

Code of Ethics and Conduct

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Introduction

The NSW Electoral Commission (**the Electoral Commission**) delivers trusted and independent systems, processes, oversight and engagement that support democracy in New South Wales. Our vision is to maintain confidence in the integrity of the democratic process and make it easy for people to understand and participate.

To deliver on our purpose and vision, staff members are expected to act ethically and fairly and to always comply with the law. We must spend public money judiciously and maintain trust in our systems and institution. The guidance in this Code of Ethics and Conduct (**the Code of Conduct**) will support you to do this.

Our Code of Ethics and Conduct adopts the Ethical Framework and minimum standards of behaviour for public servants set out in the [Code of Ethics and Conduct for NSW Government Sector Employees](#).

In addition to the sector-wide standards, our Code of Ethics and Conduct also imposes supplementary obligations and higher standards of conduct to enable us to fulfil our regulatory functions with the utmost of integrity. These standards reflect an inherent requirement and condition of employment for us all to be, and to be seen to be, impartial and politically neutral.

Our Code of Ethics and Conduct is required reading for everyone joining the Electoral Commission. Each year we renew our commitment to the values and standards it sets out. It is the essential guide for who we are and how we work. Everyone is expected to comply.

Purpose

This Code of Ethics and Conduct sets out the minimum expected standards of ethical behaviour Electoral Commission staff members must meet and provides a framework to guide our day-to-day decisions and behaviours at work.

The Code of Conduct also sets out how to report contraventions of the Code and actions to be taken if there are breaches, or allegations of breaches, of the Code.

Scope and application

This Code of Conduct applies to:

- all ongoing, temporary and casual employees of the Electoral Commission
- NSW Public Sector employees temporarily assigned/seconded to the Electoral Commission
- contractors engaged by the Electoral Commission under contingent labour arrangements
- other contractors and consultants engaged by the Electoral Commission under terms and conditions that require them to comply with this Code.

Staff members engaged specifically for the conduct of elections, such as election officials, are required to comply with an abbreviated Code specific to their conditions of employment.¹

Our [Statement of Business Ethics](#) applies to vendors/suppliers and business partners doing business with us, including carrying out work on our behalf.² It is based on our Code of Conduct and sets out service principles and business practices to guide interactions with us.

¹ Election Officials are issued an abbreviated Code specific to their conditions of employment – EL.132 NSW Electoral Commission: Code of conduct and employment conditions acknowledgement.

² [NSW Electoral Commission Statement of Business Ethics, Supplier Confidentiality and Compliance Agreement for Service Providers](#).

How to apply the Code of Conduct

The Code of Conduct applies at all times we are acting in the course our, or in connection with, our employment or engagement with the Electoral Commission. The Code also extends to conduct outside of work hours where that conduct may affect our employment. This includes conduct that is undertaken in a private capacity but is inconsistent with your ability (or could reasonably be perceived to be inconsistent with your ability) to fulfil your Electoral Commission duties.

Roles and responsibilities

All staff members

We must all act in a way that is consistent with the [Ethical Framework](#) and the minimum standards of conduct set out in this Code of Conduct. Each of us has a responsibility to conduct ourselves in a manner that reflects our core values in action. This includes the responsibility to speak up when we see any behaviour that we believe does not meet our core values in the Ethical Framework and the general principles and requirements in this Code.

We should report wrongdoing where we believe this has occurred (see [Behaviour Contrary to this Code](#)).

Staff are required to complete annual mandatory e-learning and renew their commitment to adhere to the Code of Conduct by acknowledging they have read and will comply with the Code. Staff are also expected to acquaint themselves of updates to the Code and complete relevant training where directed.

Senior executives and managers

Managerial behaviour sets the tone for the conduct of all staff. Managers (including senior executives, senior managers, supervisors and others holding senior positions) play a critical role in promoting a culture that values the high ethical standards and ethical behaviour set out in this Code of Conduct.

In addition to their responsibilities as staff members, managers are required to model and promote the standards in Code of Conduct, and ensure that workplace culture, practices and systems operate consistently with the [Ethical Framework](#). This includes providing advice and support to staff on the application of the Code and related policies and, where appropriate, investigating and managing alleged breaches and potential conflicts of interest, and ensuring staff reporting breaches of standards, including voluntary protected disclosures, are supported in a timely manner and protected from reprisals.

In addition to having the responsibilities of managers, senior executives and the NSW Electoral Commissioner are required to oversee implementation of the Ethical Framework and the minimum standards of conduct set out in this Code.

Corporate division

The People and Safety team is responsible for ensuring staff have read the Code and signed the [Acknowledgement](#) as part of onboarding. The team is also responsible for maintaining senior executive declarations of private interests and registers relating to declarations of conflicts of interest.

The People and Safety and Governance teams are responsible for:

- providing advice and guidance on the application of the Ethical Framework and the minimum standards of conduct
- monitoring and maintaining updates to the Code
- ensuring that training and support is provided to staff members to implement the Code.

The Ethical Framework – our core values

All staff members are expected to act ethically, lawfully and in the public interest. This can be achieved by adhering to the government sector core values of integrity, trust, service and accountability. These core values are collectively prescribed by the [Government Sector Employment Act 2013 \(GSE Act\)](#) as the [Ethical Framework](#) for the government sector and are all of equal importance. They are underpinned by 18 principles of behaviour which help us to put the core values into action.

Integrity	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• 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.

Our commitment to service

Everyone at the NSW Electoral Commission is expected to uphold a set of behaviours that define what is distinctive about how we work and what we need to do to successfully deliver our shared goals. We are each accountable for bringing these behaviours to life in our work.

Our behaviours

Responsive	<ul style="list-style-type: none">• We recognise the need to be flexible in dealing with our changing environment, while always meeting our obligations.• We look for opportunities to build on ideas and adapt and innovate in how we work, to keep improving our services and enhance the experience people have when dealing with us.• We protect the safety, health and wellbeing of our people by providing education, safe systems, tools and processes.
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Solution-focused	<ul style="list-style-type: none"> • We are focused on outcomes and delivering on our shared goals. • We move quickly beyond identifying a problem to working out how best to solve it, while keeping our strategic goals top of mind. • We seek sustainable solutions to support people's safety, health and wellbeing.
Transparent	<ul style="list-style-type: none"> • To demonstrate our integrity and build trust in our services, we're open with each other and our customers, clients, stakeholders and audiences. This keeps us accountable and creates opportunities for others to work more effectively with us. • We share learnings and communicate openly and often. We report all safety hazards, near misses and incidents.
Customer-centred	<ul style="list-style-type: none"> • We start by considering the needs of our customers, clients, stakeholders and audiences and find the best way to serve them, while meeting our legal and business requirements. • We believe this is essential to make it easy for people to participate in democratic processes. • Safety is our priority. We look after ourselves, our teams, our customers and stakeholders.
Collaborative	<ul style="list-style-type: none"> • We look for opportunities to share ideas and knowledge and work as partners internally and externally because we know this is how we get the best results. • Safety is everyone's responsibility, and we work together to improve our working environment. • Our leaders model our safety behaviours and actively seek new ways to improve safety.

Minimum expected standards of behaviour

We are all expected to know and act in accordance with the with the Ethical Framework and the general principles and requirements set out in this Code.

The minimum expected standards set out below (1-13) are not an exhaustive list of what to do in every aspect of your work. Rather, they are general principles and requirements to apply when carrying out our work and should be applied to decide on an appropriate course of action when faced with an ethical issue or professional decision.

If you are in any doubt about the application of the standards, talk to your manager, or where appropriate the relevant subject matter expert, for example, an Electoral Commission Privacy Officer, Disclosure Officer or the appropriate team member in Procurement, Communications, IT, Information Security, Project Management, Records Management, Governance or People and Safety.

1. Acting in the public interest

- 1.1. Staff members are expected to promote confidence in the integrity of the Electoral Commission and protect its reputation by refraining from action that would bring it into disrepute. You can do this by always acting in the public interest.
- 1.2. You should treat all people you interact with in the course of your work:
 - equally without prejudice or favour
 - with honesty, consistency, impartiality and respect.

- 1.3. You should always:
- place the public interest over personal interest
 - uphold the law, institutions of government and democratic principles
 - provide apolitical and non-partisan advice
 - provide transparency to enable public scrutiny
 - be fiscally responsible and use resources efficiently, effectively and prudently.
- 1.4. Acting in the public interest requires leadership, courage and innovation to develop practical recommendations and actions that are consistent with the core values in our Ethical Framework. Acting in ways which are expedient or convenient, but which are inconsistent with our core values, is not in the public interest.
- 1.5. Some practical examples include:
- implementing policies and decisions in an impartial manner
 - providing a relevant and responsive public service to promote community trust and confidence
 - providing appropriate assistance to fulfil the Electoral Commission's service performance standards impartially, effectively and efficiently
 - providing prompt, clear and accurate information and maintaining the confidentiality and security of information
 - practising continuous improvement to achieve a high standard of public administration
 - disclosing any actual, potential or perceived conflicts of interest to the NSW Electoral Commissioner on the [Conflict of Interest Declaration Form](#)
 - speaking up when you see something that is contrary to the standards set out in this Code.

2. Act lawfully

- 2.1. You must always act lawfully and uphold the law.
- 2.2. You must comply with this Code of Conduct as well as any relevant legislative, industrial and administrative requirements and any lawful direction made by a person with the authority to give such a direction.

3. Conflicts of interest

- 3.1. A conflict of interest exists when a reasonable person might perceive that your personal interest(s) could be favoured over your public duties. A conflict may arise from a range of factors, including:
- personal relationships
 - secondary employment (see standard [6. Secondary employment](#))
 - membership of special interest groups, including those with family and friends
 - your ownership of, or financial interest, in property, shares or companies, also known as pecuniary interests.
- 3.2. Conflicts of interest may also arise due to your personal interests, beliefs or attitudes that could influence, or be perceived to influence, your impartiality or decision-making. It is your responsibility to identify and declare conflicts of interest.

- 3.3. Due to the nature of the Electoral Commission's functions, you are required to uphold the highest standards of impartiality and strict political neutrality (see standard [4. Political neutrality](#)). Conflicts of interest must be avoided, whether actual, potential or reasonably perceived arising from:
- personal relationships or affiliations with political participants that the Electoral Commission is or may have dealings with, regulating or investigating
 - political activities or political comments that relate to the Electoral Commission's operations.
- 3.4. A conflict of interest can involve avoiding a personal disadvantage as well as gaining personal advantage.
- 3.5. Conflicts of interest that lead to partial decision-making can constitute corrupt conduct.
- 3.6. Some practical examples of conflicts of interests include:
- awarding contracts to a person (including a corporation or an individual involved with such a corporation) with whom you have a personal relationship, especially if that would involve a pecuniary interest, including to a former colleague or former employee of the Electoral Commission (see para [11.10 Procurement of goods and services](#))
 - socialising with or publicly supporting political participants including those employed by or providing support/services to them (for example, elected members of Parliament or local government councillors (including mayor), candidates, third-party campaigners, official agents for third-party campaigners, party agents, associated entities, third-party lobbyists, as well as lobbyists, donors)
 - having a professional and/or personal relationship with an applicant or another person involved in the recruitment and selection process which may create a conflict of interest for example, prior knowledge of an applicant from a supervisory relationship, a friend or family member or an affiliation with an applicant (see standard [8. Recruitment](#))
 - receipt of a gift, benefit or hospitality that may cast doubt on your ability to apply independent judgement on behalf of the Electoral Commission (see standard [5. Gifts, benefits and hospitality](#))

Disclosing and managing conflicts of interest

- 3.7. Conflicts of interest must be disclosed and managed effectively. The perception that a conflict of interest has influenced an outcome can undermine public confidence in the Electoral Commission and your integrity.
- 3.8. To determine if a conflict of interest exists, ask yourself:
- Do I have a personal interest?
 - Do I have a public duty?
 - Is there a connection between my personal interest and my public duty?
 - Could a reasonable person perceive that my personal interest might be favoured?
- 3.9. It is not necessarily unethical to have a conflict of interest. However, you should avoid placing yourself in conflicting situations wherever possible. Failing to disclose and manage a conflict appropriately may amount to misconduct and/or serious wrongdoing.
- 3.10. Where you have a conflict of interest, you must:
- disclose it, as soon as you become aware of it, on the [Conflict of Interest Declaration Form](#)
 - work with your manager or the appropriate person with responsibility for managing the conflict to resolve any conflicts in the public interest, rather than your own or another person's personal interest.

- 3.11. It can be challenging to objectively assess whether your own personal interests are in conflict with your public duties. You should err on the side of caution and make a disclosure if you are unsure about whether you have a conflict of interest.
- 3.12. When undertaking procurement, recruitment, or acting as a panel member on a selection panel, you must always complete a conflict of interest declaration prior to commencing the tender/selection process in accordance with the Electoral Commission's [Procurement policy](#) and [Recruitment procedures guideline](#).
- 3.13. Senior executives are required to make an annual declaration of private interests (see [Declaring private interests as a senior executive](#)).
- 3.14. Managers or those responsible for managing a conflict of interest should:
 - ensure the conflict is appropriately managed and documented in accordance with this Code of Conduct and relevant policies
 - consider whether the circumstances warrant removing the employee from the duties that are in conflict with their private interests
 - approve a management plan to eliminate or manage the conflict in the public interest
 - monitor the situation to ensure compliance with the agreed management plan.
- 3.15. In the event of a change in manager, the new manager must be notified of the disclosed conflict of interest to ensure continued management of such conflict of interest.

4. Political neutrality

- 4.1. Persons active in political affairs or who have affiliations that may compromise the Electoral Commission's impartiality and strict political neutrality or give the appearance (that is, perception) that impartiality and neutrality may be compromised, cannot be employed by the Electoral Commission.
- 4.2. To understand and comply with your obligations in relation to political neutrality and managing conflicts of interest (actual, potential or reasonably perceived) you must familiarise yourself with the Electoral Commission's [Political neutrality policy](#).
- 4.3. The Electoral Commission's impartiality and political neutrality policy also intersects and informs other standards in this Code of Conduct, notably; [3. Conflicts of interest](#), [6. Secondary employment](#), [8. Recruitment](#), para [11.10 Procurement of goods and services](#) and [12. Making public comment](#).
- 4.4. Declaration of political impartiality and neutrality forms part of the Electoral Commission's recruitment and selection process and during onboarding via acceptance of the [Acknowledgement](#) at the end of this Code. The Acknowledgment is renewed annually as part of the Commission's mandatory Code of Conduct e-learning.
- 4.5. Any changes to a staff member's political neutrality (actual, potential or reasonably perceived) must be immediately disclosed to their Director (or manager) followed by a declaration in writing to the Director of People and Safety, including disclosure on the Commission's [Conflict of Interest Declaration Form](#).
- 4.6. Should a conflict of interest arise, or be perceived to arise, it must be managed. The staff member may be required to cease the activity, withdraw from the area of work where the conflict of interest is occurring, or the staff member's employment may be terminated. In determining the conflict of interest and how it should be managed, consideration will be given to the nature of the conflict, the staff member's role and duties and whether it is possible to take action to mitigate the potential impact for the agency.
- 4.7. The NSW Electoral Commissioner has the final decision over what is considered appropriate.

Lobbying

- 4.8. All NSW public servants are required to comply with the values, principles and requirements in the [Premier's Memorandum M2019-02 NSW Lobbyists Code of Conduct](#).
- 4.9. More specifically, the Electoral Commission has the function of enforcing compliance with the NSW Lobbyists Code of Conduct and the [Lobbying of Government Officials Act 2011](#). The Electoral Commission's [Compliance and enforcement policy](#) provides information about this function.
- 4.10. When dealing with lobbyists, Electoral Commission staff are obliged to undertake their regulatory duties lawfully, with the utmost integrity and in accordance with the Commission's [Political neutrality policy](#).

5. Gifts, benefits and hospitality

- 5.1. Gifts, benefits and/or hospitality refers to any item (monetary or non-monetary), service, prize, hospitality or travel, which has an intrinsic value and/or a value to the recipient, a member of their family, relation, friend or associate.
- 5.2. In the course of your work, you – or, occasionally, your family, relations, friends or associates – might be offered gifts, benefits and/or hospitality by customers, clients, applicants, suppliers, or other persons or organisations.
- 5.3. Where a gift, benefit or hospitality is offered simply as a small gesture of appreciation (for example, a book or flowers presented to a speaker at a conference) accepting it is unlikely to be inconsistent with your obligations under the Ethical Framework in this Code.
- 5.4. However, you should always be aware that gifts, benefits and/or hospitality might be offered to influence you when making a decision, or to provide a favour which will advance the interests of the giver, either now or in the future. For these reasons, the Electoral Commission expects all staff to be alert to the potential risks attached to accepting gifts, benefits and/or hospitality and to declare and manage these risks in accordance with the rules set out in the Commission's [Gifts, benefits and hospitality policy and procedures](#) (the Gifts Policy) and [Gifts, benefits and hospitality guideline](#).
- 5.5. There can be serious consequences for the Electoral Commission where gifts, benefits and/or hospitality are mismanaged, including loss of public trust, damage to the Commission's reputation and financial loss. For staff, breaches of the Gifts Policy may amount to misconduct and be subject to disciplinary action (see [Behaviour Contrary to this Code](#)).
- 5.6. You should never:
 - solicit a gift or benefit from anyone
 - accept a gift or benefit offered to you that is intended to or likely to cause you to act in a certain way
 - accept a gift or benefit where there could be a perception that it has been offered as an inducement or incentive to act in a certain way
 - accept a gift or benefit where it is to be provided to a family member, relation, friend or associate that is intended as, or could reasonably be perceived to be, an inducement or incentive to act in a certain way
 - accept a gift or benefit where you currently, or may in the future, exercise discretion in the making of a decision affecting the giver
 - accept cash, cheques, money orders, electronic fund transfers, gift vouchers or bonus gifts for purchases
 - accept a gift if it is valued at \$50 or more (the maximum value set for acceptable gifts, benefits and hospitality in the Gifts Policy)

- accept high risk hospitality as this could be perceived as a gift of influence. Hospitality is assessed as high risk where it goes beyond a light refreshment (for example, a ticket or meal valued at \$50 or more) or where the recipient is engaged in high-risk activities (for example, procurement, managing contracts, making purchasing or recruitment decisions etc).
 - accept a gift or benefit if you are unsure whether you should.
- 5.7. The rules in the Gifts Policy oblige staff to:
- notify their manager that they have been offered a gift or benefit and get their manager's approval about accepting the offer
 - declare the gift, benefit or hospitality on the [Gift declaration form](#) and manage all gifts, benefits and hospitality offered or received (whether accepted or declined) in accordance with the rules in the Gifts Policy.
- 5.8. The circumstances under which the Electoral Commission will reimburse staff members for business expenses they incur personally are set out separately in the Commission's [Personal expense claims including floral tributes guideline](#).

Attempts at bribery

- 5.9. Soliciting or accepting a gift, benefit or hospitality as an actual inducement to make a decision, or to provide favour is a bribe and constitutes corrupt conduct under the [Independent Commission Against Corruption Act 1988](#). It may also constitute a criminal offence. You must refuse bribes or inducements and report them. If you believe the intention of an offer is to influence the way you do your work, or that might otherwise be considered a bribe, you must report it immediately to your manager or a senior executive.
- 5.10. The Electoral Commission has a zero-tolerance policy for corruption and all reports of actual or suspected corruption will be investigated (see the Commission's [Fraud and corruption control framework](#), [Fraud and corruption policy](#) and [Behaviour Contrary to this Code](#)).

6. Secondary employment

- 6.1. You may for various reasons wish to undertake either paid or unpaid work in addition to your role with the NSW Electoral Commission.
- 6.2. Secondary employment can pose significant integrity risks for the Electoral Commission which if not managed appropriately, could damage public confidence in the impartiality of the exercise of our regulatory functions and in the democratic process. Secondary employment activities which may impact on the reputation of the Commission's functions must be declared and managed in accordance with this Code of Conduct.
- 6.3. Payment from a third-party for work or activities that are part of a staff member's normal responsibilities in their normal capacity must not be personally accepted. A fee for the services and time (as agreed between a client and the Electoral Commission) and should be provided to the Commission in the form of an invoice payment – never to the staff member directly.

What is secondary employment?

- 6.4. Secondary employment refers to a situation where a staff member engages in 'outside work' for another organisation (private or public) while still employed by the Electoral Commission, whether that work is paid or unpaid (distinct from volunteering, paras [6.13-6.14](#)). It includes working for another employer, self-employment, operating a private business, being involved in a family business, providing paid consultancy services, as well as external appointments, trusteeships, advisory roles, partnerships and directorships. It also includes any steps a staff member might take to establish a business or attract customers to a business.³

³ Definition source: [ICAC Code of Conduct](#) 2018, 2.7 Outside employment or other activities

Permission to undertake secondary employment

- 6.5. All staff (other than those listed in para 6.6) must obtain written permission to undertake secondary employment from the Electoral Commissioner.⁴ This also applies to new staff members who, on joining the Commission, may wish to continue other work. Staff must declare the proposed activity on the [Conflict of Interest Declaration Form](#) to seek approval and discuss the proposal with their manager in the first instance.
- 6.6. Casual staff, contractors and part time staff are required to declare their intent to engage in secondary employment on the [Conflict of Interest Declaration Form](#) and discuss the proposal with their manager. They may engage in secondary employment providing it is agreed the arrangement does not raise any of the risks and prohibited activities listed in para 6.10.⁵
- 6.7. Secondary employment will only be approved where conflicts of interest and the risks identified in para 6.10, can be resolved or managed.

Determining if secondary employment poses a risk

- 6.8. Taking on additional work may give rise to a conflict of interest, or reasonably perceived conflict, between your primary and secondary employment.
- 6.9. When considering additional employment outside of the Electoral Commission, considerations must be made to ensure that it does not detract from or adversely affect the performance of your duties with the Commission and no conflict of interest arises. This is consistent with clause 7 of the [Government Sector Employment Regulation 2014](#).
- 6.10. In determining whether secondary employment poses a risk, ask yourself whether the activity:⁶
 - raises a conflict of interest with your public duties (including the higher standards applied relating to impartiality and political neutrality)
 - detracts from or adversely affects the performance of your duties and responsibilities
 - takes place during your work hours with the Electoral Commission or on the Electoral Commission's premises (*prohibited*)
 - involves the use of the Electoral Commission's resources, such as information resources, office equipment, IT and communication facilities (*prohibited*)
 - poses a health and safety risk to you (including working excessive hours without sufficient breaks between work).

Managing risk – secondary employment

- 6.11. You must declare any conflict in accordance with this Code and resolve any conflicts in the public interest, rather than your own or another person's personal interest. Where required, this may include agreeing to a management plan (see para 3.14 [Conflicts of Interest](#)).
- 6.12. Managers are responsible for monitoring the work performance of a member of staff undertaking secondary employment in accordance with any management plan.⁷

⁴ [Government Sector Employment Regulation 2014](#) clause 7(1) and (2)

⁵ Ibid clause 7(2)

⁶ ICAC: adapted from Outside Employment – Developing a Strategy: <https://www.icac.nsw.gov.au/prevention/basic-standards/outside-employment/developing-a-strategy>

⁷ For more information on the risks and effective management of secondary employment refer to resources published by ICAC – <https://www.icac.nsw.gov.au/prevention/basic-standards/outside-employment/developing-a-strategy>

Volunteering

- 6.13. The Electoral Commission acknowledges the positive contribution volunteering makes to the community and commends staff who selflessly give up their free time to volunteer.
- 6.14. Voluntary activities outside of your Electoral Commission work hours, including those of a sporting, charitable, community or artistic nature, are not generally considered to be secondary employment. You should however assess if the voluntary work raises a conflict of interest or any of the risks listed in para 6.10. If it does, or if you are uncertain, you should discuss the situation with your manager, declare the intended activity on the [Conflict of Interest Declaration Form](#) and work with your manager to resolve and manage any risk and/or conflict.

7. Bullying, unlawful discrimination and harassment

- 7.1. Everyone working at the Electoral Commission is entitled to be treated fairly and with courtesy and to feel safe and respected.
- 7.2. Bullying, unlawful discrimination and all forms of harassment (including sexual harassment) are not acceptable under any circumstances and are not tolerated in our workplaces.
- 7.3. You must not bully, unlawfully discriminate against or harass anyone in your dealings with them. All reports of such conduct will be treated seriously and dealt with quickly, fairly, confidentially, impartially and without victimisation. The Commission takes a zero-tolerance approach to such behaviour.
- 7.4. All staff members are to ensure they understand and adhere to their legal obligations in relation to preventing and responding to workplace bullying, unlawful discrimination and harassment (including sexual harassment). The Electoral Commission's [Respectful workplace policy and procedure](#) and [Preventing sexual harassment in the workplace policy](#) set out expectations and guidance. Everyone should be familiar with these policies.
- 7.5. The Electoral Commission's [Acceptable use policy](#) and [Social media policy](#) also requires you to use technology and social media responsibly and when doing so not engage in inappropriate behaviours or condone such behaviours by others. See standard [11. Use of public resources](#) and [12. Making public comment](#).
- 7.6. Managers play a critical role in actively preventing and responding to bullying, unlawful discrimination and harassment (including sexual harassment). In addition to their obligations as employees they are also expected to:
 - promote and role model the Electoral Commission's core values and behaviours to enable a safe, respectful and inclusive workplace culture to thrive
 - apply and inform staff of the principles of equal employment opportunity
 - encourage an environment where staff members feel safe to speak up and report inappropriate workplace behaviour
 - respond promptly, impartially, and confidentially to reports or incidences of inappropriate workplace behaviour, where appropriate challenge such behaviour and prioritise the care and support of staff impacted.
- 7.7. To support the professional and early resolution of workplace grievances, staff members should refer to the Commission's [Resolving workplace grievances policy and procedure](#).

- 7.8. The Electoral Commission prohibits retaliation against any staff member who:
- raises a workplace grievance
 - makes a complaint of workplace bullying, unlawful discrimination and harassment (including sexual harassment)
 - makes a public interest disclosure within the meaning of the [Public Interest Disclosures Act 2022](#) (see [Behaviour Contrary to the Code](#))
 - has in any way participated in the management and resolution of workplace complaints or grievances.
- 7.9. Deliberately submitting a workplace concern, such as a grievance, complaint or allegation of misconduct with false statements or for malicious, vexatious or frivolous purposes may attract misconduct action (see [Behaviour Contrary to the Code](#)).

8. Recruitment

- 8.1. Staff members involved in any recruitment process, must comply with the Ethical Framework requirement to recruit and promote employees on merit and applicable legislative requirements concerning the recruitment process as set out in the Electoral Commission's [Recruitment procedures guideline](#).
- 8.2. Staff involved in recruitment or acting as a panel member on a selection panel, must promptly declare any conflict of interest to the People and Safety team or the convener of the panel prior to commencing the selection process and work with the appropriate person to resolve any conflicts in the public interest, rather than your own or another person's personal interest (see standard [3. Conflicts of interest](#) and the Commission's [Recruitment procedures guideline](#)).
- 8.3. Declaration of political impartiality and neutrality (that is, with no affiliation to political parties, candidates, elected members or lobbyists/third party campaigners) forms part of the Electoral Commission's recruitment and selection process and is a condition of employment and continued employment with the Commission (see standard [4. Political neutrality](#))
- 8.4. Hiring managers and panel convenors are expected to ensure that candidates selected for interview have made the appropriate declaration, a record is kept of each declaration and the declaration informs employment decisions.

Provision of references

- 8.5. Staff members must not provide written personal references for any current or former staff member on Electoral Commission letterhead, nor use their title and position for this purpose. Official references are limited to a statement of service, and such requests must be forwarded to the People and Safety team via email.
- 8.6. Managers may wish to provide verbal referee reports as part of a recruitment selection process. Such reports must be based on verified information and not include false statements.
- 8.7. Managers should consult with the People and Safety team if asked to be a referee for a staff member who is the subject of misconduct action.

9. Risk management

- 9.1. All staff at Electoral Commission have a role to play in managing risk. When carrying out your work or contributing to the making of decisions, you have a duty to objectively identify any risks and report them to your manager or the relevant decision maker, so they can be assessed and appropriately managed in a lawful way.
- 9.2. Risk management is a continuous process, not a one-off or stand-alone process. Risks can arise in many different situations – service delivery, work health and safety, human resources, information security and privacy, records, IT, financial decisions, fraud and corruption, receipt of gifts, actions of suppliers/vendors, stakeholders etc.

- 9.3. Risks must be managed in accordance our Risk Management Framework (as set out in the Electoral Commission's [Risk management policy](#)).

10. Confidentiality, privacy and records management

Confidentiality

- 10.1. The Electoral Commission holds and manages large amounts of information. This information needs to be managed in accordance with relevant legislative obligations and the Commission's policies governing the handling of information.
- 10.2. You must maintain the confidentiality, integrity and security of all official information which includes all records, confidential, personal and other sensitive information or documents held by the Electoral Commission that is not publicly available, that has not been published or that you are not authorised to disclose.
- 10.3. Specifically, staff should be aware that it is an offence under s 268(1) of the *Electoral Act 2017* to disclose any information obtained in connection with the administration or execution of that Act (or any other Act conferring or imposing functions on the Electoral Commission or Electoral Commissioner) unless that disclosure is made:
- with the consent of the person from whom the information was obtained, or
 - in connection with the administration or execution of this Act (or any such other Act), or
 - for the purposes of any legal proceedings arising out of this Act (or any such other Act) or of any report of any such proceedings, or
 - in accordance with a requirement imposed under the *Ombudsman Act 1974*, or
 - with other lawful excuse.
- 10.4. You may only disclose official confidential information to the public when you are authorised to do so, including when:
- it is required as part of the staff member's duties
 - proper authority has been given by Executive Directors, the NSW Electoral Commission or the NSW Electoral Commissioner
 - it is authorised or required by law
 - a person is called to give evidence before a court, tribunal, commission of inquiry or a Parliamentary committee.
- 10.5. The Electoral Commission has procedures for dealing with:
- media enquiries which must be referred to the Communications business unit in accordance with the Commission's [Media protocol](#)
 - release of information under the [Government Information \(Public Access\) Act 2009 \(GIPA\)](#). All enquiries under GIPA must be referred to the Legal business unit in accordance with the Electoral Commission's [Government Information \(Public Access\) Act 2009 policy and procedures](#).
- 10.6. You must not disclose, access or use official information in an unauthorised way for your or anyone else's personal benefit or advantage, such as securing future employment advantages within or outside the Electoral Commission, or to benefit any other person or organisation, including former staff.
- 10.7. Former staff members must not use or take advantage of Electoral Commission official information they have obtained in their capacity as staff members. Confidential information when employment ceases must not be disclosed unless it has become lawfully publicly available. Any attempt by former staff member to influence a current staff member's action, conduct or advice must be reported to a manager.

- 10.8. Misuse of information acquired in the course of your employment may amount to misconduct, an offence under applicable criminal, privacy, information access, or State Records legislation and/or serious wrongdoing.

Privacy

- 10.9. You must protect personal information and health information and comply with applicable privacy obligations set out in the Electoral Commission's [Privacy management plan](#) and [Data breach policy](#) (see [Data breaches](#)).
- 10.10. The [Privacy and Personal Information Protection Act 1998 \(PIIP Act\)](#) outlines how the Electoral Commission is required to manage personal information. The [Health Records and Information Privacy Act 2002 \(HRIP Act\)](#) outlines how the Electoral Commission is required to manage health information. Both these Acts contain criminal sanctions for the unauthorised use and disclosure of personal information.
- 10.11. Particular care must be taken with the collection, storage, use and disclosure of personal information in order to protect individuals' privacy. In general, personal information must not be disclosed without consent from the person of whom the information relates, unless for the purpose for which it was collected.
- 10.12. Personal information held by the Electoral Commission must be held securely to avoid loss, unauthorised access, use, modification or disclosure and all other misuse (paras [10.19-10.22](#)).

Records management

- 10.13. The regulatory framework for recordkeeping includes the:
- [State Records Act 1998](#), outlining records management responsibilities of NSW government agencies and their staff.
 - [State Records Regulation 2024](#) providing additional guidelines (including specific exemptions for the Electoral Commission under the *Electoral Act 2017* in relation to retention of applications (s146(a)) and security of election materials and electronic resources (s175(b)).
- 10.14. A 'record' means any document or other source of information compiled, recorded or stored in written form or on film, or by electronic process, or in any other manner or by any other means.
- 10.15. 'State record' means a record made or received by a person in the course of exercising official functions in a public office, or for a purpose of a public office, or for the use of a public office.
- 10.16. A 'business system' of a public office means recordkeeping systems and includes software packages, application programs, mobile applications and databases.
- 10.17. You must comply with the recordkeeping obligations that apply to your role and the standards of best practice set out in the Electoral Commission's [Records and information management policy](#) and [Records management framework](#).
- 10.18. As established under the [State Records Act 1998](#) all staff members must:
- create and maintain full and accurate records of business activities and transactions
 - capture records into the official business systems that comply with recordkeeping requirements
 - retain records as specified in the Records and Information Management Policy, approved retention and disposal authorities and normal administrative practice guidelines under the State Records Regulation
 - follow the Electoral Commission's [Records destruction procedure](#) and processes to seek pre-approval prior to any disposal action.

Security of information, including the protection of IT assets and systems

- 10.19. You must maintain the credibility and integrity of the Electoral Commission through information security by ensuring information in any form (printed or electronic) cannot be accessed by unauthorised persons.
- 10.20. Information must only be accessed if it is directly relevant to your work.
- 10.21. Protection of information assets and IT systems is essential for the Electoral Commission to maintain its reputation as a trusted and respected organisation. All staff are expected to comply with their responsibilities with regard to maintaining information security as set out in the Electoral Commission's [Information security policy](#). Any suspected breach of this policy and relevant sub-policies must be reported to your manager or the manager, Information Security. A deliberate violation of this policy could constitute misconduct (refer to Electoral Commission's [Managing misconduct policy and procedure](#)).
- 10.22. Managers are responsible for ensuring that premises are kept secure and that suitable arrangements are in place to maintain the security of confidential and sensitive documents, including ensuring that all staff are aware of their information security responsibilities, set out in the Electoral Commission's [Information security policy](#) and Acceptable use policy.

Data breaches

- 10.23. The Electoral Commission's approach to managing data breaches involving personal information handled by the Commission, and the roles and responsibilities of staff, is set out in the Electoral Commission's [Data breach policy](#).
- 10.24. A data breach occurs when personal information, including health information, held by an agency (whether held in digital or hard copy) is subject to unauthorised access, unauthorised disclosure or is lost in circumstances where the loss is likely to result in unauthorised access or unauthorised disclosure. This may or may not involve disclosure of personal information external to the agency or publicly. For example, unauthorised access to personal information by an agency employee, or unauthorised sharing of personal information between teams within an agency may amount to a data breach.
- 10.25. The NSW mandatory notification of data breach (**MNDB**) scheme, pursuant to the [PPIP Act](#), requires public sector agencies to notify the Privacy Commissioner and affected individuals of data breaches involving personal or health information that are likely to result in serious harm.
- 10.26. In accordance with the MNDB scheme and as set out in the Electoral Commission's [Data breach policy](#), you are required to report data breaches, or suspected data breaches, to the Electoral Commission's Privacy Officer and your manager as soon as practicable, within 24 hours.
- 10.27. In the event of a data breach, or suspected breach, you are required to contain the breach by acting as directed and, in accordance with the Commission's [Data breach policy](#) and any internal data breach procedures, make all reasonable efforts to identify, investigate and take steps to address the data breach and minimise possible harm arising from the data breach.

11. Use of public resources

- 11.1. You must use public resources in an efficient, effective and prudent way.
- 11.2. You must not use public resources – including such things as money, property, equipment, materials, personnel or consumables – for an unauthorised purpose. Public resources must be used ethically, lawfully and honestly and treated with care to ensure they are secured against loss, damage or theft. Their use must be able to withstand public scrutiny.
- 11.3. You must not use your position, or access to public resources for personal gain (including secondary employment) or the gain of another person.

Acceptable use

- 11.4. The Electoral Commission's [Acceptable use policy](#) sets out the expected standards of behaviour to be applied in the use of the Commission's resources such as IT assets/ communication devices, Internet service, email, and instant messaging facilities and clear desk and screen policy.
- 11.5. Unacceptable, fraudulent, unlawful or abusive use of any devices is prohibited. Staff receiving harassing, intimidating, offensive or threatening calls/messages should report incidents to their manager. See standard [7. Bullying, unlawful discrimination and harassment](#).
- 11.6. Managers are required to address any breach or suspected breach of the [Acceptable use policy](#) or escalate them to the Director Information Security. Any deliberate and or repeated breach of the policy could constitute misconduct.

Personal use

- 11.7. Limited personal use of the Electoral Commission's equipment by staff is permitted, provided that the use is ethical, brief and infrequent, involves minimal cost, and does not interfere with your performance of work. The Commission's facilities and equipment must not be used for secondary employment (see standard [6. Secondary employment](#)).
- 11.8. Personal use of the Electoral Commission's communication devices is not considered private and may be subject to routine workplace monitoring and surveillance (see para [11.9](#)) and as set out in the Commission's [Acceptable use policy](#).

Surveillance and compliance

- 11.9. Under the [Workplace Surveillance Act 2005](#), the Electoral Commission must notify staff of any surveillance involving the use of various monitoring tools and technologies. Compliance with the Act includes irregular and ongoing monitoring of:
 - internet usage logs
 - email transmissions
 - email contents (on request by the NSW Electoral Commissioner)
 - usage and download levels
 - contents of files, computer drives/servers and backups (on request by the NSW Electoral Commissioner).

Procurement of goods and services

- 11.10. When procuring goods and services you must ensure you:
 - declare any conflicts of interest in accordance with this Code of Conduct by completing a Code of Conduct, Probity and Confidentiality Agreement as set out in the [Procurement conduct plan](#)
 - work with the appropriate person with responsibility for managing any conflict to resolve it in the public interest, rather than your own or another person's personal interest
 - comply with the [NSW Government Procurement Policy Framework](#) and applicable [NSW Procurement Board policies and directions](#)
 - comply with the Electoral Commission's [Procurement policy](#) which requires giving consideration to supplier political neutrality by ensuring tendering documentation and contracts have relevant provisions that ensure suppliers and their agents and employees make a written declaration about political neutrality.
 - comply with the principles of probity and fairness
 - take reasonable steps to ensure the goods and services are not the product of modern slavery
 - obtain value for money.

Intellectual property

- 11.11. Staff must ensure when creating materials (including systems) that the intellectual property rights of others are not infringed. Any third-party copyright or other rights information is to be recorded in the materials.
- 11.12. The copyright of material created by staff in the course of their work belongs to the Electoral Commission. Personal use of the Commission's intellectual property is not authorised without written permission from the relevant Executive Director or NSW Electoral Commissioner.

12. Making public comment

- 12.1. Public comment is any comment made where it is expected that it will be seen or heard by members of the public. It includes:
 - profiles or activities on social media
 - comments on internet sites or broadcast by electronic means
 - public speaking engagements
 - comments to radio, television or print reporters (including letters to the editor)
 - comments in books, journals or notices
 - appearances before Parliamentary Committees.
- 12.2. Union delegates acting in that capacity are permitted to make public comment on union matters, but they must ensure that their comments are attributed to their union role and not represented as official views of the Electoral Commission.

Public comment in an official capacity

- 12.3. You must not make any public comment on behalf of the Electoral Commission or in the course of your work unless authorised to do so or as requested by the NSW Electoral Commissioner. When making an authorised public comment for official duties, you should:
 - only state the facts
 - avoid expressing opinions on government policies or government decisions, unless you are authorised to do so or this is part of your agency's role
 - only disclose information that is publicly available or has been published or is information that you are authorised to disclose. See standard [10. Confidentiality, privacy and records management](#).
- 12.4. All media queries are handled by the Communications business unit.
- 12.5. The Electoral Commission's [Media protocol](#) sets out procedures for public comment and staff should refer to this document.
- 12.6. Staff should confer with the Communications business unit or the NSW Electoral Commissioner before speaking to the press and if uncertain of circumstance and protocol.

Public comment in a private capacity

- 12.7. In making public comment in a private capacity (written or verbal), you must not act in a way that casts doubt on your ability, or the ability of the Electoral Commission, to act impartially, apolitically and professionally. You should ensure your comments:
 - are clearly identified and understood to be your personal views
 - do not discuss or disclose information concerning your work or workplace that is not publicly available

- are not attributed as official comment of the Electoral Commission – never use official stationery, email accounts (or media displaying the Commission’s logo or name) for private correspondence or for purposes not related to the Commission’s functions
 - do not bring into question your ability to conduct your duties with the Electoral Commission in an impartial and politically neutral manner
 - are lawful – do not post material that is defamatory, bullying, harassing, breaches privacy, is in contempt of court, breaches intellectual property rights or is otherwise unlawful.
- 12.8. Like any member of the public, Electoral Commission staff members will have political opinions and views on social issues. However, due to the function of the Electoral Commission as an independent electoral administrator, political neutrality is a fundamental and inherent requirement for employment and continued employment with the Commission. Public comments in a private capacity that could be interpreted as a conflict of interest with this requirement could preclude continued employment with the Commission (see standard [4. Political neutrality](#), and the Commission’s [Political neutrality policy](#) and [Social media policy](#)).
- 12.9. Social media use by staff poses risks for the Electoral Commission as improper use has potential to adversely impact co-workers and the reputation and business of the Commission. The Electoral Commission’s [Social media policy](#) provides guidance (including 12 principles to be followed) on acceptable use of social media by staff members, as it relates to the Commission’s work. You should ensure you are familiar with this policy, the principles and guidance.

13. Work health and safety

- 13.1. The work health and safety (WHS) of all staff members and people visiting our sites is of the utmost importance. The Electoral Commission is committed to delivering democracy safely by providing a safe and healthy work environment. All staff members are to consider the WHS impact of their work activities. We all have a role to play in ensuring the safety of ourselves and others in the workplace.
- 13.2. Staff members should ensure that they are familiar with the Electoral Commission’s Work health and safety policy and all established safe systems of work.
- 13.3. All staff members have a duty to recognise and manage WHS risks in the workplace that may lead to physical or psychological injury. This includes:
- taking reasonable care of their own health and safety
 - ensuring that their actions do not adversely affect the health and safety of others
 - complying with reasonable instruction given in relation to WHS
 - promptly reporting any hazards or risks identified, incidents and/or injuries in accordance with your duties under the [Work Health and Safety Act 2011](#).
 - participating in training to support the implementation of the Commission’s *WHS Management System*.
- 13.4. Managers (including senior executives, senior managers, supervisors and others holding senior positions) may have more substantive obligations involving the safety of those under their supervision or attending work locations and should familiarise themselves with these obligations. They are expected to show active and visible leadership in work, health and safety risk management. Refer to the Electoral Commission’s [Work health and safety policy](#).
- 13.5. Failure to comply with the WHS responsibilities listed in para [13.3](#) and the Electoral Commission’s WHS principles may result in disciplinary action, particularly in the case of persistent or serious breaches.

Fitness for work

- 13.6. All staff must ensure that their capacity to perform work duties is not impaired by the use of alcohol, or drugs, and that use of such substances do not put their own or others' health and safety at risk.
- 13.7. Possession and usage of illegal drugs are prohibited in the workplace. Smoking tobacco or e-cigarettes (vapes) is prohibited in Electoral Commission buildings, places of work and enclosed areas.
- 13.8. Staff members are encouraged to disclose any alcohol or drug-related problems so that appropriate support can be arranged to maintain a safe workplace. Counselling and support are available through the Electoral Commission's Employee Assistance Program.

Behaviour contrary to the Code

Behaviour contrary to this Code of Conduct may be misconduct for the purposes of section 69 of the [GSE Act](#). If you see someone act in ways that are contrary to this Code, you should raise your concerns with your manager, or, in the instance where your manager may be in breach of the Code, to another manager or senior executive.

If you are unsure what is appropriate conduct in a particular situation, you should discuss the matter with your manager, a member of the People and Safety or Governance team, a relevant officer (for example Privacy Officer or Public Interest Disclosure Officer) or a senior executive.

Reporting bankruptcy and serious criminal offences

Bankruptcy must be immediately reported to a manager and the Director of People and Safety.

Charges, conviction or findings of a serious offence, or any other offences which may impact on a staff member's ability to undertake part or all of the inherent requirements of their role must be immediately reported to their manager and the Director, People and Safety. A 'serious offence' is defined as an offence punishable by imprisonment for life or for 12 months or more (including an offence committed outside New South Wales that would be an offence punishable if committed in New South Wales). This may result in a staff member's suspension from duty until misconduct proceedings are resolved or the criminal charge is dealt with.

How to report serious wrongdoing

The [Public Interest Disclosures Act 2022](#) (**PID Act**) establishes a framework to encourage people who work in the public sector to report serious wrongdoing and to be protected when they do so.

A staff member must make a report as soon as they become aware, on reasonable grounds, of any incident which is honestly believed to show one or more of the following forms of serious wrongdoing:

- corrupt conduct
- serious maladministration
- a government information contravention
- a local government pecuniary interest contravention
- a privacy contravention (a failure, other than a trivial failure, by an agency or public official to exercise functions in accordance with the [PPIP Act](#) or the [HRIP Act](#)). See the Electoral Commission's [Data breach policy](#).
- serious and substantial waste of public money.

(Refer to the [Public interest disclosures policy](#) for detail on the above forms of serious wrongdoing).

If you become aware of serious wrongdoing, you can report your concerns to one of the following:

- your manager or another senior leader in your reporting line
- the NSW Electoral Commissioner
- a Disclosure Officer (see the Electoral Commission's [Public interest disclosures policy](#))
- the Manager Governance (see the Electoral Commission's [Fraud and corruption control framework](#))
- you can also contact the relevant integrity agency body (such as the Ombudsman, Independent Commission Against Corruption, Auditor-General, or Law Enforcement Conduct Commission).

If you believe conduct may be otherwise illegal or constitute a criminal offence, you should follow relevant policies for reporting wrongdoing (see for example, the Commission's [Respectful workplace policy and procedure](#), [Managing misconduct policy and procedure](#)) or, if appropriate, report the matter to NSW Police Force.

Public interest disclosures protections

Under the [PID Act](#) it is both a criminal offence and misconduct to take detrimental action against a person who makes, or is suspected of making, a public interest disclosure. The PID Act provides a range of additional protections against detrimental action.

When a public official (as defined in the [PID Act](#)) reports suspected or possible wrongdoing in the public sector, their report will be a public interest disclosure if it has certain features which are set out in the [PID Act](#). PIDs must be managed in accordance with the [PID Act](#).

For further information about how the Electoral Commission will support and protect you if you report serious wrongdoing, see the Commission's [Public interest disclosures policy](#).

Actions when allegations of misconduct are made

Misconduct involves improper, wrong or potentially unlawful conduct that is outside of policy, directions or the law and if substantiated, could result in disciplinary action under the Electoral Commission's [Managing misconduct policy and procedure](#).

Misconduct may relate to an incident or conduct that occurred outside of work or prior to commencement of employment.

If you suspect on reasonable grounds that another staff member's actions may amount to misconduct you must report the matter to you manager or a senior executive.

The [Government Sector Employment \(General\) Rules 2014](#) set out how allegations of misconduct are to be dealt with, which include:

- requirements that the relevant employee be advised of the detail of the allegation
- the action that may be taken against the relevant employee if there is a finding of misconduct
- the process to be undertaken to investigate and resolve the matter
- that the relevant employee be provided a reasonable opportunity to respond to the allegations and the proposed action to be taken.

Criminal proceedings may be commenced if there is evidence of criminal activity.

Where misconduct is found pursuant to s 69(4) of the [GSE Act](#), the Commissioner may take any of the following disciplinary actions:

- terminate employment
- impose a fine
- reduce the employee's remuneration
- reduce the employee's classification or grade
- assign the employee to a different role
- caution or reprimand the employee.

For further information about how to report misconduct and how the Electoral Commission manages such reports, see the Electoral Commission's [Managing misconduct policy and procedure](#).

Declaring private interests as a senior executive

A senior executive (including an acting senior executive) must make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could reasonably be perceived to influence, the senior executive's duties, including decisions made, or advice given by the senior executive.

Where a senior executive has no such private interests to declare, they must declare a 'nil return'. After a senior executive makes an initial declaration, a fresh declaration must be made:

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

An acting senior executive is not required to make a fresh declaration on each 'acting' occasion and may rely on their most recent declaration, provided:

- that declaration is brought to the attention of their current manager
- there are no additional undeclared 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 by the senior executive whilst they are acting.

A senior executive must provide their declaration to the NSW Electoral Commissioner on the Senior Executive Declaration form.

Responsibilities of person receiving declaration

The NSW Electoral Commissioner is responsible for ensuring procedures are in place to require that:

- senior executives complete declarations
- handling and storage of declarations comply with the requirements of the [PPIP Act](#)
- declared conflicts of interest are managed and monitored.

Monitoring and review

Operation of this Code will be monitored continuously to ensure that it remains effective and consistent with legislation and other NSW Government and NSW Electoral Commission's policies.

The Code will be reviewed at least every two years to ensure its provisions are current.

Related documents

- [Acceptable use policy](#)
- [Compliance and enforcement policy](#)
- [Data breach policy](#)
- [Fraud and corruption control framework](#)
- [Fraud and corruption policy](#)
- [Government Information \(Public Access\) Act 2009 policy and procedures](#)
- [Gifts, benefits and hospitality policy and procedures](#)
- [Gifts, benefits and hospitality guideline](#)
- [Information security policy](#)
- [Managing misconduct policy and procedure](#)
- [Media protocol](#)
- [Personal expense claims including floral tributes guideline](#)
- [Political neutrality policy](#)
- [Preventing sexual harassment in the workplace policy](#)
- [Privacy management plan](#)
- [Procurement policy](#)
- [Procurement conduct plan](#)
- [Public interest disclosures policy](#)
- [Records and information management policy](#)
- [Records destruction procedure](#)
- [Records management framework](#)
- [Resolving workplace grievances policy and procedure.](#)
- [Respectful workplace policy and procedure](#)
- [Risk management policy](#)
- [Risk management procedure](#)
- [Social media policy](#)
- [Work health and safety policy.](#)

Related legislation

- [Electoral Act 2017](#)
- [Government Information \(Public Access\) Act 2009](#)
- [Government Sector Employment Act 2013](#)
- [Government Sector Employment \(General\) Rules 2014](#)
- [Government Sector Employment Regulation 2014](#)
- [Health Records and Information Privacy Act 2002](#)
- [Independent Commission Against Corruption Act 1988](#)
- [Lobbying of Government Officials Act 2011](#)
- [Privacy and Personal Information Protection Act 1998](#)
- [Public Interest Disclosures Act 2022](#)
- [State Records Act 1998](#)
- [State Records Regulation 2024](#)
- [Workplace Surveillance Act 2005](#)

Document control

Document management

Approved by the Acting Electoral Commissioner	Matt Phillips
Electoral Commissioner signature	
Date approved	Date: 12 November 2024
Executive Acting Director Corporate Review	Philippa Brandon
Date approved	Date: 12 November 2024
Director People and Safety Review	Christy McKay
Date approved	Date: 12 November 2024

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Revision record

Date	Version	Revision description
30/03/2012	V 1.0	Initial Version
21/03/2013	V 1.1	Gifts Register
07/01/2015	V 1.2	Omission of references to EFA <i>Government Sector Employment Act 2013</i>
22/05/2015	V 1.3	Additional references to bullying and harassment
12/01/2016	V 1.4	Remove references to DA
22/12/2016	V 1.5	Reviewed contents and reference to PSC's Code of Ethics and Conduct Changes in formatting to new Policy template
20/11/2018	V 1.6	New policy template Expansion of Gifts, Benefits and Hospitality provisions Reference to NSWEC Values and Behaviours Inclusion of Work Health & Safety reporting Inclusion of reference to Political neutrality policy Inclusion of reference to Acceptable use policy Other minor changes
June 2024	V1.7	New policy template Updated to align with PSC Directions No 1 and 2 of 2022, amendments to PID and privacy legislation and policies in sections: 7. Political Neutrality (minor enhancements); 8. Gifts, benefits and hospitality policy; 9. Secondary employment (update definition and minor enhancements); 10. Information management – Data breach policy; 13. Professional Conduct – Respectful workplace policy, Preventing sexual harassment in the workplace policy, Resolving workplace grievances policy; 14. Reporting Conduct – PID and Managing misconduct policy; 15. WHS (minor enhancement); 16. Breaches of Code – PID and Managing misconduct policy. Acknowledgement 1. Respect at work (added): 5. Political Neutrality (minor update).
12 Nov 2024	V1.8	Updated to reflect the new Code of Ethics and Conduct for NSW Government Sector Employees (pursuant to s.8A of the GSE Act) and conform to 13 minimum standards. Restructured information. New standards on Recruitment and Risk management. Some existing obligations elevated to standalone standards (Acting in the public interest, Acting lawfully, Professional behaviour (core values and treating people with dignity and respect)). Merged Reporting conduct and Breaches. Addressed repetition and clarity of information. Updated the Acknowledgement.

Code of Ethics and Conduct acknowledgement

I have read, understood and confirm I will abide by the Ethical Framework and the minimum standards of behaviours set out in the NSW Electoral Commission's Code of Ethics and Conduct and related policies.

1. Acting in accordance with the Ethical Framework

I understand my obligation to act ethically, lawfully and in the public interest and agree to uphold the government sector core values of integrity, trust, service and accountability.

2. Avoiding and reporting conflicts of interest

I agree to report actual, potential or reasonably perceived conflicts of interest to a manager, in accordance with the obligations and standards set out in the Code of Ethics and Conduct and related policies and procedures. That without the written consent of the Electoral Commissioner, I will not directly or indirectly, engage or participate in secondary employment, including business/private activities which may be in conflict with the best interests of the NSW Electoral Commission.

3. Political neutrality

I am not, nor could I be perceived to be active, or to have been previously active, in political affairs. I do not, nor could I be perceived to have, any affiliations that might compromise my political neutrality. I am aware that the NSW Electoral Commission operates in a politically sensitive environment with a key value of impartiality. I have read, understood and will comply with the *Political neutrality policy*.

4. Bullying, unlawful discrimination and harassment

I understand my obligation to contribute to a safe, respectful and inclusive workplace, that is free from bullying, unlawful discrimination, harassment (including sexual harassment) and victimisation. I will not participate in bullying, unlawful discrimination or harassment behaviour in any form. I have read, understood and will comply with the *Respectful workplace policy and procedure and Preventing sexual harassment in the workplace policy*.

5. Confidentiality and personal information protection – obligations

I understand that 'Confidential information':

- pertains to all data and information in all forms relating to the business and management of the NSW Electoral Commission
- must not be used for any purpose that might be directly or indirectly detrimental to the NSW Electoral Commission and undermine its integrity, reputation or business operations
- will not include information that is normally available to and accessible by the public community
- remains the exclusive property of the NSW Electoral Commission and will only be used in the course of official duties
- must only be accessed for authorised work-related purposes only
- must not be disclosed directly or indirectly except under authorised work-related duties.

I understand that my obligation to ensure and protect the confidentiality of NSW Electoral Commission information including personal information will survive the expiration or termination of employment and will continue until the information is no longer confidential. I may only disclose confidential information with the express approval of the NSW Electoral Commission, NSW Electoral Commissioner, an Executive Director or as required to the extent of the law. I will report data breaches, or suspected data breaches in accordance with the Commission's *Data breach policy*.

6. Intellectual property

I understand and agree that the NSW Electoral Commission grants the use of NSW Electoral Commission material solely for the purpose of performing official duties, subject to the confidentiality and personal privacy provisions as agreed.

All intellectual property rights, including copyright, vest in the NSW Electoral Commission and title to Intellectual Property Rights (other than copyright) shall, on creation, vest or otherwise be assigned or transferred to the NSW Electoral Commission without further assurance.

7. Use of public resources

I understand that any NSW Electoral Commission facilities/resources made available are principally to assist in the performance of my work. I agree to use the NSW Electoral Commission’s resources in an efficient, ethical and economical manner. Personal use should be brief and infrequent. I have also read and understood the *Acceptable use policy* with regards to the acceptable use of NSW Electoral Commission IT assets, internet and email services. Surveillance of internet and email usage may be undertaken in order to ensure compliance with policies and protect the reputation of the NSW Electoral Commission.

8. Making public comment

I will not make any public comment in an official capacity unless authorised to do so and will follow the Media Protocol. I understand in making public comments in a private capacity I must not act in a way that casts doubt on my ability, or the ability of the NSW Electoral Commission, to act impartially, apolitically and professionally. I have read, understood and will abide by the *Social media policy*.

9. Managing risk

I understand and will uphold my duty to identify any risks and report them to my manager so they can be assessed and managed in a lawful way, in accordance with the standards in the Code of Ethics and Conduct and Risk Management Framework, including the *Risk management policy and procedure*, *Information security policy*, *Work health and safety policy* and *Gifts, benefits and hospitality policy and procedure*.

10. Reporting wrongdoing, bankruptcy and serious criminal offences

I understand my duty to report as soon as I become aware, on reasonable grounds, of any incident I honestly believe shows wrongdoing, including serious wrongdoing. I also undertake to immediately report bankruptcy and charges, conviction or findings of a serious offence or any other offence that has an impact on my ability to perform part or all of the inherent requirements of my role.

Name: _____

Signature: _____ Date: _____