



Central West Catchment Management Authority

Policy and Procedures

Code of Conduct

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1. Document Management

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3. Statement of Commitment from the Chairman and General Manager

The NSW government has adopted a very different model to deliver natural resource outcomes. That model includes a significant devolution of power and responsibility from large Sydney-based organisations to smaller regionally focussed CMAs, governed by a community-based Board. CMAs are in some respects still an experiment, and many people are watching.

As a relatively new organisation with an important mandate, the Central West CMA holds a position of trust and responsibility. It is important that we deliver on this position of trust and responsibility and not just in our tangible products. We must be a model of best practice public duty, governance and integrity. Our work will be seriously undermined if we are seen to be acting in a way which the CMA, or members of the community, would find reprehensible.

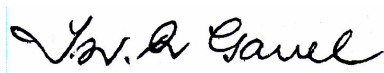
Codes of conduct provide guidance for an organisation and its Staff and foster and maintain public trust and confidence. Our Code of Conduct seeks to achieve these aims. However, it is important that it is not seen as a strict set of rules, where each word is scrutinised for its legal definition and gaps exploited. Rather, the Code is intended to convey, in plain English, the obligations placed on, and the behaviour expected of us.

Our Code has been developed by Central West CMA Staff, with particular input from those in our Mudgee Office. It has been reviewed by all Staff and the Board. All parties have agreed to abide by the same Code, indicating a strong alignment of the Board and Staff with respect to the ethical operation of the Central West CMA.

The Central West CMA Board and Management Team are firmly committed to ensuring that we all observe the highest standards of integrity and ethical behaviour. The Code allows us to do this, and is a key foundation of our organisation and how it operates. Our success depends on how we individually and collectively abide by the behaviours and expectations expected of our Code.

If you are faced with an ethical dilemma or a question regarding your own conduct or the conduct of your colleagues you should use the Code to help determine your response. If the Code does not provide sufficient guidance, you should seek advice from the Chairman or Management team or one of the organisations listed in Section 7.15 on page 19.

It is important that our Code is a living document that is reviewed on a regular basis. We welcome your input into the Code and its implementation.



Tom Gavel
Chairman



Tim Ferraro
General Manager

4. Abbreviations and Definitions

Term	Definition
Board	The Central West CMA Board.
Code	This Code of Conduct.
Customers	Direct beneficiaries of services or products (eg landholders).
Central West CMA	Central West Catchment Management Authority.
Management Team	General Manager, Program Managers and Business Manager.
Policies	Generic term used to refer to Central West CMA or NSW government plans, policies, procedures, documented standard practice, guidelines or directives from the Central West CMA Board or General Manager.
Officer/s	Used to cover all Central West CMA Staff, Board Directors, Volunteers, Contractors and Consultants.
OH&S	Occupational Health and Safety.
SLA	Service Level Agreements between the Central West CMA and external parties.
Staff	Generally not used in the document. Where it is used it should be interpreted to specifically <i>exclude</i> the Central West CMA Board. Staff include permanent or temporary Staff, Contractors and Consultants.

5. Introduction

The purpose of this Code is to provide a framework for decisions and actions in relation to conduct in employment and the discharge of public responsibilities. It underpins a commitment to a duty of care to all Officers and customers receiving our services.

The original version of the Code was effective from 1 October 2005. The current version incorporates amendments to provide clarity on some issues (as requested by staff) as well as including some additional new material to align the code with NSW Government and Central West CMA policies and procedures. This version of the Code supersedes any other Code of Conduct. The Code does not take precedence over any legislation. If a conflict arises between the Code and the provisions of any legislation, then the provisions of the legislation prevail. A list of the main legislation applying to Officers of the Central West CMA is contained in Section 9.

The Code should be read in conjunction with relevant Central West CMA policies. There may also be requirements placed on Officers by the NSW government or Service Level Agreements between the Central West CMA and other agencies. Officers should specifically note that the Central West CMA may be bound by policies from the Department of Environment and Climate Change, especially in relation to Human Resources and Occupational Health and Safety. Officers should check the Central West CMA intranet and DECCnet to ensure they remain up to date with the various policies and procedures.

The Central West CMA strives to be an ethical organisation. This concept acknowledges that 'ethics' is not simply an individual responsibility - it is also a corporate responsibility. In practice, this means that the CMA must have ethical policies, systems, procedures and practices for delivering its services and managing staff. There must also be appropriate management systems to assist in resolving ethical dilemmas as they arise and responding to unethical decisions and practices when they are identified.

The Code applies to all Central West CMA Officers as defined in Section 4. Everyone in the CMA has both an organisational and an individual responsibility to act ethically.

The General Manager and the Board are responsible for:

- Establishing and maintaining ethical policies, systems and procedures.
- Ensuring that mechanisms for responding to potentially unethical circumstances are appropriate and effective (e.g. grievance and complaint handling systems).
- Ensuring that areas of work that are of inherently higher risk in terms of ethics and corruption are identified and that preventive strategies are in place.
- Monitoring the ethical health and culture of the CMA and responding to any problems identified.

CMA Managers and Coordinators are responsible for:

- Monitoring their workplaces to identify and address situations more likely to raise ethical dilemmas (eg by following all policies and procedures and establishing good procedural guidance for decision-making, particularly the exercise of discretion).
- Ensuring that staff are not placed in potentially difficult and/or compromising situations (eg by working alone in the field where they may face compromising situations).
- Being available and supportive to staff who require guidance on ethical dilemmas.
- Fostering a work environment free of harassment, discrimination, victimisation, corruption, maladministration and waste.
- Ensuring that staff are aware of the principles contained in this Code of Conduct and established systems and procedures, including those for addressing ethical problems.
- Supporting and protecting staff who report, in good faith, instances of potentially unethical or corrupt practices.

- Ensuring that staff are treated fairly, equitably and in accordance with legislation and policy (eg access to training and other development possibilities).

CMA Staff

All staff have a duty to:

- Act ethically, lawfully and in accordance with the principles contained in the Code.
- Report potentially unethical or corrupt practices via the established mechanisms detailed in the Central West CMA Protected Disclosures policy.

5.1. Our overarching ethical standards

Serving the public interest above all else by:

- Not serving own interests.
- Managing conflicts of interest.

Acting with integrity which in this context means we are:

Honest

- Obey the law.
- Follow the letter and spirit of policies and procedures.
- Fully disclosing actual or potential conflicts of interest.
- Observe codes of conduct.

Accountable

- Record reasons for decisions.
- Establish audit trails.
- Submit to scrutiny.
- Keep proper, accessible records.

Objective

- Be fair to all
- Consider only relevant matters.
- Be fully informed.
- Dispassionately assess without fear, favour or deference.

Open

- Give reasons for decisions, where appropriate.
- Reveal all avenues available.
- Where authorised, give all relevant information.
- Communicate with clarity and sensitivity.

Courageous

- Give advice fearlessly where required.
- Do the right thing even in the face of adversity.
- Report and deal with suspected wrongdoing.
- Act ethically above loyalty to colleagues or supervisors.

Demonstrating leadership by:

- Illustrating the worth of these values by example.
- Promoting these values to others.
- Striving for excellence.

6. Objectives

The activities of the Central West CMA will be conducted with integrity, ethically, efficiency, economy, fairness and impartiality. Officers must follow the following general principles in their work.

6.1. Commitment to the organisation and its clients

Officers must act in the best interests of the organisation except where to do so contravenes the requirements of any legislation or the Code.

Officers must commit to the serving stakeholders and customers in accordance with the Central West CMA vision, mission, guiding values, the Code and policies. The vision, mission and guiding values of the organisation detail, in general terms, why the Central West CMA exists, its long term goals and overarching values.

Our Vision

Vibrant communities and healthy landscapes.

Our Mission

To work with the community to conserve, improve and manage natural and cultural resources.

Our values

The Central West CMA has seven values that guide the way we work as individuals and as an organisation. These values are:

1. Leadership - we are committed to, and will lead, NRM improvements in the catchment
2. Integrity - we are ethical, honest, fair, courageous and loyal
3. Transparency - we communicate well and are open, accessible and accountable internally and to our stakeholders and customers
4. Focus - we deliver on our commitments internally and to our stakeholders and customers
5. Quality - we are strategic, innovative and continually improve
6. Collaboration - we operate in partnership internally and with our stakeholders and customers
7. Enjoyment - we recognise our successes and provide a safe, rewarding and family friendly workplace

Our customers

Land managers and resource users in the Central West catchment.

Our stakeholders

- Advisers and educators
- Regulators and policy makers
- The wider Central West community.

6.2. Responsibility to Government

Officers are to implement the laws, policies and decisions of the government of the day in an impartial manner. In particular, Officers must comply with any relevant legislative, industrial and administrative requirements.

6.3. Respect for people, their needs and cultural sensitivities

Officers are to treat members of the public and their colleagues fairly and consistently, in a non-discriminatory manner respecting their rights and obligations.

Officers must perform their duties in a professional and responsible manner, ensuring that decisions and actions are reasonable, fair and appropriate to the circumstances, based on a consideration of all relevant facts, and supported by adequate documentation.

6.4. Integrity and public confidence

Officers are to promote confidence in the integrity of the Authority and always act in the public interest and not in their private interest.

Officers must protect the reputation of public sector agencies. They must not engage in activities, at work or outside work, that would bring either the Central West CMA or the public sector into disrepute.

6.5. Economy, effectiveness and efficiency

Officers must take advantage of the opportunities provided by the CMA to keep up-to-date with advances and changes in their area of expertise, and look for ways to improve performance and achieve high standards of public administration.

7. Code Rules

7.1. Professional behaviour

Principles

The Central West CMA is committed to principles of integrity, public service and the primacy of the interests of the NSW Government and the Catchment Management Act 2003. Officers must not behave in a way which has the intent of offending or embarrassing other Officers or the public.

When carrying out their duties, Officers will:

- Obey any lawful direction from a person who has the authority to give the direction. If you have a dispute about carrying out a direction you may appeal through existing grievance procedures or to the General Manager or another senior officer of the Authority, and not directly with members of the Board.
- Behave honestly and with integrity. This includes a duty to report other Officers who are behaving dishonestly.
- Make sure that work is carried out efficiently, economically and effectively as possible and that the standard of work reflects favourably on NSW Government and the Central West CMA.
- Ensure that you are not under the influence of alcohol or illicit drugs while at the workplace, or participating in work activities at other locations.
- Respect the opinions and wishes of landholders when on property visits (eg. leave gates as you find them). This also includes respecting their political and religious beliefs.
- Use their authority, available resources and information only for the work-related purpose intended.

- Follow the policies of NSW Government, whether or not you approve of these policies. Should the situation arise in which you find a policy which you cannot carry out because of your personal views, you should discuss the matter with your supervisor, General Manager or the Chairman.

Dress Standard

Officers have a responsibility to project an appropriate image to the public. Clothing must be appropriate to the duties of your position, and reflect a professional image when Officers are representing the CMA.

A corporate uniform designed specifically for the Central West CMA will be provided to all Staff. The total cost of the corporate uniforms to a total of \$520 in the first year of employment and \$250 per year after that is met by the Central West CMA. All Corporate Uniform costs above this amount are met equally by the Central West CMA and the staff member.

All staff are required to wear the corporate uniform during work hours and at functions where they are representing the Central West CMA. When uniforms are worn, it is important to remember that this will be associated with the CMA even when Officers are not at work. In some circumstances it may not be appropriate or advisable to wear a uniform outside work.

Officers whose work may exposes them to physical injury or adverse health effects, must wear protective clothing appropriate to their activities and follow relevant OH&S guidelines.

Ethical decision making

At all times, Officers must foster a climate of ethical awareness, conduct and decision making. To assist this process Officers may consider the following guiding questions related to ethical decision making:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with government policy and in line with Central West CMA policies and the Code?
- What will be the outcome for the Officer, work colleagues, the organisation, and other parties?
- Do these outcomes raise conflict of interest or lead to private gain at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?
- Is the making of the decision within the delegated authority for the position?

If there is still any concern as to whether the proposed action or decision is contrary to the Code, you may need to consider the following options:

- Clarify matters with supervisors or other senior management. It may help to put the issues on paper.
- Give supervisors verbal and written advice of any concerns and implications of the decision or action to be taken.
- Document your actions on the issue.
- Seek advice from other officers not directly involved, such as other trusted senior officers.
- Seek advice from appropriate external government agencies such as the Independent Commission Against Corruption (ICAC), the Ombudsman or the Auditor-General. The ICAC has an advice line with a duty officer who is able to assist to work through ethical issues.

7.2. Conflict of interest

Conflicts of interest exist when it is likely that an Officer could be influenced, or **could be perceived to be influenced**, by a personal interest in carrying out their duties.

Conflicts of interest should be assessed in terms of the likelihood that Officers possessing a particular interest could be influenced **or might appear to be influenced**, in the performance of their duties on a particular matter.

Interests that may give rise to a conflict of interest may include:

- **Financial interests** in a matter the Central West CMA deals with or having family, friends or relatives with an interest of which the Officer is aware.
- **Personal beliefs or attitudes** that influence the impartiality of advice given.
- **Personal relationships** with the people the Central West CMA is dealing with that go beyond the level of a professional working relationship.
- **Secondary employment** that compromises an Officer's ethical practices, integrity and/or the integrity of the Central West CMA. **This includes membership on committees and boards.** (See Section 7.5 for more detail).
- **Political and community participation** must not conflict the primary duty of Officers to act in a politically neutral manner. This is important because of the need to maintain Ministerial and public confidence in the impartiality of the actions taken and advice given by Officers.

Officers are free to fully participate as volunteers in community organisations, charities and in professional associations. However, they must not represent the Central West CMA unless they have been placed on the organisation by the Board or General Manager.

Disclosure of Conflict of Interest

If an Officer considers that they may have a conflict of interest they should disclose this to the General Manager or Chairman, as appropriate. The General Manager or Chairman will attempt to resolve conflicts of interest that may compromise the impartial performance of their duties. Officers must act on all reasonable directives from the General Manager and Chairman in relation to removing conflicts of interest.

Resolving a Conflict of Interest

Depending on the significance, a range of options to resolve any conflict of interest are available. These include:

- Where the potential for conflict is minimal or can be eliminated by disclosure or effective supervision, record the details and continue involvement.
- Ending your personal interest (eg divesting your interest in a company or quitting a second job).
- Declaring the conflict and not participating in any decision making related to the conflict (eg a tendering process).
- If the conflict is significant enough, you may need to transfer from your work area or from the particular task on a temporary or permanent basis.

Disputes over alleged conflicts of interest may be resolved through the Authority's grievance handling procedures.¹

¹ The DECC Grievance Policy "Reaching Resolution" applies to CMA grievances.

7.3. Communicating and dealing with stakeholders

Communication with Stakeholders and Customers

In serving and valuing Customers and Stakeholders, Officers need to provide them with relevant assistance which is responsive to their needs. This means that:

- Officers will take reasonable care in giving information or advice.
- Information must be provided promptly and in an appropriate format that is easy for the recipient to understand.
- Any advice or information must be clear, accurate, reliable, current and complete and based on current knowledge.
- Decisions and actions need to be consistent with government policy and Central West CMA policies.
- Where appropriate, decisions must be transparent and justifiable in terms of the public interest and be able to withstand public scrutiny.

Internal Communication

Communication within the Central West CMA should include a framework to facilitate the two way exchange of information within the organisation, to ensure that issues of concern to Officers are acknowledged and addressed in an efficient, sensitive and timely manner.

Officers must follow the policies developed by the Board and management.

In communication between Officers within the organisation, the following guidelines should be applied:

- Officers must respect the privacy of individuals when dealing with personal information or issues of a sensitive nature.
- Communication between management and Officers must be such that the skills and experience of individuals are recognised and utilised to avoid duplication and maximise the efficiency of the organisation.
- Officers must not use sensitive, personal and/or confidential information obtained in the course of employment without clear authority.
- Officers must respect the judgement of other Officers in all communication

Communication with the Board

Communications to and from the Board must come through the General Manager who has the responsibility to keep the Chairman and the Board informed of issues within the organisation. Any flexibility in this arrangement is at the discretion of the General Manager. This means that Officers must not contact the Board directly unless approval is given to do so. All communication from Board Directors such as requests for work, comments on documents/issues, reports, etc. must be directed to the General Manager.

Communication Issues

If an Officer has a communication issue within the organisation, which has not been resolved through the management structure, then the Officer may seek the support of a mediator/grievance councillor in order to resolve the issue. If Staff are concerned about the communication of information to the Board, they should discuss these issues with the Branch Managers, who will make a decision about alternative communication channels in consultation with the General Manager. Board Directors should discuss issues with the Chairman.

Public Comment

Public comment includes public speaking engagements, comments on any media (radio, television, print, internet, etc.) and expressing views in books, journals or notices where it is expected that the comments will spread to the community at large. The following principles apply with respect to public comment:

- Officers, as individual members of the community, have the right to make public comment and enter into public debate on political and social issues. However, they must be extremely sure that personal comments made at public meetings or other forums are not presented or interpreted as the views or policy of Central West CMA or the NSW Government.
- Officers must not disclose the contents of internal working documents or privileged knowledge unless they have the express authority of the General Manager or Chairman.
- Officers must not make official comment on matters related to the NSW Government or Central West CMA unless such comments are authorised by a manager, the Chairman or authorised or required by law.

7.4. Use of Central West CMA information

Official information must only be used for work-related purposes and not for personal benefit.

Unless authorised to do so by legislation, Officers must make sure that they do not disclose or use any confidential information without approval from the Chairman or General Manager. Unauthorised disclosures may cause harm to individuals or give an individual or an organisation an improper advantage. The integrity and credibility for the Central West CMA may also be damaged if it appears unable to keep its information secure.

All Officers must ensure that confidential information, in any form, including computer files, cannot be accessed by unauthorised people and that sensitive information is only discussed with people, either within or outside the Central West CMA, who are authorised to have access to it.

7.5. Secondary employment

The Public Sector Employment and Management Act requires that Staff have the approval of their department head (in this case the General Manager) before they engage in any form of paid employment outside their official duties. This includes work undertaken while on leave.

Work for which approval must be sought also includes lecturing, company directorships, primary production, media appearances, membership of volunteer fire fighting organisations and writing articles that are not to do with their official duties.

The NSW Government Personnel Handbook states that "Officers must also carefully consider whether the organisation offering them secondary employment may adversely affect the performance of their Public Service duties and responsibilities or give rise to a conflict of interest. This applies whether they are working full time, part time or only temporarily employed."

If Staff are unsure if you need to apply for approval of secondary employment, then they must err on the side of caution (ie apply and the General Manager will make a determination).

Staff need to have all secondary employment considered by the General Manager. A template letter to request approval for secondary employment has been developed for this purpose. Applications will be approved by the General Manager after a recommendation from Branch Managers.

7.6. Gifts, benefits, entertainment and financial inducements

In general, Officers should not accept any benefits or gifts offered in the course of their work. Certainly, no officer should accept a gift or benefit if it could be seen by the public, knowing the full facts, as intended or likely to cause the officer to do their job in a particular way, or deviate from the proper course of duty.

Token gifts of nominal value may sometimes be offered as a thank you for a significant contribution. In such circumstances, gifts may be accepted if the value of the gift is under \$50 and/or if the gift is part of promotional material that is broadly distributed by the provider.

Decline any offer that is individually targeted and respond to offers in the following manner:

- If you are offered significant items or benefits (including cash), after refusing them, take notes of the incident and refer the matter to the Chairman or your supervisor.
- If you consider that the offer was a bribe, or could have been a bribe, or if you believe they have offered or received a favour or benefit you should immediately refer the incident to your supervisor, General Manager or the Board Chairman. The General Manager will then determine how to conduct future relationships with the party offering the benefit. In significant cases, the police and ICAC may be informed.
- If a gift cannot be refused, and it is of more than nominal value (\$50), then the receiver should report the gift to the Business Manager who will note details of the gift on the Central West CMA gift register and inform the General Manager. The gift will then become the corporate property of the CMA and, depending on the nature of the gift, the General Manager will determine if it is to be returned, donated to charity, otherwise disposed of, or destroyed.

The gifts register will record all gifts valued at more than \$50 must detailing the following:

- Date received
- Name of recipient
- Name of offerer
- Type of gift
- Estimated value
- Disposal action by General Manager
- Reason for decision

The Business Manager will report on the gift register half-yearly to the Board and Management Team.

Entertainment is recognised as a legitimate networking opportunity that can benefit the Central West CMA. The following guidelines apply when accepting or making such offers:

- Meals should be of a modest nature and should not be accepted during times of real or perceived decision such as during a tender process or incentives round.
- Entertainment should be considered a gift and treated with the same protocols as other gifts. This means that all meals should be diarised or recorded in a file note regardless of the value or location. This is especially important in appointment of contractors or consultants, allocation of incentives funds, etc.

7.7. Use of official resources

Official resources include, but are not limited to, photocopiers, telephones, computers, fax machines, internet access, tools and motor vehicles.

Efficient use of resources

Officers are expected to be efficient and economical in their use and management of public resources, including their own work time. They are expected to be scrupulous in their use of public property and services. Officers must make sure that the resources under their control (funds, equipment, buildings, etc.) or used by them are used effectively and economically.

As a natural resource management agency, Officers must conserve natural resources whenever possible. This focus on sustainability refers to the environmental, social and economic aspects of our operations. Officers must implement the requirements of the NSW Government's waste reduction and purchasing policy (WRAPP), greenhouse gas efficiency program and other government of Central West CMA policies and procedures. This includes, but is not limited to, recycling paper, minimisation use of paper, conservation of water, reducing energy consumption and the purchase or lease of hybrid vehicles.

Use of official resources for non official purposes

It is accepted that it is impossible to completely eliminate the use of official resources for non-official purposes. Therefore, within reason, the limited use of computers, telephones, motor vehicles and stationary is acceptable provided it is not for commercial purposes. Officers must exercise considerable integrity, ethical practice and professional judgement in the use of official resources for non-official purposes. The Central West CMA reserves its right to restrict the use of official resources.

As general examples for Staff:

- Personal emails should preferably not be directed to a CMA email address. If personal emails are addressed to CMA email addresses, Staff should respond to these outside of normal work hours.
- Personal internet use should be kept to a minimum and again used out of hours wherever possible. Bandwidth-intensive operations that are not work related (downloading MP3s, games, patches, etc.) are not permitted.
- Official resources must not be used outside Central West CMA premises or Central West CMA field-related activity unless authorised by the General Manager. If Staff are authorised to use official resources for non-official purposes they must take responsibility for maintaining, replacing and safeguarding the property and following any OH&S and other special directions or conditions which apply during the time they are being used for such purposes.
- Official resources must not be used for any private commercial purposes under any circumstances.
- Managers may approve the use of facilities such as meeting rooms and equipment by non-profit community and professional organisations as long as there is no significant cost to the Central West CMA.

Details relating to personal use of IT resources may be found in the Central West CMA policy and procedures on Communication Devices Usage. Officers should pay particular attention to policy on personal use of equipment, not accessing pornographic, gambling, auction or other specific internet sites, etc.)

Use of Officer's resources for official purposes

Officer's resources should not be used for Central West CMA official purposes unless it is a genuine "one off." In such circumstances, the General Manager must approve the use of the

resource and ensure that the Central West CMA accepts responsibility for maintaining, replacing, and safeguarding the property and following any OH&S and special directions or conditions which apply during the time they are being used.

7.8. Political contributions and activities

Officers have the right to enter into public debate in line with the requirements outlined in Section 7.3.

Officers must ensure that any participation in any political activities through a recognised party, cause movement or lobby group does not place them in conflict with their responsibilities to the Central West CMA. This is important because Officers must be seen by the Central West CMA and the public to be able to act impartially.

All such involvement must be at arms length with what is appropriate political participation depending on the nature of the issue, the extent of participation, the Officer's position and public prominence.

Special requirements apply for Staff contesting State or Federal elections. The General Manager or Chairman can provide guidance in this situation.

7.9. Tobacco, alcohol and drug use and gambling

Smoke free policy

In line with NSW Government legislation, smoking is prohibited in the workplace. This includes Central West CMA vehicles. Officers must comply with non-smoking protocols applicable in each work location and may only smoke in designated areas if they exist.

Drugs and Alcohol

Officers are not permitted to use or possess illegal drugs at any Central West CMA office or work site.

Officers must not attend work if they are suffering from the effects of drug use, alcohol or illegal substances and should ensure that the use of alcohol, prescribed or other drugs does not:

- Result in unsatisfactory work performance, impairment of judgement or unacceptable behaviour;
- Endanger health and safety or that of colleagues, clients or members of the public; or
- Adversely affect the reputation of the Central West CMA.

Officers should recognise that even small amounts of alcohol consumed during lunch breaks may affect work performance.

It is acknowledged that alcohol may occasionally be supplied as part of a meeting, conference, meal or when networking. This may be at Central West CMA offices or work sites. In such circumstances, alcohol may be consumed provided Officers recognise responsible service of alcohol requirements, remain under the legal limit if driving a motor vehicle and do not adversely affect the reputation of the Central West CMA.

Managers and Coordinators have a responsibility to direct any Staff at work under the influence or reasonably suspected of being under the influence of drugs and alcohol away from the workplace and to report any such incidents to the General Manager.

Gambling

Gambling is not generally allowed on Central West CMA premises or while on duty as it reflects poorly on the ethical standards promoted by the organisation. Events that are authorised by the Chairman or General Manager, such as charity raffle tickets, Melbourne Cup Sweepstakes and pay-day social club raffles, are acceptable.

Officers with alcohol, drug or gambling problems are encouraged to seek confidential counselling assistance from the employee assistance program.

7.10. Fairness, equity and transparency

Officers must follow procedures developed by the Central West CMA to ensure that all matters are dealt with in an impartial and non-discriminatory manner and in line with administrative good conduct. This will include:

Recommending Services

If a list of private providers or services is given to clients, then it must have a qualifying statement on it to convey that the Central West CMA does not recommend or favour these services.

In all circumstances, Officers must make it clear that the information being provided to a client is to assist them in making informed decisions between a range of alternative and appropriate services both public and private.

Services of Central West CMA Officers acting in a secondary employment capacity must not be recommended to clients or included on lists of private providers.

Procedural fairness

Officers must observe the principles of procedural fairness/natural justice and reasonableness when exercising statutory or discretionary powers which could affect the rights, interests or legitimate expectations of individuals within or outside the Central West CMA. Situations must be dealt with promptly and fairly.

Notification of rights of objection, appeal or review

If individuals (within and outside Central West CMA) are adversely affected by a decision or if they wish to challenge a decision, they must be informed of their rights to object, appeal or obtain a review

7.11. Discrimination and harassment

Officers must fully not harass or discriminate against their colleagues or members of the public on the grounds of sex, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment, or sexual preference. Such harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977*. In addition, Officers must not harass or discriminate on the grounds of political or religious conviction.

Staff must make sure that the workplace is free from all forms of harassment and discrimination. They must understand and apply the principles of equal employment opportunity and ensure that the Staff they supervise are informed of these principles. Managers must also take all necessary steps, such as training or other active measures, to prevent and deal with harassment and discrimination in their work area.

7.12. Security and confidentiality of official information

Officers are to make sure that confidential and sensitive information in any form cannot be accessed by unauthorised persons. This includes a requirement that Officers should not access or request confidential information unless that information is required for the performance of their duties. Any information that inadvertently comes into an Officer's possession should be returned to the sender or a Manager immediately.

Information about Officers of the Central West CMA must not be released to external bodies (eg under a Freedom of Information request) without appropriate legal authority and the authorisation of the General Manager.

Officers must make sure that confidential information is only discussed with people who are authorised to have access to it. It is considered a serious offence to deliberately release confidential documents or information to unauthorised persons.

Suitable arrangements need to be made to maintain the security of confidential and sensitive documents. This includes transferring documents by hand when necessary.

7.13. Compliance with laws/notification of breaches of legislation

Officers are required to notify either their line manager or the General Manager if they become aware of breaches of State or Federal Legislation. For example issues relating to vegetation clearing, Aboriginal Cultural Heritage, threatened species or pollution, etc.

7.14. Intellectual property and copyright

Intellectual property includes the rights relating to scientific discoveries, industrial designs, trademarks, service marks, commercial names and designations, inventions in all fields of human endeavour and all other rights resulting from activity in the industrial, scientific, literary or artistic fields.

The Central West CMA is the owner of intellectual property created by Officers members in the course of employment unless a specific agreement has been made varying this principle, or where variation is allowed through a specific NSW Government policy. Any agreement must have appropriate authorisation from the Board and be consistent with NSW Government policy.

Officers must clarify intellectual property positions before making any use of that property.

7.15. Corrupt conduct, maladministration and waste

Corrupt Conduct

Corrupt conduct is broadly defined in sections 8 and 9 of the Independent Commission Against Corruption Act (1988). The key notion is the misuse of public office. Commonly it involves the dishonest or partial use of power or position that results in one person being advantaged over another. Corruption can take many forms, including, but not limited to:

- Official misconduct.
- Bribery and blackmail.
- Unauthorised use of confidential information.
- Fraud.
- Theft.

Fraud is corrupt conduct and must be reported by Officers. Fraud is dishonesty and usually takes the form of giving a false impression through a statement or conduct in order to gain a material advantage.

Maladministration

Maladministration is defined in the Protected Disclosures Act (1994) as conduct that involves action or inaction of a serious nature that is:

- Contrary to law;
- Unreasonable, unjust, oppressive or improperly discriminatory; or
- Based wholly or partly on improper motives.

Using this definition, maladministration can include conduct considered "corrupt" under the Independent Commission Against Corruption Act (1988) if it involves criminal or disciplinary offences.

Serious and Substantial Waste

Serious and substantial waste, as defined by the Protected Disclosures Act (1994), refers to any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in significant loss/wastage of public funds or resources.

Reporting corrupt conduct, maladministration, and serious and substantial waste of public resources

The Central West CMA has a Protected Disclosures policy that details the reporting options available to Officers. The information below is summary information only.

Officers must report suspected corrupt conduct, as well as maladministration and serious and substantial waste of public resources. The Protected Disclosures Act (1994) provides certain protection's against reprisals for Officers who voluntarily report such matters to the principal officer of a public authority, or to one of the three investigative bodies, the ICAC, the Auditor-General or the Ombudsman. Protection does not apply in cases of vexatious or malicious allegations.

Disclosures may also be made under the Central West CMA's internal reporting procedures. In addition, under certain circumstances specified in the Protected Disclosures Act (1994), protected disclosures may be made to a Member of Parliament or a journalist.

Where disclosures are made to an external investigating body, those concerning corrupt conduct must be made to the ICAC. Disclosures concerning maladministration must be made to Ombudsman, and disclosures concerning substantial waste of public money must be made to the Auditor-General.

The person dealing with the protected disclosure must notify the Officer who made the disclosure, of the action taken or proposed to be taken in relation to the disclosure, and the outcome of such action.

7.16. Officers charged with criminal offences

Officers who may have been charged with a criminal offence punishable by imprisonment for 12 months or more must immediately advise their Branch Manager. DECC Human Resources will be consulted for advice as to what actions may have to occur.

Officers may be facing minor charges. In these cases, if the offence is not punishable by 12 months or more imprisonment, it should only be reported if it is possibly connected to, or has a bearing on, employment with the Central West CMA. For example, in most circumstances a traffic infringement normally would not need to be reported, even if work involves driving on a regular basis. However, if the infringement results in a driving licence suspension and work involves driving, then the offence will have a bearing on the Officer's employment with the CMA and the Branch Manager must be informed.

As another example, if the offence involved misappropriation of funds and the work to be performed with the CMA involves authorising expenditure, then the offence could have a bearing on work and must be reported.

Action taken by the CMA will depend on:

- Advice from DECC Human Resources.
- The nature and circumstances of the alleged crime
- Its relevance to the work to be performed.
- Any mitigating factors.

These factors will determine not only what action, if any, is taken in the event of a conviction, but also whether any action should be taken pending the outcome of the legal proceedings. If there are any doubts or concerns about whether to report an offence, DECC Human Resources will be conducted to discuss the matter in confidence.

7.17. Working with children

Some work in the CMA falls within the requirements of child protection legislation because it involves unsupervised contact with children. The Commission for Children and Young People Act 1998 and the Child Protection (Prohibited Employment) Act 1998 are designed to ensure that people who may pose a risk to children do not work with them. The legislation means that for some positions, CMA Officers will be required to undergo a 'working with children' check.

Officers in certain positions will be asked to provide a declaration about whether they have any convictions for child-related offences, or have faced disciplinary proceedings that involve children. When a declaration is made, DECC Human Resources will contact other Departments to confirm the advice. It is important to notify your Supervisor if your work involves unsupervised access to children and you face proceedings that might fall within the child protection legislation. For information about the working with children check, see www.kids.nsw.gov.au.

7.18. Occupational Health and Safety

Responsibility of Central West CMA

The Central West CMA has the responsibility to ensure that OH&S procedures are implemented according to the Occupational Health and Safety Act. This means that the Central West CMA will:

- Provide a safe system of work.
- Provide a safe work environment.
- Provide supervision, training and information.
- Provide safe equipment and substances.
- Maintain documentation on occupational health and safety activities.
- Develop and implement occupational health and safety policies and programs.
- Identify, assess and control risks; and
- Respond to Officers reports on occupational health and safety risks and incidents.

Responsibility of Officers

It is the responsibility of all Officers to act in accordance with the OH&S legislation and policies of the Central West CMA. This means that they must use the security and safety equipment provided and be responsible for safety in their work area by:

- Following the safety and security directives of management; and
- Advising management of areas where there is a potential problem in safety and reporting suspicious occurrences.

7.19. *Post separation employment*

Officers must not use the influence of their position to obtain opportunities for future employment. They must not allow themselves or their work to be influenced by plans for, or offers of, employment outside Central West CMA. To do so would lead to a conflict of interest.

When leaving the Central West CMA, Officers should not use confidential information obtained from the CMA to advantage another organisation or to disadvantage the Central West CMA in business or other relationships with that organisation. Former Officers must not use, or take advantage of, confidential information obtained in the course of their official duties that may lead to gain or profit until it becomes publicly available.

All Officers must be careful in their dealings with former Officers of the NSW Government, including the Central West CMA and make sure that they do not give them, or appear to give them, favourable treatment or access to privileged information.

When leaving the Central West CMA, all Officers must return all Central West CMA property in their possession as well as documents or other items that relate to the work of the Central West CMA that are not publicly available.

7.20. *Consequences of non-compliance*

All Officers are expected to foster an ethical and equitable work environment, free of harassment, discrimination, victimisation, corruption, maladministration and waste.

Managers, Supervisors and Board Directors should be role models for staff and their behaviour must be beyond reproach. These people have responsibility to ensure that staff under their supervision understand their duties, performance expectations and the ethical principles contained in this Code.

All Officers are accountable for identifying and correcting any behaviour that occurs in the Central West CMA that is contrary to the Code of Ethical Conduct. Supervisors are expected to take immediate and appropriate steps to address any apparent problems, as well as to implement preventive and awareness measures, such as training, to deal with harassment and discrimination. Supervisors should seek guidance from their own managers or DECC Human Resources staff.

Breaches of this Code of Conduct may lead to disciplinary action including dismissal, demotion, formal warning or counselling. Any breaches must be referred to the General Manager or Chairman as appropriate. Where necessary, breaches will be referred to the Police or other authorities and breaches of certain sections of this Code may be punishable under legislation. The process for disciplinary action is outlined in the NSW Government Personnel Handbook, Premiers Department, Public Sector Management Office.

8. Administration

The General Manager will conduct an annual review of the Code and monitor implementation, Code administration and book keeping, reporting, feedback mechanism and action on non-compliance. Officers shall be informed of the outcomes of the annual review and invited to participate in the annual review process.

All Officers must attend a training session that reviews the Code. Within 14 days of that training session, Officers must sign the declaration below indicating their understanding of, and commitment to, the Code. The declaration must be re-signed every 12 months.

9. Legislative Framework and other Documentation

Some of the requirements covered by the Code are the subject of specific legislative provisions. Other requirements are principles considered necessary to ensure that integrity and ethical standards are maintained within Government organisations and reflect community expectations of people engaged in the public service.

The Code does not take precedence over any legislation. If any conflict arises between the Code and the provisions of any legislation, then the provisions of the legislation prevail. The main legislation applying to Officers is the Public Sector Employment and Management Act 2002 and the Catchment Management Authorities Act 2003. The following legislation may also be relevant:

- Anti-Discrimination Act 1977
- Child Protection (Prohibited Employment) Act 1998
- Commission for Children and Young People Act 1998
- Crimes Act 1900
- Freedom of Information Act 1989
- Independent Commission Against Corruption Act 1988
- Industrial Relations Act 1996
- Natural Resources Commission Act 2003
- Native Vegetation Act 2003
- Occupational Health and Safety Act 1983
- Ombudsman Act 1974
- Privacy and Personal Information Protection Act 1998
- Protected Disclosures Act 1994
- Public Finance and Audit Act 1983

The following publications can be consulted for general direction on standards used to make ethical decisions:

- Model of Public Duty (ICAC)
- Managing Conflicts of Interest in the Public Sector (ICAC)
- Codes of Conduct: The next stage (ICAC)

As well as applying with relevant legislation, guidelines and directives, the Code complies with Australian Standard (AS 8002-2003).

10. Declaration

I, _____ being an Officer of the Central West CMA have attended a training session on the Central West CMA Code of Conduct.

I understand the intention and operation of the Code and the consequences of non-compliance. I commit to, and agree to implement, the Code and provide feedback on its use and applicability.

Signed _____

Date _____