



Family &
Community Services
Housing NSW

Code of Conduct and Ethics

September 2009



Housing NSW
Locked Bag 4001, Ashfield BC 1800

General Enquiries: 1300 Housing (1300 468 746)
www.housing.nsw.gov.au

Published by
Business Assurance Unit
September 2009

Table of Contents

Chief Executive's foreword	4
NSW public sector principles of conduct	4
1. Who the Code applies to	5
2. Our corporate values and service standards	6
2.1 Our values	6
2.2 Our service standards	6
3. Leadership responsibilities	7
4. Key elements of the Code	8
4.1 Professional conduct	8
4.2 Misconduct	8
4.3 Conflicts of interest	10
5. How the Code relates to an official's job	13
5.1 Child protection – Mandatory reporting obligations and alternative reporting pathways	13
5.2 Gifts and benefits	13
5.3 Equipment and facilities	13
5.4 Procuring goods and services	14
5.5 Corporate information	14
5.6 Dealing with lobbyists	15
6. How the Code extends beyond the office	16
6.1 Community and political participation	16
6.2 Secondary employment or business	16
6.3 Leaving Housing NSW	16
7. Reporting	18
7.1 Protected disclosures in Housing NSW	18
7.2 Reporting and advice options	18
8. Penalties	19
Feedback	19

Chief Executive foreword



As public officials, we hold a position of trust in the community. We make decisions each day that affect the lives of others. In everything we do, we are expected to act, and be seen to act, in the public interest.

The Code of Conduct and Ethics explains the principles of public sector conduct, the standard of behaviour expected of Housing NSW officials, and the values that guide our work.

Extensive staff consultation has been undertaken in the drafting of the Code. All Housing NSW officials are expected to adhere to the Code in the course of their duties and allow it to guide their development as a public official.

All officials are also encouraged to discuss the Code with colleagues and supervisors as active and open discussion of ethical dilemmas and conflicts of interest helps to foster a healthy and professional organisational culture.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Mike Allen

Chief Executive

NSW public sector principles of conduct



The people of New South Wales have a right to expect the business of the State to be conducted with efficiency, fairness, impartiality and integrity.

The Code of Conduct and Ethics forms part of the public sector conditions of employment. A breach of the Code of Conduct and Ethics may lead to disciplinary action ranging from counselling to dismissal.

The NSW public sector principles are as follows:

1. Respect the law and the system of government
2. Respect all people
3. Act with honesty and integrity
4. Use resources with economy and efficiency.

1. Who the Code applies to

The Code of Conduct and Ethics applies to **public officials of Housing NSW**. This document defines public officials as anyone employed by Housing NSW (full-time, part-time or temporary), in-house contractors/consultants and persons working with us from other government agencies.

Other individuals, agencies and organisations, who are engaged to provide services, information, products or advice to Housing NSW, are also expected to adhere to the principles of our Code and to abide by Housing NSW's Statement of Business Ethics.



Public official: A public official is defined in the *Independent Commission Against Corruption Act 1988* as an individual having public official functions or acting in a public official capacity.

Public authority employees and individuals who are members of certain boards or committees, such as the Housing Appeals Committee, would be considered public officials. In some circumstances, private contractors and consultants are also public officials.

Public officials also include Ministers, other Members of the NSW Parliament, NSW local government councillors, and NSW judges and magistrates.

Senior official: Senior Executive Service Officers and Senior Officers.

Manager: Someone (including senior officials and team leaders) responsible for managing another official or group of officials.

Line manager: The particular manager an official reports to.

The intranet version of the Code contains direct hyperlinks to relevant policies and legislation.



2. Our corporate values and service standards

The Code of Conduct and Ethics helps Housing NSW officials understand how they can incorporate our Housing NSW values and service standards into their work.

2.1 Our values

Our corporate values guide our actions and determine who and what we aspire to be. They reflect the NSW Public Sector principles and are expressed through our interaction with our colleagues, clients, suppliers, and the community. We use our corporate values to make decisions that will align with our purpose of helping build a stronger community by providing housing solutions for people in need.

These values are as follows:

- **We make a difference** – We are committed to making a sustainable difference to social outcomes. We are committed to achieving this with fairness and integrity. We aim to make our actions socially, economically and environmentally sustainable.
- **We help** – We are committed to helping people in need. We try to understand and respond compassionately to our clients' circumstances. We empower people to make informed decisions.
- **We work together** – We are committed to treating everyone with respect – each other, our clients, our partners and the broader community. We work as a team while remembering that we are individually accountable. We work towards finding practical and affordable solutions.
- **We are part of the community** – We are committed to serving and strengthening the community. We aim to work with our partners.

2.2 Our service standards

Housing NSW officials take pride in providing excellent service. Our service standards specify what behaviour is expected of Housing NSW officials and help us to monitor our performance.

The high standards of service expected of us as Housing NSW officials include:

- being prompt, courteous and helpful to people we deal with
- being sensitive to the particular needs of people and respecting their rights and life choices
- acting with integrity and transparency
- striving to provide an effective and efficient service, and looking for opportunities to improve the quality of our work
- providing honest, frank, comprehensive and accurate advice and recommendations
- identifying opportunities to simplify processes so that they are not unnecessarily complex or burdensome for others to follow
- protecting confidential and private information
- taking responsibility for what we do, including taking pride in achievements and ownership of mistakes
- taking action to correct mistakes when we come across them
- implementing impartially Housing NSW and NSW Government policies and procedures, and only making decisions we have the authority to make
- respecting natural justice principles when making decisions. This includes listening to the views of people who are going to be affected by our decisions, treating each case on its individual merits, and being fair and reasonable
- complying with reasonable and lawful directives of officials who have the authority to give such directives
- working closely with line managers to manage any potential conflicts of interest
- encouraging professional and appropriate conduct in other public officials and informing clients about our Code and ethical obligations
- reporting suspected corruption, criminal activity and misconduct
- helping maintain a safe working environment.

3. Leadership responsibilities

All Housing NSW officials are responsible for upholding the integrity of the organisation and complying with the Code of Conduct and Ethics. We are also expected to show leadership in the community and in the ethical nature and integrity of our work.

The misconduct of one official can tarnish the credibility of all of us and make it more difficult to achieve our organisational objectives.

Senior officials have a special role in demonstrating ethical leadership and being an example to more junior officials. They must also show a high level of personal accountability for their areas of responsibility and the performance of managers and other officials under their supervision.

Managers are responsible for the health, safety, welfare and performance of officials they supervise. They are also held accountable for unsatisfactory acts or errors by officials under their supervision if they are so serious, repeated or widespread that they should have known of them and corrected them.

Managers are responsible for ensuring that the officials they supervise:

- understand, follow and have up-to-date training on the Code of Conduct and Ethics
- understand and adhere to relevant legislation, policies, procedures and standards of service
- understand their jobs, how they are expected to do their job, and the results for which they are accountable
- have equitable access to learning and development opportunities.

Managers are also responsible for ensuring:

- they set a good example of ethical behaviour, accountability, and open, honest communication
- they acknowledge and encourage ethical and professional work practices
- the systems of work, and the work premises and environment, are safe and free from inappropriate behaviour, such as discrimination, harassment, bullying, suspected corrupt or unlawful conduct, maladministration or serious and substantial waste of public resources
- they encourage compliance with the Code and ensure that its principles are incorporated in performance reviews (see 'Ethics and Integrity' section of the *Right Way: A Capability Guide for Housing NSW Staff*)
- performance is managed through the work performance program, and feedback is provided regularly
- conflicts of interest are managed appropriately and in accordance with policy
- they treat seriously, professionally and discreetly any report of misconduct, and take action to protect officials who make reports, including referring them to a Nominated Disclosure Officer if appropriate (see **Protected Disclosures Policy**)
- they take appropriate action on minor breaches of the Code and report major breaches to senior management or the Business Assurance Unit.



4. Key elements of the Code

4.1 Professional conduct

Housing NSW officials are expected to behave appropriately in all situations as a public official. The organisation is committed to supporting each official's progress in achieving a high standard of service as part of his/her professional and personal development.

A breach of this expectation can occur through misconduct or undisclosed and/or unmanaged conflicts of interest.

4.2 Misconduct

Housing NSW does not tolerate misconduct. This may take the form of discrimination, vilification, victimisation, harassment, bullying, corrupt or unlawful conduct, maladministration, and serious and substantial waste of public resources. We also do not tolerate anyone causing, instructing, inducing, aiding or permitting such conduct.

Discrimination, vilification, victimisation

It is against the law for an official to discriminate against anyone on the grounds of race (eg. colour, ethnic background, ethno-religious background, descent or nationality), sex, age, marital status, pregnancy, disability, transgender status, homosexuality, or a person's responsibilities as a carer. This also applies to anyone who has a relationship or association with anyone of the above.

Vilification of certain people and victimisation of people who make complaints about discrimination are also against the law.

Harassment and inappropriate conduct

Harassment is any behaviour by a person or organisation which:

- is offensive, abusive, belittling or threatening
- is directed at any other person or group of people.



The point of view of the person being harassed helps determine whether an action or behaviour is considered harassment (see **Harassment Prevention Policy**).

Inappropriate conduct may be physical, verbal or non-verbal, and can include the use of derogatory terms to describe colleagues or clients, the use of offensive language, jokes, gestures, stalking or using material to convey offensive information. It might also include the consumption of alcohol or drugs where it affects their work or workplace.

Sexual harassment is unwanted, unsolicited and unreciprocated conduct of a sexual nature. It is behaviour which harasses because of a person's sex. It could include, amongst other things, touching someone, placing pressure on someone to engage in sexual behavior (eg. from a supervisor in return for promotion or positive evaluation) or making sexual jokes or remarks about (or to) a person.

The examples of harassment provided in this document do not cover all possible circumstances in which harassment may be seen to occur.

Bullying

Bullying is behaviour that is repeated, unwelcome and unsolicited, and considered offensive, intimidating, humiliating or threatening by the recipient or others who are witness to or affected by it (see **Prevention of Workplace Bullying Policy**).

The following examples can be considered bullying:

- experiencing constant ridicule and being put down in front of colleagues
- being the target of loud and abusive, threatening or derogatory language
- being subjected to practical jokes
- receiving offensive messages via email, SMS or telephone
- being the target of offensive material posted on the internet.

Corrupt conduct

Corrupt conduct is conduct of any person (public employee or not) that adversely affects the honest or impartial exercise of official functions by any public official or authority.



Examples of corrupt conduct may include:

- providing a contractor with work in return for a personal benefit
- theft and misappropriation of Housing NSW material or financial resources
- offering or accepting bribes, commissions or secret payments to provide unfair advantage to contractors or particular applicants
- accepting a personal gift or benefit from a tenant in return for providing services
- fraud and attempts at fraud
- forgery, and making false or fraudulent claims (eg. time-sheets, expenses, vehicle usage log and creating false evidence)
- misuse or unauthorised disclosure of information, held or maintained by Housing NSW, for personal gain as stated under Section 70 of the **Housing Act 2001**.



Fraud is any practice that:

- involves the use of deceit and
- confers some form of financial benefit upon the alleged offender (either directly or indirectly) and
- results in some form of material loss to the entity.

Certain types of corrupt conduct may amount to a breach of NSW or Commonwealth law and may be referred to the police for investigation. The Chief Executive has a responsibility under Section 11 of the **Independent Commission Against Corruption Act 1988** to report suspected corruption.



Maladministration

Maladministration involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive, improperly discriminatory or based on improper motives.

The following examples could be considered maladministration:

- approving allowances for officials that they are not entitled to

- unauthorised disclosures of confidential information
- making decisions without authority
- serious delays in making a decision or taking action
- applying a policy inflexibly without regard to the merits of an individual case
- decisions or actions not justified by any evidence or that are unreasonable
- abuses of power, intimidation or harassment
- inconsistent application of a law, policy or practices when there is no reasonable, justifiable or appropriate reason to do so.

Serious and substantial waste

Housing NSW does not tolerate wastage of public resources. The Audit Office of NSW defines serious and substantial waste as the 'uneconomical, inefficient or ineffective use of resources which results in a loss/wastage of public funds/resources'.

Serious and substantial waste may include:

- the purchase of unnecessary or inappropriate goods and services
- too many personnel being employed in a particular area
- personnel being remunerated for skills that they do not have
- programs not achieving their objectives and therefore being not effective and not efficient.

Waste can result from such things as:

- poor planning of services
- poor review of services to assess efficiency and effectiveness
- the absence of appropriate safeguards to prevent theft or misuse of public property
- purchasing procedures and practices which fail to ensure that goods and services are necessary and adequate for their intended purpose
- purchasing practices where the lowest price is not obtained for comparable goods or services.

Less serious forms of waste, while not necessarily constituting misconduct, are frowned upon by Housing NSW (eg. the unnecessary use of colour printers, the use of corporate mobile phones rather than landlines for no practical reason, not being efficient in the use of paper, such as single side printing of draft reports, and leaving work computers running over weekends).

Any concerns about the effective and efficient use of resources, whether considered 'serious' or not, should be addressed and/or brought to the attention of an official's line manager. If the wastage is considered to be serious, or an official feels that concerns are not being addressed adequately, the matter should be reported to the Business Assurance Unit.

4.3 Conflicts of interest

A conflict of interest exists when a personal interest (financial or otherwise) interferes, or could be perceived to interfere, with an official's ability to carry out work impartially for Housing NSW. If officials find themselves in such a situation, their own reputation and that of Housing NSW is at risk if the situation is not managed appropriately.

These are some examples where conflicts of interest could occur:

- an official's relative is doing business with Housing NSW
- a friend, business partner or family member asks an official for advice about tendering for a Housing NSW contract or buying a Housing NSW property
- an official is running a tender for Housing NSW and becomes aware that they have shares in one of the companies tendering
- an official is a Housing NSW tenant and managing their own tenancy
- while on an interview panel, an official discovers that one of the applicants is a member of their extended family

- an official finds that a tenant in their portfolio is a person with whom they have had legal disputes in the past, or is a member of their family
- an official is supervising a member of their own family
- an official is operating a business or second job that could benefit from his/her access to Housing NSW business information.

Personal relationships

Conflicts of interest are particularly likely to arise where staff members have a close family or personal relationship with each other or with clients (eg. supervising a family member, friendships or personal relationships with clients/applicants or the nomination of family members to fill short-term vacancies in Housing NSW).

Where an official has a relationship which may affect, or be seen to affect, Housing NSW's efficiency or reputation, the situation needs to be managed. As such, the official concerned needs to disclose the relationship to their manager.

Managing conflicts of interest

If an official thinks they have a conflict of interest (or a potential or perceived one), they should take the following steps:

1. Do whatever possible to reduce the conflict of interest (eg. if practical, remove themselves from the task(s) or ask a colleague to take over).
2. Inform the line manager of the conflict as soon as possible and agree on a strategy to manage the situation immediately at hand. Record actions and decisions appropriately.
3. Use the **Conflicts of Interest Form** (to be registered with Business Assurance once approved) to confirm an ongoing strategy for managing the conflict. This could include:
 - no action, as the risk of an actual conflict is remote, and any effect would be minor



- removing the official from certain duties related to the conflicting interest and/or involving other officers in certain parts of the duties
- restricting access to certain information
- relinquishing the conflicting interest (eg. withdrawing from an interview process that involves a family member or, if supervising a family member, having a more senior official manage that official).

Special situations

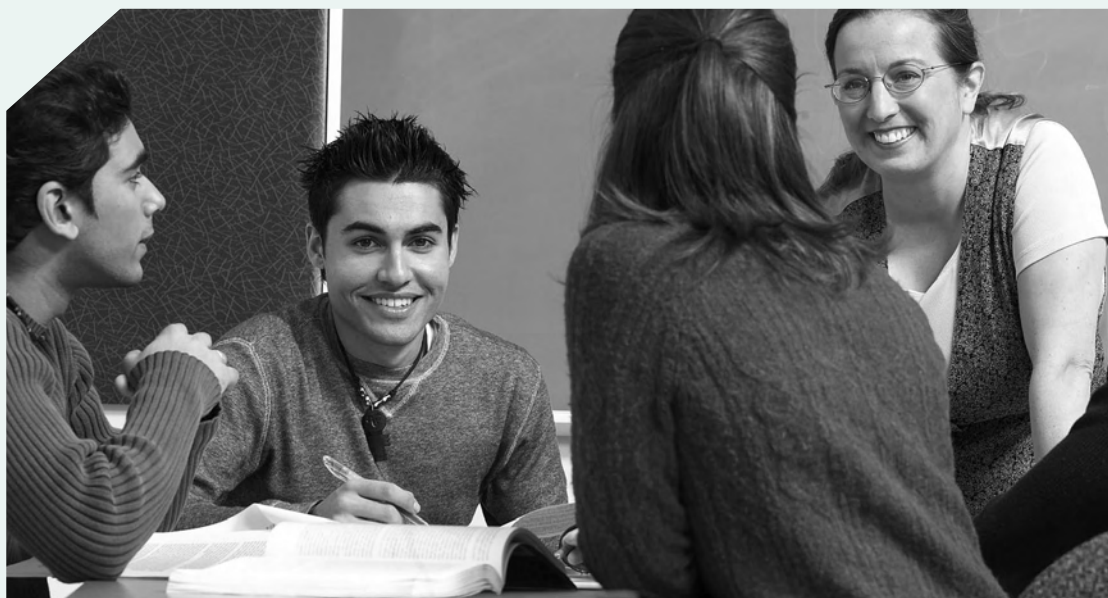
Some Housing NSW officials have complex conflicts of interest issues to manage, such as officials living and working in small towns or Aboriginal and Torres Strait Islander officials working with their communities. The official and line manager will need to work closely to manage these situations. The official also needs to be guided and supported when dealing with people with whom they have out-of-work relationships. Contact Business Assurance Unit for advice if needed.

Housing NSW officials who are tenants

Some officials are also Housing NSW tenants. In these cases:

- the official should not manage the portfolio that includes their tenancy
- the official should declare their tenancy to their line manager
- the official should have no involvement with, or access to, information about other tenants in their neighbourhood, where practical and appropriate
- the rights of the official must be respected, including rights to privacy and confidentiality as a tenant
- the workplace management of an official who is a tenant should be kept completely separate from the management of the official's tenancy.

Any issues arising in one area should not affect the official's situation in the other area.



Purchasing Housing NSW property and leasing or selling to Housing NSW

Purchasing, leasing and selling activities must be beyond reproach and completely transparent. A potential conflict of interest may arise when Housing NSW officials or 'related parties' seek to purchase Housing NSW properties, to sell properties to Housing NSW, or to lease (other than as a social housing tenant) to or from Housing NSW or a community housing provider. Any Housing NSW official or 'related party' is prohibited from engaging in any of these restricted transactions.

A 'related party' is someone with whom a Housing NSW official has a:

- family relationship (specifically spouse, siblings, parents, grandparents, children and grandchildren)
- business relationship other than a casual business relationship
- fiduciary relationship (that is, a person who is entrusted to hold, control or manage property for another)
- relationship in which one person is accustomed, or obliged, to act in accordance with the directions, instructions or wishes of the other.

Where a Housing NSW official becomes aware that a related party will be or has engaged in a restricted transaction, it is their responsibility to declare the situation to their manager and the Manager, Business Assurance. The transaction itself is absolutely prohibited.

An exception to this provision is Housing NSW officials who are also tenants of Housing NSW. These officials may make an application to purchase a Housing NSW property they currently rent.

Engaging in or not informing Housing NSW of a restricted transaction may be treated as a breach of discipline under the **Public Sector Employment and Management Act 2002** and a breach under Section 71 of the **Housing Act 2001**, which constitutes a criminal offence.



Managerial responsibility for conflicts of interest

Managers need to:

- be aware of the risks of conflicts of interest amongst Housing NSW officials they manage
- ensure they are flexible and supportive of officials in complex situations (eg. officials working in small towns or with Aboriginal and Torres Strait Islander staff and communities)
- provide advice to officials on how to manage conflicts when they emerge (Business Assurance Unit is available to assist with information and advice)
- record conflicts of interest on Housing NSW's Conflict of Interests Register via Business Assurance Unit (use the **Conflicts of Interest Form**).



5. How the Code relates to an official's job

5.1 Child protection - Mandatory reporting obligations and alternative reporting pathways

Housing NSW officials should consider the safety, welfare and wellbeing of children and young people and, if their work involves contact with children and young people, comply with relevant policies and guidelines that apply to such work.



Housing NSW officials are 'mandatory reporters' under the ***Children and Young Persons (Care and Protection) Act 1998***. This means they are legally obliged to make a report to the Department of Community Services (DoCS) if, during the course of their work, they have reasonable grounds to suspect that a child (or group of children) under 16 years of age is at risk of significant harm. This might include a situation in which a child is living away from home without parental permission.

Officials can contact the Housing NSW Child Wellbeing Unit for advice about reporting requirements and related obligations. For more information, including our interagency responsibilities, see Housing NSW's ***Child Wellbeing Policies and Procedures***.



5.2 Gifts and benefits

While compliments for excellent service are always welcome, Housing NSW officials are to avoid gifts and benefits, and are not to encourage them.

When offered a gift or benefit, officials should decline them, explain our policy, and inform the person about our feedback line which is designed to take compliments and complaints about the work of Housing NSW and its officials: 1300 Housing (1300 468 746) (see ***Client Feedback Policy***).



However, there are times when it might be appropriate to accept a gift/benefit (eg. consuming modest refreshments at an external meeting or conference, accepting a gift on behalf of Housing NSW from a foreign or domestic delegation or cultural group, or accepting an item to acknowledge culturally significant protocols, such as those

related to Aboriginal or Torres Strait Islander customs). There may be other situations in which refusing a gift may cause hurt or offence.

Where a gift/benefit – other than a modest refreshment – is offered and the official feels that the circumstances are such that it would be appropriate to accept the item on behalf of Housing NSW (assuming the gift is offered relating to your work as a Housing NSW official), the item may be accepted with the approval of the official's line manager. Approval should only be given by the line manager if:

- the item is not money in any form (including cash, cheques, vouchers or reward points)
- the item is of little dollar value
- accepting the gift is unlikely to encourage future offerings or negatively affect perceptions of the impartiality of Housing NSW or its officials and
- the acceptance of the gift is registered with Business Assurance Unit as soon as possible (use the ***Gifts & Benefits Register Form***).



Note: Conference material and hospitality do not need to be declared if they have been paid for by Housing NSW through the enrolment fee.

5.3 Equipment and facilities

Housing NSW allows reasonable personal use of the telephone, photocopier, computer, printer, email and the Internet. Personal use must be infrequent and brief so as not to impinge on our operational needs. Housing NSW's cars must only be used for official business unless approval has been given for private use.

Our resources must never be used for:

- private commercial activity or financial gain
- any activities, including jokes or pranks, that might be questionable, controversial, inappropriate or offensive (eg. behaviour

that might include the sharing or distributing of racist or offensive jokes, pornography or adult material)

- transmitting material that may damage our reputation or bring it into question or disrepute
- transmitting information that could be misleading, deceptive or lead to criminal penalty or civil liability
- gambling
- subscribing to or accessing fee-based services for personal use
- purposes which will adversely affect the performance of our networks, email system or other operations.
- illegal activity, including accessing inappropriate images of children.



For more information on using electronic communications, see the ***Email and Internet Policy***.

5.4 Procuring goods and services

Housing NSW's purchasing practices must be of the highest standard to achieve value for money and ensure that public money is spent appropriately. Housing NSW also needs to comply with specific mandatory state government policies and practices in relation to procurement and tendering.

When purchasing goods and services for Housing NSW, officials are to follow our corporate policies and procedures. Each official is responsible for making themselves familiar with the procedures that apply to the type of procurement they are undertaking on behalf of Housing NSW. For advice and assistance, contact Strategic Procurement and Contracts.

5.5 Corporate information

Housing NSW's information must only be used for the intended work-related purpose and not for personal benefit.

Privacy

The ***Privacy and Personal Information Protection Act 1998*** and ***Health Records and Information Privacy Act 2002*** protect information collected and/or held by a public agency about a person. The community has a right to be confident that information acquired and/or held by Housing NSW will be kept confidential and only be used for lawful purposes as specified by legislation.

All Housing NSW officials have a responsibility to keep abreast of and comply with current privacy policies and the relevant acts (see ***Your Privacy and Personal Information Policy***). For more information or advice on the policies and the acts, speak to your line manager or the Legal Services Branch.



Confidential information

Housing NSW information, which has not been released to the public via our external website, the annual report or Housing NSW media releases, should be considered confidential unless otherwise stated by the Chief Executive.

Confidential information can include paper files, physical and electronic records, electronic documents, internal reports and internal emails. If an official is not sure what information is considered confidential, he/she should ask his/her line manager or the Legal Services Branch for advice.

Housing NSW officials should prevent unauthorised persons accessing confidential information and not discuss confidential information with unauthorised persons. There are procedures for the storage, disclosure and distribution of confidential information (including sensitive, personal, commercial and political information).

Public comment

Public comment includes comments made to media representatives, on radio and television or in the press, journals, books or other publications.

Although you have the right as a private individual to make public comment and enter into public debate on political and social issues, you may not make, or appear to make, public comments on behalf of Housing NSW without the authority to do so.

Under the Code, union members in their capacity as a local delegate within the organisation, and union office holders employed by Housing NSW are permitted to make comments on union business and matters.

All media inquiries should initially be referred to Housing NSW's Manager, Media or the relevant Executive Director/General Manager (see **Media Protocols**).



Recordkeeping

Under the **State Records Act 1998**, Housing NSW must make and keep full and accurate records of its activities. Our records are our corporate memory and provide evidence that we have followed proper procedures and the law in carrying out our work (see our corporate recordkeeping policies).

All Housing NSW officials have a responsibility to keep abreast of our current recordkeeping policies and procedures, to make and keep records, and to ensure they are incorporated into our recordkeeping systems. Officials should ask their line manager or the Records Coordinator for more information and report any unauthorised destruction of official records to Business Assurance Unit.

5.6 Dealing with Lobbyists

As a Housing NSW official you are considered a 'Government Representative' in the NSW Government Lobbyist Code of Conduct. This means that you have specific obligations, which include only dealing with lobbyists who are on the Department of Premier and Cabinet's register of lobbyists. A lobbyist is any person or organisation whose business includes being contracted or engaged to represent the interests of a third party to a Government representative. To find out how to deal with lobbyists, read the Lobbyist Code of Conduct and be aware of the flow chart which guides you on what to do when approached by a lobbyist, located on the Department of Premier and Cabinet's website (*Home > Premier and Government > Register of Lobbyists*)



6. How the Code extends beyond the office

6.1 Community and political participation

Housing NSW officials should not allow their participation in party political or community activities (eg. as a volunteer for a charity or community organisation) to conflict with their duty to serve the government of the day in a politically neutral manner.

Officials should be aware that sensitivity to this issue may increase during election periods. Officials are to take particular care to act in a non-political way during any caretaker period of government and to follow caretaker guidelines issued by the government at the time.



Special arrangements apply to employees who are contesting State or Federal elections. These are detailed in sections 102 and 103 of the *Public Sector Employment and Management Act 2002*.

6.2 Secondary employment or business

Housing NSW officials need approval from their Executive Director/General Manager before starting employment or a business outside their Housing NSW duties. This could include casual employment, work undertaken while on leave, or running a farm or other small business.

Housing NSW officials also need to declare any external business or employment they are engaged in when joining Housing NSW so that approval can be considered.

Approval will likely be given if an official's outside employment/business will/does not adversely affect the performance of their Housing NSW duties or give rise to a conflict of interest.

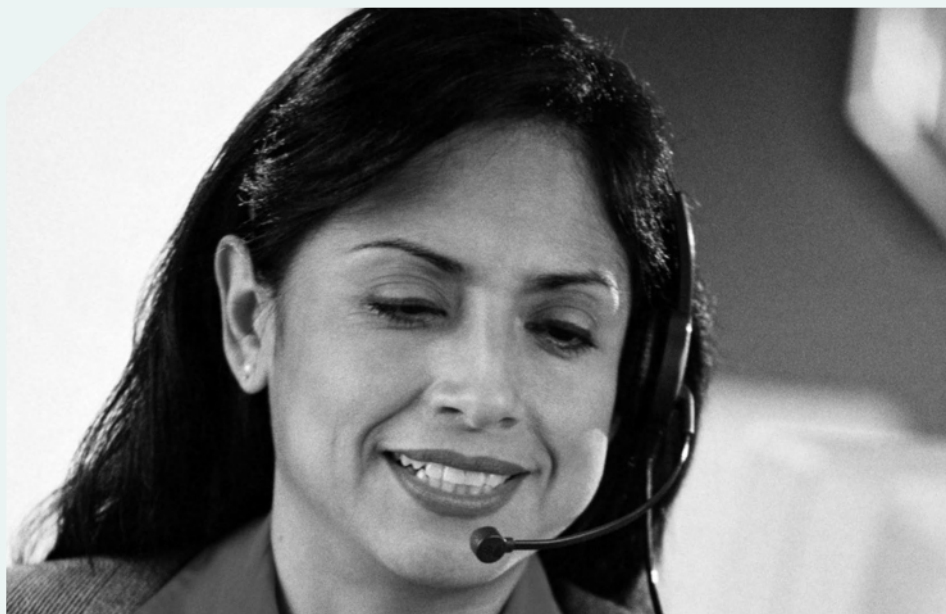
Fill-in the **Secondary Employment Form**, seek formal approval and if approved, send a copy to Business Assurance Unit to be registered.



6.3 Leaving Housing NSW

When a Housing NSW official leaves Housing NSW they are required to return all documentation and any equipment provided or obtained as part of their work. Even after leaving, intellectual property relating to an official's work remains with Housing NSW unless there is agreement in writing to the contrary.

What is intellectual property? Intellectual property covers all written material or ideas and other work.



During subsequent employment and activities Housing NSW officials should respect the confidentiality of information gained in their official capacity and not use it to gain any direct or indirect financial benefit or other improper advantage for themselves, or any other person.

Housing NSW officials, while working for Housing NSW, must not abuse their position to obtain opportunities for future employment and, when dealing with former employees, officials should ensure they do not give, or appear to give, favourable treatment or access to privileged information.

Using confidential information may be a criminal offence. The Independent Commission Against Corruption can investigate corrupt conduct of an official, whether or not they have left the public service. Additionally, under Section 70 of the **Housing Act 2001**, it is illegal for an official to use Housing NSW information not generally known for personal gain (or the gain of another person) even after that official has left the organisation.



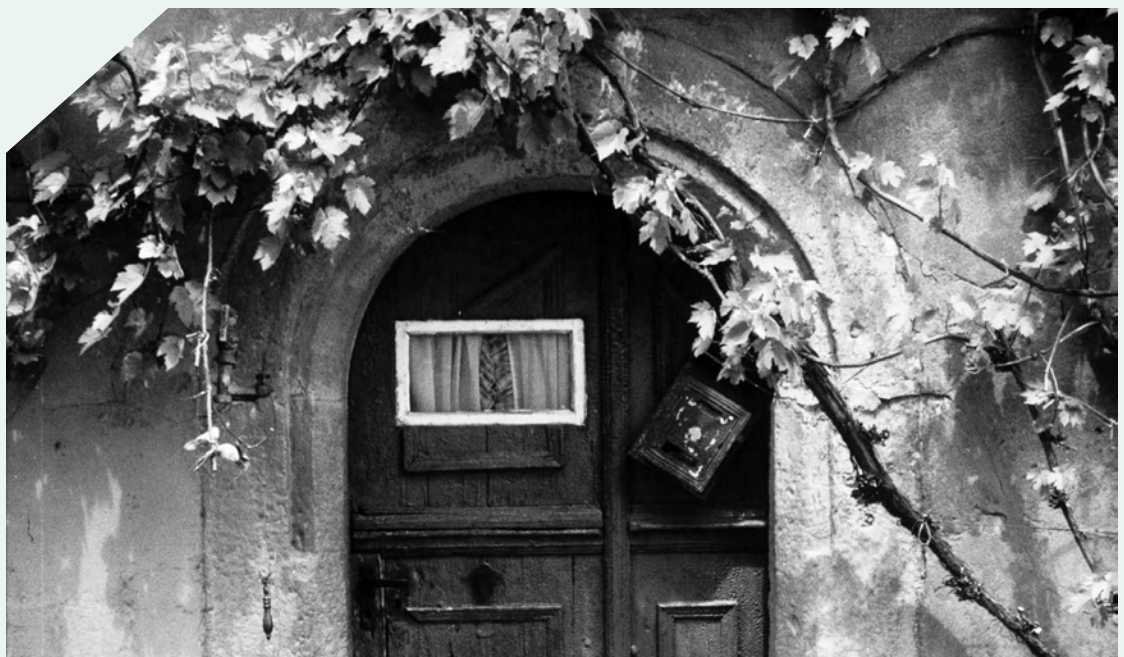
Additional precautions for senior officials leaving Housing NSW

Due to their access to information, organisational business knowledge and relationships, senior officials must consider the ethical dimensions associated with transfer to other employment, particularly in the private sector.

Former senior officials who move to private employment should avoid working on or contributing to a matter that they had previously been responsible for or involved in at Housing NSW.

When considering accepting a job offer which bears any close or sensitive connection with current activities, senior officials are required to declare this to the Chief Executive.

Employment activities of senior officials who have left the public sector should not reflect adversely on the effectiveness of public administration or call into question the partiality of their activities as public officials.



7. Reporting

All Housing NSW officials are expected to report:

- misconduct, including discrimination, harassment, bullying, suspected corrupt or unlawful conduct, criminal activity, maladministration, and serious and substantial waste of public resources
- concerns of risk of significant harm of children, or where unsure about the level of risk, refer to Child Wellbeing Unit.

Victimising or harassing anyone for reporting misconduct is a breach of the Code of Conduct and Ethics and may lead to disciplinary action.

7.1 Protected disclosures in Housing NSW

Officials who make reports about fraud, corrupt conduct, maladministration or serious and substantial waste may be provided with protection under the **Protected Disclosures Act 1994** (see the **Protected Disclosure Policy**). Under the Act, it is an offence to take detrimental action against any official in reprisal for having made a protected disclosure.

The Act requires Housing NSW to have a system for officials to make disclosures so that they are protected by the Act. Housing NSW's **Nominated Disclosure Officers** are trained to take reports, determine if the report qualifies for protection under the Act, and implement the requirements of the Act. If reporting internally, the official needs to make a report to a Nominated Disclosure Officer (see intranet list) in order to receive protection under the Act.

If an official makes a protected disclosure, Housing NSW must:

- keep their identity confidential where practical and appropriate
- take all reasonable steps to prevent any actions or reprisals against the official and
- report back to the official on what has been done about the disclosure within six months.

7.2 Reporting and advice options

1. Housing NSW's Business Assurance Unit – to make reports and to get confidential advice:

- Business Assurance Hotline for reports on 1300 HOUSING (1300 468 746)
- Mail to Locked Bag 4001, Ashfield BC1800
- Email Business-Assurance@housing.nsw.gov.au
- Download and complete the **Reporting Form**.

2. Nominated Disclosure Officer – Housing NSW officials can make a report to any Nominated Disclosure Officer.

3. External contact numbers

- **Independent Commission Against Corruption** – for matters of corruption involving NSW public officials on 1800 436 909.
- **NSW Ombudsman** – for matters of maladministration on 9286 1000 or 1800 451 524 (outside Sydney metro).
- **Audit Office of NSW** – for serious and substantial waste on 9275 7100.
- **Department of Community Services** – for concerns about the safety of children and young people. Helpline: phone 133 627 or fax 9633 7666.
- **NSW Police Force** – Crime Stoppers – for criminal matters on 1800 333 000 (takes anonymous reports).



8. Penalties

Penalties for a breach of the Code of Conduct and Ethics may include:

- remedial action (eg. performance management, further training, counselling)
- formal caution
- reprimand
- annulment of appointment (only for officials on probation)
- fine
- reduction in salary
- demotion
- official directed or allowed to resign
- dismissal.

Housing NSW officials should be aware that criminal and civil legal action may also be taken against them as a result of misconduct. All penalties are recorded on the official's personnel file.





Housing NSW
Locked Bag 4001, Ashfield BC 1800

General Enquiries: 1300 HOUSING (1300 468 746)
www.housing.nsw.gov.au

Feedback

The Code of Conduct and Ethics is a tool to guide your development as a public official. Please direct any feedback to email Business-Assurance@housing.nsw.gov.au

Scheduled for review: January 2011

