



Parliament of New South Wales

CODE OF CONDUCT FOR MEMBERS' STAFF

FOREWORD

This Code applies to staff of Members of Parliament based in Electorate Offices or Parliament House. It is designed to help you meet the high standards of integrity and ethical behaviour expected of a publicly funded employee, and to give you a basis for making day-to-day decisions.

This Code is designed to convey the behaviour expected of you as a staff member. It was developed by management considering the recommendations of the Independent Commission Against Corruption, the Ombudsman's Office, the model public sector code published by Premier's Department and staff comments on early drafts. The Code was developed in consultation with the PSA and will be reviewed periodically. Your feedback is welcome and should be directed to the Clerk of the Legislative Assembly or the Clerk of the Parliaments.

It is not possible for any Code of Conduct to cover all possible issues that may arise. If you are uncertain about any aspect of this Code, or have an ethical problem you cannot resolve, you should talk to the Clerk of the Legislative Assembly or the Clerk of the Parliaments. You could also read our policy document on Ethical Dilemmas at Work, which is available on our Intranet site.

This Code applies equally to permanent and temporary staff of Members of the Legislative Assembly and the Legislative Council. It also applies to volunteers and people engaged in work experience programs with Members.

Russell Grove
Clerk of the Legislative Assembly

John Evans
Clerk of the Parliaments

Part One – Ethical Values

1.0 GENERAL VALUES

Staff of Members of Parliament must undertake their duties with regard to:

- *Integrity – you should consider your employment obligations and duties when you take action*
- *Honesty – you should abide by the law and relevant policies and procedures*
- *Impartiality – put aside personal interests, biases and views, and disclose any real or apparent conflict of interests as soon as possible*
- *Accountability - employees accept responsibility for their acts and omissions*
- *Respect – your actions and decisions as an employee of the Parliament should be based on consideration of the relevant facts*
- *Professionalism - act professionally during the course of your employment with the Parliament and ensure your actions do not compromise the reputation of Parliament or your Member*
- *Loyalty – be loyal to your Member within the workplace, in the electorate, and within their political party or supporters group if applicable*
- *Confidentiality - maintain appropriate confidentiality of information received in the course of your duties*
- *Value for money- public resources should be used for the purpose for which they are provided, and you should seek to achieve best value for money*

Part Two – Code of Conduct

2.0 INTEGRITY

2.1 Responsibility as a public employee

- As a public employee, you are employed using public resources, and responsibilities flow from this.
- Your role is to support the electorate, the constituents and the Parliamentary role of your Member.
- You have a responsibility to stay up-to-date and informed on the policy and guidelines affecting your role, including Members' entitlements, allowances and the provisions of the Members' Handbook.

2.2 Responsibility to the Member for your actions

- Your Member will be required to take responsibility for all actions he or she has directed you to take, and is answerable to the Parliament and the public for those acts.
- You are responsible for your own acts and omissions when not directed by your Member. You should ensure that your activities are not unlawful, against the public interest, against the interest of your Member, or contrary to established policy or procedure.

2.3 Ethical decision making

You should always act in a way that a reasonable person would not see as improper.

If you are faced with an ethical dilemma, you may find it useful to consider:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with Parliament House policy and this Code?
- What will be the outcome for you, for your colleagues, for your Member?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense?

3.0 HONESTY

All staff are required to act honestly and abide by lawful directions, policies, procedures and legislation.

3.1 Gifts, benefits and bribes

You should not seek or accept any gift or benefit if such action could be perceived by reasonable members of the public as intended or likely to cause you:

- to act in a particular way (including making a particular decision)
- to fail to act in a particular circumstance, or
- to otherwise deviate from the proper course of your official duties.

A reputation for integrity and professionalism can only be achieved and maintained if the community is confident that employees are not influenced by gifts, bribes or other inducements.

You may accept a gift, benefit, travel or hospitality only if it is of a token kind, and when refusal would be unnecessarily rude. All offers of gifts and benefits should be reported to your Member, whether you accept them or not. If you are uncertain

whether it is appropriate to accept an offered gift, discuss it with your Member or Manager prior to acceptance. If you need to decline an offered gift, you could do so by explaining that the Parliament does not permit its employees to accept such gifts or services.

4.0 IMPARTIALITY

4.1 Conflict of interest

Conflicts of interest exist where it is likely that an employee could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their employment duties. Your personal interests (financial and non-financial), associations and activities must not conflict with your duties.

4.2 Outside (or secondary) employment

You should inform your Member of the outside employment you wish to undertake and you are required to obtain prior approval from the Clerk of the Legislative Assembly or the Clerk of the Parliaments before engaging in any paid outside employment.

It is not necessary to obtain approval for voluntary or unpaid activities, unless a conflict of interest arises in relation to those activities and your official responsibilities.

Generally, outside employment will be approved as long as:

- the work is not associated with your work duties or knowledge gained in the course of your duties,
- the work is carried out in your own time,
- the work does not involve a conflict of interest, and
- there is no adverse impact upon your work attendance and performance or increased health and safety risks.

4.3 Post-separation employment

You should not allow yourself or your work to be influenced by plans for, or offers of, employment outside the Parliament, which give rise to or a perception of a conflict of interest where your integrity, and that of your Member or the Parliament, is at risk.

5.0 ACCOUNTABILITY

You are responsible for your own acts and omissions and will be held responsible for them. If you receive directions to perform actions you know to be illegal or improper, you should query them and refuse to perform them, and explain why.

If you have staff under your supervision, you are responsible for their acts and omissions if they are so serious, repeated or widespread that you should know of them and correct them. You should therefore ensure that staff under your supervision, understand what their duties are, how they are expected to perform them, and what results are expected.

5.1 Whistleblowing

Disclosures may be made, anonymously if necessary, to the Clerk of the Legislative Assembly or the Clerk of the Parliaments, to the ICAC, the Ombudsman or to the Auditor-General, in accordance with the *Protected Disclosures Act 1994*. The *Protected Disclosures Act* ensures that all staff making protected disclosures are protected from reprisals, provided they meet the criteria set out in the Act.

Further information about reporting corrupt conduct, maladministration and serious and substantial waste of public funds can be found in the Parliament's policy on Protected Disclosures.

6.0 RESPECT

6.1 Anti-discrimination and harassment

You must not discriminate against Members, staff or the public on the grounds of:

- sex, age, marital status, pregnancy, or Carer's responsibilities
- race, colour, nationality, ethnic or social background
- physical or intellectual disability or impairment
- homosexuality , or transgender,

Harassment and discrimination on these grounds is prohibited by law and will not be tolerated by the Parliament. Refer to Parliament's Harassment Free Workplace Policy and Equal Employment Opportunity Policy on the Intranet.

7.0 PROFESSIONALISM

Professionalism requires that you act at all times with courtesy, efficiency and thoroughness in dealing with the public, constituents and other groups in your official capacity.

8.0 LOYALTY TO YOUR MEMBER

8.1 Loyalty

Be loyal to your member within the workplace, in the electorate, and within your political party if applicable. Ensure your actions and comments do not detract or disparage the Member's reputation and role in Parliament and the electorate. Loyalty is subject to the requirement to act legally, professionally and honestly.

9.0 CONFIDENTIALITY

9.1 Public comment

Public comment includes public speaking engagements, comments to journalists, statements on radio and television or in letters to newspapers, as well as expressing views in books, journals, the Internet and notices where it is expected that the comments will spread to the wider community.

You must ensure that public comments you make on behalf of your Member or that represent the views of your Member have been authorised by him or her. If you choose to make a personal public comment you must ensure that your comments do not appear to be an official comment on behalf of your Member.

9.2 Confidentiality of information

Information you have gained in the course of your official duties must only be used for the work-related purpose intended, and not for personal benefit. All employees must make sure that confidential information, in any form (including computer files) cannot be accessed by unauthorised people and that sensitive information is only discussed with people who are authorised to have access to it.

9.3 Use of official information

You may only disclose information that is already on the public record, or which would normally be available to members of the public who seek that information.

10.0 VALUE FOR MONEY

10.1 Use of official resources

Public resources should be used for the purpose for which they are provided, and you should seek to achieve best value for money. Office facilities, funds and equipment should be used according to any rules or guidelines published by the Parliamentary Remuneration Tribunal or the Presiding Officers and Clerks.

11.0 PARTICIPATION IN ACTIVITIES OF POLITICAL PARTIES OR SUPPORTERS GROUPS

Clause 11.1 and clause 11.2 give effect to the Guidelines and general conditions regarding additional entitlements for Members. The code should be read in the conjunction with the most recently published Parliamentary Remuneration Tribunal (PRT) Determination for Members Entitlements.

Clause 11.1 – Political party activities – electioneering, political campaigning and political fundraising.

Members' staff are not permitted to engage in activities of a direct electioneering, or political campaigning, or political fundraising nature during the ordinary hours of work or as part of their role as an employee of the Parliament.

Clause 11.2 Political Party Membership and Activity

Political party membership is voluntary. Staff cannot be directed to participate in political party activities nor directed in their work by party officials or other party members.

Members' staff can assist Members in the efficient performance of the Members duties, including:

(The Member's) Participation in the activities of recognised political parties, including (the Member's) participation in national, State, and regional conferences, branch meetings, electoral council meetings, executive meetings, committee meetings, and meetings of the Members of the Parliamentary political party, its executive and committees.

For a Member elected to the Parliament as an independent, this applies to participation in activities that are reasonable alternatives to participation in the activities of recognised political parties.

The PRT prohibits resources (including staff resources) being used for political party activities, specifically:

1. Party membership drives
2. Mail distributions for non-electorate or non-Parliamentary activities
3. Election campaigning
4. Fund raising for political parties or other Members
5. Costs/activity previously borne by political parties which are not principally related to the Member's parliamentary or electorate duties

A further guide to staff is that the assistance to a Member participating in their political party should be consistent with the work performed by the Members staff as described in their position description and duties statements.

For example – the staff may organise for the Member's attendance at a party conference, organise travel and accommodation, prepare speaking notes, or research items on the agenda as background information for the Member's attendance. However, the staff cannot assist the political party in organising the conference.

Clause 11.3 Members' staff contesting State and Federal elections

Members' staff contesting State or Federal elections should consult with their Personnel Section and refer to the Parliament's Policy 'Employees Contesting State and Federal Elections dated 17 March 2003



PARLIAMENT OF NEW SOUTH WALES

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12.0 EMPLOYEE DECLARATION

I have received and read the Code of Conduct for Members' staff. I agree to abide by this Code.

Print name

Signature

____/____/____
Date

Please return this declaration to your Personnel section to be placed on your personal file.