

Parliamentary Counsel's Office

Code of Conduct

June 2023

Approved by Parliamentary Counsel, Annette O'Callaghan



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Policy Owner / Contact

Corporate Services

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1. Overview

All Parliamentary Counsel's Office (PCO) employees must comply with the [Code of Ethics and Conduct for NSW government sector employees](#) issued by the NSW Public Sector Commission and the PCO Code of Conduct (collectively referred to as 'the Code').

The Code outlines the standards of behaviour expected of PCO employees and provides guidelines to assist resolve ethical issues that may arise while undertaking work duties. It does not provide an exhaustive list of how to act in every aspect of work but represents a framework that assists in deciding an appropriate course of action when faced with an ethical issue or professional decision.

The Code should be read and applied with reference to other PCO policies and relevant legislation, including any whole-of-government mandates. Employees who have professional obligations, such as barristers or solicitors, will need to consider any additional rules and standards that may also apply in this professional capacity.

Who must comply with the Code?

All persons undertaking work for or engaged by PCO in either a paid or unpaid capacity (employees) must comply with the Code.

This includes:

- PCO ongoing, temporary and casual employees, contractors who carry out work for PCO, and those on secondment to PCO,
- work experience students and volunteers
- consultants where their engagement requires adherence to the Code.

2. Roles and responsibilities

| Role | Responsibilities |
|-------------------------|---|
| All PCO employees | Understand and comply with the requirements of the Code. Report any breaches or suspected breaches of the Code. Perform all duties in a professional and competent way and be accountable for performance. Work courteously, respectfully, collaboratively and responsively with colleagues, stakeholders and members of the public. |
| PCO senior executives | Ensure employees understand and comply with the requirements of the Code and complete all associated training. Model the values and behaviours outlined in the Code. |
| Corporate Services team | Monitor and maintain the Code, and provide training, advice and guidance to employees about the Code. Investigate alleged breaches of the Code. |

3. Code of Conduct

3.1 Ethical decision making

a. Decisions and behaviours within PCO should be made with reference to PCO's core values:

| | |
|-----------------------|--|
| Integrity | <ul style="list-style-type: none">• Consider people equally without prejudice or favour.• Act professionally with honesty, consistency and impartiality.• Take responsibility for situations, showing leadership and courage.• Place the public interest over personal interest. |
| Trust | <ul style="list-style-type: none">• Appreciate difference and welcome learning from others.• Build relationships based on mutual respect.• Uphold the law, institutions of government and democratic principles.• Communicate intentions clearly and invite teamwork and collaboration.• Provide apolitical and non-partisan advice. |
| Service | <ul style="list-style-type: none">• Provide services fairly with a focus on customer needs.• Be flexible, innovative and reliable in service-delivery.• Engage with the not-for-profit and business sectors to develop and implement service solutions.• Focus on quality while maximising service delivery. |
| Accountability | <ul style="list-style-type: none">• Recruit and promote staff on merit.• Take responsibility for decisions and actions.• Act transparently to enable public scrutiny.• Observe standards for safety.• Be financially responsible and focus on efficient, effective and prudent use of public resources. |

3.2 Professional behaviour

- a. PCO prohibits any form of discrimination, harassment and bullying. Any such behaviour will be dealt with in line with PCO's Prevention for Dealing with Harassment and Bullying Policy.
- b. You are expected to relate professionally, respectfully and courteously to colleagues, stakeholders and members of the public at all times.
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3.3 Conflicts of interest

A conflict of interest exists when a reasonable person might perceive that your personal interests could be favoured over your public / official duties.

- a. You must avoid conflicts of interest and avoid creating conflicts of interest for others (e.g. by delegating decisions to a staff members if this may create a conflict of interest for them in making an impartial decision).
- b. If a conflict of interest is identified, this must be reported to the Parliamentary Counsel or Chief Operating Officer using the Conflicts of Interest Declaration Form available on Gulburra. The

conflict of interest must be managed and documented appropriately (refer [Managing conflicts of interest in the NSW public sector](#) published by the NSW Independent Commission Against Corruption).

- c. Examples of a situation that may give rise to a conflict of interest could include:
 - i. if you have a financial interest (personally, or via a close friend, relative or business associate) in a matter being dealt with in the course of official duties, or
 - ii. when undertaking a recruitment or procurement decision that may impact on someone with whom you have a personal relationship.
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3.4 Drugs, alcohol and gambling

- a. During work hours, employees must not consume, be under the influence of, or in possession of, drugs or alcohol that are illegal to possess or distribute. The consumption of alcohol on work premises is not generally permitted and must be approved by the Parliamentary Counsel.
 - b. Employees are responsible for ensuring their capacity to perform their duties is not impaired by the use of alcohol or drugs and that the use of such substances does not put themselves or others at risk.
 - c. Gambling in the workplace, other than team building activities involving trivial amounts of money such as workplace lotto syndicates or horse racing cup sweeps, is prohibited.
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3.5 Gifts, benefits and hospitality

- a. The receipt of gifts, benefits or hospitality may be perceived as compromising PCO's impartiality. Therefore, gifts, benefits and hospitality offered to you in the course of your work with the PCO should generally not be accepted.
 - b. All offers of gifts, benefits or hospitality must be registered with the Corporate Services team.
 - c. The private retention of gifts, benefits or hospitality must be approved in accordance with PCO's Gifts, Benefits and Hospitality Policy.
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3.6 Secondary employment and volunteering

- a. Employees must obtain the Parliamentary Counsel's approval to engage in any form of paid employment outside PCO duties (secondary employment). Approved secondary employment must be performed in the employee's own time and must not interfere with the acceptable completion of the employee's PCO duties.
 - b. Contractors may undertake paid secondary employment without approval provided the employment is undertaken outside the period that the person is required to perform duties for the PCO, and does not impact on the performance of PCO duties.
 - c. Employees may fully participate as volunteers (that is, in an unpaid capacity) in another body or organisation provided their participation does not interfere with their PCO duties.
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3.7 Workplace Health and Safety

Employees are expected to understand and be proactive in their responsibilities and obligations under work health and safety legislation, as outlined in PCO's Workplace Health and Safety Policy.

3.8 Use of official resources

- a. PCO resources must be used efficiently and effectively and for authorised purposes only. You must ensure decision making relating to the use of resources, facilities and equipment is reasonable, appropriately authorised and able to withstand public scrutiny.
- b. You must treat PCO property and other assets with care and ensure they are secured against theft or misuse.
- c. Limited personal use of PCO resources (e.g. computers, printers and internet) is permitted, provided the use does not add to the ordinary operating costs incurred by PCO and does not interfere with the performance of your official duties.

3.9 Procurement at PCO

- a. All procurement undertaken by PCO employees must be conducted in accordance with NSW Government procurement policies to achieve value for money outcomes. The Corporate Services team can assist PCO employees understand their obligations under relevant procurement policies when undertaking procurement at PCO.
- b. PCO employees must have a relevant financial delegation, or approval from an authorised financial delegate, before committing to any purchases on behalf PCO. The current financial delegations are available on Gulbarra.

3.10 Handling official information

You must use, and maintain the security of, official information appropriately:

- a. You must only access, disclose or discuss information that is not normally made available to the public if:
 - i. It is required to fulfil your official duties or you are required or authorised to do so by law, or
 - ii. You have proper authority to do so, or
 - iii. You are called to give evidence before a court, tribunal, commission or Parliamentary Committee.
- b. Employees must ensure information in any form cannot be accessed by unauthorised persons and that sensitive information is only discussed with persons (inside or outside PCO) who are authorised to have access to the information.
- c. You must not make private use of official information. Misuse of information may amount to misconduct or corrupt conduct.

3.11 Handling personal information

- a. You must be aware of and comply with the *Privacy and Personal Information Protection Act 1998* and *Health Records and Information Privacy Act 2002*, as outlined in PCO's Privacy Management Policy. These Acts contain criminal sanctions for the unauthorised use and disclosure of personal information by employees.
- b. Care must be taken with the collection, storage, use and disclosure of personal information to protect an individual's privacy.

3.12 Records management

- a. Employees must be aware of and comply with the State Records Act 1998 and any records management guidance provided by PCO senior executives. This includes:
 - i. Creating and maintaining full and accurate records of your official duties, and
 - ii. Capturing necessary records in the official records systems, and
 - iii. Not destroying records without the appropriate authority.

3.13 Use of signatures and authorisations

- a. Employees should carefully review any document they are asked to sign or authorise and ensure they have the delegated authorisation to sign or authorise the documents.
- b. Employees should only sign or authorise a document on behalf of another individual if authorised to do so (for example, if an electronic signature is authorised to be used).

3.14 Public comment and representation

- a. In the course of your official duties, you may be called on to make public comment or publicly represent PCO in an official capacity, such as by giving a talk or presentation¹. You must not make any comment on behalf of PCO unless authorised by the Parliamentary Counsel to do so.
- b. Authorised public comment should be limited to information that is factual. Opinions on government policies or decisions must be avoided unless required by law.
- c. Employees have the right to make public comment in a private capacity or in their capacity as a representative of a union or office holder. However, this may be deemed inappropriate if an implication could be reasonably drawn that the comment is in some way an official comment of PCO or the NSW Government. If you are making public comments, you must clearly state the capacity in which the comments are being made.
- d. Employees should carefully consider comments or articles they post on social media to ensure the comments or articles do not, or not perceived to, represent PCO or the NSW Government.

3.15 Media and general enquiries

- a. Media enquiries regarding legislation or proposed legislation must be referred to the Department or other agency administering or proposing the legislation. All other enquiries from the media should be referred to the Parliamentary Counsel or Chief Operating Officer.
- b. All enquiries from the public under the *Government Information (Public Access) Act 2009* will be handled in accordance with PCO's Government Information (Public Access) Policy.

¹ This does not include representing the PCO during business-as-usual activities, such as negotiating with vendors or meeting with other government agencies.

3.16 Ceasing Employment, Extended Leave and Secondments

- a. When leaving PCO for a period of more than 8 weeks (for any form of leave or for a secondment), or when ceasing employment with PCO, employees must return all official physical or intellectual property or other assets to the PCO, unless otherwise approved by the Parliamentary Counsel.
- b. When ceasing employment with PCO, an employee must comply with and complete PCO's Employee Exit Checklist on their last day of duty. Failure to do so may delay the calculation and payment of final salary entitlements.

3.17 Additional requirements for Senior Executives

- a. Senior Executives must provide a written annual declaration of any private, financial, business, personal or other interests or relationships in accordance with [*The Code of Ethics and Conduct for NSW government sector employees*](#). The declaration should highlight any interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior executive.
- b. The types of interests and relationships that may need to be disclosed include real estate investments or holdings; shareholdings; trusts or nominee companies; company directorships or partnerships; other significant sources of income; significant liabilities; gifts; and private business, employment, voluntary, social, family or personal relationships.
- c. Every PCO senior executive must provide an annual declaration of "nil interests" or "interests" to the Parliamentary Counsel, using this form. The declaration form can be completed and submitted via My Career.

3.18 Breaches of the Code

- a. Behaviour contrary to the Code can undermine relationships, the services provided by PCO and public trust in PCO and government. Breaches of the Code will not be tolerated.
- b. If an employee becomes aware, or suspects, that any part of the Code has been breached, they are obligated to report the breach. In the first instance, reports should be directed to either the Parliamentary Counsel or the Chief Operating Officer. If the concern relates to one of these officers, the report should be made to an alternative senior executive for action.

4. Further information

- Managing conflicts of interest guidelines – refer ICAC Guidelines (www.icac.nsw.gov.au) and NSW Ombudsman Fact Sheet (www.ombo.nsw.gov.au)
- [Code of Ethics and Conduct for the Public Service Commission](#) (the preliminary section includes a list of legislation relevant to the Code of Conduct).
- DPC Policies, Memos and Circulars: www.dpc.nsw.gov.au
- Public interest disclosures: www.ombo.nsw.gov.au