

# 1.1 Code of Ethics & Conduct

The Public Service Commission Code of Ethics and Conduct applies to all NSW government sector employees.

The Law Enforcement Conduct Commission (the Commission) has developed this supplementary Code, to be read and complied with in conjunction with the Public Service Commission's Code of Ethics and Conduct. The Public Service Commission's Code can be found behind this Code.

This document sets out the standards of conduct, ethics and behaviour required of all employees and the process for managing non-compliance.

**Document Control**

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## 1. Introduction

The Law Enforcement Conduct Commission plays a key role in strengthening the integrity of law enforcement in NSW.

The Commission was established to investigate misconduct and maladministration in NSW law enforcement. Its principal functions are: investigation, oversight, monitoring, prevention and education. These functions can only be effectively carried out if every Commission employee and officer acts in accordance with their public duty, and the trust placed in them by the community.

This Code of Ethics and Conduct sets out the principles you are expected to uphold, and prescribes specific conduct in areas considered central to the exercise of the Commission's functions.

The Code applies to all employees of the Commission and other persons engaged to do work for the Commission. (Where the Code says 'Commission officers', this includes other persons engaged to do work for the Commission).

Any one of us may be faced with ethical dilemmas in both our working and personal lives. The Commission's Code of Ethics and Conduct sets out the standards of behaviour required of all staff of the Commission. It provides guidance on the actions that you should take when confronted with ethical issues in the course of performing your work. .

As an individual, you are responsible for your own actions. If you become aware of, or witness, actions by other Commission officers, you are obliged to report the incident to the Manager Human Resources. If that person is unavailable report the incident to a member of the leadership team.

Breaches of the Code, or any of the principles and guidelines that it prescribes, may lead to disciplinary action.

If you are unsure of any aspect of this Code, consult your manager, a senior executive, or the Manager Human Resources.



The Hon Peter Johnson SC  
Chief Commissioner

## 2. Definitions

CEO	Chief Executive Officer
Commission	Law Enforcement Conduct Commission.
LECC	Law Enforcement Conduct Commission.
LECC employees	Persons working with or on behalf of the LECC, including ongoing, temporary, casual or term-basis employees and senior executives.
Commission officers	LECC employees and any other persons engaged to do work for the Commission

## 3. LECC Values

The LECC values of trust, integrity, accountability, service, and teamwork are the basis of a values-led workplace culture. The Commission requires your behaviour and conduct to comply with this Code of Ethics and Conduct.

## 4. Know your responsibilities

### 4.1 LECC Employees and Other Commission Officers

LECC employees and other Commission officers are required to:

- understand and comply with this Code,
- report any breaches or suspected breaches of the Code,
- seek their supervisor's advice and guidance when required,
- commit to this Code through signature.

### 4.2 Executives or delegated roles

Executives or delegated roles are required to:

- ensure that employees are aware of and understand the principles of this Code and their obligations in relation to this Code,
- ensure staff complete all mandatory training on the Code and associated policies
- demonstrate ethical, fair and professional behaviour,
- refer issues or non-compliance to their supervisor for action, unless this is inappropriate, then refer issues to the Manager Human Resources.

## 4.3 Human Resources

Human Resources is required to:

- monitor and maintain the Code;
- provide advice, guidance, training and support to employees; and
- raise with the Chief Commissioner or his delegate any significant issues of unethical conduct or possible unethical conduct of which they become aware.

## 5. What drives our conduct

The people of New South Wales expect LECC employees and other Commission officers to work with a high level of efficiency, fairness, impartiality and integrity.

The primary responsibility of employees and other officers is to place the public interest above personal interests and to demonstrate the core values of the public sector and the Commission at all times.

This Code does not attempt to provide a detailed and exhaustive list of what to do in every aspect of your work. Instead, it represents a broad framework that will help you decide on an appropriate course of action when faced with an ethical issue.

### 5.1 Who does the code apply to?

This Code applies to the LECC Commissioners as well as all Commission officers including LECC employees and executives. References to Commission officers throughout this policy are taken to include the Commissioners.

By accepting employment with the Commission, you agree to comply with this Code.

### 5.2 General requirements

This Code sets out general conduct requirements for all Commission officers, including:

- a) personal and professional conduct must uphold the standards of the Commission;
- b) Commission policies, procedures and guidelines must be applied and adhered to;
- c) conduct must be ethical;
- d) actions and decisions must be accountable;
- e) the Commission's independence must be maintained;
- f) the secrecy and confidentiality provisions (section 180) of the Law Enforcement Conduct Commission Act 2016 (the LECC Act) must be obeyed; and

- g) in accordance with the Commission policies and regulations, personal particulars and financial or other interests are to be fully and openly disclosed to the Commission. Each year, Commission officers complete a declaration of compliance with the Commission's Code of Ethics and Conduct. Staff are also required to provide an annual attestation that they have lodged a change of circumstance form if there has been any change to the personal/professional circumstances that may affect their employment at the Commission. The declaration and attestation serve to remind us of and reinforce our responsibilities as Commission officers and as NSW Government public servants.
- h) The name and powers of the Commission must be used with restraint and with an awareness of their potential effect on individuals. These powers must never be used for personal advantage or to pursue personal issues.

Contractors and consultants must be aware of this Code and act in accordance with the conduct prescribed in it. While contractors and consultants are not subject to disciplinary action, conduct assessed as being a breach of this Code may result in their contract/placement being terminated, or suspended.

When engaging or managing external consultants and contractors it is the responsibility of LECC employees to make them aware of the Commission's expectations during the period of their engagement. LECC employees must take the necessary action to address any concerns about their conduct.

### 5.3 What happens if an officer breaches this code?

When deciding what, if any, action should be taken in response to a breach of this Code, each case will be considered on its own facts and circumstances.

You must report breaches of this Code to your supervisor. If the breach is by your supervisor, then it should be reported to the next line manager or the Manager Human Resources.

Breaches of this Code may constitute misconduct and may be managed as a disciplinary matter.

Section 69(1) of the [Government Sector Employment Act 2013](#) states that misconduct extends to the following:

- a) contravention of this Act or an instrument made under this Act;
- b) taking any detrimental action (within the meaning of the *Public Interest Disclosures Act 1994*) against a person that is substantially in reprisal for the person making a public interest disclosure within the meaning of that Act;
- c) taking any action against another employee of a government sector agency that is substantially in reprisal for a disclosure made by that employee of the alleged misconduct of the employee taking that action;



d) a conviction or finding of guilt for a serious offence.

The subject matter of any misconduct by an employee may relate to an incident or conduct that happened while the employee was not on duty or before his or her employment.

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

Further matters that may be defined as misconduct are outlined in section 6.1 of this Code.

## 5.4 Procedural fairness

Any officer who might suffer detriment as a result of a decision (be they the complainant or other employee) must be afforded procedural fairness.

Procedural fairness is directed to provide fairness to all parties. It includes the right to be heard, the right to be treated without bias, the right to be informed of allegations being made and given an opportunity to respond to them and the right to be advised of the status of the complaint and any outcome contemplated.

## 6. Unacceptable conduct

Unacceptable conduct includes conduct that is unethical, unfair, unlawful or corrupt, or involves maladministration, by carelessness or negligence, that causes significant waste or the inappropriate or improper divulging of confidential information.

It is critical that, as a Commission officer, you engage in conduct that is beyond reproach. The integrity and reputation of the Commission could be seriously compromised if you engage in conduct that is corrupt, unlawful, unethical or unfair.

### 6.1 Misconduct

Misconduct may involve deliberate acts or acts that contravene the [LECC Act](#) or this Code. Misconduct refers to many different situations that are considered under legislation or by the Commission to be unethical, unfair or unlawful.

Misconduct includes, but is not limited to, acts of carelessness, neglect, deceit, bullying, discrimination, harassment, the misuse of position or information, or conflicts of interest, as well as taking reprisal action against someone for making a public interest disclosure.

### 6.2 Corrupt conduct

Corrupt conduct includes, but is not limited to, the dishonest or partial exercise of official functions by a public official. Corrupt conduct occurs when:

- a) a public official improperly uses, or tries to improperly use, the knowledge, power or resources of their position for personal gain or the advantage of others;
- b) a public official dishonestly exercises his or her official functions, or improperly exercises his or her official functions in a partial manner, breaches public trust or misuses information or material acquired during the course of his or her official functions;
- c) a member of the public influences, or tries to influence, a public official to use his or her position in a way that is dishonest or partial;
- d) a member of the public engages in conduct that could involve one of the matters set out in section 8(2A) of the *ICAC Act* where such conduct impairs, or could impair, public confidence in public administration (Independent Commission Against Corruption Amendment Act 2015).

### 6.3 Waste

The waste of public money is any uneconomical, inefficient or ineffective use of resources that results in a loss of public funds or resources. Serious and substantial waste can be:

- a) absolute – where the waste is regarded as significant;
- b) systemic – where the waste indicates a pattern that results from a weakness within an organisation’s systems;
- c) material – where the waste is linked to the authority’s expenditure or a particular item of expenditure, or it adversely affects an authority’s capacity to perform its primary functions.

Some examples are:

- a) misappropriation or misuse of public property;
- b) knowingly or carelessly purchasing unnecessary or inadequate goods and services;
- c) knowingly or carelessly overstaffing particular areas;
- d) employees being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment;
- e) knowingly or carelessly implementing programs that fail to achieve their objectives.

Waste can result from such things as:

- a) insufficient safeguards to prevent the theft or misuse of public property;
- b) purchasing practices that do not ensure goods and services are necessary and adequate for their intended purpose;
- c) poor recruiting practices.

## 6.4 Maladministration

Maladministration includes action—or lack of action—of a serious nature by a public official that includes, but is not limited to, being:

- a) against the law;
- b) unreasonable, unjust, oppressive, or discriminatory;
- c) based wholly or partly on improper motives;
- d) or involving a government information breach.

For more information on these definitions, refer to the [Ombudsman Act 1974](#), the [ICAC Act 1998](#), the [Public Interest Disclosures Act 1994](#) (the PID Act) and the [Government Information \(Public Access\) \(GIPA\) Act 2009](#).

## 7. Professional and ethical decision making

### 7.1 Principles for ethical and professional behaviour

You must be aware of the Commission's policies, procedures, guidelines and delegations, particularly those that apply to your work and/or exercising of authority or authority to act. Many of these are available online; others may be made available to you through induction, training and development programs. If you are uncertain about the scope or content of a policy, procedure or guideline with which you must comply, seek clarification from your manager.

You must also be familiar with the legislation and/or regulations under which you are employed as this may specify requirements with which you need to comply.

You are obliged to meet the same standards of ethical behaviour and accountability that the Commission promotes in its dealing with other government organisations.

You are expected to:

- a) perform your duties to the best of your ability and be accountable for your performance;
- b) adhere to all reasonable instructions and/or directions;
- c) comply with lawful directions;
- d) carry out your duties in a professional, competent and conscientious manner;
- e) act in good faith in providing advice or service that is honest, impartial and comprehensive, irrespective of your personal views;
- f) be courteous, respectful and responsive when dealing with your colleagues, complainants and members of the public;

- g) work collaboratively with your colleagues;
- h) be mindful of your duty of care and safety of yourself and others; and;
- i) be aware that if your conduct has the potential to damage the reputation of the Commission, even if it is in a private capacity. This this could lead to disciplinary action.

## 7.2 Conflict of interest

The work of the Commission must not be compromised or affected by any personal interest.

A conflict of interest (whether actual, potential or reasonably perceived) exists when a private interest could objectively influence the performance of your official duties. It does not matter if you feel that you could discharge your public duties without being influenced by your private interests. The public interest must come first on all such occasions.

Conflicts of interest, or the perception that they have arisen, can do great damage to the reputation of the Commission and its officers. A perceived conflict of interest can do just as much damage as an actual conflict of interest.

Conflicts of interest can be financial or non-financial. It is your responsibility to ensure that the situation is properly managed, including by reporting it to your manager and advising your manager of any changes to that situation.

You must check your Declaration of Interests at regular intervals, and make amendments that reflect any changes in your interests as they occur.

### 7.2.1 *What is a conflict of interest?*

Examples of conflict of interest relating to a personal interest may include (but are not limited to) situations where you may have:

- a) a financial interest (yours or that of a family member, relative, friend or associate) in a matter you may deal with in the course of your work;
- b) a personal relationship that could be seen to affect your decision, for instance, when conducting a job selection;
- c) personal beliefs or attitudes that could influence, or may be perceived to influence, your impartiality;
- d) other employment which conflicts with your duties, and
- e) participation in political activities or making political comments that may relate to, or be seen as relating to, the work of the Commission.

Conflicts of interest, whether real or perceived, must be reported to your supervisor and recorded. If in doubt, seek advice from your supervisor or Manger Human Resources.

For more information, refer to the Commission's Conflicts of Interest Policy and Procedure.

### **7.3 Gifts, benefits, bribes and favours**

You should never create the impression that the Commission, or any of its employees, is or might be capable of, being influenced by any person or organisation.

As a Commission officer, you may be offered gifts, benefits, travel, hospitality or other inducements during the course of your work. The acceptance of gifts and other benefits has the potential to compromise your position by creating a sense of obligation in the receiver which may undermine your impartiality. It may also affect the public perception of the integrity and independence of the Commission and its employees.

You should never solicit any money, gift or benefit and should never accept any offer of money. To do so may constitute bribery. Bribery is soliciting, receiving or offering any undue reward. A reward can encompass anything of value and is not limited to money or tangible goods. The provision of services may amount to a reward. If you are offered a bribe or reward, you should report it to your Supervisor.

All employees should be familiar with the [Gifts and Benefits Policy](#). If unsure of your responsibilities, seek advice from your Supervisor or Human Resources.

### **7.4 Use of public resources**

Public resources must be used efficiently, effectively and in a prudent way.

The resources you use at work, including your time, are publicly funded. Never use public resources – money, property equipment or consumables for your personal benefit, or for an unauthorised purpose.

Limited personal use of the Commission's resources is permitted, provided the use is infrequent, brief, and does not interfere with Commission's work.

Further guidance about managing your use of the Commission's resources can be found in the [IT Conditions of Use Policy](#), [Taxi Usage Policy](#) and [Motor Vehicle Policy](#).

### **7.5 Political, community and personal activities**

You have the right to participate in political and community activities and to pursue personal interests, provided you do so in a private capacity and do not allow a conflict of interest to arise with your role at the Commission.

You must ensure that any participation in party political activities does not conflict with

your primary duty to advance and be perceived as advancing the public interest in a politically neutral manner while undertaking your Commission duties.

You should be aware that involvement in, or association with, a political party may limit or prevent your involvement in particular Commission investigations and projects. This is because the Commission can be required to deal with matters that may be politically controversial and sensitive.

In participating in any political, community and personal activity you must ensure that:

- a) any comment you make or discussion you have does not cast doubt on your ability or willingness to implement Commission policies and guidelines objectively;
- b) you do not engage in private political activities in the work environment;
- c) you do not use Commission resources to assist in your political, community or personal activities;
- d) you do not use information obtained through your work at the Commission to assist your political, community or personal activities, or make such information known to any other person; and
- e) you do not misrepresent the position of the Commission on any issue.

It is your obligation to ensure that any involvement in political, community or personal activities is understood to represent your personal views as a private citizen. It is also your responsibility to ensure that your supervisor is made aware of any political association that may affect, or be perceived to affect, a matter that is encountered in your day-to-day work.

## **8. Professional behaviour**

### **8.1 A workplace free from discrimination, harassment and bullying**

You should treat everyone with respect. You are required to deal with individuals and organisations fairly, properly and with integrity, as well as recognise that each individual has rights as a citizen.

Discrimination, partiality and favouritism, either within the Commission or in your dealings with people and organisations outside the Commission, are unacceptable.

You must not harass, bully or discriminate against your colleagues or members of the public on the grounds of gender, marital status, pregnancy, age, race, ethnic or national origin, disability, carer responsibilities, transgender, religious beliefs, sexual orientation, medical conditions or political or trade union affiliations.

You should take all necessary steps to prevent and deal with harassment, bullying and

discrimination in your work environment and to report it if it occurs.

For more information, refer to the Managing Workplace Issues policy and the [Anti-Discrimination Act 1977](#).

## 8.2 Professional behaviour towards employees and others

You are expected to relate professionally to other employees, complainants and members of the public and to act with courtesy and fairness. In dealings with others, you should ensure that you do not adversely affect the operations, security or reputation of the Commission.

In performing your duties, you must act consistently, promptly and fairly. This involves dealing with matters in accordance with approved procedures and in a non-discriminatory manner.

Acts of unfairness involving favouritism, inconsistency or discrimination adversely affect morale and good working relationships and should not occur in the workplace.

## 8.3 Respectful language in the workplace and in public

You must use courteous and respectful language in your interactions with fellow employees, complainants, their families and members of the public.

Everyone has the right to expect that they will be spoken to in a reasonable manner by colleagues and managers. Coarse and obscene language is inappropriate in any Commission workplace, as is sexual banter and suggestive language.

No employee should tolerate such language or conduct and, if witnessed, must report it to a manager or Human Resources.

## 8.4 A safe and secure workplace

### 8.4.1 Workplace health and safety (WHS)

You are expected to understand your responsibilities and obligations under work health and safety (WHS) legislation. You should be proactive in ensuring that your workplace is safe and secure for everyone, including identifying, assessing and reporting safety risks and hazards.

You have an obligation to ensure that personal use of alcohol or other drugs does not affect your performance or safety, or the performance or safety of others. Inappropriate consumption of alcohol or other drugs may adversely affect the image of the Commission. The Commission has a zero tolerance approach to the use of prohibited drugs.

The Commission is committed to providing a productive, safe and healthy workplace. You

are responsible for ensuring that your capacity to perform your duties is not impaired by the use of alcohol or drugs, and that the use of such substances does not put you or any other person's health and safety at risk.

For more information, refer to the [WHS policy](#), [Return to Work policy](#) and the Drug and Alcohol Testing Policy and Procedure.

#### *8.4.2 Security*

You have an obligation to keep your workplace secure by being aware of, and reporting, suspicious visitors and unusual events. It is important that you are familiar with the Commission's security policies and procedures.

For more information, refer to the [Identity cards badges and designations policy and procedure](#).

## **9. Representing the Commission**

### **9.1 Obligations regarding Commission information**

The security of information and protection of persons working, or dealing, with the Commission must be assured.

Commission work involves access to confidential information. You must not disclose any information that you acquire during the course of your work except in the exercise of the Commission's functions. To do so may be an offence under Part 14 of the [LECC Act](#).

You are obliged to ensure that you deal with information appropriately and use it only for the purposes of the Commission's work. Information may be disclosed for other purposes if the Chief Commissioner certifies that it is necessary in the public interest to do so.

You should also exercise caution and sound judgment in discussing such information with other Commission officers. Information should be limited to those who need it to conduct their duties, or who can assist you to carry out your work because of their expertise.

You should remember that former Commission officers are not permitted access to confidential information, unless it is for the purpose of the LECC Act.

Improper use of information could result in harm to another person, interfere with the integrity of an investigation or otherwise reduce the effectiveness of the Commission. You must not use information to gain a personal or commercial advantage for yourself or another person.

Commission files and other confidential documents and information are not to be removed from the premises except in accordance with the Commission's security policies and procedures. If in doubt as to how to manage or secure sensitive material, consult with your supervisor.



## 9.2 Making public comment on the Commission's work

### 9.2.1 *Formal comment*

Only Commission officers authorised by the Chief Commissioner can make official public comment about the Commission, for example to the media or in presentations.

The unauthorised or improper release of information to the media may compromise an investigation, adversely affect the reputation or safety of individuals, or undermine public confidence in the Commission.

For further information, please refer to the LECC Media Policy.

### 9.2.2 *Informal comment*

You are able to informally discuss Commission work that is already in the public domain, such as published reports and discussion papers, annual reports, public relations material, transcripts of public hearings, media releases and public addresses.

You should ensure that others are aware that you are only discussing material that is in the public domain, to avoid the perception that you may be telling people something that is confidential. This is a good rule to observe, for example, when talking to family, friends or acquaintances, when on public transport, in social settings, or at a café, party or pub.

If uncertain as to whether information is in the public domain, consult the Manager Community Engagement or your manager.

## 9.3 Social media and public websites

When engaging in social media, you must make it very clear you are engaging in discussion as a private individual and not representing the official views of the Commission or the NSW Government.

Only official information that is already in the public domain and does not breach confidentiality requirements may be disclosed.

It is important to note that this section of the Code does not apply to your personal use of social media platforms where you make no reference to Commission-related issues, unless it has the potential to impact the workplace and bring other officers or the Commission into disrepute.

Unlawful or unprofessional conduct, even in a private capacity, which may damage, or has the potential to damage the reputation of the Commission, may attract misconduct action. This includes comments made on social media or public websites in which you are representing the Commission or it may be perceived that you are representing the Commission. This extends to comments made on sites including, but not limited to, Facebook, Instagram, Snapchat or Twitter which, because of employment with the Commission, is inconsistent with your professional responsibilities or has the potential to adversely affect the reputation of the Commission.

You must also be mindful of making private comment on public media websites, ensuring that any comment made is not referable to the Commission and does not bring discredit to the Commission. For further information, please refer to the Commission's Social Media policy.

## **9.4 Intellectual property**

You should respect the Commission's intellectual property rights over material it produces.

Anything you develop, invent or create, either alone or in collaboration with others in the course of your employment or engagement with the Commission, remains the intellectual property of the Commission. On occasion, it may be in the public interest for the Commission to share its intellectual property with other agencies, but this must be authorised by the Chief Commissioner.

If you leave the Commission, you should respect the Commission's intellectual property rights over its material.

## **9.5 Personal references**

You are not permitted to use the LECC letterhead when writing a personal reference for another Commission officer or anyone else if it represents your personal assessment or opinion, and not that of the Commission.

You are not permitted to supply references to any supplier or contractor to the Commission.

If asked to provide a referee report in relation to a Commission recruitment action, you are responsible for completing the report honestly and should be based on information that can be verified. Untrue or inaccurate statements should not be made about an individual.

## **9.6 Other employment**

Other employment (or secondary employment) refers to a situation where a person works for a public agency but also engages in paid or unpaid work for another organisation (private or public) or voluntary work. It includes operating a private business and providing paid consultancy services as well as partnerships and directorships of companies.

You must carefully consider whether employment with the organisation may adversely affect the performance of your Commission duties and responsibilities, the reputation of the Commission, or may give rise to a real or perceived conflict of interest.

Prior to engaging in any other employment or other professional activity, you should seek advice from your manager. You must not make any commitment, nor engage in other

employment, until formal approval has been given by the CEO, Chief Commissioner or delegate.

For further details regarding other paid or unpaid employment, and how to apply for approval, refer to the Other Paid or Unpaid Employment policy.

The [Other Paid or Unpaid Employment policy](#) also makes reference to the obligations of contractors, consultants and other agency staff (for example, secondments) to formally advise the Commission of any outside employment undertaken while engaged at the Commission.

Approval of other employment can only be given for periods of up to 12 months. If you seek to renew an existing approval you must do so in writing at least four weeks prior to the anniversary date or expiration date (whichever is the sooner) of the approval.

You must not use your official position for personal advantage in pursuit of private income. Where a conflict of interest arises during other paid employment it must be referred to the manager who approved the other paid employment immediately, and if it cannot be managed then approval for other paid employment should be withdrawn.

## 9.7 Dress and presentation

You should be mindful of the way in which you present yourself in the workplace, particularly if you are in contact with complainants or members of the public. Clothing should always be appropriate to the workplace, consistent with work health and safety standards and enable you to respond in an emergency.

Dress and presentation should at all times project an image that is consistent with accepted community standards and the work of the Commission.

## 9.8 Leaving the Commission

If you intend to accept a role with another organisation, you should advise your supervisor as soon as possible so that any conflict or potential conflict of interest can be managed.

When you leave the Commission, in accordance with the [LECC Act](#), you must respect the confidentiality of information that you have come across in your work and the Commission's intellectual property rights over material produced by the Commission, including material produced by you while at the Commission.

When you cease duty with the Commission, you cannot take any Commission resources such as manuals, documents, materials or other information or equipment, unless authorised. These items are the property of the Commission.

## 10. Reporting suspected wrongdoing

If you witness wrong-doing or suspect wrong-doing has occurred you should discuss the matter with your supervisor or manager and report it to Human Resources, the CEO, the Chief Commissioner, or to the Inspector of the LECC.

You should also report such conduct that you suspect or encounter in the course of your duties. You should also make a report if you suspect that another Commission officer is engaged in corrupt conduct, even if that corrupt conduct is unrelated to the employee's duties at the Commission.

### 10.1 Public Interest Disclosures

The [\*Public Interest Disclosures Act 1994\*](#) (PID Act) sets out the system under which people working within the NSW public sector can make reports about the functioning of the public sector in a way that minimises the risk of reprisal. Public interest disclosures can be made about corrupt conduct, serious maladministration, significant waste, a failure to properly fulfil functions under the [\*Government Information \(Public Access\) Act 2009\*](#), and pecuniary interest contravention under the [\*Local Government Act 1993\*](#).

The PID Act provides certain protections against reprisals for employees who report such matters and makes it an offence for detrimental action to be taken against a person for making a public interest disclosure. The PID Act applies to complaints made about the actions of public officials from other agencies as well as those involving the agency by which the public official is employed.

Internal reports by employees that fall within the PID Act will be treated as a "public interest disclosure" and handled in accordance with our reporting of public interest disclosures policy.

You can make a public interest disclosure in the knowledge that it is an offence to take detrimental action against a person in reprisal for making such a disclosure. If you believe that you have been detrimentally treated for having made a public interest disclosure, you should report this directly to the CEO.

The investigation of complaints against employees is the responsibility of the CEO, who advises the Chief Commissioner.

You may prefer to make a complaint to someone outside the Commission. Complaints involving corrupt conduct, maladministration or significant waste on the part of Commission officers may be made to the Inspector of the LECC. The Inspector is an investigating authority for the purposes of the PID Act and has jurisdiction to investigate such complaints.

The Auditor General has power to investigate allegations of significant waste. An allegation by a Commission officer to the Auditor General, however, is not a public interest

disclosure under the PID Act.

For reporting information, please refer to the [LECC Public Interest Disclosures Policy](#) and [Report Public Interest Disclosures Procedure](#).

## 10.2 Reporting unacceptable behaviour outside the Commission

The nature of your work means that from time-to-time you may become aware of suspected misconduct or corrupt conduct that has not been otherwise reported.

As a Commission officer, it is your responsibility to lead by example in reporting suspected misconduct or corrupt conduct.

For example, you may personally observe a law enforcement officer engaging in a suspect act, a friend may tell you something because you are a Commission officer, or someone may seek to enlist you into an improper arrangement during the course of conducting government business.

Although you are not obliged to report misconduct or corrupt conduct that you may suspect or encounter outside the course of your work at the Commission, you are encouraged to do so. You should make such reports in writing to your supervisor or to the CEO.

## 10.3 Breaches of the Code of Ethics and Conduct

By accepting a role or engagement with the LECC you have agreed to abide by this Code. Breaches of this Code, or any of the principles contained within this Code may lead to disciplinary action.

## 11. Relevant legislation and sources of authority

You are expected to be aware of the Acts and Regulations that legally govern the way you undertake your work. This Code does not stand alone and should be read in conjunction with the following legislation:

- [Anti-Discrimination Act \(NSW\) 1977](#)
- [Children and Young Persons \(Care and Protection\) Act \(NSW\) 1998](#)
- [Child Protection \(Working with Children\) Act \(NSW\) 2012](#)
- [Children's Guardian Act 2019](#)
- [Crimes Act \(NSW\) 1900](#)

- [Government Advertising Act \(NSW\) 2011](#)
- [Government Information \(Public Access\) Act \(NSW\) 2009](#)
- [Government Sector Employment Act \(NSW\) 2013](#)
- [Government Sector Employment Regulation \(NSW\) 2014](#)
- [Government Sector Employment Rules \(NSW\) 2014](#)
- [Government Sector Finance Act 2018](#)
- [Health Records and Information Privacy Act \(NSW\) 2002](#)
- [Independent Commission Against Corruption Act \(NSW\) 1988](#)
- [Industrial Relations Act \(NSW\) 1996](#)
- [Law Enforcement Conduct Commission Act \(NSW\) 2016](#)
- [Modern Slavery Act 2018](#)
- [Ombudsman Act \(NSW\) 1974](#)
- [Privacy and Personal Information Protection Act \(NSW\) 1998](#)
- [Public Interest Disclosures Act \(NSW\) 1994](#)
- [Public Works and Procurement Act \(NSW\) 1912](#)
- [State Records Act \(NSW\) 1998](#)
- [Work Health and Safety Act \(NSW\) 2011](#)
- [Work Health and Safety Regulation \(NSW\) 2011](#)
- [Workplace Injury Management and Workers Compensation Act \(NSW\) 1998](#)

## 12. Quick tips to guide actions

When you are faced with an ethical dilemma, you should ask yourself the following questions:

- Is it legal?
- Is it consistent with Commission values, principles and policies?
- Do I think it's the right thing to do?
- What will be the consequences for my colleagues, the Commission and me?
- What will be the consequences for other parties?

- Can I justify my actions?
- What would be the reaction of my family and friends if they were to find out?
- What would happen if my conduct became front page news?

If you are unsure of the answer or what to do, speak to your manager, Manager Human Resources or the CEO.

### **13. Advice and further information**

Contact your manager or the Manager Human Resources for further clarification and information.

### **14. Monitoring and review**

Human Resources is responsible for reviewing the Code and for amending the Code in relation to issues raised across the Commission.

This Code will be reviewed in accordance with the policy review schedule and at other times if any significant new information or legislative or organisational change warrants a change in this document. Reviews will be completed in consultation with the appropriate business units for relevance and effectiveness.