



## Department of Commerce

### Code of Conduct

*A statement of the Department's collective  
commitment to maintaining the highest ethical  
standards of behaviour*

February 2005

# NSW Department of Commerce Code of Conduct

## Scope of the Code

This code applies to all individuals employed, appointed or otherwise engaged to work in the Department. This includes permanent, temporary and casual staff, as well as consultants, contractors and agency staff engaged to perform work for or on behalf of the Department.

A deliberate act breaching this Code of Conduct, or the Department's policies referred to in this Code, may constitute 'misconduct' under the Public Sector Employment and Management Act 2002.

**The Code of Conduct is closely linked with the Department's Mission and Corporate Values.**

## Our Mission

### Our Mission

The Department of Commerce exists to make doing business in NSW simple and fair and to get the best value for the NSW Government.

## Our Values

### Our Values

- We deliver value in everything we do
- We strive to be leaders in our field
- We demonstrate the highest levels of ethical behaviour, integrity, impartiality and fairness in our field
- We're a team working towards common goals based on the needs and expectations of the community and our stakeholders
- We encourage, recognise and reward initiative and innovation

## **General Principles of Behaviour and Conduct**

The community expects the business of the State to be conducted with:

- Efficiency
- Economy
- Fairness
- Impartiality
- Integrity

To meet this expectation, we should demonstrate these principles when undertaking our day-to-day work.

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### **We deliver value in everything we do.**

- While on duty we give the whole of our time and attention to the business of Commerce and ensure work is carried out efficiently, economically and effectively
- We always act with care and diligence, utilising departmental resources in a proper manner
- We ensure that our decisions and actions are reasonable, fair and appropriate to the circumstances, based on consideration of all the relevant facts and supported by relevant legislation, policies and procedures

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### **We strive to be leaders in our field**

- We accept responsibility and are accountable for our own actions in accordance with delegated functions, accountabilities and the requirements of this Code.
- We actively promote confidence in the integrity of public sector administration, especially the Department and always act in the public interest.
- We seek at all times to achieve excellence in personal and operational performance.

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### **We demonstrate the highest levels of ethical behaviour, integrity, impartiality and fairness in our field.**

- We work to protect the reputation of the public sector and do not engage in any activities that would bring the public sector into disrepute.
  - We achieve the highest standards of ethics by treating the Government, our stakeholders, clients, suppliers and each other fairly and professionally.
  - We report suspected instances of corrupt conduct and other forms of inappropriate conduct.
  - We provide and maintain a safe and healthy workplace.
  - We behave honestly and with integrity in the course of our employment.
  - We comply with any lawful and reasonable direction by an appropriately authorised officer.
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## Code of Conduct

The Code of Conduct is designed to provide a practical framework of acceptable behaviour to assist in the performance of day-to-day activities in an ethical and professional manner.

The Code is to be read in conjunction with existing policies and legislation.

How do we best serve our customer's needs?

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**We are a team working towards common goals based on the needs and expectations of the community and our stakeholders.**

- We treat members of the public and our colleagues fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations.
- We provide relevant and responsive service to our clients and customers, providing all necessary and appropriate assistance in accordance with agreed service standards.

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**We encourage, recognise and reward initiative and innovation.**

- We keep up to date with advances and changes in our area of expertise and look for ways to improve performance and achieve high standards of public administration.
- We embrace creativity and commitment in the workplace.

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The following five points should guide everything we do in Commerce. Considering these five points will help in developing an organisation where ethical conduct and decision making guides our every action. We also recommend that you consult with your peers and supervisor in the process.

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Is the decision or conduct lawful?

Is the decision or conduct consistent with current Government policy and in line with Commerce's mission, values and Code of Conduct?

What will be the outcome for the employee, work colleague, the agency and other parties?

Do these outcomes raise a conflict of interest or lead to private gain at public expense?

Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

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### **1.0 Dealing with Customers**

**1.1** Our customers have a right to accurate information and timely service delivery.

**1.2** Customer enquiries are to be dealt with consistently, promptly, fairly, with respect and courtesy but without discrimination.

**1.3** We should provide our customers with all information appropriate to their enquiry and give every assistance in undertaking follow-up action to provide a satisfactory result.

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We must avoid conflicts of interest at all times.

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## **2.0 Conflict of Interest**

- 2.1** A conflict of interest exists when it is likely that we could be influenced, or seen to be influenced, by a personal interest in carrying out our Commerce duties. It is therefore important that we avoid any personal interest that could compromise the fair performance of our duties, disclose any potential or actual conflicts of interest to our supervisor/manager and attempt to resolve any conflicts of interest that may exist.
- 2.2** An example of a personal interest that may give rise to a conflict of interest includes having financial interests in a matter Commerce is dealing with or having friends, associates or relatives with such an interest.
- 2.3** Any conflict of interest that may lead to unfair decision-making or is considered to be corrupt conduct is to be referred to the Chief Auditor, Audit Services for evaluation and investigation if required.

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## **3.0 Personal and Professional Behaviour**

As servants of the public, we should always maintain the best possible standards.

- 3.1** Public employment requires that we adopt standards of personal and professional behaviour that promotes and maintains public confidence and trust in the work of Government agencies.
- 3.20** In the performance of work, we have a responsibility to:
  - 3.21** Perform duties impartially and conscientiously, to the best of our ability.
  - 3.22** Behave in a manner which supports and promotes departmental business and supports operational efficiency and effective employee relations.
  - 3.23** Maintain knowledge and skills in relevant areas of expertise.
  - 3.24** Be aware of and comply with any relevant legislation, industrial or administrative requirements.
  - 3.25** Maintain adequate and accurate documentation to support any decisions made.
  - 3.26** Maintain sufficient awareness of Departmental functions in order to provide all necessary and appropriate assistance to members of the public.
  - 3.27** Obtain value for public money spent and avoid waste and extravagance in the use of public resources.
  - 3.28** Not to take, or seek improper advantage of any official information gained in the course of employment.
  - 3.29** Understand and apply Equal Employment Opportunity (EEO) principals and policies.
  - 3.30** Respect the personal and professional ethics of other staff in the Department.
  - 3.31** Provide impartial and accurate advice to the Government of the day regardless of which political party or parties are in office.
  - 3.32** Obey any lawful instruction given by an officer empowered to make such instruction.
  - 3.33** When implementing Government policy, prevent personal values taking precedence over those explicit or implicit in Government policy.
  - 3.34** We should present at work in a fit and proper state, not under the influence of drugs, alcohol or any medical condition.

Our standard of dress is important.

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#### **4.0 Standards of Dress**

- 4.1** We are expected to dress according to the requirements of the work being undertaken. In particular, you should ensure that what you wear to work is suitable for your duties and is consistent with the image you wish to present to your customers.
- 4.2** Managers and staff must ensure that specific OH&S requirements such as protective clothing are complied with and uniforms are to be worn where supplied.

Everyone has a right to a fair workplace, free of harassment and discrimination.

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#### **5.0 Discrimination and Harassment**

- 5.1** The basis of our personal and professional behaviour is a requirement to ensure that the workplace is free from all forms of harassment and discrimination. In particular, it is illegal to discriminate on the grounds of gender, marital status, pregnancy, age, ethnic or national origin, physical or intellectual impairment, sexual preference or religious or political convictions, irrelevant criminal record and family carer's responsibilities.
- 5.2** In particular, bullying in any form in the workplace will not be tolerated. Supervisors / managers must ensure that employees are informed of these principles and take all necessary steps, such as training and other active measures, to prevent and deal with harassment and discrimination in the work area.
- 5.3** If you believe that you are a victim of discrimination or, you have witnessed discrimination by an officer of the Department at work (or outside work if representing the Department in an official capacity), you have a duty to report the matter in accordance with the procedures outlined in the Department's Discrimination and Harassment policy and procedures.

A variety of documents outline accountabilities, do you know what your accountabilities are?

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#### **6.0 Accountability**

- 6.1** We are responsible for what we do at work and are accountable for what we do in our jobs.
- 6.2** Formal accountability is expressed in the Department's Schedule of Delegations.
- 6.3** If you are unsure about your responsibilities at work you should discuss them with your supervisor/manager.
- 6.4** If you are a manager, you are responsible for ensuring staff are fully aware of:
  - What their duties are;
  - How they should do their job, including conduct in the workplace;
  - What the expected outcomes are.
- 6.5** These expectations are reinforced in primary source documents such as business and management plans, position descriptions, organisation charts etc.

We all work to prescribed duties to be completed during nominated business hours.

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#### **7.0 Hours of Duty**

- 7.1** While we are at work, we should be available to provide the full range of prescribed duties required of us during the nominated business hours.
  - 7.2** The nominated business hours are determined according to operational need and comply with the arrangements provided through the Flexible Working Hours Agreement.
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We avoid waste and take responsibility for our use of technology, equipment and other facilities in carrying out our duties

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## **8.0 Use of Facilities and Technology**

- 8.10** As Departmental officers we do not use Commerce technology to create, send, access or store any form of information that:
  - 8.11** could damage the reputation of Commerce or misrepresents Commerce in any way;
  - 8.12** involves or could lead to victimisation, discrimination, harassment or vilification;
  - 8.13** is sexually suggestive, offensive, obscene, threatening, abusive or defamatory;
  - 8.14** is used for operating a private business or conducting trade not related to Commerce;
  - 8.15** may give competitors a competitive advantage;
  - 8.16** is deliberately misleading or deceptive;
  - 8.17** is business-related information encrypted without the approval of our manager;
  - 8.18** violates any State or Federal law;
  - 8.19** may hinder productivity (such as forwarding chain mails, pyramid selling schemes);
  - 8.20** may damage, destabilise or compromise the security of Commerce information or technology (eg sending a virus, using password cracking tools);
  - 8.21** infringes the copyright or other intellectual property rights of third parties;
  - 8.22** may compromise the confidentiality of customers, suppliers or other employees;
  - 8.23** is a game, audio, video or image file for private use;
  - 8.24** is encrypted private information.
- 8.3** Reasonable private use of technology is permitted provided it is infrequent and brief, and does not intrude on our work time, impacts on service delivery, or incurs costs.
- 8.4** We will not change the configuration or install additional hardware or software that will adversely affect the ability of others to use the computer.
- 8.5** We will be efficient and economical in the use and management of public resources, including our own work time

Vehicles and credit cards are a business tool and should be used as such.

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## **9.0 Departmental Vehicles, Mobile Phones & Credit Cards**

- 9.1** We should only use departmental vehicles, mobile phones and credit cards for official purposes and not for private purposes, unless a formal Business/ Private use agreement is in place.
  - 9.2** For further information refer to the Department's Policy and Procedures of Motor Vehicle Usage, Mobile Phone Policy and the Procedures for Corporate Credit Card Usage.
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Who needs to know? What is confidential? It is up to you to protect information.

Make sure your views aren't considered a representative statement.

Make sure you don't represent the Department without authority.

Children first – without question.

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## **10.0 Protecting Official and Confidential Information**

- 10.1** We must not use confidential information obtained in our official capacity as an employee of the Department for the purpose of securing a private benefit for ourselves or for any other person or influencing a departmental or private outcome.
- 10.2** We must make sure that confidential information, in any form (such as computer files), cannot be accessed by unauthorised people and that sensitive information is only discussed with people, either within or outside Commerce, who are authorised to have access to it. The Information Security Policy on the Commerce Intranet site provides further relevant information.
- 10.3** In addition to business information, personal information is also to be considered confidential and must be protected. Personal information refers to data or information that identifies or could be used to identify a person or persons to actions, statements, opinions or events. Specific legislation, policy and procedures apply to the way we must handle, store and protect personal information.
- 10.4** If you are responsible for handling information that may be personal, please consult the Privacy and Personal Information Protection Policy on the Commerce Intranet Site.

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## **11.0 Public Comment on the Work of the Department**

- 11.1** As individual members of the community, we have the right to make comment on political and social issues. However, we need to be mindful that this can only be done in a personal capacity and in a way that cannot be construed to represent an official comment on behalf of Commerce.
- 11.2** In addition, care should be exercised in making comment in both social and work related situations, where there is a risk that the information could be misinterpreted or misused by other parties.
- 11.3** Only the Director-General and Deputy Director-Generals / Director can authorise a response to, or contact with, the media.

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## **12.0 Child Protection**

- 12.1** We are committed to the safety, welfare and wellbeing of children and must report any child abuse allegation, or child abuse conviction, against a Commerce employee to a Deputy Director-General / Director.
- 12.2** The information will be reported to the Ombudsman in accordance with the Department's Internal Reporting Policy, which can be found, on the Intranet.
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Health and safety is everyone's concern.

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### **13.0 Workplace Safety**

- 13.1** Employees and employers have specific responsibilities under statutory and other requirements to ensure that healthy and safe workplace environments and practices are maintained. They are:
- 13.12** Complying with the responsibilities of the OH&S Act 2000, OH&S Regulation 2001;
- 13.13** Monitoring, reporting and enhancing OH&S performance using specific performance indicators;
- 13.14** Providing health and safety information and training;
- 13.15** Providing effective Injury Management and Rehabilitation services;
- 13.16** Compliance with the specific OH&S requirements of your job or workplace;
- 13.17** Reporting potential safety hazards within your workplace.
- 13.18** Both managers/supervisors and staff are responsible by legislation for ensuring that the workplace is maintained as a safe and healthy working environment.
- 13.19** We should also ensure that we are familiar with and comply with departmental security and emergency procedures. These cover access of officers and visitors to Departmental premises, safety evacuation procedures such as fire drills and first aid equipment.

Personal relationships to be handled sensibly and with business interests in mind.

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### **14.0 Close Personal Relationships**

- 14.1** The Department acknowledges that staff with a close personal relationship may be required to work together. It is also recognised that in the workplace this could, or be seen to, compromise fair and ethical work performance and decision-making. As a result, appropriate steps should be taken to minimise any negative effects, either perceived or real, of close personal relationships in the Department.
  - 14.2** The primary focus of any working arrangement involving staff with close personal relationships must be that they have selected and placed according to their capacity and capability to perform the assigned work.
  - 14.3** Having a close personal relationship with a staff member is not grounds in itself for refusing employment, promotion or transfer. Under NSW Anti-Discrimination legislation it is unlawful to disadvantage a person on the basis of their marital status or relationships.
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We should decline gifts and benefits wherever possible.

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## **15.0 Acceptance of Gifts or Benefits**

- 15.1** In the context of undertaking your role in conducting departmental business, you may be offered a gift or benefit. These may be offered innocently in good faith or, in an attempt to influence you. Regardless, the onus will be upon you to decide whether to accept or not.
- 15.2** As a general rule, gifts or benefits of nominal or little commercial value such as a bottle of wine, chocolates, mementos etc., may be accepted. Generally, these do not create a sense of obligation in the receiver, or offer the potential to influence the performance of official duties.
- 15.3** However, gifts or benefits of a higher commercial value, should not be accepted unless:
- 15.31** You consider that they have been offered without the intention to influence or compromise you, or cause you to act in a partial manner in the course of your departmental duties;
- 15.32** The offer is reported to and discussed with your Manager/Supervisor;
- 15.33** Where considered necessary, the offer is to be reported to the Chief Auditor, Audit Services and recorded in the Gifts and Benefits Register, which is maintained in that area;
- 15.34** It is received in the course of your normal duties and relates to the work of the Department or, has a public benefit.
- 15.4** Offers of money in any form should never be accepted.

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## **16.0 Secondary Employment**

Do you have a second job?  
Have you received approval?

- 16.1** We are not permitted to engage in any form of private employment or business ownership (sometimes known as secondary employment), whether paid or not, without prior approval.
- 16.2** Of particular concern are engagements in private consultancies, directorships and all other business undertakings.
- 16.3** We must carefully consider whether private employment arrangements affect the performance of our duties or give rise to a conflict of interest.
- 16.4** Commerce encourages voluntary participation in community organisations, charities, professional associations, etc. and therefore approval is not required as above provided that we do not:
- 16.41** Allow it to interfere with the performance of your job;
- 16.42** Allow it to lead to a conflict of interest;
- 16.43** Use any Departmental resources;
- 16.44** Use any confidential information.
- 16.5** Further details on the administration and approval of applications for private and secondary employment can be found in the policy and procedures found on the intranet.
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We serve the government of the day in a neutral manner.

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**17.0 Party Political and/or Community Activities**

- 17.1** Our primary duty as a Commerce employee is to serve the government of the day in a neutral manner.
- 17.2** We must make sure that any participation in party political and/or community activities does not conflict with that primary duty.
- 17.3** This is important because of the need to maintain Ministerial and public confidence in the impartiality of the actions taken and advice given.
- 17.4** If we become aware that a potential conflict of interest has arisen or might arise, we are to inform our Deputy Director-General / Director.
- 17.5** In these circumstances the Deputy Director-General / Director may direct that the political / community activities cease, or our placement away from areas or duties where the conflict is occurring.

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**18.0 Post Separation Employment**

Our responsibility continues even after we have left the Department.

- 18.1** We should not use our position to obtain opportunities for future employment. We should also not allow ourselves or our work to be influenced by plans for, or offers of, employment outside the Department. If we do, there is a conflict of interest and our integrity and that of the agency is at risk.
  - 18.2** Former employees should not use, or take advantage of, confidential information obtained in the course of their official duties for gain or profit, until it has become publicly available.
  - 18.3** That is, you should not use confidential information acquired during your employment to advantage your new employer or benefit your new business.
  - 18.4** We should be careful in our dealings with former employees of the agency and make sure that we do not give them, or appear to give them, favourable treatment or access to privileged information.
  - 18.5** All Departmental property should be returned to your supervisor/manager when you cease to be employed by the Department.
  - 18.6** It is the responsibility of an officer's supervisor/manager to ensure that all Departmental property has been returned before an officer leaves the Department.
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We are all responsible for appropriate conduct – including reporting suspicious or inappropriate behaviour

Our first effort should always be to try to resolve grievances informally with the person involved.

Who do I contact if I want to report possible corrupt conduct?

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## **19 Grievances and Corrupt Conduct**

- 19.1** We should report concerns of inappropriate conduct in the workplace including violations of laws, regulations and Commerce policies (including this Code) and procedures, and seek clarification and guidance whenever there is a doubt.
- 19.2** We are encouraged to informally report and resolve workplace issues or grievances, at the earliest opportunity and with the immediate staff involved.
- 19.3** However, where this is not possible, the Department's Grievance Policy and procedures provide guidance on the steps to be taken.
- 19.4** We are to report suspected corrupt conduct, as well as poor administration and serious and substantial waste of public resources in accordance with the Internal Reporting Policy. This can include instances where it is known that a staff member has been charged or convicted of a serious offence.
- 19.5** While we are offered protection against victimisation and recrimination as applicable under the Protected Disclosures Act 1994, when making a protected disclosure, we must exercise responsibility in reporting concerns and must not make vexatious and or malicious allegations.
- 19.6** To ensure that the interests of Commerce and the needs of investigative authorities such as ICAC, Ombudsman Office, Audit Office of NSW, Police, are served, all concerns of inappropriate conduct from all sources, including those received by Deputy Director-Generals / Director and others, are to be referred to the Manager, Audit & Corruption Prevention Unit for recording and evaluation or to ICAC direct. The Chief Auditor, Audit Branch is also the Commerce Protected Disclosures Co-ordinator and the Corruption Prevention Officer.

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### **Contacts**

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[Independent Commission Against Corruption](#) 8281 5999

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