



CODE OF CONDUCT

INTRODUCTION

NSW Government employees are required to maintain certain standards of conduct in order that the functions of government are carried out in an efficient, fair and impartial manner. Such standards of behaviour should ensure that the public sector acts, and is seen to act, with integrity.

It is the responsibility of each individual to observe the spirit and content of the Code of Conduct in carrying out their duties. The primary responsibility of staff is to act in the public interest within the expressed or implied policies of the Government of the day.

HOW IS A NSW FIRE BRIGADES EMPLOYEE GUIDED?

Although the Brigade Regulations and the Public Sector Management Act, 1988 provide a degree of guidance in relation to sanctioned and unsanctioned behaviour, this is far from complete. The following information provides a guide to the matters that most often give rise to ethical dilemmas and provides a clarification of some of the matters which may confront employees of the NSW Fire Brigades.

PRINCIPLES

The following are fundamental principles of behaviour expected of public officials and as such are applicable to the Brigades in all its activities:

Public Confidence

The public has the right to expect that public sector organisations are of the highest integrity and competence and will treat all citizens fairly, reasonably and equitably. Public confidence is of particular importance in relation to emergency services as perceptions are strongly held as to the availability and competence of emergency service organisations.

Responsibility to the Government of the Day

The Government of the day, democratically elected by the citizens of NSW, is entitled to expect public servants to provide impartial and accurate advice and to implement its policies promptly, efficiently and effectively.

Public Servants' Rights

Public servants have the normal rights of employees under common law and within the provisions of legislation.

CORRUPT CONDUCT

The Independent Commission Against Corruption Act sets out in broad terms the concept of corrupt conduct:

- Dishonest or improper use of position by a public official including misuse of information or material acquired in the course of official duties (even if the information or material is misused when the person is no longer a public official). Also, conduct by anyone which might lead directly or indirectly to the dishonest or improper use of position by a public official.
- Corrupt conduct includes conduct by anyone which might directly or indirectly interfere with the carrying out by a public official of his or her functions, where that conduct also involves any of a wide range of matters including for example, official misconduct, bribery or violence.

CONDUCT EXPECTED OF EMPLOYEES

The following numbered paragraphs provide an outline of conduct expected of Departmental employees:

(1) CONFLICTS OF INTEREST

Financial or other interests that could directly or indirectly compromise the performance of duties should be avoided. Conflicts may arise if there is a likelihood that possessing a particular interest could influence, or appear to influence, the performance of duties in relation to a particular matter.

The onus for notification of a potential conflict of interest lies with the officer in question and such matters should be raised with the supervisor with a view to taking action to rectify the situation.

Potential conflicts of interest include situations where friends or relatives may be, or appear to be, advantaged in dealings with the Department as a result of a relationship with an employee of the Department.

When involved in tender-type processes, whether preparing specifications, registrations of interest, requests for tender, evaluation criteria and/or being a member of an evaluation/decision making team (formal or informal) etc, all employees, contractors, consultants or third party team members, must at all times ensure that there is:

- no advantage or disadvantage to any potential tenderer; and
- full and immediate disclosure of any contact, discussion or relationship, past, present or future that might be perceived to provide a potential/actual advantage/disadvantage to tenderers.

For all major tender processes, employees will be required to sign a conflict of interest disclosure statement, prior to involvement in such processes.

(2) ACCEPTANCE OF GIFTS OR BENEFITS

No public official should accept a gift or personal benefit if it could be seen by the public, knowing the full facts, as intended or likely to cause the official to do his or her job in a particular way, or deviate from the proper course of duty.

Token gifts may be accepted in certain circumstances approved by the Commissioner provided there is no possibility that the recipient might be, or might appear to be, compromised in the process. In general, gifts which may be seen as an inducement or reward which may place an official under obligation must be refused.

(3) **PERSONAL AND PROFESSIONAL BEHAVIOUR**

Departmental officers must perform their duties diligently, impartially, and conscientiously to the best of their abilities and must observe the following criteria:

- * keep up to date with advances and changes in their area of expertise.
- * comply with relevant legislative, industrial or administrative determinations and agreements (eg on EEO, FOI, personnel practices, purchasing, engaging consultants).
- * maintain adequate documentation to support any decisions taken.
- * maintain sensitivity to the rights of the public and fellow workers.
- * provide all appropriate assistance to members of the public.
- * seek to obtain value for public money spent and avoid waste and extravagance.
- * do not take improper advantage of information gained in the course of employment.

(3) **PERSONAL AND PROFESSIONAL BEHAVIOUR - CONTINUED**

Staff should give effect to the policies of the Brigades whether they approve of that policy or not. Should an extreme situation arise in which an officer finds the policy, or the steps contemplated to give effect to it, so at variance with their own views that he/she cannot conscientiously give effect to them, the officer should discuss the matter with a senior officer or the Commissioner with a view to having the situation resolved.

Officers should not harass or discriminate in work practices on any basis whatsoever.

Fair and equitable behaviour is particularly important in the Department's role in providing emergency services as any perception of biased provision of protection will dramatically erode public confidence. In addition the waste of resources which should properly be applied to firefighting and protection of lives and property could be seen as increasing the threat to life and property.

(4) **FAIRNESS AND EQUITY**

Departmental employees should deal with all functions consistently, promptly and fairly in accordance with approved procedures and without bias. All actions should be in accord with principles of natural justice and must consider all relevant facts and examine each case on its merits.

(5) **PUBLIC COMMENT**

[repeated in In Orders 1996/15]

While public servants, as members of the community, have the right to make public comment, there are some circumstances in which public comment is inappropriate:

- * implying that the comment is in some way an official comment of the Government or the Department; or
- * where the comment is sufficient to indicate that the officer is unwilling to implement or administer the policies of the Government of the day as they relate to his or her duties.

Information which is normally available to the public may be disclosed to members of the public seeking that information.

Official information or documents should not be disclosed unless required by law or when proper authority has been given. In such cases the disclosure should be limited to factual information.

Any queries that do not relate to your immediate area of responsibility should be referred to the Public Relations Section in the first instance, who will direct the enquiry to the appropriate officer in accordance with the Department's media policy.

(6) **USE OF OFFICE FACILITIES AND EQUIPMENT**

It is expected that staff will be efficient and economical in the use and management of resources and not allow abuse of Brigade property and services. The specialist nature and inherent cost of much of the Brigades equipment and the requirement for such equipment in saving lives and property make the appropriate use of Brigade resources of particular importance. The concept of efficient resource utilisation applies equally to the use of Departmental resources in general be they specialist firefighting appliances or photocopiers for example.

(7) **OWNERSHIP OF INTELLECTUAL PROPERTY**

All original material, including inventions, designs, ideas, drawings, circuit layouts etc. whether readable by persons or machines, created by employees and/or temporary personnel whilst working for the NSW Fire Brigades, is the sole and exclusive property of the Government of NSW, free from any claim or retention of rights thereto on the part of those employees or temporary personnel.

Intellectual property, being all material relating to scientific works, discoveries, industrial designs, trademarks, service marks, commercial names and designations, ideas, drawings and circuit layouts in relation to equipment or systems assigned, supplied, contracted or purchased by the Fire Brigades must be strictly preserved.

Computer software is considered as intellectual property and staff must not make unauthorised copies of computer programs whether for personal use or distribution.

Computer software is the property of either the Fire Brigades, other persons or companies which created the computer software.

Employees and temporary personnel have no right to disclose or use any of such original material for any purpose whatsoever other than in the course of their NSW Fire Brigades duties.

(8) OUTSIDE EMPLOYMENT

Permanent employees of the Brigades have an obligation to give their public service employment first consideration and avoid any conflict of interest between external employment and Brigades duties. Where outside employment has the potential to affect an employee's performance at work, including the quality of overall performance and the extent of sick leave absences for example, the employee must consider whether the obligation to give public employment primary consideration is being met.

Members of Volunteer Fire Brigades are expected to carry out their duties in a diligent and professional manner when called upon and their attendances shall be in accordance with requirements laid down by the Department from time to time and notified in the Brigades In Orders.

Should a Volunteer Brigade wish to undertake subcontract work to earn income for their station, prior permission should be sought from the Commissioner to ensure that such activities do not breach any legal or policy requirements which may apply.

Should a member of a Volunteer Brigade wish to undertake subcontract work to the NSW Fire Brigades (to earn income from the Brigades), prior permission must be sought from the Commissioner to ensure that such activities do not breach any legal or policy requirements which may apply.

(9) POLITICAL PARTICIPATION

Participation in political matters should not conflict with the primary duty of staff to serve the Government of the day in a politically neutral manner.

Any potential conflict, real or apparent, should be immediately raised with the Commissioner. If a conflict does arise the officer may have to stop participating in the political activity or the officer may have to be withdrawn from areas giving rise to the conflict.

(10) POST SEPARATION EMPLOYMENT

Former Brigades employees must not engage in activities which cast doubt on their integrity or that of the Brigades.

(11) SECURITY

It is most important that staff take the utmost care in securing Brigades property against theft, damage or misuse to enable the Brigades to provide its core services.

Security of data should ensure that unauthorised access to data, or access to data for purposes other than those intended, cannot occur. In particular, information of a personal nature and information of a confidential commercial nature must not be disclosed.

(12) REPORTING CORRUPT CONDUCT

All officers of the Department have an obligation to report to the appropriate senior officer any unethical behaviour or wrongdoing by Departmental employees. The details of reporting mechanisms have been outlined in Brigades In Orders 1990/24 and Orders for Administrative and Technical Staff 1990/17.

The Commissioner is required by law to report any suspected corrupt conduct to the Independent Commission Against Corruption.

(13) CONDUCT AND DRESS REGULATIONS

The firefighting arm of the Brigades has strict dress and conduct regulations which must be adhered to in the interests of safety, rank identification and discipline. These requirements, particularly those outlined in the Regulations, must be adhered to by all staff.

Support staff should also be mindful of the reflection on themselves and the Department of good conduct and dress in dealings with the public.

SUPERVISORY RESPONSIBILITIES

Supervisors are responsible for ensuring the work of their staff is effective and efficient and that the goals of the organisation are being pursued. Supervisors are accountable for any unsatisfactory acts or omissions on the part of their staff where they are so serious, repeated or widespread that the supervisor should be aware of them and taking steps to correct them.

Supervisors have a responsibility to provide material and other support to staff to ensure an awareness of their tasks and responsibilities is communicated. This responsibility extends to ensuring all staff are aware of the Code of Conduct and as far as possible ensuring staff adhere to these requirements.

BREACHES OF THE CODE

Breaches of the Code of Conduct will be dealt with in accordance with procedures detailed in the Regulations of the Fire Brigades Act, the Public Sector Management Act and relevant industrial awards. Depending on the nature of the breach sanctions may vary from counselling, to suspension, laying of criminal charges or taking civil action.

REVIEW

The Code of Conduct will be subject to annual review.