to your Manager or senior member of staff.

#### ✈ Action Required – Money and Bribery

A detailed written report is to be provided to your Manager or senior member of staff if you believe that you or a colleague has been offered a bribe.

## Hospitality

As a consequence of being in the business of developing relationships with industry partners, it is recognised that staff have the opportunity to generate hospitality, on behalf of S&R, and to attend functions organised by industry.

These functions have the potential to generate productive working relationships between NSW S&R and industry if used wisely by staff.

Care needs to be taken to avoid all situations in which the appearance may be created that any person or body through the provision of hospitality or benefits of any kind is securing, or attempting to secure, the influence or favour of your position within NSW S&R.

In order to provide guidance to staff in the wise use of hospitality, the following principles have been developed to guide decision making in this area.

- attendance at functions should be clearly related to your work and have clearly defined and beneficial outcomes for NSW S&R;
- working morning or afternoon teas, and working lunches, which incur expenditure for NSW S&R, should be infrequent occurrences and of reasonable expense;
- staff should not use their position to solicit invitations to attend industry-hosted functions, or to obtain upgrades or additional benefits;
- attendance at functions should not be abused, in terms of the time taken away from the workplace and in the level of hospitality accepted;
- Christmas functions that are organised by and for the attendance of staff are not to be funded by NSW S&R; and
- if there is any doubt about whether or not you should organise or attend a particular function, you should consult your Supervisor or Manager.

### ✈ Action Required – Hospitality

Approval to accept a discounted or free offer of accommodation or related service for use during off-duty hours must be sought, in writing, from the relevant Director.

Any family members who may be accompanying are also to be identified in the submission.

These approvals are to be forwarded to the Corporate Human Resources Group for placement on the Gifts and Benefits file and also noted in the monthly Code of Conduct and Ethics report.

## Entertainment

It is generally expected that work-related functions are to be attended only by staff. Partners of Board members and senior staff may, in certain circumstances, be invited to attend a work-related function at NSW S&R's expense. This is subject to the written approval of the Director-General or the General Manager, Sport and Recreation where relevant. These occasions should meet the following criteria:

- functions on weekends, where significant corporate partners are being entertained and will be bringing their partners; and
- significant events such as where international guests, accompanied by their partners, will be attending as guests of NSW S&R.

### ✈ Action Required – Entertainment

The written approval of the Director-General (for direct reports) or the General Manager Sport and Recreation is to be sought for the partner of a staff member to be invited to attend a NSW S&R function at NSW S&R expense.

The submission should address the criteria above.

A copy of the approval is to be placed on the file relating to the event.

## Travel: Frequent Flyer Points

When travelling on official business, seeking or accepting frequent flyer points from any airline is not permitted.

## Tickets

NSW S&R is an organisation which builds relationships with the sporting and recreation industry. As a consequence of the relationships developed, tickets to events may be offered to you or through NSW S&R involvement in the development or promotion of sport. The acceptance of tickets for use by you can lead to you and NSW S&R being compromised in future dealings with the

ticket provider. For these reasons, the following guidelines are to be observed when dealing with offers of tickets.

- 1) NSW S&R sponsorships should only include tickets as a benefit to NSW S&R if there is a particular reason for so doing, for example, to provide tickets which will be used by corporate partners or for staff monitoring of a NSW S&R funded event. If tickets cannot be used for either of these purposes then the supply of tickets should not form part of the arrangements.
- 2) Sporting organisations, many funded by NSW S&R, frequently offer free tickets to sporting events to individual staff members or as a general allocation to staff. Where tickets are offered generally, all staff should have an opportunity to express their interest and the way tickets are made available and allocated should be quite clear.

You may not access your contacts/networks within either the sport and recreation industry or the tourism industry to “request/solicit” tickets or to request upgrades to tickets already held.

Where a ticket has been offered for your personal use, especially to a high profile event, such as a Rugby League Grand Final, you should decline the offer, unless you can satisfactorily answer all of the following questions.

#### Questions to ask:

- ? Can it be shown that acceptance of the ticket arises out of NSW S&R's work with the donor organisation?
- ? Is the value of the ticket relative to the value of the majority of tickets to the event or hospitality?
- ? Does the offer of tickets include other benefits, such as travel or accommodation?
- ? Is acceptance of the ticket a genuine opportunity to enhance NSW S&R's relationship with the donor organisation? How can it be demonstrated?
- ? Is acceptance of the ticket likely to compromise, or appear to compromise, your impartial dealings in the future with the organisation providing the tickets?
- ? Is there, or could there appear to be, a conflict of interest in your acceptance of the tickets?
- ? Would acceptance of the tickets withstand media scrutiny, if it became known to the press?

Prior approval to accept a ticket is to be provided by your Manager or Director and recorded in the monthly Code of Conduct and Ethics report.

#### ✈ Action Required – Tickets

Offers of tickets, and their usage by staff, are to be declared as for Gifts and Benefits. Approvals to use tickets that have been offered to you for your personal use must be sought in writing from a Manager or Director.

A copy of the approval is to be forwarded to the Corporate Human Resources Group for placement on the Gifts and Benefits file and also recorded in the monthly Code of Conduct and Ethics report.

### Tendering and Procurement

NSW S&R expects that tendering and procurement processes will be used to obtain goods and services that can be demonstrated to represent value for money and are for the exclusive use of NSW S&R. Where NSW S&R is involved in tendering, the companies which are bidding may want to demonstrate their product or service at their corporate offices or other location. In this situation, it is not appropriate to accept any offer of hospitality, beyond simple refreshments.

Hospitality may not be accepted from organisations that are in the process of tendering for business with NSW S&R.

Procurement incentives, for example, buy 10, get one free offer or the offers of a personal benefit, such as lunches from regular suppliers should also be declined.

### Staff Use of Departmental Facilities

NSW S&R's sport and recreation centres provide quality and well-priced holiday opportunities to the general public. As a staff member of NSW S&R, you may use these facilities in the same manner as the general public. You can also respond to any promotion, which offers access to the facilities at the rate offered to the general public. Any other arrangements are not acceptable, nor are staff to be given preference over members of the public.

## Our Relationship with Sporting Organisations

Conflicts of interest might arise where NSW S&R arranges for sporting organisations to use NSW S&R sites and have access to NSW S&R facilities. If a sporting group offers hospitality or other benefits in addition to its commercial obligations to NSW S&R, this must be declared in writing and a copy of the declaration forwarded to the Corporate Human Resources Group for placement in the official Gifts and Benefits file. It should also be included in the monthly Code of Conduct and Ethics report. Approval to accept any such offers is required from your Director.

### ✈ Action Required – Sporting Organisations

Offers of hospitality or other benefits offered by a sporting group in addition to its commercial obligations to NSW S&R must be declared in writing. Approval to accept any such offers is required from your Director.

A copy of the declaration is to be forwarded to the Corporate Human Resources Group for placement in the official Gifts and Benefits file; it should also be included in the monthly Code of Conduct and Ethics report.

## Further Advice

Further guidance on gifts is also available in the publication, *Gifts, benefits or just plain bribes? Guidelines for public sector agencies and officials*, on the Independent Commission Against Corruption (ICAC) web site at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

## 3.4 Using Public Resources

You have a responsibility to ensure all public resources are used efficiently, economically and without unnecessary extravagance or waste. This includes the equipment you use in your day-to-day work which should be maintained in good working order.

Departmental motor vehicles may only be used for work purposes, unless specific circumstances exist that have been documented and appropriately authorised.

Authorised car hire must be economical, ie it must be in line with the nature of the itinerary. This means that 4WD vehicles, for example, are not to be hired unless off road travel is required.

Mobile phones, corporate credit cards and CabCharge facilities are provided for work purposes only. NSW S&R Mobile phones are to be used appropriately ie for business purposes. No personal usage of mobile phones is permitted unless personal call costs are reimbursed.

Using NSW S&R funds for expenditure such as petty cash and travel expenses is subject to the *Public Finance and Audit Act 1983*. Generally, you need to obtain approval before spending NSW S&R financial resources. 'Borrowing' from petty cash is not allowed.

Reasonable use of equipment (excluding motor vehicles) is permitted for private purposes if:

- it does not conflict with your work or the work commitments of another employee;
- it does not involve significant cost to NSW S&R;
- the activity is done in your own time;
- you do not benefit financially;
- there is no commercial interest to you or any other person; and
- the equipment is not taken off-site. In exceptional circumstances approval by a Director may be given in the case of laptop computers.

#### Examples of permitted personal uses:

- Departmental phones and facsimile machines for private calls, provided these are short, infrequent and do not interfere with your work responsibilities or those of other staff;
- Use of a Departmental computer for private purposes such as the completion of university assignments in personal or study leave time;
- The Internet for brief periods, while not on duty, provided that this does not interfere with any other staff member's usage of the computer and the usage is in line with Departmental policy regarding acceptable IT usage.

NSW S&R also provides accommodation or meals/food to staff under certain arrangements. Advice can be obtained from your Manager or the Sport and Recreation *Accommodation and Meals Policy*, which also contains information about charges that apply. You are expected to make prompt payment for all charges you incur in the course of duty, eg, for lunches obtained at Centres.

### 3.5 Secondary Employment

If you wish to take on a second job, whether paid or unpaid, you must first obtain a recommendation from your Manager or Supervisor, followed by formal, written approval from the Director-General or an authorised delegate. This is because secondary employment can lead to conflicts of interest, disclosure of confidential information and misuse of an organisation's resources.

Your application to engage in other employment will be assessed according to the following criteria:

- it does not arise from, nor interfere with, nor is related to, your work at NSW S&R;
- it will not cause a conflict of interest with your official duties;
- it does not compromise the values and ethics of NSW S&R;
- it will be done outside working hours; and
- it will not involve information or any resources which are obtained from NSW S&R.

Your responsibilities to NSW S&R must always come first.

#### ✈ Action Required – Secondary Employment

A recommendation is to be obtained from your Manager or Supervisor, followed by formal, written approval from the Director-General or an authorised delegate before you can engage in secondary employment.

A copy of the written approval to engage in secondary employment must be sent to the Corporate Human Resources Group where it will be placed on your personnel file.

You do not need approval if you do voluntary work for a non-profit organisation or if you are employed by NSW S&R on a casual basis and want to seek extra work elsewhere.

### 4.1 Participation in Political Activities

You may participate in party political activities provided you do so in a private capacity and do not allow a conflict of interest to arise.

If you do participate in any political activity you must ensure that:

- any comment or discussion does not cast doubt on your ability or willingness to implement Government and NSW S&R policies and guidelines objectively;
- no private political activities are carried out in the work environment;
- NSW S&R resources are not used to assist in your personal political activities;

## 4.

### OTHER ISSUES

- any information obtained through your work at NSW S&R is not used to assist political activities, or make such information known to any other person connected with these activities; and
- the position of NSW S&R is not misrepresented on any issue.

Also, you may not post any notices on NSW S&R noticeboards that suggest support or encouragement of a particular political viewpoint on a matter in the public domain.

Workplace union delegates, acting on behalf of the Public Service Association (PSA), are able to use NSW S&R noticeboards for displaying material authorised by the union.

Any political involvement you have must be seen to represent your personal views as a private citizen, not as an employee of NSW S&R.

## 4.2 Use of Official Information

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During the course of your work, you will gain information on a number of areas, for example, Government policy, proposed legislation, Cabinet Minutes and information about industry operators, groups or individuals with which NSW S&R has contact.

This information may only be used for the purposes of your work at NSW S&R. It is each staff member's responsibility to maintain NSW S&R's reputation for integrity and credibility in this area. The *Freedom of Information Act 1989* provides individuals with the right, under certain circumstances, to obtain information retained by NSW S&R. Likewise, the *Privacy and Personal Information Protection Act 1998* imposes requirements on staff regarding 'personal information.'

Some simple rules apply:

- information may only be used for the purpose for which it was provided;
- information gained in your professional capacity may not be used for personal gain;
- confidential information, including Cabinet documents, emails and electronic information, must be properly secured; and
- information can only be released if you are satisfied the request is legitimate and you have appropriate authority to release the information.

These requirements apply to any information you obtained during the course of your employment after you leave NSW S&R. If you are uncertain about the status of information you receive, ask your Manager.

### 4.3 Records Management

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Records management at NSW S&R is governed by legislative requirements relating to record keeping, legal discovery orders, subpoenas, privacy, copyright and Freedom of Information. You must ensure that you keep the records required by your position according to the official NSW S&R standards and procedures.

In general, official information in the form of files and records may not be removed from NSW S&R premises unless required for work purposes. At all times, NSW S&R documents must be properly and safely secured.

### 4.4 Public Comment

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Public comment on NSW S&R matters, such as speaking to the media or writing letters to newspapers, can generally only be made through the Director-General, the General Manager, Sport and Recreation and the Corporate Communications and Media (CCM) Manager. Any media inquiries you receive should be referred to the Corporate Communications and Media Manager.

In some circumstances, the Director-General will authorise staff members to make public comment on behalf of NSW S&R.

Unless you are making an authorised comment, statements about NSW S&R's work must be confined to material in the public domain, such as discussion papers, annual reports, public relations material and speeches. If you are unsure whether information is in the public domain, speak to the CCM Manager, your Manager or the Director, Office of the Director-General.

As a community member, you may comment on issues of public and social interest, for example, you may write letters to newspapers. However it must be clear that you are speaking in a personal capacity and not on behalf of NSW S&R. Also, your views should not give the perception that they are official comment.

### 4.5 Alcohol and Other Drugs

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You must not attend work or conduct business on behalf of NSW S&R if you are under the influence of any drug or substance that is likely to adversely affect your ability to carry out your duties or may pose a risk to yourself or other staff or members of the public.

The consumption of alcohol is not permitted during work hours. However, some staff may attend work related functions where alcohol is served. When attending these functions, a responsible approach to the consumption of alcohol must be taken.

You must ensure that any personal use of alcohol when representing NSW S&R, does not adversely affect your behaviour, performance or safety or the performance or safety of others. If you live in NSW S&R premises, or are required to stay overnight, your duty of care responsibilities must be considered if you are on-call. If you consume alcohol, the legal limit applicable to driving a motor vehicle must be observed. The use of illegal drugs on NSW S&R property or during business hours is not permitted.

Driving and/or operating NSW S&R equipment under the influence of alcohol or illegal drugs will not be tolerated.

Expectations about alcohol and drug use are also outlined in other policy statements included in government and Departmental policies.

#### **4.6 Use of the Internet: Pornography**

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Under no circumstances is the internet to be accessed to view, circulate, download or otherwise have contact with pornography. Refer to NSW S&R's policy Acceptable Use of the Internet and Email for other requirements in accessing these facilities.

#### **4.7 Child Protection**

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NSW S&R is committed to a coordinated and comprehensive approach to promoting the protection of children and ensuring that their safety, welfare and wellbeing is maintained at all times.

Staff whose work involves working with children will be subject to a Working with Children Check in order to determine their suitability to work with children. (Refer to the Child Protection Policy for further information.) The check will incorporate the following:

- a national criminal record check which will identify any relevant criminal history;
- a check on all apprehended violence orders which have been made for the protection of a child;

- a check on any relevant completed disciplinary proceedings initiated by an employer concerning an employee's misconduct relating to children. This involves child abuse, sexual misconduct or acts of violence either directed at children or in the presence of children.

#### 4.8 Post Separation Employment and Leaving NSW S&R

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You should not allow yourself or your work to be influenced by plans for, or offers of employment outside NSW S&R. If you do, there is a conflict of interest and your integrity and that of NSW S&R is at risk.

You should be careful in your dealings with former employees of NSW S&R and ensure that you do not give them, or appear to give them, favourable treatment or access to confidential information.

When you finish working at NSW S&R, you must:

- return any documents, files, records, notes, etc relating to or obtained through your work with us;
- return any in-house resources such as manuals, mobile phones, laptops, keys, security passes, uniforms etc;
- not download information from NSW S&R's computer system, unless the information is freely available to the public;
- not provide confidential information obtained during your employment to others.

#### 5.1 Suspect Corrupt Conduct

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If you become aware of an instance of corrupt conduct, maladministration, criminal conduct or serious waste at NSW S&R, you must report this promptly to your Manager. If the report concerns your Manager, then report it to the Director-General. If the report concerns the Director General, then report it to the Independent Commission Against Corruption.

You may find the following policies useful:

- NSW S&R Grievance Handling Policies;
- NSW S&R Internal Reporting Policies;
- Workplace Harassment and Bullying Policies;
- Commentary and Guidelines on the Conduct and Performance Provisions of the Public Sector Employment and Management Act 2002.

If you prefer, you can report the situation directly to the Independent Commission Against Corruption, Audit Office or to the NSW Ombudsman.

## 5. ACCOUNTABILITY AND ENFORCEMENT

Reporting the actions of colleagues or managers is difficult, especially in situations where the people involved have been friends or workmates for some time. These circumstances can represent one of the most personally challenging situations a staff member is likely to experience.

The *Protected Disclosures Act 1994* makes it an offence for detrimental action to be taken against a person for notifying about such matters. If you believe that you may have been adversely treated for having made a protected disclosure, you should report this directly to the Director-General.

## 5.2 Enforcing this Code of Conduct

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As an employee of NSW S&R, you are responsible for your own actions and for ensuring you are working in a manner consistent with this Code. However, if you are faced with an unfamiliar situation, your Manager will provide guidance and support.

If you become aware of unsatisfactory conduct by other staff members, you should report this to a senior staff member or the Director-General. If you are in a supervisory position, you need to exercise appropriate levels of leadership, management and supervision to ensure your staff understand their duties, know what they are expected to do and that their performance is reviewed continually.

If you are unsure about any aspect of the Code or require further information, speak to your Manager, a senior member of staff, staff of the Corporate Human Resources Group or the Office of the Director-General, which has overall responsibility for the Code of Conduct.

You should be aware that NSW S&R may take disciplinary action for breaches of the Code. This action may include counselling, official notification of unsatisfactory performance or dismissal, according to New South Wales public sector legislative requirements and standards.

## 5.3 Relevant Legislation

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The main legislation that applies to State government employees is the *Public Sector Employment and Management Act 2002*. The following legislation and policy guidelines may also be relevant:

- Anti-Discrimination Act 1977
- Occupational Health and Safety Act 2000
- Public Finance and Audit Act 1983
- Freedom of Information Act 1989
- Protected Disclosure Act 1994
- Privacy and Personal Information Protection Act 1988

- Independent Commission Against Corruption Act 1988
- Centennial Park and Moore Park Trust Act 1983 No 145
- Public Service of New South Wales Personnel Handbook
- Crimes Act 1900

## 6.1 Forms

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- Checklist of Actions
- Code of Conduct and Ethics Staff Declaration Form
- Code of Conduct and Ethics Report

## 6.

## APPENDICES

### Acknowledgments

This document was prepared by the Internal Audit Bureau on behalf NSW Sport and Recreation.

The assistance of the Corporate Services Division is particularly acknowledged.

## Checklist of Actions

This table is provided as a checklist only. Your major source of guidance on expected behaviour and making decisions about ethical issues remains the complete *NSW S&R Code of Conduct and Ethics* policy.

<b>Table of Actions required under Code of Conduct and Ethics</b>	
<b>Conflicts of Interest</b>	<p>New staff and Trust/Board Members: Provide a list of any financial interests or board memberships at the time that you accept the offer of employment or appointment.</p> <p>This list is entered into the NSW S&amp;R Pecuniary (Financial) Interests Register kept by the Office of the Director-General (ODG). Periodic updates of this register will be undertaken.</p> <p>In the case of staff, the list will require approval or otherwise by your Director.</p> <p>You must report in writing to your Manager if you become aware of an actual or potential conflict of interest.</p> <p>Place the report and your Manager's decision on the file of the matter in question.</p>
<b>Gifts and Benefits</b>	<p>Report offers of gifts and benefits, including token gifts and benefits in writing to your Manager and Director.</p> <p>Record details in the monthly Code of Conduct and Ethics report.</p> <p>In the Code of Conduct and Ethics report, notify whether you declined the gift or benefit, or sought approval to keep the gift or benefit (if a token), or advise arrangements for their return or acceptance as a 'corporate' gift.</p>
<b>Money and Bribery</b>	<p>Provide a detailed written report to your Manager or senior member of staff if you believe that you or a colleague has been offered a bribe.</p>
<b>Hospitality</b>	<p>Seek approval in writing from your relevant Director to accept a discounted or free offer of accommodation or related service for use during off-duty hours.</p> <p>Make sure you also identify in the submission any family members who will be accompanying you.</p> <p>Forward your approval to the Corporate Human Resources Group for placement on the Gifts and Benefits file.</p> <p>Record details in the monthly Code of Conduct and Ethics report.</p>
<b>Entertainment</b>	<p>Seek written approval from the Director-General (if a direct report) or the General Manager, Sport and Recreation for your partner to be invited to attend a NSW S&amp;R function at NSW S&amp;R expense.</p> <p>The submission should address the criteria on page 9 of the Code.</p> <p>Place a copy of the approval on the file relating to the event.</p>
<b>Tickets</b>	<p>Seek written approval to use tickets offered to you for your personal use from a Manager or Director.</p> <p>Forward a copy of the approval to the Corporate Human Resources Group for placement on the Gifts and Benefits file.</p> <p>Record details in the monthly Code of Conduct and Ethics report.</p>
<b>Sporting Organisations</b>	<p>Declare in writing any offers of hospitality or other benefits to you by a sporting group in addition to its commercial obligations to NSW S&amp;R.</p> <p>Seek approval from your Director to accept this type of offer.</p> <p>Forward a copy of the Corporate Human Resources Group for placement in the official Gifts and Benefits file.</p> <p>Record details in the monthly Code of Conduct and Ethics report.</p>
<b>Secondary Employment</b>	<p>Outline your request to your Manager or Supervisor in writing seeking their recommendation. This must be followed by a formal, written approval from the Director-General before you can engage in secondary employment.</p> <p>Forward a copy of the Director-General's approval to engage in secondary employment to the Corporate Human Resources Group where it will be placed on your personnel file.</p>

**NSW SPORT AND RECREATION**

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**CODE OF CONDUCT and ETHICS**

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**STAFF DECLARATION**

I, .....

working as a .....

at .....

acknowledge that I have read and understood the contents of the NSW Sport and Recreation's (NSW S&R) Code of Conduct and Ethics. I understand that the Code sets out standards of behaviour expected of me as an employee of NSW S&R, or the Director General's Unit of the Department of the Arts, Sport and Recreation or the Corporate Services Group of the Department of the Arts, Sport and Recreation.

Signature: .....

Date: .....

Please return this declaration to:  
Corporate Human Resources Group  
Department of the Arts, Sport and Recreation  
323 Castlereagh Street  
Sydney NSW 2000  
(or GPO Box 7060, Sydney NSW 2001)

# NSW Sport and Recreation

Name

Date:

## CODE OF CONDUCT AND ETHICS REPORT

For: Discounted travel. Discounted travel and accommodation accepted while on leave or out-of-hours. Discounted hospitality, including meals and entertainment, when undertaken in an individual capacity.

Date	Operator	Discounted benefit accepted	Names of people in party	Value of benefit	Other relevant information

For: Gifts and benefits offered / received / declined, including token gifts and tickets to events.

Date	Source of gift or benefit	Description of gift or benefit	Value	Gift accepted, declined or returned	If gift accepted, date of Manager's approval, OR If gift to be returned, date of return	Other relevant information

Employee  
Signature:

Unit:

Manager/Director  
Signature:

**Please Note:** Managers must submit Code of Conduct Reports for each staff member, including **Nil** returns.

Signed Reports are to be forwarded to the Corporate Human Resources Group, 323 Castlereagh Street, Sydney 2000.