



## Code of Conduct - Schedule 1

This document forms Schedule 1 of the NSW Trade & Investment Code of Conduct

# Code of Conduct

For members of advisory committees/boards,  
contractors and consultants to the NSW Department of  
Trade and Investment, Regional Infrastructure and Services

### Version Control

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## Introduction

When you serve on a committee or board that advises the NSW Department of Trade and Investment, Regional Infrastructure and Services (NSW Trade & Investment or the department) or carry out work for NSW Trade & Investment, you have an obligation to the public interest. You are required to demonstrate standards of professional behaviour that will preserve public trust. Your work for, or the process of, providing advice to NSW Trade & Investment is likely to involve access to confidential and/or sensitive information.

The Code of Conduct for members of advisory committees/boards, contractors and consultants to NSW Trade & Investment (the Code) has been developed to assist you to understand your obligations and NSW Trade & Investment's expectations and requirements. The Code is based on guidelines issued by the NSW Department of Premier and Cabinet and has been prepared in consultation with the department's divisions.

### 1. Personal and professional behaviour

You are expected to always:

- be honest, reasonable, fair and sensitive in your dealings with the members of the public and NSW Trade & Investment staff
- give accurate and impartial advice to the Government and, where applicable, implement its programs conscientiously
- follow relevant legislative, industrial and administrative requirements
- adhere to the Equal Employment Opportunity principles and the Ethnic Affairs Priorities Statement
- adhere to this Code
- adhere to the values of NSW Trade & Investment.

### 2. Conflicts of interest

You must make sure that your interests do not conflict with your responsibilities while you are appointed to a NSW Trade & Investment advisory committee/board or while you are engaged by NSW Trade & Investment as a contractor or consultant.

For example, a conflict of interest would exist when any one or more of these circumstances come up:

- you have a financial interest in a matter NSW Trade & Investment deals with, or you have friends or relatives who you know have a financial interest.
- you have personal beliefs or attitudes (commercial, religious, social, or political) that may influence the impartiality of the work you do or advice you give
- you accept another source of employment, contract or appointment that may, or may appear to, compromise your integrity and that of NSW Trade & Investment
- you are a member of an external board of an organisation whose interests may conflict with those of the department such as entities that seek grants from NSW Trade & Investment, normally lobby government on issues managed by the department or are entrants in an industry awards program that NSW Trade & Investment is sponsoring or judging.

The above list is indicative only and there may be other situations that can lead to a real or perceived conflict of interest.

It is your responsibility to avoid conflicts that could compromise the impartial performance of your role, and to disclose potential, actual or perceived conflicts of interest to NSW Trade & Investment. You must declare interests upfront and you must update NSW Trade & Investment of any changes as they occur.

### 3. Official and confidential information

During your appointment or work you may have access to sensitive, personal and/or commercially confidential information. This information could relate to clients, the NSW Government or departmental employees. You are expected to protect the integrity and security of information and documents for which you are responsible and to adhere to the principles of the *Privacy and Personal Information Protection Act 1998*.

In short, this means that:

- you may not use information for any unofficial purpose outside NSW Trade & Investment
- you may use confidential or official information only in relation to your role and consistent with your obligation to act impartially
- you must be cautious and use sound judgement when you discuss sensitive information with other departmental employees. This should be confined to staff that need the information to do their job, or people who can by reason of their experience, provide useful assistance
- you may not use information gained in your professional capacity for personal gain
- you may disclose information that is normally available to members of the public
- you may disclose information if you are satisfied the request is legitimate and you have appropriate authority to release it
- you must not improperly collect, use or disclose the personal information of individuals such as clients or staff members
- information gained in the course of your advisory role or work must not be used to cause harm or detriment to NSW Trade & Investment or any person or committee/board
- departmental documents, including Cabinet and other in-confidence documents, emails and electronic information, must be properly and safely stored at all times
- you must not remove official information from the department's premises unless you need it for work purposes
- you must treat email as carefully as hard copy information.

Misuse of official information or documents includes:

- speculation in shares, commodities, or property on the basis of confidential information about the affairs of a business or of proposed Government actions
- seeking to take advantage of another person, for personal reasons, on the basis of information held in official records
- disclosing sensitive information to members of the public, political parties, clients, lobby groups, other public servants, other government organisations, or members of Parliament, without proper authority
- providing or trading confidential information for use by private investigators, banks and credit agencies.

These requirements apply to any information you obtain during the course of your appointment or engagement and continue after you complete your appointed term or leave the department. You are expected to maintain NSW Trade & Investment's reputation for integrity and credibility with managing official and confidential information.

#### **4. Intellectual property**

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

All intellectual property created by you in the course of your advisory role or work is the intellectual property of NSW Trade & Investment, unless your appointment, contract or engagement explicitly specifies otherwise. You may therefore not sell or give away intellectual property created during or in connection with your appointment or engagement with the department. You must provide the department with complete copies of any reports, documents or other materials created in the course of your advisory role or work.

#### **5. Use of official facilities and equipment**

You are expected to be efficient in your use and management of public resources. You should be careful in your use of NSW Trade & Investment's property and services.

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

#### **6. Public comment**

Public comment includes public speaking engagements, comments on radio or television or to a journalist, views expressed in letters to newspapers or in books, journals, internet sites and notices

where the publication or circulation of the comment may be spread to the community at large. Comments made in email messages via social media may also be interpreted as public comment.

The official spokespersons for NSW Trade & Investment are the Premier and Portfolio Ministers. In some circumstances the Director General or Deputy Director General also speaks on behalf of the department.

You must not initiate contact with the media at any time.

You must direct any media enquiries to the department's media branch. You must not attempt to respond to the enquiry under any circumstances, not even "off the record".

Outside your work or appointment to NSW Trade & Investment you have a right to comment publicly on political and social issues, as long as you make clear that you are not making an official comment on behalf of NSW Trade & Investment or the NSW Public Service and that you are commenting as a private citizen. You should exercise extreme caution in commenting on areas associated with your engagement.

## **7. Alcohol and drugs**

You must take responsibility for ensuring the health and safety of yourself and of others whilst conducting business on behalf of NSW Trade & Investment. In particular, you are responsible for ensuring that you do not, by the consumption of alcohol or other drugs, endanger your own safety or the safety of any other person, including customers or clients, in the workplace.

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

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

You must also not conduct business on behalf of NSW Trade & Investment if you are under the influence of alcohol or other drugs, likely to adversely affect your ability to do your work.

## **8. Allegations of impropriety**

It is important that the conduct of committee and board members, contractors and consultants, reflects the principles and ethical requirements set out in this Code at all times. If allegations about inappropriate conduct are made or aired in the public domain which, if true, would constitute a breach of the Code, the individual concerned will be asked to stand down from the committee or board by the Minister or his or her delegate or the contract can be terminated.

Allegations made in the public domain include:

- being referred to in sworn evidence (either oral or written) in any court or tribunal proceeding
- being the subject of, or named as a person of interest in, any investigations by the Independent Commission Against Corruption
- being the subject of, or named as a person of interest in, any investigation by the NSW Ombudsman
- being the subject of, or named as a person of interest in, any investigation or proceedings by any other governmental or quasi-governmental body in any jurisdiction.

The individual may resume his or her membership of the committee/board or the contract may be renewed when the relevant court, tribunal or other body makes a finding of fact that the allegations are unfounded, or otherwise when the Minister or his or her delegate so determines.

## **9. Gifts, gratuities, hospitality**

You must avoid giving any indication that gifts, gratuities or hospitality relating to your work for NSW Trade & Investment will be accepted, either for yourself or for any other person or body, or that these may influence decisions. You must not offer any departmental employee any gifts, benefits or entertainment that are intended to or could be perceived to influence their decisions or actions.

Members of committees/boards, contractors and consultants may accept only token gifts and modest hospitality. Gifts can be considered token if there is no implication of indebtedness or reciprocation

expected, if the gift is not cash and if it is of nominal value only. Hospitality is modest when it is no more than the Board member themselves commonly provide.

If any gift, gratuity or hospitality of other than a token kind is offered (or may be reasonably seen as non-token), full and prompt disclosure must be made to the chairperson, full board or department as appropriate.

Further information can be found in the department's Gift and Benefits Policy.

#### **10. Breaches of the code**

NSW Trade & Investment may take action for breaches of this code. Action may include termination of the appointment or engagement/contract and in serious cases the matter may be referred to the police or other appropriate authorities.