

Western Parkland City Authority

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Code of Ethics and Conduct

April 2022

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Message from the Chief Executive Officer

The Western Parkland City Authority (Authority) is a NSW Government agency within the NSW Department of Enterprise, Investment and Trade cluster under Schedule 1 of the *Government Sector Employment Act 2013* (NSW) (GSE Act).

This Code of Ethics and Conduct (Code) for the Authority was developed in accordance with the GSE Act and the *Public Service Commissioner's Direction No 1, 2015*.

The *Ethical Framework*, outlined in [Part 2](#) of the GSE Act, is mandatory for all government sector employees and is contained in the Code. The Code forms part of each employee's contract of employment and requires employees to always act in the public interest and demonstrate standards of professional behaviour that promote and maintain public trust and confidence.

The *Ethical Framework* sets out core values for all government sector employees. These are Integrity, Trust, Service and Accountability - and at the Authority we include Excellence. I endorse these core values and principles and expect all staff to demonstrate them in their working relations with other employees, clients and customers, stakeholders and the government of the day.

The Code employs a principles-based approach to ethics, rather than a prescriptive one, since it is not possible to address every issue we may face as public servants in one code. For this reason, it is important that we look to the core values and principles when implementing the Code and generate discussions within the Authority to promote ethical decision making. Employees who remain uncertain about how the Code might apply to a situation are urged to speak with their manager or a member of the executive.

At the Authority we put our values at the centre of what we do and adhering to the Code, as individuals and as an organisation, is critical to our success in building a high-performance organisation.

Dr. Sarah Hill

CEO

Scope

The Code applies to all Authority employees, senior executives. The Code extends to contractors and volunteers engaged by the Authority. It applies at all times when acting in the course of, or in connection with, Authority employment, including during official office functions. While the Code refers to officers of the Authority, the principles in the Code have been adopted by the Authority's Board as part of its policies and procedures.

Review

The Code may be amended from time to time by the Chief Executive Officer (**CEO**) and as directed by the Board and Public Service Commissioner.

1. Overview

1.1 Purpose

The purpose of the Code is to assist all Authority employees:

- to understand expected standards of conduct and behaviour;
- to comply with relevant laws and policies;
- to demonstrate and promote good ethical practice;
- to deal with ethical problems they may encounter; and
- to maintain the integrity and reputation of the Authority and the NSW Government.

The Code also specifies actions to be taken if there are breaches or allegations of breaches of the Code.

1.2 Core Values and Principles of Conduct

All employees are to uphold the four government sector core values of Integrity, Trust, Service and Accountability and their principles in their actions, decisions, and dealings with colleagues, clients, stakeholders and the government of the day.

Integrity

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

Trust

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

Service

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

Accountability

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

Authority employees are to also uphold the core value of 'Excellence':

Excellence

- Strive for excellence in everything we do.
- Demand high standards from ourselves and continually look for ways to improve.
- Be influential, inspirational and motivational.
- Apply rigour and innovation in our advice.
- Focus on results.
- Work as one.

There is no hierarchy among the core values and each is of equal importance.

2. Mandatory Conduct

This section sets out the mandatory provisions of the Code for NSW government sector employees, which apply to all government sector employees and heads of government sector agencies.

2.1 Responsibilities of employees

All **employees** have responsibilities:

- to demonstrate high levels of personal conduct consistent with the Ethical Framework;
- to seek assistance when unsure about how to implement the Ethical Framework;
- to declare in writing private interests that have the potential to influence, or could be perceived to influence, decisions made or advice given
- to promote the implementation of the Ethical Framework to their colleagues; and
- to report possible breaches of the Ethical Framework to relevant officers.

All **managers and executives** have the above employee responsibilities plus additional responsibilities:

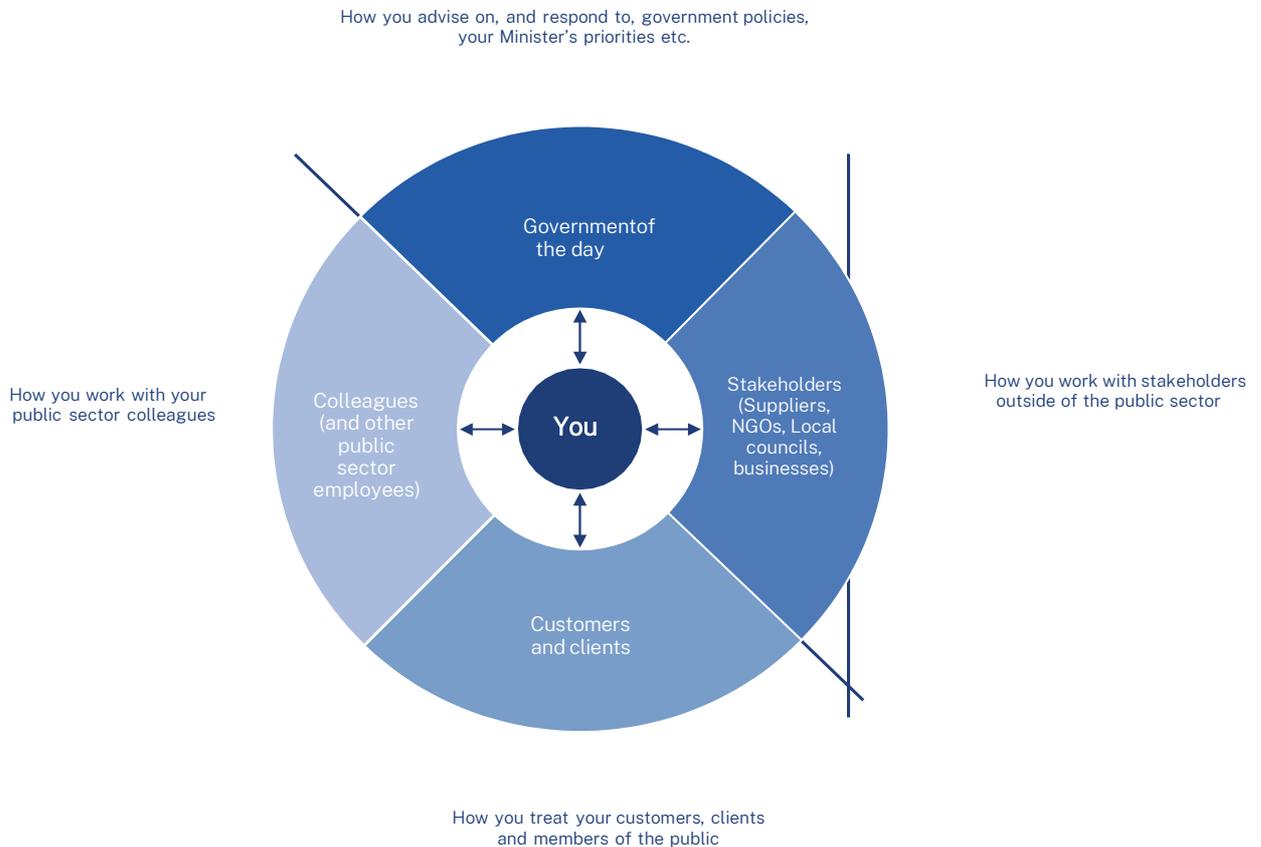
- to lead and promote implementation of the Ethical Framework in the workplace;
- to ensure that workplace culture, practices and systems (including recruitment and promotion) operate consistently with the Ethical Framework;
- to recognise and promote employee and team conduct that exemplifies the Ethical Framework;
- to act promptly and with due process to prevent and address any breaches of the Ethical Framework;
- in the case of a senior executive (including an acting senior executive or any managers and executives under contract) to declare in writing private interests that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior executive; and
- to ensure that any real or perceived conflicts of interests are avoided or effectively managed.

The **CEO** has the responsibilities of executives (above) and, in addition, has responsibilities:

- to lead and promote implementation of the Ethical Framework in the Authority;
- to ensure the general conduct and management of the functions and activities of the Authority are in accordance with the core values of the Ethical Framework; and
- to oversee the implementation of the Ethical Framework and make improvements where necessary.

2.2 When is the Ethical Framework to be applied?

The Ethical Framework must be applied at all times in working relations with colleagues, clients and customers, stakeholders and the government of the day. These working relations are depicted in the following diagram:



2.3 How do I act in the public interest?

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

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

You should also, in the course of your work:

- place the public interest over your personal interest;
- uphold the law, institutions of government and democratic principles;
- provide apolitical and non-partisan advice;
- provide transparency to enable public scrutiny; and
- be fiscally responsible and focus on efficient, effective and prudent use of resources.

Acting in the public interest requires leadership, courage and innovation to develop practical recommendations and actions that are consistent with the core values and will help the government of the day achieve its objectives. Acting in ways that are expedient or convenient, but which do not promote the integrity, trust, service and accountability of the public sector, are not in the public interest.

2.4 How do I manage conflicts of interests?

Sometimes you may find that your private interests make it difficult for you to perform your duties impartially in the public interest. This may happen:

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

Actions you should take include:

- always disclose actual, potential or reasonably perceived conflicts of interests to your manager as soon as you become aware of the conflict (and lodge details in Protecht).
- where a conflict of interests occurs it should always be resolved in favour of the public interest, rather than your own.

To resolve any conflicts of interests that occur, or could occur, a range of options is available depending on the significance of the conflict. These options include:

- The manager 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
- The manager removes the employee from the particular activity or decision where the conflict arises and documents this action
- The manager checks and, if appropriate, endorses all action with respect to the matter creating 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.

2.5 How do I declare private interests?

Every staff member 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.

Where a staff member has no such private interests to declare, s/he must declare a “nil return”.

After a staff member makes an initial declaration, a fresh declaration must be made:

- as soon as practicable, following any relevant change in the staff member's private interests;
- as soon as practicable, following the staff member's assignment to a new role or responsibility; and
- at least annually.

A private interests declaration form may be accessed through Protecht.

- A senior executive must provide their declaration to the CEO.
- The CEO must provide their declaration to the Secretary of NSW Department of Enterprise, Investment and Trade.

The Authority's risk function will ensure that:

- each staff member completes declarations; and
- handling and storage of declarations complies with the requirements of the [Privacy and Personal Information Protection Act 1998](#).

2.6 How do I treat colleagues, customers, clients and stakeholders?

All government sector employees are to treat their colleagues, customers, clients and stakeholders in their agency 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;
- providing apolitical and non-partisan advice;
- providing services fairly with a focus on customer needs;
- 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; and
- being fiscally responsible and focus on efficient, effective and prudent use of resources.

2.7 How do I treat lobbyists?

All government sector employees and heads of government sector agencies must comply with Premier's Memorandum [NSW Lobbyist Code of Conduct](#) published on the Department of Premier and Cabinet's website, as amended from time to time, and any specific Authority policies relating to lobbyists, including Procedures for Meetings and Precommercial Engagement with Third Parties.

2.8 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 – in a way that benefits you personally, or for an unauthorised purpose (see [5.9 Use of facilities and equipment](#)).

If you are responsible for receiving, spending or accounting for money, ensure you know, understand and comply with the requirements of the [Government Sector Finance Act 2018](#), the [Public Works and Procurement Act 1912](#) and the [Government Advertising Act 2011](#).

3. Behaviour contrary to the Code

3.1 The effect of behaviour that is contrary to the Code

Behaviour contrary to the Code and to the Ethical Framework for the government sector can bring individual employees into disrepute, undermine productive working relationships in the workplace, hinder customer service delivery, and damage public trust in the Authority, NSW Department of Enterprise, Investment and Trade or the broader government sector.

If you are unsure of what is appropriate conduct under any particular circumstances, discuss the matter with your supervisor, manager or a member of the executive.

3.2 If you see behaviour contrary to the Code

If you see someone act in ways that are contrary to the Code, you should in the first instance discuss that person's behaviour with your immediate supervisor or manager, or report your concerns to any member of the 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 government information and privacy rights, then report your concerns to one of the Public Interest Disclosures Officers and Coordinators – who in the Authority are the CEO and Executive Director, Governance (PID Coordinator) and all Band 1, 2 and 3 Senior Executives (PID Officers), or the relevant investigating authority (such as the Ombudsman, Independent Commission Against Corruption or the Auditor-General).

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. See Section 6 of the Code and Authority's Public Interest Disclosures Policy and Procedures for further information.

3.3 Actions when allegations are made

If it is alleged that 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 manager 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 a 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 staff member;
- expeditious handling of investigations – this minimises the potential for breaches of confidentiality and lack of procedural fairness;
- confidentiality for all parties, where practicable and appropriate; and
- meticulous recordkeeping, including recording of reasons for all significant decisions.

For employees of Public Service agencies, 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.

The GSE Act sets out the actions that a Public Service agency head, in this case the Authority CEO, may take where there is a finding of misconduct against an employee. These actions are as follows:

- terminate the employment of the employee (without giving the employee an opportunity to resign);
- terminate the employment of the employee (after giving the employee an opportunity to resign);
- impose a fine on the employee (which may be deducted from the remuneration payable to the employee);
- reduce the remuneration payable to the employee;
- reduce the classification or grade of the employee;
- assign the employee to a different role; or
- caution or reprimand the employee.

4. Legislation

A principle of the Ethical Framework for the government sector is to uphold the law. It is important that all employees are aware of their legal obligations. The law includes, but is not limited to:

- [Western Parkland City Authority Act 2018 \(Authority Act\)](#) sections 21 to 23 (regarding offences, liability and exclusion of personal liability for the disclosure and misuse of information)
- [Government Sector Employment Act 2013](#) sections 25 and 30 (regarding the general conduct and management of organisations in accordance with the core values) and section 63 (regarding workforce diversity and the integration of workforce diversity into agency workforce planning)
- [Government Sector Finance Act 2018](#) sections 3.6 and 7.5 (regarding the system of internal control over the financial and related operations of agencies) and section 3.7 (regarding values and associated principles when exercising functions in connection with financial management)
- [Anti-Discrimination Act 1977](#) (regarding equal employment opportunity and equal access to services)
- [Government Information \(Public Access\) Act 2009](#) (regarding public access arrangements to agency information)
- [Public Interest Disclosures Act 1994](#) (regarding receiving, assessing and dealing with public interest disclosures)
- [Independent Commission Against Corruption Act 1988](#) (regarding reporting of any matter suspected on reasonable grounds to involve corrupt conduct and to comply with any requirement or direction of the ICAC in relation to a referral of matters by the ICAC)
- [Privacy and Personal Information Protection Act 1998](#) (regarding the protection of personal information, and the protection of the privacy of individuals generally)
- [Public Works and Procurement Act 1912](#) (regarding the procurement of goods and services by government agencies)
- [Health Records and Information Privacy Act 2002](#) (regarding the fair and responsible handling of health information)
- [Work Health and Safety Act 2011](#) (regarding the health and safety of employees and the maintenance of healthy and safe workplaces)
- [Government Advertising Act 2011](#) (regarding requirements to issue advertising compliance certificates)
- [Ombudsman Act 1974](#) (regarding obligations to cooperate with investigations by the Ombudsman and obligations relating to reportable conduct concerning child protection matters)
- [State Records Act 1998](#) (regarding the creation, management and protection of agency records and public access to those records)
- [Children and Young Persons \(Care and Protection\) Act 1998](#) (regarding obligations relating to the care and protection of, and provision of services to, children and young persons, including obligations relating to exchange of information and co-ordination of services between agencies)
- [Child Protection \(Working with Children\) Act 2012](#) (regarding obligations to obtain checks and clearances for employees engaged in child-related work)
- [Crimes Act 1900](#) (regarding criminal offences).

5. Applying the Code in the Authority – specific conduct issues

The previous part of the Code deals with the mandatory principles and issues that apply to all employees in the government sector. This section applies to Authority employees (including any contract staff).

Authority employees have an obligation to know, understand and comply with all Authority policies and legal obligations relating to their role and to discuss any matter requiring clarification with their manager.

The following section deals with some of the conduct issues that arise in organisations such as ours. Please refer to other applicable Authority policies for additional information.

5.1 Use of position

Corrupt conduct occurs when an employee improperly uses, or tries to improperly use, the knowledge, power or resources of their position for personal gain. Employees must not use their official Authority position to influence or to obtain a benefit in private matters. For example, it is not appropriate to use your departmental email or signature when lodging a complaint about a personal matter. It is a breach of the Code to influence a private matter by stating or inferring that your opinions are representing those of the Authority, NSW Department of Enterprise, Investment and Trade or the NSW Government.

5.2 Specific criminal offences under the WPCA Act relating to misuse of information and influence

The WPCA Act includes specific provisions in relation to the misuse of information and influence by persons who have an ‘association with the Authority’ (**Specific Offences**).

These are **criminal offences**. All members of the Authority must familiarise themselves with these provisions.

Authority employees can follow the Authority’s *Guide to complying with the WPCA Act provisions relating to use of information and influence* at Appendix 1 or seek advice from the Authority’s legal team for guidance on:

- who the Specific Offences apply to;
 - an overview of the Specific Offences; and
 - a procedure to assist the Authority (including its officers and employees) to deal with information in a way that minimises the risk of contravening s 23 of the Authority Act.
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5.3 Public comment

Employees have the right to make public comment and publicly debate political and social issues as a member of the community. ‘Public comment’ includes public speaking engagements, comments on

radio and television or in letters to newspapers and expressing views in books, journals or notices, on internet sites (including social media) or in any other circumstances where it is expected that the comments will spread to the community at large.

Authority employees must, however, make it clear that their comments are made in a private capacity and do not represent the official view of the Authority, NSW Department of Enterprise, Investment and Trade, the government sector or the NSW Government. Employees must not comment publicly on matters where such comment could give rise to a real or perceived conflict of interest between your work and personal interests. Employees should only make official comments if authorised to do so and direct enquiries to the Director Communications and Engagement.

5.4 Speaking engagements

Employees must obtain the approval of the CEO prior to accepting a speaking engagement relating to Authority activities with professional, educational and community groups.

Any fee received must be paid into an appropriate Authority revenue account and not retained by the employee.

5.5 Secondary employment

The duties of an employee's Authority job must always come first. An employee may engage in other paid employment outside their official duties provided certain conditions are met and that they have prior approval to do so.

The work should not arise from or interfere with the employee's work at Authority and should be done outside working hours. The employee must carefully consider whether the organisation offering them secondary employment may adversely affect the performance of their public duties and responsibilities or give rise to a conflict of interest.

Employees seeking to engage in private employment, or to significantly vary an existing approval, should submit a [Secondary Employment Application Form](#) to their Executive Director for approval by the relevant delegate. Approvals are to be placed on the employee's personal file.

While contractors, casuals and part time employees are not required to obtain approval for employment performed outside their contracted work hours, they must however ensure that no potential conflict of interest or adverse effect on the Authority role exists. These factors should also apply to employees considering unpaid (voluntary) employment.

5.6 Post separation employment

An employee should not use their position to obtain opportunities for future employment in a way that would cast doubt on their integrity, the integrity of the Authority, or the public sector generally.

An employee should not allow themselves or their work to be influenced by plans for, or offers of employment outside the Authority. If this occurs, then there is a conflict of interest and their integrity, the integrity of the Authority, NSW Department of Enterprise, Investment and Trade and the public sector is at risk.

Former employees should not use or take advantage of confidential information gained in the course of their official duties.

5.7 Political participation

An employee who is active in any political party or a representative for a political party, cause or movement, must be especially careful about the possibility of conflicts of interest with the duties of their position in Authority.

The employee must ensure that they are always able to serve the government in an apolitical, non-partisan manner. A person who becomes aware of a potential conflict must immediately inform their Executive Director, or the CEO if the employee is an Executive Director. The Executive Director should raise any concerns it has with a disclosure from an employee.

At the same time, employees should not be required to perform duties that are of a political rather than public sector nature. If an employee considers that a duty is substantially political, they should discuss it with their Executive Director, or the CEO if the employee is an Executive Director. The Executive Director should raise any concerns it has with a disclosure from an employee.

5.8 Gifts and benefits

A gift or benefit is anything that is offered to a public sector employee in the course of their work, apart from their normal employment entitlements.

Gifts and benefits, including hospitality, should not be accepted by an employee if they are given with the intention of making them change how they do their work, or if other people could reasonably believe they were intended for that purpose. Soliciting personal gifts or benefits is strictly prohibited in all circumstances.

Token gifts and benefits may be accepted if they are not likely to be seen as compromising the employee or the Authority. The Authority *Gifts and Benefits Policy* outlines our responsibilities and procedures to follow, including declaring in the Authority [register of gifts and benefits](#) through Protecht.

5.9 Use of facilities and equipment

Authority employees must be efficient, economical and ethical in their use and management of public resources. Reasonable and limited personal use is permitted, provided it is done in the employee's own time, does not affect the performance of any employee, does not benefit the employee or other person financially, involves minimal cost to the department and permission is gained prior to taking any equipment off site.

The Authority's *Use of Communication Devices Policy* deals with the proper use of devices such as telephones, computers, email and internet. These are provided for business purposes and their use must be lawful, appropriate and ethical. Making or sending fraudulent, unlawful or abusive information, calls or messages is prohibited. This includes using facilities in any way that:

- is misleading or deceptive
- could damage the Authority's or NSW government reputation
- could result in victimisation, harassment or vilification
- is offensive, 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.

5.10 Travel

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

Refer to the relevant Authority’s policies on travel and use of PCards.

5.11 Drugs, alcohol and tobacco

While at work employees must not be in possession of a drug or substance that is illegal to possess or distribute. Employees are not permitted to be in the workplace or conduct business on behalf of the Authority if under the influence of alcohol or other drugs that are likely to adversely affect their ability to do their job or may pose a risk to themselves, their colleagues or members of the public.

‘Workplace’ includes off-site areas where work is performed and government vehicles.

‘Under the influence’ is defined as an obvious state of disturbance to one’s physical and/or mental faculties that impairs performance, or that may pose a risk to the employee or other employees or members of the public.

Smoking in any office of the Authority, or enclosed area is not permitted ([section 6A](#) of the *Smoke-free Environment Act 2000* bans smoking within 4 metres of a pedestrian access point to a public building).

5.12 Work health and safety

The Authority is committed to protecting the health and safety of all its employees and has obligations to do so under the [Work Health and Safety Act 2011](#). Authority employees must seek to understand and follow all organisational Work Health and Safety (WHS) requirements.

While at work, all employees must take care of their health and safety and the health and safety of other people in the workplace. ‘Health’ includes psychological health as well as physical health.

Managers at all levels have a responsibility to promote and maintain the health and safety of all persons in the workplace. All employees must comply with any reasonable direction from management and cooperate to ensure resolution of any WHS issues. Any real or perceived hazard must be reported to a manager.

5.13 Bullying and harassment

The Authority promotes a healthy and safe work environment that is free from bullying and harassment. All employees have a right to be treated with courtesy and respect.

All employees have responsibilities in preventing and eliminating bullying and harassment under the [Work Health and Safety Act 2011](#) and the [Anti-Discrimination Act 1977](#).

Any reports of bullying or harassment will be treated seriously and will act upon in accordance with the Authority's *Prevention and Management of Bullying and Harassment Policy*.

Bullying is repeated and unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety to those who experience or witness it. Examples include:

- offensive language or comments
- unjustified criticism
- deliberately excluding someone from workplace activities
- withholding information that is vital for workers to perform effectively.

Bullying does not include reasonable management action carried out in a reasonable manner. Reasonable management action may include:

- performance management processes
- disciplinary action for misconduct
- informing an employee about unsatisfactory work performance or inappropriate behaviour
- asking an employee to perform reasonable duties within the scope of their role.

Harassment is defined as any unwelcome behaviour that offends, humiliates or intimidates a person because of their sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status or carer's responsibilities.

Employees who believe that they or a colleague are being bullied or harassed at work may contact the manager in the first instance, People and Culture or a senior executive.

5.14 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 manager in the first instance, People and Culture or a senior executive. Refer to the [Anti-Discrimination Board](#).

5.15 Privacy and personal information

Employees need to be aware of and comply with the [Privacy and Personal Information Protection Act 1998](#). Particular care must be taken with the collection, storage, use and disclosure of personal information in order to protect the privacy of individuals.

Employees must not use or disclose personal information, for a purpose other than that for which it was collected, without obtaining consent from the person to whom the information relates.

The *Privacy and Personal Information Protection Act 1998* also contains criminal sanctions for the unauthorised use and disclosure of personal information by employees.

Employees must not reveal personal information such as home addresses or telephone numbers to

enquirers, even when they claim to be a relative or friend. You should offer to take the enquirer's details and pass them on to the person concerned.

Refer to Authority's Privacy Management Plan & Guidelines and the [Information and Privacy Commission](#).

5.16 Record keeping

In accordance with the *State Records Act 1998*, all employees have a responsibility to create and maintain full and accurate records of your activities, decisions and other business transactions, to capture records into official records systems, and not to destroy records without appropriate authority. Managers have a responsibility to ensure that employees reporting to them comply with their records management obligations.

Refer to the Authority Records Management Framework and related procedure documents, State Records Authority, [Recordkeeping in the NSW public sector](#).

5.17 Tendering for and procuring goods and services

When purchasing goods and services for the Authority, you must follow the corporate policies and procedures listed below in this section 5.17 (except to the extent that the Commercial Governance Policy and Commercial Governance Framework referred to in section 5.18 applies). You are responsible for understanding the procedures that apply to the type of procurement you are undertaking on behalf of the Authority. For advice and assistance, contact the Procurement team.

Refer to the Authority's Procurement Policy, [NSW Government's Procurement Policy Framework](#), Consultant and Contractor Policy and the Authority Delegations Manual.

5.18 Commercial Governance Policy and Framework

Section 13 of the *Western Parkland City Authority Act 2018 (NSW) (Act)* sets out the Authority's functions. Amongst those functions are the functions of:

- carrying out development on the Authority's own behalf or on behalf of other persons or bodies (section 13(1)(b));
- coordinating, securing and attracting investment (section 13(1)(d));
- developing and, if directed by the Minister, implementing schemes for funding the provision of public infrastructure, facilities, places and services (section 13(1)(e)); and
- entering into joint ventures, project delivery agreements and other arrangements with landowners, developers, State and Commonwealth government agencies and local councils in the Western City (section 13(1)(h)).

The Authority must carry out its functions, including investment, delivery, financing and procurement, consistently with the statutory objects set out in section 3 of the Act. The objects of the Act therefore establish the parameters under which the Authority can make commercial (including investment) decisions.

The Authority's Commercial Governance Policy, as applicable, provides further definition to the

parameters within which the Authority can carry out commercial and investment functions.

5.19 Disclosure of criminal charges, convictions and bankruptcy

All Authority employees are required by law to immediately notify the CEO in writing 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 Authority.

You are to immediately notify the CEO in writing if you:

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

Action taken by the Authority, if any, will depend on the nature/circumstances of the situation, its relevance to your work and any mitigating factors.

If unsure, employees are advised to contact the Authority's People and Culture or legal team to discuss the matter in confidence.

6. Corruption, maladministration, waste and Government information contravention

Authority employees are encouraged to report any suspected corruption, maladministration, substantial waste and government information contravention. Disclosures can be made to the CEO. A disclosure may also be made to the Independent Commission Against Corruption concerning corrupt conduct, the Ombudsman concerning maladministration, the Auditor-General concerning substantial waste of public resources, or the Information Commissioner concerning government information contravention.

The [Public Interest Disclosures Act 1994](#) provides protection against reprisals for staff members who report wrongdoing (note: the disclosure must be made in accordance with the provisions of the Act).

Refer to the Authority's *Public Interest Disclosures Policy and Procedures*.

6.1 Corrupt Conduct

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 departmental 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. time-sheets, expenses, vehicle usage log and creating false evidence); and
- misuse or unauthorised disclosure of information held or maintained by the department for personal gain.

The CEO has a responsibility under [section 11](#) of the *Independent Commission Against Corruption Act 1988* to report suspected corruption.

Refer to the Authority's Fraud & Corruption Control Framework and the [ICAC](#).

6.2 Fraud

Fraud is any practice that involves the use of deceit; confers some form of financial benefit upon the alleged offender (either directly or indirectly); and results in some form of material loss to the entity. Refer to the Authority's Fraud & Corruption Control Framework and the [Audit Office of NSW](#).

6.3 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; and
- inconsistent application of a law, policy or practices when there is no reasonable, justifiable or appropriate reason to do so.

Refer to the [NSW Ombudsman](#).

6.4 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 or resources. Less serious forms of waste are also to be

avoided. For example, use black and white and/or doublesided printing, where possible, and switch off computers at the end of the day and over weekends.

Refer to the [Audit Office of NSW](#).

6.5 Government information contravention

Government information contravention means a failure to carry out the functions required by the [Government Information \(Public Access\) Act 2009](#) (GIPA Act). 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. If you receive a GIPA enquiry, please direct the enquirer to the Authority's legal team, at governance@wpca.sydney.

Refer to the Authority's [Proactive Release Procedure](#), [Procedure for managing Access Applications under the GIPA Act](#) and the [Information and Privacy Commission](#).

7. Further reference

The Public Service Commission has developed [Behaving Ethically](#) to help government sector employees better understand their ethical obligations.

Appendix 1 - Guide to complying with the WPCA Act provisions relating to use of information and influence

1. Introduction

The Western Parkland City Authority (**Authority**) is constituted under, and governed by, the *Western Parkland City Authority Act 2018* (NSW) (**Act**).

The Act contains, amongst other things, provisions in relation to the use of information and influence by persons who have an 'association with the Authority'.

These provisions (together, the **Specific Offences**) are contained in:

- section 23(1) (**Information Offence**); and
- section 23(2) (**Influence Offence**).

A contravention of the Specific Offences may:

- attract a fine of up to \$2200 (being 20 penalty units under the Act);
- give rise to a personal liability for any loss incurred as a result of the breach.

2. What this Protocol does

This Protocol sets out:

- who the Specific Offences apply to;
- an overview of the Specific Offences; and
- a procedure to assist the Authority (including its officers and employees) to deal with information in a way that minimises the risk of contravening the Information Offence.

3. Who the Specific Offences apply to

A person is subject to the Specific Offences if that person has an 'association with the Authority'.

A person is considered to be 'associated with the Authority' if that person is:

- a member of the Authority's Board or a member of a committee of the Authority's Board;
- a member of staff of the Authority; or
- a person of whose services the Authority makes use, or who is otherwise appointed, employed or engaged, under the Act.

It also includes an officer or employee of a local council and persons acting for the Authority, the Minister or a local council in any capacity (including bankers, Australian legal practitioners, auditors or professional advisers).

To the extent any of these persons so acting are a corporation, it will include that corporation's director, manager or secretary.

4. The Specific Offences

The ‘Information Offence’ - section 23(1)

The Information Offence relates to information in respect of dealings in land.

‘Person A’ contravenes the Information Offence if through association with the Authority all of the elements set out in the table below are present.

Element	
Knowledge:	<ul style="list-style-type: none"> • Person A has specific information relating to a proposal of the Authority. • The proposal has been made or is to be made. • The proposal is in respect of the acquisition, development or disposal of land.
Information not generally known:	<ul style="list-style-type: none"> • The relevant information is not generally known. • If the information was generally known it would reasonably be expected to affect materially the market price of the land.
A person gains an advantage:	<ul style="list-style-type: none"> • Person A: <ul style="list-style-type: none"> – deals, directly or indirectly, in that or in any other land for the purpose of gaining an advantage for Person A by the use of that information; OR – divulges information for the purpose of enabling another person (Person B) to gain an advantage by using that information to deal, directly or indirectly, in that or in any other land.

The ‘Influence Offence’ – section 23(2)

The Influence Offence relates to influencing dealings in land.

‘Person A’ contravenes the Influence Offence if (through association with the Authority) all of the elements set out in the table below are present. We have also set out some of the key considerations arising in respect of each element.

Element	
Position of influence	<ul style="list-style-type: none"> • Person A is in a position to influence proposals made, or to be made, by the Authority. • The proposal is in respect of the acquisition, development or disposal of land.

<p>Actual influence</p>	<ul style="list-style-type: none"> • Person A influences the proposals by securing the inclusion or alteration of a matter in, or the exclusion or omission of a matter from, the proposals. • Person A person does so for the purpose of: <ul style="list-style-type: none"> – gaining an advantage for Person A; or – enabling another person (Person B) to gain an advantage.
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5. Considering whether use or divulgence of information contravenes the Information Offence

The process below is designed to assist officers to mitigate the risk that the use or divulgence is construed as contravening the Information Offence.

1. Consider whether the information relates to a ‘proposal’

A person should carefully consider whether the information relates to a ‘proposal’.
 If it doesn’t relate to a ‘proposal’ (for example, because it relates to a proof of concept or market sounding required to determine how to develop a proposal) then s 23(1) does not apply.

2. Consider whether the information is publicly available, and if it is not, consider whether you can make it publicly available

If the information is publicly available then it will be generally known and s 23(1) will not apply.
 If appropriate, consider publishing the information on the Authority’s website promptly after divulging it to a party. The longer the period between disclosing it to a party and making it publicly available the greater the risk.

3. Consider the purpose of the use or divulgence

A person should carefully consider whether the sole purpose or a material or substantive purpose of the relevant use or divulgence is:

- the gaining of an advantage; or
- enabling another person to gain an advantage.

4. Document all relevant aspects of any divulgence of the information

Ensure that you keep a record of information that has been disclosed and the purpose for which it has been disclosed.

Western Parkland City Authority

Level 2, 10 Valentine Avenue
Parramatta NSW 2150

T: 1800 312 999
E: hello@wpcasidney
W: wpcasidney
