



Environment Protection Authority

# Code of Ethics and Conduct for NSW Government Sector Employees

November 2024



# Acknowledgement of Country

The NSW Environment Protection Authority acknowledges the Traditional Custodians of the land on which we live and work, honours the ancestors and the Elders both past and present and extends that respect to all Aboriginal people.

We recognise Aboriginal peoples' spiritual and cultural connection and inherent right to protect the land, waters, skies and natural resources of NSW. This connection goes deep and has since the Dreaming.

We also acknowledge our Aboriginal and Torres Strait Islander employees who are an integral part of our diverse workforce and recognise the knowledge embedded forever in Aboriginal and Torres Strait Islander custodianship of Country and culture.

Aboriginal artwork by Worimi artist Gerard Black

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# Introduction

As government sector employees, the work we do makes a difference in the lives of millions of people across NSW. The communities we serve both expect and need us to act ethically, fairly and comply with the law. We must spend public money wisely and maintain trust in our systems and institutions now and into the future.

The *Code of Ethics and Conduct for NSW Government Sector Employees (the Code)* sets out the minimum expected standards of behaviour that we must meet.

The Code provides a framework to guide our decisions and behaviour, no matter our level or our job.

## Application

This Code is adopted under section 8A of the *Government Sector Employment Act 2013 (NSW) (GSE Act)* and applies to all NSW government sector employees.<sup>1</sup> The Code identifies mandatory requirements for all government sector employees that are consistent with Part 2 of the GSE Act (the Ethical Framework for the government sector).

This Code applies at all times when government sector employees are acting in the course of, or in connection with, NSW government sector employment. The Code also extends to conduct outside work hours where that conduct may affect your employment. This includes conduct that is undertaken in a private capacity but is inconsistent with your ability (or could reasonably be perceived to be inconsistent with your ability) to fulfil your duties in your government sector role.

This Code does not apply to individuals who are not NSW government sector employees.<sup>2</sup>

Departments and agencies may supplement this Code – but not alter or subtract from it – with requirements specific to their organisation’s operating environment and business risks. This material may be incorporated into this Code to form a single consolidated document, or published separately.

The NSW Environment Protection Authority (EPA) has adopted the NSW Public Service Commission’s model Code of Ethics and Conduct in its entirety.

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<sup>1</sup> **Government sector employee** means a person employed in ongoing, term, temporary, casual or other employment, or on secondment, in a NSW government sector agency.

<sup>2</sup> Heads of government sector agencies are not personally covered by the Code if they are not a government sector employee. Statutory officeholders, including heads of Separate Public Service Agencies who are statutory officeholders and do not hold office in the Public Service (see GSE Act, Schedule 1, Part 3), are not personally covered by the Code since they are not government sector employees. Nevertheless, those heads of government sector agencies who are not personally covered by the Code are encouraged to conduct themselves in accordance with the requirements of this Code voluntarily, with any necessary modifications having regard to their statutory role and status.

It is an EPA requirement that volunteers, contingent workers, independent contractors and consultants engaged by the EPA must comply with this Code.

If you are a member of a board or committee and hold that position as a nominee of the Chief Executive Officer (CEO) or Minister (that is, you are there in your capacity as an officer of the EPA), this Code applies. A board or committee may have its own code of conduct or rely on the NSW Government Boards and Committees Guidelines. In that case, you will have obligations under by the EPA Code of Ethics and Conduct and the board or committee code.

The EPA has incorporated specific organisational requirements into the Code. Throughout the document this information will be shown within a shaded box and form part of the Code as it applies to the EPA and to all EPA employees. Links to relevant policies, intranet pages and EPA contacts have been added where relevant.

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## Commencement date

The Code applies from 1 November 2024. Conduct that occurred prior to that date while the code set out in section 2.2 of the document entitled *Behaving Ethically: A Guide for NSW government sector employees* was taken to have been adopted for the purposes of section 8A, remains in effect as if it had not been revoked and replaced.

# The Ethical Framework for the government sector

All NSW government sector employees are required and expected to act ethically, lawfully and in the public interest. This can be achieved by adhering to the government sector core values of **Integrity, Trust, Accountability** and **Service**. These core values are underpinned by 18 principles, which will help you put the values into action. Our core values and principles are collectively prescribed by the GSE Act as the Ethical Framework for the government sector (**the Ethical Framework**) and are all of equal importance.

Table 1 Public sector core values

Values	Principles
<b>Integrity</b>	<ul style="list-style-type: none"><li>• Consider people equally without prejudice or favour.</li><li>• Act professionally with honesty, consistency and impartiality.</li><li>• Take responsibility for situations, showing leadership and courage.</li><li>• Place the public interest over personal interest.</li></ul>
<b>Trust</b>	<ul style="list-style-type: none"><li>• Appreciate difference and welcome learning from others.</li><li>• Build relationships based on mutual respect.</li><li>• Uphold the law, institutions of government and democratic principles.</li><li>• Communicate intentions clearly and invite teamwork and collaboration.</li><li>• Provide apolitical and non-partisan advice.</li></ul>

Values	Principles
<b>Service</b>	<ul style="list-style-type: none"> <li>• Provide services fairly with a focus on customer needs.</li> <li>• Be flexible, innovative and reliable in service delivery.</li> <li>• Engage with the not-for-profit and business sectors to develop and implement service solutions.</li> <li>• Focus on quality while maximising service delivery.</li> </ul>
<b>Accountability</b>	<ul style="list-style-type: none"> <li>• Recruit and promote employees on merit.</li> <li>• Take responsibility for decisions and actions.</li> <li>• Provide transparency to enable public scrutiny.</li> <li>• Observe standards for safety.</li> <li>• Be fiscally responsible and focus on efficient, effective and prudent use of resources.</li> </ul>

## Roles and responsibilities

All government sector employees must act in a way that is consistent with the Ethical Framework and must comply with this Code. Each of us has a responsibility to conduct ourselves in a manner that reflects our core values in action. This includes the responsibility to speak up when we see any behaviour that we believe does not live up to the Ethical Framework and the general principles and requirements in this Code. If you believe wrongdoing has occurred, this should be reported in accordance with the [EPA Public Interest Disclosure policy](#).

Managerial behaviour sets the tone for the conduct of all employees. Managers (including senior executives, senior managers, supervisors and others holding senior positions) play a critical role in promoting a culture that values high ethical standards and ethical behaviour. In addition to their responsibilities as government sector employees, all managers are required to model and promote this Code, and ensure that workplace culture, practices and systems operate consistently with the Ethical Framework.

In addition to having the responsibilities of managers, the EPA's senior executives are required to oversee implementation of this Code and the Ethical Framework.

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## Annual declaration requirement

It is mandatory for all EPA employees to make an [annual declaration via the ethics portal](#) that they have read and understood their obligations under the Code.

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## Criminal offences and bankruptcy

You must notify the Chief Executive Officer (CEO) if you are charged with or convicted of an offence punishable by 12 months or more in prison, even if it occurred in your private life. Additionally, inform the CEO if you are declared bankrupt or enter into an arrangement with creditors. For less serious criminal charges that may impact your job performance, discuss the matter with your people leader. Refer to the [EPA Integrity Clearance Policy and Procedure Guide](#).

# Minimum expected standards of behaviour

All government sector employees are expected to know and act in accordance with the Ethical Framework for the government sector and the general principles and requirements set out in this Code.

The minimum expected standards of behaviour outlined below are not an exhaustive list of what to do in every aspect of your work. Rather, they are general principles and requirements to apply when carrying out your work and should be applied to decide on an appropriate course of action when faced with an ethical issue or professional decision.

If in doubt, you should talk to your manager, your Human Resources Business Partner, your Director or Executive Director, Director Risk and Governance or the Director People Culture and Capability.

Table 2 Standards of behaviour

- Acting in the public interest
- Act lawfully
- Bullying, unlawful discrimination and harassment in the workplace
- Confidentiality, privacy and records management
- Conflicts of interest
- Gifts, benefits and hospitality
- Lobbying
- Making public comment
- Recruitment
- Risk management
- Secondary employment
- Use of public resources
- Workplace health and safety

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## Acting in the public interest

You should treat all people you interact with in the course of your work:

- equally without prejudice or favour
- with honesty, consistency, impartiality and respect.

You should always:

- place the public interest over personal interest
- uphold the law, institutions of government and democratic principles
- provide apolitical and non-partisan advice
- provide transparency to enable public scrutiny
- be fiscally responsible and use resources efficiently, effectively and prudently.

Acting in the public interest requires leadership, courage and innovation to develop practical recommendations and actions that are consistent with the core values.

For those departments and other agencies that are subject to Ministerial direction and control, acting in the public interest requires you to help your agency to deliver the policies, programs and stated outcomes of the Government of the day. However, acting in ways which are expedient or convenient, but which are inconsistent with the government sector core values, is not in the public interest.

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## Act lawfully

You must always act lawfully and uphold the law. You must comply with this Code as well as any relevant legislative, industrial and administrative requirements and any lawful direction made by a person with the authority to give such a direction.

### Subject matter expert role and compliance

Everyone must comply with our legal and policy obligations. If you are unsure about an issue, ask your people leader or the relevant policy owners or subject matter expert. People leaders need to ensure that their teams are aware of their legal, policy, budget and human resources responsibilities including their delegated powers.

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## Bullying, unlawful discrimination and harassment in the workplace

Everyone is entitled to be treated fairly and with courtesy and to feel safe and respected.

Bullying, unlawful discrimination, and all forms of harassment (including sexual harassment) are not acceptable under any circumstances and not tolerated in our workplaces.

You must not bully, unlawfully discriminate against or harass anyone in your dealings with them.

Public Service Commissioner Direction 1 of 2023 requires departments and agencies to have in place a policy in relation to workplace sexual harassment.

You should ensure you understand and adhere to your legal obligations and your agency's policies in relation to workplace sexual harassment, as well as additional policies (if any) relating to bullying, unlawful discrimination and other forms of harassment.

Managers play a critical role in actively preventing and responding to bullying, unlawful discrimination and other forms of harassment (including sexual harassment) and should familiarise themselves with these obligations. You should refer to your agency's policies (if any) for more information.

Please refer to our EPA Respectful and Inclusive Behaviours Policy and reach out to your Human Resources Business Partner for assistance.

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## Confidentiality, privacy and records management

### Confidentiality

Government sector agencies hold and manage large amounts of information. This information needs to be managed in accordance with relevant legislative obligations and agency policies (if any).

Unless otherwise authorised, you must maintain the confidentiality of all official information (including confidential, personal and other sensitive information or documents) held by the EPA that is not publicly available, that has not been published or that you are not authorised to disclose.

You may only disclose official confidential information when you are authorised to do so, including when permitted or required by law or legal process to do so.



You must not disclose, access or use official information in an unauthorised way, including for your or anyone else's personal benefit or advantage.

Misuse of information acquired in the course of your employment may amount to misconduct, an offence under applicable criminal, privacy, information access, or state records legislation and/or serious wrongdoing.

## Privacy

You must protect personal information and health information and comply with applicable privacy obligations and the [EPA Privacy Management Plan](#) and [EPA Data Breach Policy](#).

The *Privacy and Personal Information Protection Act 1998* (NSW) (**PIIP Act**) outlines how NSW public sector agencies are required to manage personal information. The *Health Records and Information Privacy Act 2002* (NSW) (**HRIP Act**) outlines how NSW public sector agencies are required to manage health information.

## Records management<sup>3</sup>

You must comply with record-keeping obligations that apply to your role and your agency's records management policy (if any). You must not destroy records without proper authority.

## Confidentiality and public release of information

EPA employees must familiarise themselves with the information they work with to understand the confidential nature and any sensitivities of that information so they can meet their confidentiality obligations.

Information should only be publicly released when required or appropriately authorised or approved.

For further information on dealing with confidentiality including commercial and confidence matters please refer to the EPA [Legal Advice intranet page](#) on how to request legal advice from the Legislation and Legal Advice team.

## Privacy and records management

Good record management is an essential part of public service work. Records are evidence of what, where and when something was done, why a decision was made, who was involved and under what authority. A state record is any information or data, physical or electronic, created or received by a person in the course of official duties.

EPA employees must comply with the *State Records Act 1998* and other instruments that provide for the creation, management, protection and disposal of state records.

For further information on dealing with privacy and records management refer to the EPA Governance and Guidelines intranet page.

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<sup>3</sup> Records may be in paper or other physical form and include work emails, texts, post and draft documents.

## Request for information

For information relating to GIPA, *Parliamentary Standing Order 52 – orders for papers*, and information access, refer to the EPA Governance and Guidelines intranet page.

For subpoenas and court orders to produce documents, refer to the EPA Legal Advice intranet page on how to request legal advice from our Legislation and Legal Advice team.

For media enquiries and requests for media releases, stakeholder engagement refer to [EPA Corporate Affairs intranet page](#).

## Information labelling, classification and handling of information

Classified and sensitive information must be handled appropriately. The *NSW Government Information Classification, Labelling and Handling Guidelines* outlines the NSW Government's commitment to a system for classifying, labelling and handling sensitive information in a manner consistent with the Australian Government's [Protective Security Policy Framework \(PSPF\) 2018](#).

The Records Management team can assist with issues relating to classified and sensitive information.

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## Conflicts of interest

A conflict of interest exists when a reasonable person might perceive that your personal interest(s) could be favoured over your public duties. A conflict may arise from a range of factors, including:

- personal relationships
- secondary employment
- membership of special interest groups
- your ownership of, or financial interest, in property, shares or companies.

Conflicts of interest may also arise due to your personal beliefs or attitudes that could influence, or be perceived to influence, your impartiality or decision-making. It is your responsibility to identify and declare conflicts of interest.

To determine if a conflict of interest exists, ask yourself:

- Do I have a personal interest?
- Do I have a public duty?
- Is there a connection between my personal interest and my public duty?
- Could a reasonable person perceive that my personal interest might be favoured?

It is not necessarily unethical to have a conflict of interest. However, you should avoid placing yourself in conflicting situations wherever possible. Failing to disclose and manage a conflict appropriately may amount to misconduct and/or serious wrongdoing. Where you have a conflict of interest, you must:

- always disclose the conflict of interest in accordance with this Code and your agency's conflicts of interest policy (if any) as soon as you become aware of the conflict

- work with the appropriate person with responsibility for managing the conflict to resolve any conflicts in the public interest, rather than your own or another person's personal interest.

Managers or those responsible for managing a conflict of interest should:

- ensure the conflict is appropriately documented
- consider whether the circumstances warrant removing the employee from the duties that are in conflict with their private interests
- approve a management plan to eliminate or manage the conflict in the public interest
- monitor the situation to ensure compliance with the agreed management plan.

## Managing conflicts

To manage conflict of interest, the EPA defines:

- Family relationship includes your partner, child, parent and sibling.
- Close personal relationship includes others living in the same household with whom you have a dependent relationship, close work relationship, or a close social friendship.

Closeness is based on the nature, frequency and duration of the relationship. When you have access to information or make decisions that may affect someone you have a relationship with, there may be a conflict of interest. These include actual, reasonably perceived and potential conflicts.<sup>4, 5, 6</sup>

All EPA employees and others working in and throughout the agency must annually declare any conflicts of interests through the EPA Ethics Portal. Declarations should state if the interest is direct (personally held) or indirect (held by someone in a close relationship to you), and whether the interest is pecuniary or non-pecuniary.<sup>7, 8</sup>

Besides the annual declaration, you should always promptly declare in writing any actual, reasonably perceived or potential conflict that arises in the course of your work:

- on commencing employment with the EPA
- when changing roles
- as a result of changing circumstances
- if you are involved in evaluating quotes, tenders, grant applicants, sponsorships
- if working in a high-risk area.

When in doubt, declare the situation to protect yourself, your team and the agency. People leaders must ensure appropriate management strategies are implemented, recorded and reviewed at least every 6 months.

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<sup>4</sup> **Actual conflict** is direct conflict between your duties and responsibilities and private interests.

<sup>5</sup> **Reasonably perceived conflict** is when it appears your private interests could improperly influence your duties.

<sup>6</sup> **Potential conflict** is where a private interest could conflict with your duties in the future.

<sup>7</sup> Pecuniary financial interest including potential financial loss or gain.

<sup>8</sup> Non-pecuniary, non-financial interest from relationships or activities that could influence your judgement.

For more information on managing conflicts of interest with the EPA refer to the EPA [ethics and conduct intranet page](#) or contact the Risk and Governance team.

## Gifts, benefits and hospitality

In the course of your work, you – or, occasionally, your family, relations, friends or associates – might be offered gifts, benefits and/or hospitality by customers, clients, applicants, suppliers, or other persons or organisations.

Where a gift, benefit or hospitality of token value is offered simply as a memento or a small token of appreciation, accepting it is unlikely to be inconsistent with your obligations under the Ethical Framework for the government sector (unless your agency policy prohibits you from accepting any form of gift or benefit).

However, you should always be aware that gifts, benefits and/or hospitality might be offered to influence you when making a decision, or to provide a favour which will advance the interests of the giver, either now or in the future.

You should never:

- solicit gifts, benefits and/or hospitality from anyone
- accept any gifts, benefits and/or hospitality offered to you that is intended, or likely, to cause you to act in a certain way
- accept any gift, benefit and/or hospitality where there could be a perception that it has been offered as an inducement or incentive to act in a certain way
- accept any gift, benefit and/or hospitality for a family member, relation, friend or associate that is intended as, or could reasonably be perceived to be, an inducement or incentive to act in a certain way
- accept any gift, benefit and/or hospitality where you currently, or may in the future, exercise discretion in the making of a decision affecting the giver.

You should ensure you understand and adhere to your agency's policies relating to the declaration and management of gifts, benefits and/or hospitality.

You must refuse bribes or inducements and report them in line with your agency's policy.

### **Fraud and Corruption Control**

Refer to the [EPA Fraud and Corruption Control Policy](#).

### **Managing gifts, benefits and hospitality**

For more information on managing gifts benefits and hospitality refer to the [EPA Gifts Benefits and Hospitality Policy](#) and the [EPA ethics and conduct intranet page](#) or contact the Risk and Governance team.

# Lobbying

NSW public sector officials are required to act impartially in the public interest when carrying out their public duties, including when being lobbied, or making decisions after being lobbied, by lobbyists.

You must comply with the values, principles and requirements in this Code and Premier's Memorandum M2019-02 *NSW Lobbyists Code of Conduct*. The *Lobbying for Government Officials Act 2011* (NSW) restricts lobbying of Government officials by lobbyists and requires lobbyists to comply with ethical standards of conduct and other requirements set out in the Lobbyists Code of Conduct. It is important for public confidence in the integrity of government that lobbying is carried out with appropriate probity and transparency.

## Dealing with Lobbyists

The EPA's *Dealing with Lobbyists Policy* is under review. In the interim, refer to the [NSW Lobbyists Code of Conduct](#) or contact the Risk and Governance team.

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## Making public comment

Public comment is any comment made where it is expected that it will be seen or heard by members of the public. It includes:

- profiles or activities on social media
- comments on internet sites or broadcast by electronic means
- public speaking engagements
- comments to radio, television or print reporters (including letters to the editor)
- comments in books, journals or notices
- appearances before Parliamentary Committees.

You must not make any public comment on behalf of the EPA or in the course of your work unless authorised to do so. When making an authorised public comment for official duties, you should:

- only state the facts
- avoid expressing opinions on government policies or government decisions, unless you are authorised to do so or this is part of your role at the EPA
- only disclose information that is publicly available or has been published or is information that you are authorised to disclose.

You are able to participate in public debate on political and social issues in a private capacity, including on social media. In making public comments in a private capacity you should ensure your comments:

- are clearly identified and understood to be your personal views
- do not discuss or disclose information concerning your work or workplace that is not publicly available
- are lawful – do not post material that is defamatory, bullying, harassing, breaches privacy, is in contempt of court, breaches intellectual property rights or is otherwise unlawful.

You must not act in a way that casts doubt on your ability, or the ability of the EPA, to act impartially, apolitically and professionally.

## Media Policy

For further details please refer to the [EPA Social Media Policy and Procedure Guide](#).

Refer to the EPA [Corporate Affairs intranet page](#) for further information and contacts.

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## Recruitment

If you are involved in any recruitment, you must comply with the Ethical Framework requirement to recruit and promote employees on merit and comply with applicable legislative requirements concerning the recruitment process.

You must also promptly declare any conflict of interest as required by this Code and as part of the EPA's recruitment process. Where applicable, you must work with the appropriate person with responsibility for managing the conflict to resolve any conflicts in the public interest, rather than your own or another person's personal interest.

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## Risk management<sup>9</sup>

When carrying out your work or contributing to the making of decisions, you have a duty to objectively identify any risks and report them to your manager or the relevant decision maker, so they can be assessed and appropriately managed in a lawful way. Risks must be managed in accordance with your agency's risk management policy (if any) and applicable mandatory NSW Treasury policies.

Everyone is responsible for identifying and acting on risks. Frontline employees are the people most likely to see operational risks early and the EPA needs your help to capture these.

For further information on dealing with risk and business continuity management, refer to the following:

[EPA Crisis Management and Business Continuity Plan](#)

[EPA Risk Management Policy](#)

[EPA Risk Management Framework and Operating Procedures](#).

### Recommendations and business improvement

Internal and external audits, inquiries or investigations lead to recommendations for risk reduction and improving internal controls and governance with the agency. The purpose of these reviews is to strengthen controls and manage and mitigate significant risks.

If you are involved with any of these reviews, you are expected to:

- cooperate and provide information and prompt responses to auditors and investigators

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<sup>9</sup> Risk management is the process of anticipating future events that could adversely affect the agency and taking action to either reduce the likelihood of the risk occurring or reduce the consequences if the risk does occur.

- review the observations and findings to ensure they accurately reflect underlying issues
- obtain relevant approvals from senior executives on the agreed responses to recommendations and corresponding actions
- formally respond to recommendations within the agreed time frame
- monitor, complete and record agreed actions by the due date.

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## Secondary employment

You may for various reasons wish to undertake either paid or unpaid work in addition to your role within the government sector.

You are required to comply with applicable legislative requirements and follow your agency's policies (if any) concerning secondary employment. For public service employees, see clause 7 of the *Government Sector Employment Regulation 2014* (NSW).

Taking on additional work may give rise to a conflict of interest, or reasonably perceived conflict, between your primary and secondary employment.

If this occurs you should declare the conflict in accordance with this Code and the EPA's conflict of interest policy and resolve any conflicts in the public interest, rather than your own or another person's personal interest.

Before performing paid or unpaid work elsewhere, you must gain approval by submitting a Private and Secondary Employment application to your Director to make a determination.

Approval must not be provided for more than 12 months, and you must reapply once the approval period expires or when you transfer to a new role, business unit or work location with the EPA.

For more information on secondary employment, refer to the EPA Risk and Governance team or your HR Business Partner.

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## Use of public resources

You must use public resources in an efficient, effective and prudent way.

You must not use public resources – including such things as money, property, equipment or consumables – for an unauthorised purpose. You must not use your position, or access to government resources and information, for personal gain or the gain of another person.

When procuring goods and services for your employer, you must ensure you:

- declare any conflicts of interest in accordance with the EPA's conflicts of interest policy
- work with the appropriate person with responsibility for managing any conflict to resolve any conflicts in the public interest, rather than your own or another person's personal interest
- comply with applicable NSW Procurement Board policies and directions as well as your agency's procurement policies
- comply with the principles of probity and fairness
- take reasonable steps to ensure the goods and services are not the product of modern slavery

- obtain value for money.

You are required to comply with this Code, your legislative obligations, the NSW Government Procurement Policy Framework, and your agency's policies and procedures.

### **Buying goods and services**

For information on buying goods and services refer to the [DPHI Procurement intranet page](#) or contact the [DPHI procurement team](#)

### **Budget**

For information see the [Budget management intranet page](#) or contact your Division's EPA Finance Business Partner.

### **Cyber Security**

For information refer to the portfolio [Acceptable Use Policy](#) and [Cyber Security Policy](#) or contact the Digital Information Office.

[Report Cyber Security Incidents](#) promptly use Fugu (Phish Alert Button) in Outlook ([KB0040192](#))

For the latest security information, refer to the portfolio [Cyber Security intranet page](#). Request cyber security services directly from [CS Connect requestable service catalogue](#).

For the latest AI & Innovation technology updates, visit the [Artificial Intelligence intranet page](#).

### **Grants and funding agreements**

Government agencies must comply with the [Grants Administration Guide](#) as mandated by the Premier's Memorandum M2024-03.

### **Intellectual property and copyright**

NSW Government Intellectual Property Framework(C2021-11) ([IP Management Framework 2.0](#)) outlines best practices for managing intellectual property.

### **Managing complaints about the services we provide**

Complaints should be managed in accordance with the [EPA Complaint Handling Policy and Procedure Guide](#).

### **Sponsorships**

Sponsorship proposals are evaluated in line with the [EPA Sponsorship Policy](#) and ICAC's sponsorship principles.

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## **Workplace health and safety**

We all have a role to play in ensuring the safety of ourselves and others in the workplace. You must take reasonable care for your own health and safety and not do anything that adversely affects the health and safety of others. You should report risks to health and safety in accordance with your duties under the *Work Health and Safety Act 2011* (NSW) and your agency's policies (if any), and familiarise yourself with the work, health and safety arrangements in your workplace.

Managers may have more substantial obligations involving the safety of those under their supervision or attending work locations and should familiarise themselves with these obligations. You should refer to your agency's policies (if any) for more information.



For more information, refer to the EPA [wellbeing, health and safety \(WHS\) intranet page](#), which includes the EPA's [WHS Policy](#) and [WHS Framework](#).

## Behaviour contrary to the Code

Behaviour contrary to this Code or to the Ethical Framework for the government sector can create an unsafe workspace, bring individuals into disrepute, undermine productive relationships with colleagues and the public, and damage public trust in the EPA or the broader government sector.

A contravention of this Code may be misconduct for the purposes of section 69 of the GSE Act.

If you are unsure of what is appropriate conduct in a particular situation, you can discuss the matter with your manager, your Human Resource Business Partner, your Director or Executive Director, Director Governance and Risk or the Director People Culture and Capability. Heads of agencies may also contact the Public Service Commissioner.

If you see someone act in ways that are contrary to this Code, you should raise your concerns in accordance with your agency's policy framework for reporting wrongdoing.

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## How to report serious wrongdoing

The *Public Interest Disclosures Act 2022* (NSW) (**PID Act**) establishes a framework to encourage people who work in the public sector to report serious wrongdoing. Serious wrongdoing means one or more of the following:

- corrupt conduct
- serious maladministration
- a government information contravention (other than a trivial failure)
- a local government pecuniary interest contravention
- a privacy contravention (other than a trivial failure)
- a serious and substantial waste of public money.

If you become aware of serious wrongdoing, you can report your concerns in accordance with the EPA's Public Interest Disclosure policy. You can also contact the relevant integrity agency body (such as the Ombudsman, Independent Commission Against Corruption, Auditor-General, or Law Enforcement Conduct Commission).

If you believe conduct may be illegal or constitute a criminal offence, you should follow the EPA's PID policy for reporting wrongdoing or, if appropriate, report the matter to NSW Police Force.

Under the PID Act, it is both a criminal offence and misconduct to take detrimental action against a person who makes, or is suspected of making, a public interest disclosure. The PID Act provides a range of additional protections against detrimental action.

When a public official (as defined in the PID Act) reports suspected or possible wrongdoing in the public sector, their report will be a public interest disclosure (PID) if it has certain features which are set out in the PID Act. PIDs must be managed in accordance with the PID Act.

Further information about public interest disclosures is available on the NSW Ombudsman's website.

For further information refer to the [EPA Public Interest Disclosure Policy](#) or contact the Risk and Governance team.

### ICAC and NSW Ombudsman requests

If you are contacted by the ICAC or NSW Ombudsman to attend an interview to provide information, you should contact the General Counsel – Executive Director Legal Governance and People, Director Legislation and Legal Advice or Director Risk and Governance as soon as possible to discuss the request.

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## Actions when allegations of misconduct are made

For EPA employees, the GSE Act and *Government Sector Employment (General) Rules 2014 (GSE Rules)* set out how allegations of misconduct are to be dealt with, which include:

- requirements that the relevant employee be advised of the detail of the allegation
- the action that may be taken against the relevant employee if there is a finding of misconduct
- the process to be undertaken to investigate and resolve the matter
- that the relevant employee be provided a reasonable opportunity to respond to the allegations and the proposed action to be taken.

## Declaring private interests as a senior executive

A senior executive (including an acting senior executive) must make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could reasonably be perceived to influence, the senior executive's duties, including decisions made, or advice given by the senior executive.<sup>10</sup>

Where a senior executive has no such private interests to declare, they must declare a 'nil return'.

After an EPA senior executive makes an initial declaration, a fresh declaration must be made:

- as soon as practicable, following any relevant change in the senior executive's private interests

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<sup>10</sup> Government sector agency heads who are statutory officeholders and not subject to this Code may wish to provide a voluntary declaration of interests. They can do so to the person exercising employer functions in relation to the statutory officeholder, to the extent that this is possible. For example, statutory officers whose employment is governed by a contract of employment with a Minister, or who are subject to Ministerial direction or control in respect of some or all of their functions, could make their voluntary declaration to that Minister. Where this is not possible or appropriate in the circumstances, voluntary declarations may be made to the Secretary of the Premier's Department.

- as soon as practicable, following the senior executive's assignment to a new role or responsibility
- at least annually.

An acting EPA senior executive is not required to make a fresh declaration on each 'acting' occasion and may rely on their most recent declaration, provided:

- that declaration is brought to the attention of their current manager
- there are no additional undeclared 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 while they are acting.

An EPA senior executive member must provide their declaration to the EPA Chief Executive Officer (CEO).

The EPA CEO must provide their declaration to the EPA Chair.

### **Responsibilities of person receiving declaration**

The EPA CEO is responsible for ensuring that procedures are in place to require that:

- senior executives complete declarations
- handling and storage of declarations comply with the requirements of the PPIP Act
- declared conflicts of interest are managed and monitored.

### **Senior executive private interests**

All EPA senior executives (including acting senior executives) are required to submit their private interest declarations through the Senior Executives Private Interest declaration form on the [EPA Ethics Portal](#).



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