



information
and privacy
commission
new south wales

IPC Code of Conduct

Updated November 2024



Contents

1. Introduction	4
2. Application	4
3. Minimum expected standards of behaviour	7
4. Behaviour contrary to the Code.....	12
5. References	14
Appendix 1: IPC Additional Provisions	15
Appendix 2: Disclosure of conflicts of interest	20
Appendix 3: IPC Code of Conduct Agreement	21

This Code of Conduct includes the Code of Ethics and Conduct for NSW Government Sector Employees as well as IPC Additional Provisions.

Code of Ethics and Conduct for NSW Government Sector Employees

1. Introduction

The Information and Privacy Commission NSW is established under the *Government Sector Employment Act 2013 (GSE Act)* to support the integrity and oversight functions of two independent statutory office-holders: the Information Commissioner and the Privacy Commissioner. The IPC's staff are employed in the NSW Public Service and are government sector employees under the GSE Act.

When you work in the NSW government sector, you have an important role to play in maintaining confidence in our systems of government.

As government sector employees, the work we do makes a difference in the lives of millions of people across NSW. The communities we serve both expect and need us to act ethically, fairly and comply with the law. We must spend public money wisely and maintain trust in our systems and institutions now and into the future.

The *Code of Ethics and Conduct for NSW Government Sector Employees (the Code)* sets out the minimum expected standards of behaviour that we must meet.

The Code provides a framework to guide our decisions and behaviour, no matter our level or our job.

2. Application

This Code is adopted under section 8A of the *Government Sector Employment Act 2013 (NSW) (GSE Act)* and applies to all NSW government sector employees.¹

The Code identifies mandatory requirements for all government sector employees that are consistent with Part 2 of the GSE Act (the Ethical Framework for the government sector).

This Code applies at all times when government sector employees are acting in the course of, or in connection with, NSW

government sector employment. The Code also extends to conduct outside of work hours where that conduct may affect your employment. This includes conduct that is undertaken in a private capacity, but is inconsistent with your ability (or could reasonably be perceived to be inconsistent with your ability) to fulfil your duties in your government sector role.

This Code does not apply to individuals who are not NSW government sector employees.²

Departments and agencies may supplement this Code – but not alter or subtract from it – with requirements specific to their organisation's operating environment and business risks.

This material may be incorporated into this Code to form a single consolidated document, or published separately.

Commencement date

The Code applies from 1 November 2024.

Conduct that occurred prior to that date while the code set out in section 2.2 of the document entitled *Behaving Ethically: A Guide for NSW government sector employees* was taken to have been adopted for the purposes of section 8A, remains in effect as if it had not been revoked and replaced.

The Ethical Framework for the government sector

All NSW government sector employees are required and expected to act ethically, lawfully and in the public interest. This can be achieved by adhering to the government sector core values of Integrity, Trust, Accountability and Service. These core values are underpinned by 18 principles, which will help you put the values into action. Our core values and principles are collectively prescribed by the GSE Act as the Ethical Framework for the government sector (the Ethical Framework), and are all of equal importance.

¹ Government sector employee means a person employed in ongoing, term, temporary, casual or other employment, or on secondment, in a NSW government sector agency.

² Heads of government sector agencies are not personally covered by the Code if they are not a government sector employee. Statutory officeholders, including heads of Separate Public Service Agencies who

are statutory officeholders and do not hold office in the Public Service (see GSE Act, Schedule 1, Part 3), are not personally covered by the Code since they are not government sector employees. Nevertheless, those heads of government sector agencies who are not personally covered by the Code are encouraged to conduct themselves in accordance with the requirements of this Code voluntarily, with any necessary modifications having regard to their statutory role and status.



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 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.

Roles and responsibilities

All government sector employees must act in a way that is consistent with the Ethical Framework and must comply with this Code. Each of us has a responsibility to conduct ourselves in a manner that reflects our core values in action. This includes the responsibility to speak up when we see any behaviour that we believe does not live up to the Ethical Framework and the general principles and requirements in this Code.

You should follow your agency's policies for reporting wrongdoing where you believe this has occurred.

Managerial behaviour sets the tone for the conduct of all employees. Managers (including senior executives, senior managers, supervisors and others holding senior positions) play a critical role in promoting a culture that values high ethical standards and ethical behaviour.

In addition to their responsibilities as government sector employees, all managers are required to model and promote this Code, and ensure that workplace culture, practices and systems operate consistently with the Ethical Framework.

In addition to having the responsibilities of managers, Departmental Secretaries, heads of agencies and senior executives are required to oversee implementation of this Code and the Ethical Framework.

3. Minimum expected standards of behaviour

All government sector employees are expected to know and act in accordance with the Ethical Framework for the government sector and the general principles and requirements set out in this Code.

The minimum expected standards of behaviour outlined below are not an exhaustive list of what to do in every aspect of your work. Rather, they are general principles and requirements to apply when carrying out your work and should be applied to decide on an appropriate course of action when faced with an ethical issue or professional decision.

If in doubt, you should talk to your manager.

Acting in the public interest

Act lawfully

Bullying, unlawful
discrimination and harassment
in the workplace

Confidentiality, privacy and
records management

Conflicts of interest

Gifts, benefits and hospitality

Lobbying

Making public comment

Recruitment

Risk management Secondary
employment Use of public
resources

Workplace health and safety

Acting in the public interest

You should treat all people you interact with in the course of your work:

- equally without prejudice or favour
- with honesty, consistency, impartiality and respect.

You should always:

- place the public interest over personal interest
- uphold the law, institutions of government and democratic principles
- provide apolitical and non-partisan advice
- provide transparency to enable public scrutiny
- be fiscally responsible and use resources efficiently, effectively and prudently.

Acting in the public interest requires leadership, courage and innovation to develop practical recommendations and actions that are consistent with the core values.

For those departments and other agencies that are subject to Ministerial direction and control, acting in the public interest requires you to help your agency to deliver the policies, programs and stated outcomes of the Government of the day. However, acting in ways which are expedient or convenient, but which are inconsistent with the government sector core values, is not in the public interest.

Act lawfully

You must always act lawfully and uphold the law.

You must comply with this Code as well as any department or agency code of conduct which applies to you, any relevant legislative, industrial and administrative requirements and any lawful direction made by a person with the authority to give such a direction.

Bullying, unlawful discrimination and harassment in the workplace

Everyone is entitled to be treated fairly and with courtesy and to feel safe and respected.

Bullying, unlawful discrimination, and all forms of harassment (including sexual harassment) are not acceptable under any circumstances and not tolerated in our workplaces.

You must not bully, unlawfully discriminate against or harass anyone in your dealings with them.

Public Service Commissioner Direction 1 of 2023 requires departments and agencies to have in place a policy in relation to workplace sexual harassment. IPC has published a [Prevention of Sexual Harassment in the Workplace Policy](#).

You should ensure you understand and adhere to your legal obligations and your agency's policies in relation to workplace sexual harassment, as well as additional policies (if any) relating to bullying, unlawful discrimination and other forms of harassment.

Managers play a critical role in actively preventing and responding to bullying, unlawful discrimination and other forms of harassment (including sexual harassment), and should familiarise themselves with these obligations.

Confidentiality

Government sector agencies hold and manage large amounts of information. This information needs to be managed in accordance with relevant legislative obligations and [IPC's Privacy Management Plan](#).

Unless otherwise authorised, you must maintain the confidentiality of all official information (including confidential, personal and other sensitive information or documents) held by your agency that is not publicly available, that has not been published or that you are not authorised to disclose.

You may only disclose official confidential information when you are authorised to do so, including when permitted or required by law or legal process to do so.

You must not disclose, access or use official information in an unauthorised way, including for your or anyone else's personal benefit or advantage.

Misuse of information acquired in the course of your employment may amount to misconduct, an offence under applicable criminal, privacy, information access, or State Records legislation and/or serious wrongdoing.

Privacy

You must protect personal information and health information and comply with applicable privacy obligations and [IPC's Privacy Management Plan](#) and [Data Breach Policy](#).

The *Privacy and Personal Information Protection Act 1998* (NSW) (PIIP Act) outlines how NSW public sector agencies are required to manage personal information. The *Health Records and Information Privacy Act 2002* (NSW) (HRIP Act) outlines how NSW public sector agencies are required to manage health information.

Records management

You must comply with record-keeping obligations that apply to your role and [IPC's Records Management Policy](#). You must not destroy records without proper authority.

Conflicts of interest

A conflict of interest exists when a reasonable person might perceive that your personal interest(s) could be favoured over your public duties.

A conflict may arise from a range of factors, including:

- personal relationships
- secondary employment
- membership of special interest groups
- your ownership of, or financial interest, in property, shares or companies.

Conflicts of interest may also arise due to your personal beliefs or attitudes that could influence, or be perceived to influence, your impartiality or decision-making. It is your responsibility to identify and declare conflicts of interest.

To determine if a conflict of interest exists, ask yourself:

- Do I have a personal interest?
- Do I have a public duty?
- Is there a connection between my personal interest and my public duty?
- Could a reasonable person perceive that my personal interest might be favoured?

It is not necessarily unethical to have a conflict of interest. However, you should avoid placing yourself in conflicting situations wherever

possible. Failing to disclose and manage a conflict appropriately may amount to misconduct and/or serious wrongdoing.

Where you have a conflict of interest, you must:

- always disclose the conflict of interest in accordance with this Code and your agency's conflicts of interest policy (if any) as soon as you become aware of the conflict
- work with the appropriate person with responsibility for managing the conflict to resolve any conflicts in the public interest, rather than your own or another person's personal interest.

Managers or those responsible for managing a conflict of interest should:

- ensure the conflict is appropriately documented
- consider whether the circumstances warrant removing the employee from the duties that are in conflict with their private interests
- approve a management plan to eliminate or manage the conflict in the public interest
- monitor the situation to ensure compliance with the agreed management plan.

Further information on Conflicts of Interest for IPC staff is included in Appendix 1 and IPC's Conflicts of Interest Declaration is attached as Appendix 2

Gifts, benefits and hospitality

In the course of your work, you – or, occasionally, your family, relations, friends or associates – might be offered gifts, benefits and/or hospitality by customers, clients, applicants, suppliers, or other persons or organisations.

Where a gift, benefit or hospitality of token value is offered simply as a memento or a small token of appreciation, accepting it is unlikely to be inconsistent with your obligations under the Ethical Framework for the government sector.

However, you should always be aware that gifts, benefits and/or hospitality might be offered to influence you when making a decision, or to provide a favour which will advance the interests of the giver, either now or in the future.

You should never:

- solicit gifts, benefits and/or hospitality from anyone
- accept any gifts, benefits and/or hospitality offered to you that is intended, or likely, to cause you to act in a certain way
- accept any gift, benefit and/or hospitality where there could be a perception that it has been offered as an inducement or incentive to act in a certain way
- accept any gift, benefit and/or hospitality for a family member, relation, friend or associate that is intended as, or could reasonably be perceived to be, an inducement or incentive to act in a certain way
- accept any gift, benefit and/or hospitality where you currently, or may in the future, exercise discretion in the making of a decision affecting the giver.

You should ensure you understand and adhere to [IPC's Gifts and Benefits Policy](#) relating to the declaration and management of gifts, benefits and/or hospitality.

You must refuse bribes or inducements and report them in line with your agency's policy.

Lobbying

NSW public sector officials are required to act impartially in the public interest when carrying out their public duties, including when being lobbied, or making decisions after being lobbied, by lobbyists.

You must comply with the values, principles and requirements in this Code and [Premier's Memorandum M2019-02 NSW Lobbyists Code of Conduct](#). The *Lobbying for Government Officials Act 2011* (NSW) restricts lobbying of Government officials by lobbyists and requires lobbyists to comply with ethical standards of conduct and other requirements set out in the Lobbyists Code of Conduct. It is important for public confidence in the integrity of government that lobbying is carried out with appropriate probity and transparency.

Making public comment

Public comment is any comment made where it is expected that it will be seen or heard by members of the public. It includes:

- profiles or activities on social media
- comments on internet sites or broadcast by electronic means
- public speaking engagements
- comments to radio, television or print reporters (including letters to the editor)
- comments in books, journals or notices
- appearances before Parliamentary Committees.

You must not make any public comment on behalf of your agency or in the course of your work unless authorised to do so. When making an authorised public comment for official duties, you should:

- only state the facts
- avoid expressing opinions on government policies or government decisions, unless you are authorised to do so or this is part of your agency's role
- only disclose information that is publicly available or has been published or is information that you are authorised to disclose.

You are able to participate in public debate on political and social issues in a private capacity, including on social media. In making public comments in a private capacity you should ensure your comments:

- are clearly identified and understood to be your personal views
- do not discuss or disclose information concerning your work or workplace that is not publicly available
- are lawful – do not post material that is defamatory, bullying, harassing, breaches privacy, is in contempt of court, breaches intellectual property rights or is otherwise unlawful.

You must not act in a way that casts doubt on your ability, or the ability of your agency, to act impartially, apolitically and professionally.

Recruitment

If you are involved in any recruitment, you must comply with the Ethical Framework requirement to recruit and promote employees on merit, and comply with applicable legislative requirements concerning the recruitment process.

You must also promptly declare any conflict of interest as required by this Code and/or your agency's policies (if any). Where applicable, you must work with the appropriate person with responsibility for managing the conflict to resolve any conflicts in the public interest, rather than your own or another person's personal interest.

Risk management

When carrying out your work or contributing to the making of decisions, you have a duty to objectively identify any risks and report them to your manager or the relevant decision maker, so they can be assessed and appropriately managed in a lawful way. Risks must be managed in accordance with [IPC's Enterprise Risk Management Policy](#) and applicable mandatory NSW Treasury policies.

Secondary employment

You may for various reasons wish to undertake either paid or unpaid work in addition to your role within the government sector. You are required to comply with applicable legislative requirements and [IPC's Secondary Employment Policy](#), which presently adopts the same policy of the Department of Customer Service.

For Public Service employees, see clause 7 of the *Government Sector Employment Regulation 2014* (NSW). Taking on additional work may give rise to a conflict of interest, or reasonably perceived conflict, between your primary and secondary employment.

If this occurs you should declare the conflict in accordance with this Code and your agency's conflict of interest policy (if any) and resolve any conflicts in the public interest, rather than your own or another person's personal interest.

Use of public resources

You must use public resources in an efficient, effective and prudent way.

You must not use public resources – including such things as money, property, equipment or consumables – for an unauthorised purpose. You must not use your position, or access to government resources and information, for personal gain or the gain of another person.

When procuring goods and services for your employer, you must ensure you:

- declare any conflicts of interest in accordance with your agency's conflicts of interest policy (if any)
- work with the appropriate person with responsibility for managing any conflict to resolve any conflicts in the public interest, rather than your own or another person's personal interest
- comply with applicable NSW Procurement Board policies and directions as well as your agency's procurement policies (if any)
- comply with the principles of probity and fairness
- take reasonable steps to ensure the goods and services are not the product of modern slavery
- obtain value for money.

You are required to comply with this Code, your legislative obligations, the NSW Government Procurement Policy Framework, and your agency's policies and procedures (if any).

Workplace health and safety

We all have a role to play in ensuring the safety of ourselves and others in the workplace.

You must take reasonable care for your own health and safety and not do anything that adversely affects the health and safety of others. You should report risks to health and safety in accordance with your duties under the *Work Health and Safety Act 2011* (NSW) and [IPC's Work Health and Safety Policy](#), and familiarise yourself with the work, health and safety arrangements in your workplace.

Managers may have more substantial obligations involving the safety of those under their supervision or attending work locations, and should familiarise themselves with these obligations. You should refer to [IPC's Work Health and Safety Policy](#) for more information.

4. Behaviour contrary to the Code

Behaviour contrary to this Code or to the Ethical Framework for the government sector can create an unsafe workspace, bring individuals into disrepute, undermine productive relationships with colleagues and the public, and damage public trust in your agency or the broader government sector.

A contravention of this Code may be misconduct for the purposes of section 69 of the GSE Act, or other legislation governing the conduct of government sector employees in the Teaching Service, Police Force, Health Service, Transport Service and other services of the Crown.

If you are unsure of what is appropriate conduct in a particular situation, you can discuss the matter with your manager or the relevant member of your agency's executive. Your agency may have additional options available to discuss any concerns you have. Heads of government sector agencies may also contact the Public Service Commissioner.

If you see someone act in ways that are contrary to this Code, you should raise your concerns in accordance with the [IPC's Public Interest Disclosures Policy](#).

How to report serious wrongdoing

The *Public Interest Disclosures Act 2022* (NSW) (**PID Act**) establishes a framework to encourage people who work in the public sector to report serious wrongdoing. Serious wrongdoing means one or more of the following:

- corrupt conduct
- serious maladministration
- a government information contravention (other than a trivial failure)
- a local government pecuniary interest contravention
- a privacy contravention (other than a trivial failure)
- a serious and substantial waste of public money.

If you become aware of serious wrongdoing, you can report your concerns in accordance with [IPC's Public Interest Disclosures Policy](#). You can also contact the relevant integrity agency body (such as the Ombudsman, Independent Commission Against Corruption, Auditor-General, or Law Enforcement Conduct Commission).

If you believe conduct may be illegal or constitute a criminal offence, you should follow your agency's policies for reporting wrongdoing or, if appropriate, report the matter to NSW Police Force.

Under the PID Act, it is both a criminal offence and misconduct to take detrimental action against a person who makes, or is suspected of making, a public interest disclosure. The PID Act provides a range of additional protections against detrimental action.

When a public official (as defined in the PID Act) reports suspected or possible wrongdoing in the public sector, their report will be a public interest disclosure (PID) if it has certain features which are set out in the PID Act. PIDs must be managed in accordance with the PID Act.

Further information about public interest disclosures is available on the NSW Ombudsman's website.

Actions when allegations of misconduct are made

For employees of Public Service agencies, the GSE Act and *Government Sector Employment (General) Rules 2014* (**GSE Rules**) set out how allegations of misconduct are to be dealt with, which include:

- requirements that the relevant employee be advised of the detail of the allegation
- the action that may be taken against the relevant employee if there is a finding of misconduct
- the process to be undertaken to investigate and resolve the matter
- that the relevant employee be provided a reasonable opportunity to respond to the allegations and the proposed action to be taken.

Government sector agencies that are not part of the Public Service (that is, the Teaching Service, Police Force, Health Service, Transport Service and other services of the Crown) are not bound by the misconduct provisions in the GSE Act and GSE Rules unless so prescribed. Non-Public Service agencies have their own legislative, policy and/or industrial instrument requirements for dealing with allegations of misconduct.

Declaring private interests as a senior executive

A senior executive (including an acting senior executive) must make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could reasonably be perceived to influence, the senior executive's duties, including decisions made, or advice given by the senior executive.³

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

After a senior executive makes an initial declaration, a fresh declaration must be made:

- as soon as practicable, following any relevant change in the senior executive's private interests
- as soon as practicable, following the senior executive's assignment to a new role or responsibility
- at least annually.

A template form for making a private interests declaration is available on the PSC's website. The form may be used 'as is', or augmented by a department/agency to reflect the operating environment and/or business risks which are specific to the department/agency.

An acting senior executive is not required to make a fresh declaration on each 'acting' occasion and may rely on their most recent declaration, provided:

- that declaration is brought to the attention of their current manager
- there are no additional undeclared 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 the senior executive whilst they are acting.

Responsibilities of person receiving declaration

Government sector agency heads are responsible for ensuring that procedures are in place to require that:

- senior executives complete declarations
- handling and storage of declarations comply with the requirements of the PPIP Act
- declared conflicts of interest are managed and monitored.

A senior executive must provide their declaration to

- in a department, the Secretary
- in an executive agency related to a department, the agency head
- in a separate Public Service agency, the agency head
- in the Teaching Service, NSW Police Force, NSW Health Service, Transport Service of NSW and any other service of the Crown, the head of the service.

A Department Secretary must provide their declaration to the Secretary of the Premier's Department.

The Secretary of the Premier's Department must provide their declaration to the Public Service Commissioner.

A head of an executive agency related to a department must provide their declaration to the Department Secretary.

A head of a transport-related service must provide their declaration to the Secretary of the Department of Transport.

A head of any other service of the Crown must provide their declaration to the Secretary of the Premier's Department.

³ Government sector agency heads who are statutory officeholders and not subject to this Code may wish to provide a voluntary declaration of interests. They can do so to the person exercising employer functions in relation to the statutory officeholder, to the extent that this is possible. For example, statutory officers whose employment is governed by a contract

of employment with a Minister, or who are subject to Ministerial direction or control in respect of some or all of their functions, could make their voluntary declaration to that Minister. Where this is not possible or appropriate in the circumstances, voluntary declarations may be made to the Secretary of the Premier's Department.

5. References

The following policies are relevant to the IPC Code of Conduct. This list is indicative only and should not be considered to be an exhaustive list. Please refer to any other relevant legislation, policy or guidelines of the IPC:

- [DCS's Conflicts of Interest Policy](#)
- [DCS's Secondary Employment Policy.](#)
- [IPC Data Breach Policy.](#)
- [IPC's Enterprise Risk Management Policy](#)
- [IPC Gifts and Benefits Policy and Register](#)
- [IPC Prevention of Sexual Harassment in the Workplace Policy.](#)
- [IPC Privacy Management Plan](#)
- [IPC Public Interest Disclosures Policy](#)
- [IPC's Records Management Policy](#)
- [IPC's Work Health and Safety Policy,](#)
- [Lobbyist Code of Conduct](#)

Legislation cited:

- [Government Sector Employment Act 2013 \(NSW\)](#)
- [Government Sector Employment Regulation 2014 \(NSW\)](#)
- [Government Sector Employment \(General\) Rules 2014](#)
- [Health Records and Information Privacy Act \(NSW\) 2002](#)
- [Lobbying for Government Officials Act 2011 \(NSW\)](#)
- [Privacy and Personal Information Protection Act \(NSW\) 1998](#)
- [Public Interest Disclosures Act \(NSW\) 2022](#)
- [State Records Act \(NSW\) 1998](#)
- [Work Health and Safety Act 2011 \(NSW\)](#)

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Appendix 1: IPC Additional Provisions

This Appendix contains some additional provisions that apply to the IPC which are intended to complement the whole-of-sector Code of Conduct in specific areas.

1. Complying with the law, policies and any lawful direction

Employees are to comply with relevant laws, policies and procedures and to know and understand the law applicable to the performance of their duties. To facilitate compliance, the IPC's senior employees will ensure that:

- all employees are kept fully informed about the key legal requirements relevant to their work
- employees are made aware of the potential repercussions of non-compliance with legal requirements that apply to them
- appropriate recordkeeping systems and practices which capture evidence of compliance and non-compliance are in place. These should be in accordance with the [State Records Act 1998](#).

2. Act in an independent, apolitical, honest and transparent manner

Employees are required to undertake their role at the IPC in an independent, apolitical manner and consistent with relevant legislation. Employees must provide the same high standard of advice, assistance and service, irrespective of their own political affiliations or interests, or those of the Government of NSW from time to time.

Policies, guidelines and legislation must be applied equitably, transparently, on the basis of merit, and with proper consideration being given to the particular circumstances of each individual case.

3. Gifts and benefits

The IPC's [Gifts and Benefits Policy](#) sets out which gifts may be accepted, completion of the Gift or Benefit Notification Form and the publication of the IPC's Gifts Register for any gift accepted with a value greater than \$100.

All reasonable steps should be taken by employees to ensure that immediate family members are not the recipients of gifts or benefits that could give the appearance to an impartial observer of an indirect attempt to secure influence or favour.

It is often not a question of whether a gift or benefit is or was an attempt to influence, but what an impartial observer would think. Factors which could influence the perception of a gift or benefit would include:

- the nature of the IPC's and employee's main functions
- the scale, lavishness or expense/cost/value of the gift
- the current or potential relationship between employees and the giver, including the likelihood of further contact
- whether gifts are being exchanged formally with another government agency or delegation
- the frequency of occurrence, regardless of the value
- the degree of openness surrounding the occasion or gift.

To preserve integrity when dealing with the public:

- employees should not accept a payment or benefit from any person dealt with in an official capacity

- employees should not display favour or bias toward or against any person in the course of official duty, even if there is no payment or return favour
- the appearance of impartiality should be respected and maintained, as well as impartiality in fact.

4. Acting in the public interest, not your private interest

Sometimes, by virtue of official position or duties, employees may have the power to make decisions or act in ways that can further their own private interests. Employees must not allow the pursuit of private interests to interfere with the proper and impartial discharge of official duties. Potential conflicts of interest must be immediately disclosed to a manager or another appropriate more senior officer.

Private interests include not only personal interests, but also those of an employee's immediate family, relatives, business partners, associates or friends. Employees and their work must not be influenced by plans for, or offers of, employment outside of the IPC. To do so creates a conflict of interest and puts the integrity of the IPC at risk. Employees need to exercise care in dealing with former employees of the IPC to ensure there are no appearances of favourable treatment or inappropriate access to information.

The ultimate decision concerning the appropriate course of action to take over a real, perceived or potential conflict of interest rests with the relevant manager or another appropriate more senior officer. If a conflict of interest arises employees are required to complete the Conflict of Interest Form shown as Appendix 2 of this Policy and discuss the action plan to manage the conflict with their manager or another appropriate more senior officer.

5. Recognise and manage real or perceived conflicts of interest

To ensure that honesty and integrity is not questioned, it is an employee's responsibility to:

- recognise and disclose any actual, potential, or perceived conflict of interest to their manager or another appropriate more senior officer, which extends to prospective employees applying to work at the IPC. As a NSW integrity agency, a person may not be able to work at the IPC if they have a real or perceived conflict of interest in relation to its oversight and regulatory functions.
- take appropriate steps to resolve the conflict of interest in accordance with policy prior to engaging in the affected work
- not knowingly make decisions that may obtain, or may appear to obtain, a personal benefit or a benefit for family members, relatives, close friends, business partners or associates, unless it is a benefit received in common with a class of people who would ordinarily receive the benefit.

All managers are additionally responsible for facilitating compliance by those they supervise by:

- being aware of the risks of conflicts inherent in the work of the employees they manage
- advising employees on appropriate ways to manage a conflict of interest
- recording the receipt of disclosures of conflicts of interest as reported to them by employees, using the format at Appendix 2. This is to be kept confidential in a secure place by the Manager, Systems and Corporate Services for future reference if necessary. A copy should be provided to the employee who made the disclosure.

6. Participation as a volunteer

Volunteering in the community is encouraged but must not create real or perceived conflicts of interest with the responsibilities of the IPC or raise work health and safety risks. Employees who engage in volunteering activities outside work are required to consider these issues and discuss with their manager whether a conflict of interest declaration is required, if in doubt. Volunteer work must not involve the use of any IPC resources.

An exception to this is trade union delegates in regard to Clause 58 of the *Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009*, where the IPC is to provide accredited delegates with reasonable access to the following facilities for authorised Association activities:

- (a) telephone, facsimile and, where available, email facilities
- (b) a notice board for material authorised by the association or access to staff notice boards for material authorised by the association
- (c) workplace conference or meeting facilities, where available, for meetings with member(s), as negotiated between local management and the Association.

7. Participation in political activities

The IPC is an independent integrity agency, which includes having oversight of NSW Government Ministers and their private offices and reviewing statutory applications and complaints made by members of the NSW Parliament. It is essential that the IPC is and is seen to be apolitical, so before any employee participates in any political activity, the employee must:

- ensure that the involvement does not conflict, or cannot reasonably be perceived to conflict, with the primary duty to act in an independent, apolitical manner
- ensure that employees' views or actions are not presented as an official comment but rather as individual views or those of the political organisation represented
- not make use of any public office or resources for political activity
- immediately inform management of a potential or actual conflict of interest. If this occurs employees may have to stop the political activity in order to continue working at the IPC or the IPC may choose to withdraw the employee from the areas of work where the conflict is occurring.

Special arrangements apply to employees who are contesting state or federal elections. These are detailed in sections 71 and 72 of the GSE Act.

8. Leaving the public sector

When leaving the public sector, employees must return all documentation and any equipment provided or obtained. During subsequent employment and activities, employees must respect the confidentiality of information gained in their official capacity. Intellectual property remains the property of the government unless there is agreement in writing to the contrary.

9. Breaches & Disciplinary Process

Allegations of Breaches of this Code should be reported in writing to the relevant Director or the Director Business Improvement. The Director Business Improvement will investigate and manage

any reports in accordance with sections 68-70 of the GSE Act. Further guidance is available on the Public Service Commission [employment portal](#).

An allegation that an employee of the IPC has breached this Code of Conduct may also be a Public Interest Disclosure under the PID Act. The relevant recipient of any such an allegation under this Code of Conduct must consider whether the allegation must be treated in accordance with the [IPC's Public Interest Disclosures Policy](#).

All employees are required to comply with this Code and any breach of the Code may lead to remedial or disciplinary action including to:

- terminate your employment without giving you an opportunity to resign
- terminate your employment after giving you an opportunity to resign
- impose a fine on you which may be deducted from your salary
- reduce your salary
- reduce your classification or grade
- assign you to a different role
- caution or reprimand you.

Appendix 2 - Disclosure of Conflicts of Interest Form

Date	Name of person disclosing potential conflict of interest	Outline of potential conflict	Decision on Managing conflict of interest, e.g. <ul style="list-style-type: none"> • decision made by a group • no impact but document conflict of interest • cease action causing conflict • action plan to manage potential conflict

Appendix 3: IPC Code of Conduct Agreement*

I have read and understood IPC's Code of Conduct and will comply with it at all times while working at the IPC.

Signature

Name

Date

*An audit of record of all staff signatures of the Code will be kept.