



STATE LIBRARY OF NSW

Code of Ethics & Conduct


STATE LIBRARY®
NEW SOUTH WALES



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STATE LIBRARY OF NSW

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Our mission is to strengthen the community by being the trusted provider of quality information services.

The people of New South Wales have a right to expect the business of the State to be conducted with efficiency, economy, fairness, impartiality and public sector integrity. At the State Library of New South Wales (the Library), we value the quality of our services to the community and the high professional standard of behaviour of our employees. The performance and reputation of the Library depend heavily on the conduct of each one of us.

The Code of Ethics and Conduct (the Code) applies equally to everyone in the Library. It aims to help us understand the standards of conduct and behaviour expected of all of us in our working relationships with colleagues, clients, stakeholders and the Government of the day. It provides guidance on:

- the general principles you should follow in working for the Library
- how to act ethically, make ethically-informed decisions and behave in accordance with the Library values
- your specific responsibilities in maintaining an ethical workplace
- what happens if this Code is breached.

The approach we have taken is ‘principles’ based, since a prescriptive approach could never cover all the issues an employee may face. Instead, we have outlined the principles which fall under the six core values of the Library (Integrity, Trust, Service, Accountability, Equity of Access and Innovation and Engagement) and provide some guidance on specific issues of importance to the Library.

If you are uncertain about how the Code applies to a particular situation, or what the appropriate course of action to adopt is, please discuss the matter with your manager or any member of the Executive team.

I strongly endorse the values and principles of this Code. It is critically important to the success of the Library that we adhere to the Code in all aspects of our work.

ALEX BYRNE

NSW State Librarian & Chief Executive

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.

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 & Chief Executive (CE)
- 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 policy 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
- Equal Employment Opportunity (EEO) Policy
- Ethical Framework for the Government Sector
- Financial Delegations Policy
- Fraud and Corruption Prevention Policy
- Gifts and Benefits Policy and Procedure
- Grievance Handling and Dispute Resolution Policy
- Harassment and Bullying Free Workplace Policy

- Policy on the use of State Library Information & Communication Technologies
- Information Security Policy
- Media Protocol
- P-Cards Policy
- 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
- Sexual Harassment Policy
- Social Media Policy
- 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

CORE VALUES AND PRINCIPLES OF CONDUCT

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.

These are:

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.

AS A PEOPLE LEADER OR MEMBER OF THE EXECUTIVE TEAM, YOU ARE RESPONSIBLE FOR:

- 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
- preventing, detecting, and responding promptly to reports of incidents, including investigating and addressing, breaches of the Code.

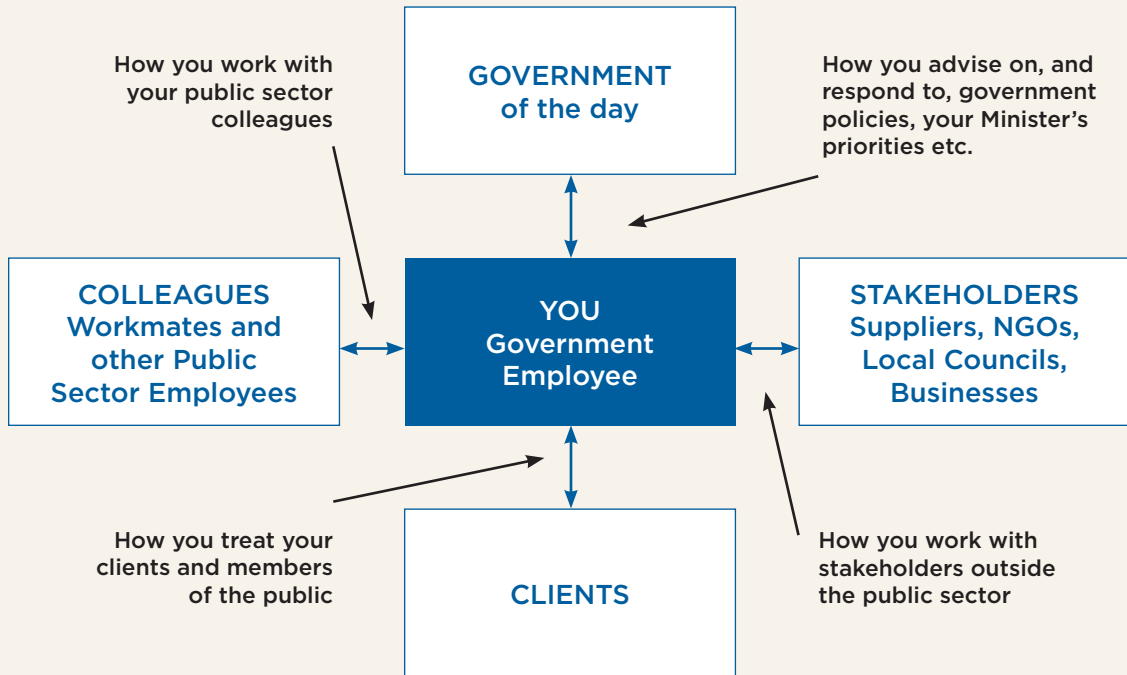
THE NSW STATE LIBRARIAN & CE IS RESPONSIBLE FOR:

- leading, promoting and maintaining the ethical conduct of Library employees by implementing the following best practice approaches:
- ensuring people leaders 'walk the talk' by demonstrating high standards of ethical conduct to other employees
- 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 beliefs, 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 avoid conflicts of interest?

Sometimes you may find that your personal interests make it difficult for you to perform your duties impartially in the public interest. This may happen where there is a reasonable perception (perceived or actual) that you, your family or close associates could benefit personally from decisions that you make or may make at work. 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.

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 people leader records the details of the conflict and takes no further action because the potential impact is minimal or can be eliminated by disclosure or effective supervision, including directing the employee to behave at all times in ways that are consistent with the Library's responsibilities and functions
- the people leader removes the employee from the particular activity or decision where the conflict arises and documents this action
- the people leader of the employee checks and endorses, if appropriate, all action with respect to the matter creating the conflict
- 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?

Staff employed as a 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 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 & CE for senior executives
- to the Department Secretary for the NSW State Librarian & CE.

The NSW State Librarian & CE 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, showing leadership and courage
- placing the public interest over personal interest
- appreciating difference and welcoming learning from others
- building relationships based on mutual respect
- 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
- 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*.

While the previous sections dealt with the underlying principles of how we are to conduct ourselves, there are some conduct issues that regularly arise in the Library. Additional information is provided on these issues including definitions and specific steps you should take.

6.1 Integrity

Act professionally with honesty, consistency and impartiality, take responsibility for situations, showing leadership and courage, place the public interest over personal interest, consider people equally without prejudice or favour.

The core value of Integrity requires us to be professional in all aspects of our work. The following areas can often influence whether we are seen to be a professional, honest, consistent and impartial organisation:

DRUGS, ALCOHOL AND TOBACCO

While at work, you must not be under the influence of or in possession of a drug or substance that is illegal to possess or distribute. Similarly you must not work whilst under the influence of alcohol.

In the context of this Code, ‘under the influence’ is defined as an obvious state of disturbance to one’s physical and/or mental faculties that impairs their performance, or that may pose a risk to themselves or other employees or members of the public.

You must not smoke or permit smoking in any Library building, or enclosed area. Section 6A of the *Smoke-free Environment Act 2000* and the Smoke Free Workplace Policy sets out restrictions on smoking in the precinct and surrounds of Library premises.

GIFTS AND BENEFITS

All employees are required to comply with the Library’s Gifts and Benefits Policy and Procedure.

Employees must not give or accept gifts, benefits or entertainment that will compromise, or appear to compromise, their integrity and objectivity in performing their duties, or cause, or appear to cause a conflict of interest. The giving or acceptance of gifts or benefits may affect the public perception of integrity and independence of the Library and its employees.

Soliciting or accepting a gift or benefit as an actual inducement to make a decision, or to provide a favour, is not only a direct breach of this Code, but constitutes corrupt conduct under the *Independent Commission Against Corruption Act 1988*.

MISCONDUCT

Misconduct involves improper, wrong or potentially unlawful conduct that is contrary to policy, directions or the law. It usually involves an allegation of an employee's act or omission arising from negligence or with intent. Examples include assault, theft, blatant disregard for policies, or other serious actions that may require investigation.

All actual or perceived incidences of misconduct must be raised with the Manager, HR. A finding of misconduct may result in actions ranging from a caution to termination of employment.

If a matter proceeds to an inquiry, the inquiry is to be conducted in accordance with the *Government Sector Employment Act 2013* and *Government Sector Employment Rules 2014*, which require compliance with the principles of procedural fairness.

USE OF COMMUNICATION DEVICES AND OTHER EQUIPMENT AND FACILITIES

All usage of the Library's electronic communication facilities (computers or similar devices, network, internet, intranet, email) should be lawful, appropriate and ethical.

These facilities are not to be used in any way that:

- is misleading or deceptive
- could damage the Library's reputation
- could result in victimisation, harassment or vilification
- is offensive, inappropriate, obscene, threatening or defamatory
e.g. to view pornography
- violates Australian or State regulations or laws – including 'computer hacking'
- is intended to have a destructive effect on storage, processing or communications network facilities

Limited personal use of Library facilities and equipment (e.g. computers, laptops, mobile phones or similar devices, landline telephones, fax machines, email, internet, printers) is permitted, provided the use is infrequent, brief, involves minimal cost and does not interfere with the performance of your work or the work of others. Beyond this personal use concession, employees must only use Library resources for personal purposes when official permission from their people leader has been given.

When using any Information and Communications Technology systems, service or devices, employees must comply with the Policy on the use of State Library Information & Communication Technologies. Employees reasonably suspected of abusing the use of the Library's communication devices for private purposes may be asked to explain such use.

OTHER PAID WORK

You must have formal written approval before you engage in any form of paid employment outside your official duties. Contractors and casuals are not required to gain approval for outside employment provided that the work is undertaken during the period that the person is not required to work for the Library, and provided that there is no perceived or real conflict of interest with Library activities.

Generally, applications for permission to undertake other paid work must meet the following criteria:

- the proposed employment would not result in a conflict of interest for the Library, either real or perceived
- the proposed employment is not likely to impact on the employee's availability for duty or work performance
- engagement in the proposed employment is not likely to bring the Library or the public service into disrepute.

Approvals will be granted for the current calendar year. The employee must seek approval to engage in other paid work at the beginning of each year or when their work arrangements change.

Where there has been any material change in the nature or circumstances of approved other paid work, or the employee's duties with the Library have changed to the extent that they could conflict with previously approved other paid work, the employee should submit a revised application.

6.2 Trust

Build relationships based on mutual respect, appreciate difference and welcome learning from others, uphold the law.

The following specific conduct issues highlight how we should interact with our colleagues in a fair and respectful way and uphold the law at all times.

BULLYING AND HARASSMENT

Bullying and harassment will not be tolerated in the Library. Bullying and harassment are behaviours that are repeated, unwelcome and unsolicited, considered offensive, intimidating, humiliating or threatening by the recipient or others who are witness to or affected by it.

Bullying behaviour may be directed upwards or downwards and towards co-workers. The following, where repeated or occurring as part of a pattern of behaviour, could be considered bullying:

- being subjected to constant ridicule and being put down in front of colleagues
- being the victim of loud and abusive, threatening or derogatory language usually when other employees are present
- leaving offensive messages on email or by telephone, including offensive messages through the use of SMS and material posted on the internet
- being subjected to practical jokes
- deliberately excluding someone from workplace activities
- withholding information that is vital for a worker or workers to perform effectively.

All employees (including people leaders) should speak up against and/or report (depending on the severity of the conduct) bullying behaviour that they witness. This will help prevent the recurrence and escalation of bullying behaviour.

If you believe that you are being bullied or harassed at work contact your people leader in the first instance, a Contact Officer or Human Resources. For further information refer to the Harassment and Bullying Free Workplace Policy, Sexual Harassment Policy or Grievance Handling and Dispute Resolution Policy and Procedures.

DISCRIMINATION

NSW and Commonwealth legislation protects people from discrimination on the grounds of their sex, gender identity, sexual orientation, marital, parental or carer status, pregnancy, age, disability, race, and political or religious belief.

If you believe there is discrimination at work, contact your people leader in the first instance, a Contact Officer or Human Resources. For further information refer to the Library's EEO Policy or Grievance Handling and Dispute Resolution Policy.

CORRUPT CONDUCT AND FRAUD, MALADMINISTRATION, WASTE, AND GOVERNMENT INFORMATION CONTRAVENTION

Employees are expected to uphold the law in exercising their day to day work duties. Employees are encouraged to report suspected corrupt conduct, maladministration, substantial waste of public resources and government information contravention. Disclosures can be made in accordance with the procedures described in the Library's Public Interest Disclosures (PID) Policy and Procedures. The Public Interest Disclosures Act 1994 provides protection against reprisals for employees who report wrongdoing (note: the disclosure must be made in accordance with the provisions of the PID Policy and Act).

CORRUPT CONDUCT AND FRAUD

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 Library material or financial resources
- offering or accepting bribes, commissions or secret payments to provide unfair advantage to contractors or particular clients
- accepting a personal gift or benefit from a client in return for providing services
- partiality (i.e bias)
- breach of trust (i.e. misuse of your position)
- fraud and attempts at fraud
- forgery, and making false or fraudulent claims (e.g. working hours, expenses, vehicle usage log and creating false evidence)
- misuse or unauthorised disclosure of information held or maintained by Library, for personal gain.

The NSW State Librarian & CE has a responsibility under Section 11 of the Independent Commission Against Corruption Act 1988 to report suspected corruption. For further information refer to the Independent Commission Against Corruption's website.

In the Library's Fraud and Corruption Prevention Policy, fraud is defined as any practice that involves the use of deceit to confer some form of financial benefit upon the perpetrator (either directly or indirectly) and results in some form of material loss to a person, persons or organisation. Fraud is also deliberate and premeditated deception to gain advantage from a position of trust or authority. For further information refer to the Audit Office of NSW's website.

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 employees 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.

For further information refer to the NSW Ombudsman's website.

SERIOUS AND SUBSTANTIAL WASTE

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources which results in a loss/wastage of public funds/resources. For further information refer to the Audit Office of NSW's website.

Less serious forms of waste are also to be avoided. For example, use black and white and/or double sided printing where possible, and switch off computers at the end of the day and over weekends.

GOVERNMENT INFORMATION CONTRAVENTION

Government information contravention means a failure to carry out the functions required by the *Government Information (Public Access) Act (GIPA) 2009*.

Under this Act, citizens have a right to access most information held by the NSW Government to foster a government that is open, accountable, fair and effective.

For further information refer to the Information and Privacy Commission's website.

If you receive a GIPA Act enquiry, please direct it to the Library's Right to Information Officer.

DISCLOSURE OF CRIMINAL CHARGES, CONVICTIONS AND BANKRUPTCY

As part of employment at the Library, Criminal Records Checks are completed on all new employees. Probity and educational checks are also conducted as required.

You are required by law to immediately notify the NSW State Librarian & CE in writing (through the HR Team) if you have been charged with an offence with a possible penalty of imprisonment for 12 months or more, or if you have been convicted of any such criminal offence. Failure to do so may result in formal action. If you are facing charges where the penalty is less than 12 months imprisonment, the charge should only be reported if it is possibly connected to, or has a bearing on, your employment with the Library.

You are to immediately notify the NSW State Librarian & CE in writing (through the HR Team) if you:

- become bankrupt
- make a composition, arrangement or assignment for the benefit of creditors.

Action taken by the Library, if any, will depend on the nature/circumstances of the situation, its relevance to your work and any mitigating factors. If unsure, contact the Manager, HR to discuss the matter in confidence.

PRIVACY AND PERSONAL INFORMATION

It is important that the community has confidence that personal information acquired and/or held by the Library will be kept confidential as required under law. Employees must ensure that personal information must only be used for the official purposes for which it was collected.

Employees need to be aware of and comply with the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002* which provide protections around information collected and/or held by a public agency about a person. This includes the collection, storage, use, access, correction and disclosure of personal information.

For further details see the Library's Privacy Management Plan and privacy guidance on the Library's intranet.

6.3 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 and focus on quality while maximising service delivery.

Our core value of Service requires each of us to focus on making decisions and actions which enable the provision of fair, solution focused service. The following points expand on these principles:

DRESS STANDARDS

As a member of an organisation setting the standard for the public sector, you should dress in a clean, neat and professional manner. Your appearance and hygiene, as much as your manner and service delivery, is important in promoting the professional image of the Library.

Local work areas may negotiate special arrangements e.g. specific days may be designated as days when smart, clean, casual attire may be worn. Any such arrangements must be agreed by the relevant senior manager. Consideration should be given to meetings with external parties and public contact when making these arrangements.

SECURITY IN THE LIBRARY

The Library is obligated to maintain the security of both employees and the collection. Employees must wear their security badge at all times and are encouraged to politely question anyone without identification they do not know who they find in a non-public area. Any difficulties should immediately be referred to the Security control room. Employees should report unusual events and unclaimed packages and bags to Security.

6.4 Accountability

Be fiscally responsible, provide transparency to enable public scrutiny, take responsibility for decisions and actions, observe standards for safety.

Our core value of Accountability requires each of us to take responsibility for our decisions and actions, provide transparency to enable public scrutiny and observe standards of safety. The following points expand on these principles:

RECORDKEEPING

Employees need to be aware of and comply with the *State Records Act 1998* and the Library's Records Management Policy.

Employees have a responsibility to create and maintain full and accurate records of their activities, decisions and other business transactions, to capture records into official records systems, and not to destroy records without appropriate authority. People leaders have a responsibility to ensure that employees reporting to them comply with their records management obligations.

PROTECTING GOVERNMENT INFORMATION

The Library is committed to ensuring an appropriate level of security is applied to protect the confidentiality, integrity and availability of its information. Employees are required to comply with information protection laws and the Library's Information Security Policy and related policies.

As a general rule, employees may disclose official information that is normally given to members of the public seeking that information. Disclosure of other official information or documents is allowed:

- in the course of duties and when proper authority has been given to do so, or
- when required to do so by law, or when authorised to do so by law.

Confidential information including commercial, sensitive, or personal information, about employees, clients and stakeholders must be securely managed and used appropriately.

Employees must not access, disclose, discuss or use any confidential information without official approval and must ensure that unauthorised people cannot access confidential information in any form. Unauthorised disclosure may cause harm to individuals or give an individual or another organisation an improper advantage. The integrity and credibility of the Library may also be damaged if it appears unable to appropriately secure its information.

Employees should be careful about the content of information they access and distribute, particularly information transmitted in digital format. Consideration should be given to issues of privacy, security, copyright and authorisation. Further guidance on information security including handling and labelling sensitive information is detailed in the Library's Information Security Policy and related policies and on the intranet.

If employees are unsure about disclosing any information, they should seek the advice of their people leader or the Corporate Governance Branch prior to releasing the information. Refer to the Library's Information Security Policy.

These principles apply even after employees cease employment with the Library.

TENDERING FOR AND PROCURING GOODS AND SERVICES

When purchasing goods and services for the Library, you must follow the Library's corporate policies and procedures. You are responsible for understanding the procedures that apply to the type of procurement you are undertaking on behalf of the Library. For advice and assistance, contact the Financial Services Branch.

TRAVEL

When travelling on official business, seeking or accepting frequent flyer points for your personal use is not permitted. Corporate mobile phones, corporate credit cards and Cabcharge facilities provided for official travel may only be used for work purposes.

WORK HEALTH AND SAFETY

The Library's Work Health and Safety (WHS) requirements must be followed. Briefly, you are expected to take all reasonable and practicable steps to:

- use equipment in accordance with instructions issued by management
- not risk the health and safety of yourself or other people in the workplace
- cooperate to implement the Library's WHS program and measures designed to ensure a safe and healthy workplace, including first-aid and emergency procedures as well as maintaining office security systems
- disclose or report any real or perceived hazard, to your people leader. Hazards include any unsafe or unhealthy working conditions, work practices or behaviours.

For further details see the Work Health and Safety policies on the Library's intranet.

CHILD PROTECTION

Employees who work with children and young adults are required to follow the Code Of Conduct For Child Protection In The Workplace.

6.5 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.

Our core value of Equity of Access requires each of us to take responsibility for our decisions and actions to ensure our collection continues to be accessible through time. The following points expand on these principles:

PROTECTING THE COLLECTION

The Library Collection is a valuable and important asset, which is held in trust for the use of future generations. Employees must take care to preserve the collection and to ensure its security. Employees are permitted to borrow certain material from the Library's collection on the condition that the approved loan procedures are followed. These procedures are explained in the Staff Loans Policy. Stealing or unofficial borrowing from the collection may be considered as misconduct and managed accordingly.

GIVING INFORMATION TO THE PUBLIC

The Library is committed to providing a high quality and equitable service to the people of New South Wales. Employees must keep these values in mind in all dealings with the public. The information that employees give must be accurate, relevant and unbiased. As an employee of the Library, you must not allow your personal views to influence the selection, use or access to information provided.

Employees are required to support and explain Library or government policy to clients even if they disagree personally with it. For example, where a client complains about Library pricing policy for products or services, employees should uphold and explain the policy rather than agreeing with the client.

6.6 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, and adopt an outside-in approach to developing our service.

Our core value of Innovation and Engagement encourages each of us to readily represent the Library and its work in a professional and engaging way and continue to develop in our field of expertise. The following points expand on these principles:

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 (but not limited to) the following:

- speaking engagements
- comment made on social networking sites (such as Facebook, Linked In, and Twitter), on radio, television or in newspapers (including letters to the editor), in books, journals or notices, on the internet, including media-related websites that seek comments on their stories ‘anonymously’ e.g where a face on the television is obscured, and in email messages.

As a private individual, employees have the right to participate in public debate on political and social issues. In exercising this right, they also have the responsibility to make it very clear they are speaking as private individuals and not representing the official views of the Library or the Government.

In participating in any political, community and personal activity, employees must:

- not make any comment where it could be inferred that the public comment, although made in a private capacity, is in some way an official comment of the Government or of the Library
- not make public comment, where the comment, even though unrelated to their normal duties, amounts to criticism sufficiently strong or persistent to give the impression that they are not prepared to implement or administer the policies, procedures and guidelines objectively of the Library or the Government
- not participate in private political activities in the work environment
- not use the Library’s resources to assist political, community or personal activities
- not use information obtained through their work at the Library to assist their political, community or personal activities, or make the information known to any other person
- not misrepresent the position of the Library on any issue.

Employees are frequently required to represent the Library in an official capacity at interagency meetings, community forums and other meetings with outside agencies and individuals. In representing the Library they must ensure that they have the appropriate delegation and authorisation to do so and that they are sufficiently briefed on the issues likely to be raised and the appropriate Library responses.

All employees must have the approval of the relevant Executive member before agreeing to address or be involved in seminars or conferences by professional associations, other organisations or non-profit bodies where the program is relevant to the public sector. Employees must also have the approval of the relevant Executive member before making a written submission to such associations or organisations.

As a general rule, employees may only disclose official information that is already in the public domain, such as the Annual Report or official media releases and avoid offering a personal comment. The provision of information should also be consistent with Library and Government policy.

Refer to the Library's Social Media Policy to understand standards for employees who communicate with clients and stakeholders via social media channels.

If you receive an enquiry from a media outlet, direct the request to the Manager, Media and Communications in the first instance.

CAPABILITY AND PERFORMANCE DEVELOPMENT (CPD)

All employees are required to actively participate in the Library's Capability and Performance Development program. The CPD program comprises ongoing (both informal and formal) discussions between employees and their people leaders covering the setting of clear objectives, giving and receiving of constructive feedback on performance, values and behaviours and identification of career and professional development activities.

VOLUNTEERING

The Library encourages voluntary participation in community organisations, charities and professional associations. Such participation does not require approval unless the involvement is likely to, or be perceived to conflict with, or affect the efficiency or performance of the employee's official duties.

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** under any particular circumstances, 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 GIPA Act, then report your concerns to Library's Public Interest Disclosures Coordinator or Principal Officer (State Librarian and CE) 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.
- **If you are investigating an allegation** of behaviour that is contrary to this Code, you must ensure your 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 people leader, 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 & CE 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 the 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.

- _____
- _____
- _____
- _____
- _____

