



STATE LIBRARY OF NSW

Code of Ethics & Conduct



STATE LIBRARY®
NEW SOUTH WALES



CHORUS GIRLS ARRIVE, CENTRAL STATION, C 1920-50, SAM HOOD, PXE 789/57

APPROVAL & DATE EFFECTIVE

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1.0	18/08/15	State Library Executive Committee	Replaces the Code of Conduct May 2015 to incorporate the Public Service Ethical Framework
2.0	31/05/18	Head of People and Culture	Incorporates changes to Social Media Policy and Toolkit
3.0	07/18	Head of People and Culture	Incorporates the new Respectful, Workplaces Policy and the Grievance Policy and Procedure
4.0	06/19	Head of People and Culture	Incorporates additional text to meet the requirements under the Public Service Ethical Framework. Removal of text to be established as a good practice guide rather than a section within the Code.

STATE LIBRARY OF NSW

Code of Ethics & Conduct



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This Code of Ethics and Conduct applies equally to everyone in the Library. It aims to help us understand the standards of conduct and behaviour expected of us in all of our working relationships. If you would like clarification of anything in this Code, please approach a member of the Library Executive.

DR JOHN VALLANCE
NSW State Librarian

2.1 Purpose

The purpose of the Code of Ethics and Conduct (the Code) is to help all employees:

- understand expected standards of conduct and behaviour
- maintain the Library's integrity and reputation
- comply with relevant laws and policies
- deal with ethical problems that may be encountered.
- recognise the role of the government sector in preserving the public interest, defending public value and adding professional quality and value to the commitments of the government of the day
- establish an ethical framework for a merit-based, apolitical and professional government sector that implements the decisions of the government of the day.

Part 2 of the GSE Act establishes the *Ethical Framework for the Government Sector*.

The objective, core values and principles of the Ethical Framework are to be demonstrated in the conduct of all government sector employees and head of government sector agencies

2.2 Scope

All Library staff (including people leaders and the Executive) and contractors and volunteers (collectively referred to in the Code as 'employees'). A 'people leader' is defined as any person responsible for supervising or managing an individual or group of employees.

2.3 Key Features

The Code of Ethics and Conduct defines individual responsibilities of:

- the NSW State Librarian
- executives and people leaders in demonstrating ethical leadership and personal accountability
- employees in complying with the Code and demonstrating behaviours that contribute to an ethical, efficient and effective workplace.

The Code provides guidelines on ethical decision-making. The key core values and principles underpinning the Code are detailed, including the six core values of:

- Integrity
- Trust
- Service
- Accountability
- Equity of Access
- Innovation and Engagement

2.4 Related Policies

The following policies are relevant to the Code. This list is indicative only and should not be considered to be an exhaustive list. Please refer to other relevant policies or guidelines of the State Library of NSW.

- Cabcharge Policy and Procedures
- Code of Conduct & Terms of Use for Interaction with State Library of NSW Forums
- Corporate Credit Card Policy
- Respectful, Inclusive and Fair Workplace Policy
- Ethical Framework for the Government Sector

- Financial Delegations Policy
- Fraud and Corruption Prevention Policy
- Gifts and Benefits Policy and Procedure
- Grievance Policy and Procedure
- Information Security Policy
- Media Protocol
- P-Cards Policy
- Policy on the use of State Library Information & Communication Technologies
- Pricing and Discount Policy Library Shop
- Privacy Management Plan
- Procurement Policy
- Public Interest Disclosures Policy
- Public Interest Disclosures Procedure
- Records Management Policy
- Security Systems Surveillance Policy
- Social Media Policy and Social Media Toolkit
- Staff Loans Policy
- Staff Presenting at Conferences
- Work Health and Safety Policy.

2.5 Relevant Legislation

The following legislation provides further guidance to specific areas discussed in this Code. It is not intended to be an exhaustive list of all pieces of legislation applying to your work.

Anti-Discrimination Act 1977

Child Protection (Working with Children) Act 2012

Children and Young Persons (Care and Protection) Act 1998

Crimes Act 1900

Government Advertising Act 2011

Government Information (Public Access) Act 2009

Government Sector Employment Act 2013

Health Records and Information Privacy Act 2002

Independent Commission Against Corruption Act 1988

Industrial Relations Act 1996

Ombudsman Act 1974

Privacy and Personal Information Protection Act 1998

Public Finance and Audit Act 1983

Public Interest Disclosures Act 1994

Public Works and Procurement Act 1912

State Records Act 1998

Smoke-free Environment Act 2000

Work Health & Safety Act 2011

Workplace Surveillance Act 2005

All of us, as New South Wales public sector employees, are to uphold the core values and principles of the *Ethical Framework for the Government Sector* in our actions, decisions, and dealings with colleagues, clients, stakeholders and the government of the day.

INTEGRITY

- Consider people equally without prejudice or favour
- Act professionally with honesty, consistency and impartiality
- Take responsibility for situations, showing leadership and courage
- Place the public interest over personal interest

TRUST

- Appreciate difference and welcome learning from others
- Build relationships based on mutual respect
- Uphold the law, institutions of government and democratic principles
- Communicate intentions clearly and invite teamwork and collaboration
- Provide apolitical and non-partisan advice

SERVICE

- Provide services fairly with a focus on customer needs
- Be flexible, innovative and reliable in service delivery
- Engage with the not-for-profit and business sectors to develop and implement service solutions
- Focus on quality while maximising service delivery

ACCOUNTABILITY

- Recruit and promote employees on merit
- Take responsibility for decisions and actions
- Provide transparency to enable public scrutiny
- Observe standards for safety
- Be fiscally responsible and focus on efficient, effective and prudent use of resources

EQUITY OF ACCESS

- Connect our communities to our collection through diverse channels
- Provide free, uncensored and unbiased access to information
- Be vigilant custodians of our physical and digital spaces
- Respect and involve our Indigenous communities and multicultural communities
- Encourage creativity, curiosity, experimentation, diligence and trust

INNOVATION AND ENGAGEMENT

- Think beyond traditional boundaries with clarity of purpose
- Enhance our collections with 'stories' that bring them to life
- Be professional collaborative change agents and leaders in our field
- Empower our people to take risks
- Encourage intellectual freedom of thought and expression
- Embrace technology
- Adopt an outside-in approach to developing our services

Each of us has responsibility for abiding by the Code of Ethics and Conduct.

AS AN EMPLOYEE YOU ARE RESPONSIBLE FOR:

- abiding by and behaving in a way consistent with the Code, its guidelines on ethical and professional behaviour and the Library's Capability and Performance Development (CPD) program
- understanding the Code and if unsure of an issue, or of what behaviour, decision or action is expected, talking to your people leader for clarification
- understanding, and if unsure, clarifying the requirements of legislation and the Library's policies and procedures that support professional and ethical behaviour
- where appropriate, suggesting improvements to the Code or the Library's policies and procedures
- where appropriate, reporting any incidents where the Code is (or is perceived to be) breached
- proactively contributing to a positive and inclusive culture.

AS A PEOPLE LEADER OR MEMBER OF THE EXECUTIVE TEAM YOUR RESPONSIBILITIES, IN ADDITION TO THOSE OF AN EMPLOYEE ARE:

- leading, promoting and maintaining ethical conduct by ensuring employees have read and understood the requirements within the Code
- advising employees on the Library's expectations on appropriate and ethical behaviour
- 'walking the talk' by demonstrating ethical, fair and professional behaviour
- monitoring actual work practices through the CPD program to ensure they are consistent with approved work arrangements and/or modify work arrangements so they are consistent with the Code
- ensuring all recruitment, including promotion, induction, learning and development, training and performance development activities actively promote and maintain the Code
- recognising and promoting employee good conduct, behaviour, performance and quality service delivery to clients through the CPD program
- as an executive member preventing, detecting, and responding promptly to reports of incidents, including investigating and addressing, breaches of the Code
- as an executive member, declaring in writing private interests that have the potential to influence, or could be perceived to influence, decision made or advice given by the senior executive. This also applies to acting senior executive appointments.

THE NSW STATE LIBRARIAN'S RESPONSIBILITIES, IN ADDITION TO THOSE OF AN EXECUTIVE TEAM MEMBER ARE:

Leading, promoting and maintaining the ethical conduct of Library employees by implementing the following best practice approaches:

- ensuring people leaders and the executive team 'walk the talk' by demonstrating high standards of ethical conduct to other employees
- establishing Library-specific programs to promote, maintain and manage implementation of the Code, including training
- supplementing the Code with specific procedures and expected standards of conduct, where an ongoing significant risk has been identified
- shaping and monitoring the Library's corporate culture, systems and practices – employee, values and work practices – to make implementation of the Code a priority for all employees
- monitoring actual work practices to ensure they are consistent with approved work arrangements and/or modify work arrangement so they are consistent with the Code
- recognising and promoting employee good conduct, behaviour, performance and quality service delivery to clients through the CPD program
- preventing, detecting and responding promptly to reports of incidents, including investigating and addressing, breaches of the Code
- monitoring the effectiveness of the Code, using Library employee engagement surveys, *People Matter Employee Survey* responses and other relevant data, coupled with reviews of the Code.

5.1 When do I apply this Code?

The Code is to be applied at all times in your working relations with colleagues, clients, stakeholders and the government of the day.

This can be depicted as follows:



5.2 How do I act in the public interest?

You must treat all people with whom you have contact in the course of your work:

- Equally without prejudice or favour
- With honesty, consistency and impartiality.

You must also, in the course of your work:

- place the public interest over your personal interest
- provide quality, efficient and effective service
- uphold the law, institutions of government and democratic principles, including the core values and principles of the *Ethical Framework for the Government Sector*
- provide apolitical and non-partisan advice
- provide transparency to enable public scrutiny
- be fiscally responsible and focus on efficient, effective and prudent use of resources.

5.3 How do I manage conflicts of interest?

Sometimes you may find that your private interests make it difficult for you to perform your duties impartially in the public interest. A conflict of interest can be:

- an ‘actual’ conflict of interest – that is a direct conflict between your current duties and responsibilities and your private interests
- a ‘reasonably perceived’ conflict of interest – where a person could reasonably perceive that your private interests are likely to improperly influence the performance of your official duties, whether or not this is in fact the case; or
- a ‘potential’ conflict of interest – where you have a private interest that could conflict with your official duties in the future.

Actions you should take include:

- always disclose existing, actual or potential conflicts of interest to your people leader as soon as you become aware of the conflict
- even if there may only be the appearance of a conflict of interest, declare this to your people leader as soon as you become aware of it
- where a conflict of interest occurs it should always be resolved in favour of the public interest, rather than your own.

Further details on how to manage actual, potential or reasonably perceived conflicts of interest, see the NSW Ombudsman Fact Sheet Conflicts of Interests at https://www.ombo.nsw.gov.au/___data/assets/pdf_file/0004/3676/FS07-CP-Recognising-and-managing-conflict-of-interests-170523.pdf

To resolve any conflicts of interest that occur, or could occur, a range of options is available depending on the significance of the conflict. These options include but are not limited to:

- the executive member records the details of the conflict and takes no further action because the potential impact is minimal or can be eliminated by disclosure, effective supervision, including directing the employee to behave at all times in ways that are consistent with the Library’s responsibilities and functions
- the executive member removes the employee from the particular activity or decision where the conflict arises and documents this action
- the executive member of the employee checks and endorses, if appropriate, all action with respect to the matter creating the conflict
- restricting the access of the employee to relevant information that is sensitive or confidential
- the employee relinquishes the personal interest
- the employee transfers from the area of work or particular task where the conflict arises, without disadvantage in terms of status or remuneration

5.4 As a senior executive, how do I declare private interests?

Senior executives or employees assigned in an acting capacity to a senior executive role must make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior executive, including a 'nil return'.

A declaration must be made:

- on commencement of employment
- at least annually
- as soon as practicable, following any relevant change in the senior executive's private interests
- to the NSW State Librarian for senior executives
- to the Department Secretary for the NSW State Librarian

The NSW State Librarian is responsible for ensuring senior executives complete declarations and they are handled and stored to comply with the requirements of the *Privacy and Personal Information Protection Act 1998*.

5.5 How do I interact with colleagues, clients and stakeholders?

All Library employees are to interact with colleagues, clients and stakeholders within the Library and in other agencies and the government of the day by:

- considering people equally without prejudice or favour
- acting professionally with honesty, consistency and impartiality
- taking responsibility for situations, decisions and actions, showing leadership and courage
- placing the public interest over personal interest
- appreciating difference, seeking to understand and welcoming learning from others
- building relationships based on mutual respect
- understanding, role modelling and encouraging respectful, inclusive and fair behaviour
- upholding the law, institutions of government and democratic principles
- communicating intentions clearly and inviting teamwork and collaboration
- maintaining a co-operative and collaborative approach to working relationships
- providing apolitical and non-partisan advice
- contributing to a positive, diverse, safe and healthy workplace
- providing services fairly with a focus on client needs
- acting fairly and reasonably and treating others with respect, impartiality, courtesy and sensitivity
- being flexible, innovative and reliable in service delivery
- engaging with the not-for-profit and business sectors to develop and implement service solutions
- focusing on quality while maximising service delivery
- recruiting and promoting employees on merit
- taking responsibility for decisions and actions
- providing transparency to enable public scrutiny
- observing standards for safety
- being fiscally responsible and focus on efficient, effective and prudent use of resources.

5.6 How should I interact with lobbyists?

All Library employees must comply with Premier's Memorandum M2014-13 – Lobbyists Code of Conduct.

5.7 How do I use public resources appropriately?

You must use public resources in an efficient, effective and prudent way. Never use public resources – money, property, equipment or consumables – for your personal benefit, or for an unauthorised purpose.

If you are responsible for receiving, spending or accounting for money, ensure you know, understand and comply with the requirements of the *Public Finance and Audit Act 1983*, the *Public Works and Procurement Act 1912* and the *Government Advertising Act 2011*.

Behaviour contrary to this Code and to the *Ethical Framework for the Government Sector* can bring individual employees into disrepute, undermine productive working relationships in the workplace, hinder client service delivery, and damage public trust in your agency or the broader government sector.

- **If you are unsure of what is appropriate conduct** discuss the matter with your supervisor, people leader or the relevant member of the Library's Executive.
- **If you see someone act in ways that are contrary to this Code**, you should in the first instance discuss that person's behaviour with your immediate supervisor or people leader, or report your concerns to any member of the Library's Executive.
- **If you believe certain conduct is not just unethical**, but may also be corrupt, a serious and substantial waste of government resources, maladministration or a breach of the *Government Information (Public Access) Act* (GIPA), then report your concerns to Library's Public Interest Disclosures Coordinator or Principal Officer (State Librarian) or the relevant investigating authority (such as the Ombudsman, Independent Commission Against Corruption, the Auditor-General or the Information Commissioner). Under the *Public Interest Disclosures Act 1994*, it is both a criminal offence and misconduct to take reprisals against an employee who makes a public interest disclosure.
- **If it is alleged you have acted in a way that is contrary to this Code**, you will have an opportunity to provide your version of events. How this will happen will be proportionate to the seriousness of the matter. In those cases where the allegation is minor or of a low level, your people leader will usually discuss this matter directly with you. If the allegations are more serious, a formal process may be required.
- **The person investigating an allegation** of behaviour that is contrary to this Code, must ensure their decision-making is fair and reasonable by acting consistently with four principles:
 - procedural fairness for both the complainant and employee
 - investigations should be handled expeditiously. This will minimise the potential for breaches of confidentiality and lack of procedural fairness
 - confidentiality for all parties, where practicable and appropriate, until such time as the investigation process is completed
 - meticulous recordkeeping, including recording of reasons for all significant decisions.
- **The GSE Act and GSE Rules** set out how allegations of misconduct are to be dealt with. Part 8 of the *GSE Rules* sets out the procedural requirements for dealing with allegations of misconduct, which include requirements that you be advised of the detail of the allegation, the process to be undertaken to investigate and resolve the matter; and that you be provided an opportunity to respond to the allegations.
- **If you are found to have breached this Code**, you will be counselled by your branch manager or the relevant executive member. Serious breaches of the Code may constitute unsatisfactory performance or misconduct and be dealt with under sections 68 or 69 of the *Government Sector Employment Act 2013* respectively.
- **If you commit a serious offence** at work or outside of your work duties – where the offence could result in imprisonment of 12 months or more – you must notify your people leader when you are charged and you may be dismissed if you are found guilty.

Good Practice Guide 1

DECIDING AND ACTING ETHICALLY

To make the best-available decision:

- **Scope the problem**

Clarify the scope of the problem, and consider carefully how the problem affects (or may affect in the future) work colleagues, clients, stakeholders, and the government of the day. Wherever possible, consult affected people and communities.

- **Develop options**

Develop a mix of options that address these questions:

- Duties: *What are your responsibilities as defined by the law, government policies, Library procedures, and your role description? Is it legal? Is it consistent with the principles & policies of the Library and the NSW public sector?*
- Results: *Which options will yield the greatest benefit (or least harm) to the most people, and minimise the numbers of people who might be disadvantaged – in the short and longer term? What will the consequences be for my colleagues, the Library and me? What will the consequences be for other parties?*
- Justice: *Which options support due process, transparency, fair compensation for any loss, and fair treatment of those affected by any decision?*
- Rights: *Which options support the legal rights of citizens?*
- Public interest: *Which options best advance the public interest, without regard to your own reputation, career, personal views or potential for personal gain?*
- Resources: *What is the likely impact on government finances, workforce, infrastructure and other assets?*
- Innovation: *Can the issue be addressed in new ways (such as the redesign of services, reengineering of work practices, or a new model of service delivery)?*

- **Evaluate and Decide**

Choose the option that best addresses the above issues and is in the public interest, supports integrity, builds trust, delivers better services and ensures accountability. To establish if your actions are consistent with the Ethical Framework consider your answers to the following questions:

- Integrity: *Would your workmates say you had considered the views of all interested parties and acted in the right way, even if it was at your personal cost?*
- Trust: *Would your action, if it became public, build confidence in the public sector?*
- Service: *Would your clients and customers say your actions improved the quality of the services they receive?*
- Accountability: *Would the NSW State Librarian say your actions are consistent with the Ethical Framework and the law?*

- **Implement**

Implement the decision in ways that are consistent with the objectives, values and principles of the [Ethical Framework](#).

- **Review and identify opportunities for continuous improvement.**

Good Practice Guide 2

ENCOURAGE ETHICAL BEHAVIOUR BY OTHER EMPLOYEES

Ways to support the ethical behaviour of other employees include:

- **Personal**

Encourage your colleagues to act ethically by making ethical decisions and acting ethically yourself.

- **Interpersonal**

Encourage all employees to openly discuss ways to better implement the Ethical Framework in their individual actions, your team's practices and in your services to clients.

- **Organisational**

Ensure the leadership, culture, governance, management and work practices, individual employee behaviour and customer services of your workplace are consistent with the Ethical Framework.

INSTRUCTIONS

The *Code of Ethics and Conduct for NSW Government Sector Employees* requires a senior executive (including an acting senior executive) to make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior executive.

PERSON MAKING DECLARATION

Name: _____

Role Title: _____

Agency: _____

Division/Branch: _____

Location: _____

DECLARATION

I declare that:

1. I have read and understand the requirement under the *Code of Ethics and Conduct for NSW Government Sector Employees* (the Code) to declare any private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by me.
2. I will take prompt action to manage any actual and/or reasonably perceived conflicts of interests, as required by the Code.
3. **Option A**
 My private interests are listed on the next page for the purpose of this declaration.
 In preparing this list, I have had regard to:
 - my private financial, business, personal and other interests or relationships
 - the functions and responsibilities of my Department/agency
 - my role and responsibilities in the Department/agency.

OR

Option B

I have no such private interests to declare.

Signature: _____

Name: _____

Date: _____

Declaration of Private Interests

List of Interests

INSTRUCTIONS

Please list any private financial, business, personal or other interests or relationships which have the potential to influence, or could be perceived to influence, decisions made or advice given by you.

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.

List interests here.

- _____
- _____
- _____
- _____
- _____

