

Code of Conduct

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Purpose

The Code of Conduct (the Code) sets the standards of behaviour required of all staff of the State Records Authority NSW (State Records NSW). It provides guidance on the actions that you should take when confronted with ethical issues in the course of performing your work.

All staff must comply with the [Code of Ethics and Conduct for NSW government sector employees](#) issued by the Public Service Commissioner as well as this supplementary Code of Conduct.

Background

As staff of State Records NSW, it is essential that we demonstrate to the government and people of NSW high standards of conduct and ethics in the performance of our duties. We strive to conduct our business with efficiency, economy, fairness and impartiality.

Scope

The Code applies at all times when employees or other staff are acting in the course of, or in connection with, NSW government sector employment.

All persons undertaking work for or engaged by State Records NSW in either a paid or unpaid capacity must comply with the Code. This includes:

- All State Records NSW employees (ongoing, temporary, casual);
- Contractors or agency staff engaged to perform work for, or on behalf of State Records NSW;
- Work experience students and volunteers; and
- Consultants where their engagement requires adherence to the Code.

The Ethical Framework

Objective

Established under the *Government Sector Employment Act 2013* (GSE), the objective of the Ethical Framework is to:

- 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, and
- Establish an ethical framework for a merit-based, apolitical and professional government sector that implements the decisions of the government of the day.

Core Values

The core values for the government sector and the principles that guide their implementation are as follows:

Integrity

- Consider people equally without prejudice or favour;
- Act professionally with honesty, consistency and impartiality;
- Take responsibility for situations, showing leadership and courage; and
- 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; and
- 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 staff on merit;
- Take responsibility for decisions and actions;
- Provide transparency to enable public scrutiny;
- Observe standards for safety; and
- Be fiscally responsible and focus on efficient, effective and prudent use of resources.

General Provisions

- The Public Service Commissioner has the function of promoting and maintaining the government sector core values.

- There is no hierarchy among the core values and each is of equal importance.
- Nothing in this Part gives rise to, or can be taken into account in, any civil cause of action.

Mandatory Conduct

Responsibilities

All staff are expected to:

- Demonstrate high levels of personal conduct consistent with the Ethical Framework by performing their duties to the best of their ability and being accountable for their performance;
- Seek assistance when unsure how to implement the Ethical Framework;
- Promote the implementation of the Ethical Framework to their colleagues;
- Report possible breaches of the Ethical Framework to their Manager, or Director;
- Adhere to all reasonable instructions and any lawful directions made by a person with the authority to give such a direction;
- Carry out their duties in a professional, competent and conscientious manner;
- Act in good faith in providing advice or service that is honest, impartial, and comprehensive, by ensuring they place the public interest over their own person interest;
- Be courteous, respectful and responsive in dealing with their colleagues, stakeholders, and members of the public;
- Work collaboratively and appreciate the values of a diverse workforce;
- Provide transparency to enable public scrutiny;
- Be fiscally responsible and focus on efficient, effective and prudent use of resources;
- Take reasonable care of their own safety and the health and safety of others; and
- Be aware that breaches of the Code could lead to action being taken for a breach of the Code.

Conflict of Interests

What is a Conflict of Interests?

Integrity and honesty underpin everything we do. Conflict of interests, whether actual, potential or reasonably perceived, exists when a private interest could objectively influence the performance of your official duties. Conflicts may lead to improper decision making, which may constitute corrupt conduct.

Actual conflicts are a direct conflict between your current duties and responsibilities, and your private interests.

Potential conflicts are when a private interest could conflict with your official duties in the future.

Reasonably perceived conflicts are when a person may reasonably perceive that your private interests are likely to improperly influence the performance of your official duties.

Failure to disclose a conflict of interest may lead to disciplinary action and may also constitute corrupt conduct as defined by the *Independent Commission Against Corruption Act 1988*.

How to Manage a Conflict of Interest

You are required to avoid conflicts of interest and avoid creating conflicts of interests for others (for example passing a decision-making process to a subordinate where they may try to please the manager rather than make a fair decision).

Conflicts of interest must be reported and recorded as follows:

Non-Senior Executive Staff

- Disclose the conflict of interest to your manager as soon as you become aware of the conflict.
- Where a conflict exists, it should be resolved in favour of the public interest, rather than your own.
- If applicable, you must disclose to a convenor of a selection panel if you have a conflict of interest arising from the work of the panel.
- Use the Staff (non-Senior Executive) Declaration form to declare any conflicts of interest (actual, potential, or reasonably perceived).
- If you are undertaking procurement, you must declare any conflicts of interest

Senior Executive Staffⁱ

Senior Executive staff must make annual written declarations of private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made, or advice given by you.

Where a member of the Executive has no such private interests to declare they must declare a 'nil return'.

A new declaration must be made as soon as practicable following any relevant change in:

- The Executives private interests;
- Assignment to a new role or responsibility; and/or
- At least annually.

The Executive Director State Records NSW is required to make their declaration to the Department Secretary.

Executive members should refer to the [Public Service Commission Circular 15-08: 'Declaration of private interests - supplementary information'](#) when making their declaration.

¹ *State Records NSW current structure, as at 03.03.203 establishes that the only 'senior executive' is the Executive Director. All other staff within the Agency are considered 'non executive'.*

Gifts and Benefits

In general, gifts and benefits should not be accepted. Token gifts occasionally received in the normal course of doing your job or as a thank you, such as flowers, chocolates or other inexpensive items are usually acceptable.

Details of the gifts and benefits (including hospitality) that must be declared to the MHNSW Governance Team for inclusion on the State Records NSW Gifts and Benefits register are outlined in the MHNSW Gifts and Benefits Policy. Staff should not accept any payment, gift, benefit, inducement, bribe, or offer of hospitality that is intended, or could be reasonably perceived to be intended, to induce them to:

- Act in a particular way (including making a particular decision)
- Fail to act in a particular circumstance; or
- Deviate in any way from the proper exercise of their official duties.

Note: Refer to the MHNSW Gifts and Benefits Policy for further information.

Treating people with Dignity and Respect

All government sector staff are to treat their colleagues, stakeholders, clients and members of the public with respect.

The Ethical Framework requires us to:

- Consider people equally without prejudice or favour;
- Take responsibility for situations, show leadership and courage;
- Appreciate difference and welcome learning from others;
- Build relationships based on mutual respect; and
- Communicate intentions clearly and invite teamwork and collaboration.

Bullying, harassment or discrimination in any form will not be tolerated. This includes comments or posts on social media. It is illegal to bully, harass (including sexually harass) or discriminate against colleagues or members of the public on the grounds of sex, marital status, race, nationality, ethnic or national origin, ethno-religious identity, descent, age, disability, homosexuality, transsexuality or carer's responsibilities.

You must use courteous and respectful language in your interactions with others. Coarse and obscene language is inappropriate in any workplace, as is sexual banter and suggestive language.

If a worker is bullied, or a witness to bullying, harassment or discrimination, report the matter confidentially to your supervisor or the MHNSW Head of People and Culture. For more information, please see the MHNSW Bullying and Harassment Policy and MHNSW Grievances Policy.

Interaction with Lobbyists

All government sector employees and heads of government sector agencies must comply with Premier's Memorandum M2019-02- NSW Lobbyists Code of Conduct published on the Department of Premier and Cabinet's website.

State Records NSW will only engage with professional (third-party) lobbyists if they and their client are listed on the NSW Electoral Commission's Register of Lobbyists. The Register is available online: <http://www.lobbyists.elections.nsw.gov.au/whoisontheregister>.

Appropriate Use of Public Resources

You must:

- Use public resources in an efficient, effective, and prudent way.

- Never use public resources - money, property, equipment, facilities, vehicles or consumables for your personal benefit, or for an unauthorised purpose.
- Ensure decision making relating to the use of resources, facilities and equipment is reasonable, appropriately authorised, and able to withstand public scrutiny.
- Treat State Records NSW property with care and ensure they are secured against theft or misuse.
- Not create a risk or liability for State Records NSW by the use of facilities or equipment.
- Be economical in the use of office facilities and equipment, including the use of motor vehicles, travel and credit cards.
- Not seek to make private use of the services of other employees whilst on duty and anyone asked to perform tasks that are not work related in work time must refuse.

ICT Resources

ICT resources (including web browsing and email) - with the exception of reasonable personal use - must be used for official purposes only.

A reasonable amount of personal use of the ICT resources is permitted as long as it is infrequent, brief and not excessive. Such use must be in accordance with the 'acceptable use' provisions of described throughout this policy and must not:

- Conflict with your duties or the duties of colleagues;
- Involve significant additional expense;
- Deteriorate the performance of ICT systems; or
- Contravene the Cyber Security Policy or applicable laws.

Note: see the MHNSW Appropriate Use of Digital Technologies policy for further information on the appropriate use of ICT resources.

Secondary, private employment and volunteering

Staff must not engage in any form of secondary and private employment without the prior written approval of the appropriate delegate. This also applies to new staff members who, on joining State Records NSW, wish to continue their outside work. This is a legal requirement under the *Government Sector Employment Regulation 2014*. You must complete the Secondary and Private Interests Employment Form to obtain approval for periods of up to 12 months.

Any secondary and private employment must not:

- Interfere with or affect the performance of a staff member's duties;
- Be carried out during working hours;
- Use State Records NSW information or resources; and
- Give rise to an actual, reasonably perceived, or potential conflict of interest with their work for State Records NSW.

Within the context of this code, staff members are free to participate fully as volunteers in community organisations, charities, and in professional or industrial associations.

Such activities must not, or be perceived to, create or cause a conflict of interest with the individual's public sector duties, and staff members should discuss it with their manager if there is a risk of a conflict occurring.

If there is, or is likely to be, a financial gain as a volunteer, other than the reimbursement of out-of-pocket expenses, it may be considered that the work has become paid work. In such circumstances, the staff member should discuss the change with their manager and may be required to submit a Secondary Employment Form.

If staff are elected or nominated as spokespeople for a professional association or a union, they are entitled to make public comments as long as it is clear that they represent the association or union views, and not

those of State Records NSW.

For more information, see the MHNSW Secondary and Private Employment procedure.

Handling Information

Confidentiality and Security of Information

Staff members must maintain the confidentiality of all official information and of any documents which are not published or normally made available to the public.

Information in any form (e.g., printed or electronic) must not be accessed by unauthorised persons and sensitive information should only be discussed with persons who are authorised to have access to it.

The collection, retention, and security of personal information must be lawful under the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*.

Confidential information may not be used for any unauthorised purpose and staff members should only access it as part of official duties, or as outlined in the State Records NSW Privacy Management Plan.

It is a crime to intentionally disclose another person's personal information or health information, outside the performance of a staff member's official duties.

Staff should not disclose information unless required to do so under the *Government Information (Public Access) Act 2009*, as outlined in the State Records NSW GIPA Policy.

Managers are responsible for seeing that premises are secure, and that suitable arrangements are in place to maintain security of confidential and sensitive documents, including ensuring that contractors are aware of their information security responsibilities.

Misuse of Information

You must not make private use of official information. Misuse of official information, whether or not for monetary gain, may attract misconduct action and may be corrupt conduct.

You must not misuse your role or your access to State Records NSW or other Government-held information to secure future employment advantages within or outside State Records NSW, or to benefit any other person or organisation, including former staff.

You must be careful when dealing with former staff, and make sure you do not give them favourable treatment or access to corporate information. You must report any attempt by a former staff member to influence you.

You must not use official information for course assignments, external presentations or other non- State Records NSW purposes without approval.

Records Management

You are required to be aware of and comply with the *State Records Act 1998* and to:

- Create and maintain full and accurate records of your official duties;
- Capture records into the official records systems; and
- Not destroy records without appropriate authority.

You must act in accordance with the State Records NSW Records management policy. Managers are responsible for ensuring their staff comply with all records management requirements.

Signatures and References

- You must carefully review any document you are asked to sign (including electronic signatures). You must not sign any document which you know is not true and correct.
- You must only sign your own name and never permit or encourage anyone to sign a name other than their own.

- You should only use your own name (e.g., when sending emails) and not give the impression that you have the authority of another person without their permission.
- Managers must not coerce staff to sign any document.
- You are not permitted to provide written personal references, statements or supporting material for any current or former staff member on an Organisational letterhead nor use your title and position for this purpose.
- Official references should be limited to a statement of service. Verbal referee reports can be provided by managers as part of a recruitment selection process. Written references can be provided by managers where required by a recruitment process in lieu of a verbal reference. Reports should be based on verified information and not include any false or derogatory statements. You should consult with MHNSW People and Culture if you are asked to be a referee for staff whom you are aware are the subject of misconduct action.

Post-employment use of information

When you cease being a member of staff of State Records NSW, you should not use or take advantage of any confidential information obtained in the course of your official duties unless it has become lawfully publicly available.

You should not use your role to obtain opportunities for future employment or allow your work to be influenced by plans for, or offers of, employment outside State Records NSW.

Organisational property, including intellectual and moral rights property, is retained by State Records NSW when an employee ceases employment, and an MHNSW Exiting Worker Form should be completed by each staff member at the end of their employment.

Safety and Duty of Care

Workplace Safety & Duty of Care

All staff are responsible for complying with statutory and other obligations to ensure healthy and safe workplaces and practices.

All staff have a duty of care to maintain a safe and healthy working environment that ensures the safety and well-being of staff.

Staff should be familiar with and comply with all work health and safety, security, and emergency management policies and procedures.

For more information, see the MHNSW Work Health and Safety policy and the Emergency Management procedure.

Drugs, alcohol and tobacco

Staff members must present themselves in a fit and proper state to perform their duties, so as to not put at risk the health and safety of themselves and others. This applies to duties being undertaken whilst working remotely and across all properties and office locations.

In relation to substance use/abuse:

- Smoking is not permitted in any building, or enclosed area, and care should be taken to ensure tobacco smoke does not enter buildings.
- Staff members who are under the influence of alcohol or drugs in the workplace (i.e., in an obvious state of disturbance to their physical or mental faculties that impairs their performance) may be subject to disciplinary action.
- If staff members have concerns about their use of alcohol, or illegal, non-prescribed and/or restricted drugs, they should discuss them with their manager or seek counselling support from the Employee Assistance Program (EAP).

- Any illegal drugs found on State Records NSW property or in the possession of any person on State Records NSW property must be reported to the Executive Director. This may also be reported to the police.

Participation in Political or Other Activities

State Records NSW must maintain public confidence in the impartiality of its actions and advice. You have a right to participate in political and community activities and to pursue private interests, provided that:

- Your participation does not interfere with your official duties;
- Your participation does not conflict with your duty as a public servant to serve the government of the day in a politically neutral manner; and
- Any conflict of interest (actual, perceived or potential) that arises is dealt with in accordance with the Code.

If there is a conflict of interest, you may be required to cease the activity or withdraw from the area of work where the conflict of interest is occurring. In determining the conflict of interest and how it should be managed, consideration will be given to the nature of the issue, your role, the extent of your participation, and your public prominence.

Compliance with the law, government and State Records NSW policy

You must comply with any relevant legislative, industrial and administrative requirements and with any lawful direction made by a person with the authority to give such a direction. To comply with relevant laws and policies all staff are obliged to know and understand the law applicable to the performance of their duties and keep up to date with developments in their area of expertise.

The policies and decisions of the government of the day must be implemented in an impartial manner, and staff must assist with the development and implementation of objectives and initiatives that flow from State Records NSW policies.

You must advise your manager if you are charged with a criminal offence, which is punishable by imprisonment or, if found guilty, could reasonably be seen to affect your ability to meet the requirements of the work you are engaged to perform.

In circumstances where criminal charges will not impact on your work performance, and have concerns about raising this with your manager, you must then report this charge to the MHNSW Head of People and Culture in the first instance.

Public Comment

Public comment refers to public speaking engagements, comments on radio and television or in letters to newspapers, guided tours, educational material and expressing views in books or journals where it is expected that the comments will spread to the community at large. Staff must not represent State Records NSW without being given authority to do so by the appropriate delegate.

As a general rule, you may disclose official information that is normally given to members of the public seeking that information. This may include information contained in annual reports, public relations material, media releases and guided tours. You should ensure that others are aware that you are providing or discussing only material in the public domain.

You should only disclose other official information or documents:

- In the course of your duties;
- When authorised by State Records NSW;
- When required to, or authorised to, do so by law; or

- When called to give evidence in court.

Comments should be confined to factual information and should not, unless required to do so by the circumstances of the particular situation (e.g., asked to do so in court).

You should take care in situations where public comment, although made in a private capacity, may appear to be an official comment on behalf of State Records NSW. In such circumstances, you should preface your remarks with a comment that they are made in a private or union capacity and do not represent the official view of the Organisation.

Private citizen comments must not be made using any State Records NSW resources (e.g., letterhead or email systems).

All media enquiries must be directed to the Executive Director.

Procurement and Contracts

State Records NSW purchasing practices must be of the highest standard to achieve value for money and ensure that public money is spent appropriately. Staff must comply with the MHNSW Procurement policy when procuring goods and/or services.

Any conflict of interest in any aspect of the procurement process should be recognised, disclosed, and avoided, and referred to their direct manager.

Recruitment

Recruitment processes must comply with the processes and procedures set out in the GSE Act, GSE Rules and associated policy material.

They must meet the principles and standards of merit selection and be ethical, fair, and effective - for more information, see the [Public Service Commission's Recruitment and Selection Guide](#).

Staff must:

- Avoid participating in the appointment of and/or other decisions relating to discipline, promotion, or pay and conditions for any staff, or prospective staff, to whom they are related or with whom they have a personal relationship or a business relationship outside of their official duties; and
- Ensure they disclose without delay any perceived, potential or actual conflicts of interest to a selection panel on which they serve, in relation to any of the applications.

More information on conflict of interests in general can be found within this policy and MHNSW's suite of documents pertaining to declaring and managing declarations.

Breaches of the Code

Impact of behaviour contrary to the Code

Behaviour contrary to this Code and to the Ethical framework for the government sector (Part 2: GSE) can bring individual employees into disrepute, undermine productive working relationships in the workplace, hinder customer service delivery, and damage public trust in the Organisation or the broader government sector.

Behaving contrary to this Code may result in referring the conduct to external agencies, such as the Independent Commission Against Corruption or the NSW Ombudsman. If you are unsure of what is appropriate conduct under any particular circumstances, discuss the matter with your supervisor, manager or the contact listed in the applicable policy.

If you see behaviour contrary to the Code

If you see someone act in ways that you think may be contrary to this Code, you should in the first instance discuss that person's behaviour with your immediate supervisor, manager or report your concerns to the Executive Director.

If you believe that the behaviour you are aware of is not just unethical conduct or a breach of the Code but is corrupt conduct, a serious and substantial waste of public money, serious maladministration or government information contravention, then report your concerns in accordance with the State Records NSW Public Interest Disclosures policy.

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.

The subject matter of any misconduct may relate to an incident or conduct that happened outside of work or before the commencement of the employment.

Actions when allegations are made

A breach of the Code may constitute misconduct under the GSE. If it is alleged that 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 may be required.

If you are responsible for investigating an allegation of a 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 staff member
- **Speed** to ensure that the opportunity for further misconduct and the potential for bitterness is minimised, as are opportunities to breach the confidentiality to which complainants and staff members are entitled
- **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.

For public servants, the *Government Sector Employment Act 2013* and the *Government Sector Employment Rules 2014* set out how allegations of misconduct are to be dealt with. Part 8 of the Government Sector Employment 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.

The matters to consider when deciding what action to take include:

- The seriousness of the breach;
- The likelihood of the breach occurring again;
- Whether the staff member has committed the breach more than once;
- The risk the breach poses to staff, stakeholders, and any other persons; and
- Whether the breach would be serious enough to warrant action for misconduct.

You must promptly notify the Executive Director once becoming aware of any complaint made by a member of the public or external agencies about a worker. The Executive Director will then triage and delegate the complaint as appropriate. Any employee complaint matter requiring investigation will be referred to an appropriate member of State Records NSW..

Recommendations resulting from the investigation will be reviewed and approved or otherwise by the Executive Director personally. All other complaints will be dealt with in accordance with the State Records NSW Grievances Policy.

Employees may be suspended from duty (with or without pay) until an allegation of misconduct or criminal charge or investigation of corrupt conduct has been dealt with.

If you are a contractor, consultant, volunteer or student, a breach of the Code may result in your contract/placement being terminated.

For employees in the Public Service, the GSE sets out the actions that a Public Service agency head may

take where there is a finding of misconduct against an employee. These actions are as follows:

- Terminate the employment of the employee (without giving the employee an opportunity to resign);
- Terminate the employment of the employee (after giving the employee an opportunity to resign);
- Impose a fine on the employee (which may be deducted from the remuneration payable to the employee);
- Reduce the remuneration payable to the employee;
- Reduce the classification or grade of the employee;
- Assign the employee to a different role; and/or
- Caution or reprimand the employee.

In addition to any misconduct action taken by the Organisation, criminal proceedings may be commenced against you if there is evidence of criminal activity.

Managing complaints

Complaints from the public or external agencies may arise because of client dissatisfaction with the quality of State Records NSW's service or where they do not agree with its actions or decisions.

Complaints from individuals or organisations from outside State Records NSW should be managed using the State Records NSW Complaints policy.

Reporting grievances

Staff who wish to complain and seek a resolution if they feel aggrieved about:

- Decisions or actions that adversely or could be perceived to adversely affect them;
- Interpersonal conflict with other staff; or
- Allegations of harassment, bullying or discrimination in the workplace;

should contact MHNSW People and Culture.

Monitoring, evaluation, and reporting requirements

The Executive Director, and managers are responsible for the effective management of the Code of Ethics and Conduct.

All must monitor and evaluate the operation of this policy in their area of responsibility and comply with any reporting requirements in the guidelines.

Annual declaration

All staff must declare that they will abide by the Code of Conduct to maintain an ethical, efficient, and effective organisation and workforce. This is done initially in the induction process then declared annually via the Agency's training and development platform.

Deciding and acting ethically

To make the best-available decision:

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 and customers; stakeholders; and the Government of the day. Wherever possible, consult affected people and communities.

Develop a mix of options that address these questions:

- **Duties:** What are your responsibilities as defined by the law, Government policies, agency procedures, and your role description? Is it legal? Is it consistent with the principles & policies of the agency and the NSW government sector?
- **Results:** Which options will yield the greatest benefit (or least harm) to the most people, and minimise the number of people who might be disadvantaged - in the short and longer term? What will the consequences be for my colleagues, the agency and yourself? 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 or loss?
- **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)?

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 colleagues 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 head of your agency say your actions are consistent with the Ethical Framework and the law?

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

Review and identify opportunities for continuous improvement.

Encourage ethical behaviour by other employees

Ways to support the ethical behaviour of other employees include:

- **Personal** - encourage your colleagues to act ethically by making ethical decisions and acting ethically yourself.
- **Interpersonal** - encourage all 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 and customers.
- **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.

Roles and Responsibilities

- **Executive Director:**
 - Responsible for approving revisions of the Code;
 - Reviewing investigation recommendations; and

- Receiving notifications on illegal drug use.
- **Managers:**
 - Ensuring their staff are aware of and comply with the Code;
 - Ensuring staff complete all compulsory training on the Code and associated policies;
 - Advising staff on expected standards of behaviour; and
 - Investigating alleged breaches of the Code.
- **MHNSW Head of People and Culture:**
 - Reviewing and updating the Code;
 - Investigating alleged breaches of the Code;
 - Issuing the Code to all new staff as part of their offer of employment; and
 - Demonstrating ethical, fair and professional behaviour.
- **Staff:**
 - Understanding the terms of the Code;
 - Abiding by the guidelines on ethical and professional behaviour;
 - Consulting their manager when unsure of what behaviour or action is expected of them;
 - Reporting incidents when they believe the Code has been breached; and
 - Understanding legislation and State Records NSW policies and procedures that support professional and ethical behaviour.

Delegations

- All relevant State Records NSW delegations.

Legislation

- *Government Sector Employment Act 2013*
- *Public Finance and Audit Act 1983*
- *Anti-Discrimination Act 1977*
- *Government Information (Public Access) Act 2009*
- *Public Interest Disclosures Act 1994*
- *Independent Commission Against Corruption Act 1988*
- *Privacy and Personal Information Act 1998*
- *Public Works and Procurement Act 1912*
- *Health Records and Information Privacy Act 2002*
- *Work Health and Safety Act 2011*
- *Government Advertising Act 2011*
- *Ombudsman Act 1974*
- *State Records Act 1998*
- *Children and Young Persons (Care and Protection) Act 1988*

- *Child Protection (Working with Children) Act 2012*
- *Crimes Act 1900*

Related Policies

- MHNSW Fraud and Corruption Policy
- MHNSW Gifts and Benefits Policy
- State Records NSW Public Interest Disclosure Policy
- State Records NSW Records and Information Management Policy
- MHNSW Purchase Card Policy
- MHNSW Procurement Policy
- MHNSW Risk Management Policy
- MHNSW Appropriate use of Digital Technologies Policy

Other Related Documents

- Public Service Commissioner Direction No 2 of 2022
- Staff (non-Senior Executive) Declaration form
- Senior Executive Private Interest Declaration Form
- Secondary Employment Form
- Gifts and Benefits declaration Form

Definitions

Staff means anyone who performs paid work in any capacity for an employer, business or organisation. This includes an employee, volunteer, contractor or sub-contractor, an employee or a contractor of a sub-contractor, an employee of a labour hire company.

Superseded Documents

This policy replaces:

- Nil

Revision History

Version	Date issued	Notes	By
1.0	27.03.2023	New Policy upon establishment of State Records NSW, in accordance to the Administrative Arrangements (Administrative	Content / Control – Governance Approval – Executive

		Changes—Miscellaneous) Order published on 16 December 2022	Director
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Review Date

This policy will be reviewed 23 March 2025 (2year intervals or as needed in accordance to regulatory changes)

Contact

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