



Board of Surveying and Spatial Information

Code of Conduct

ISSN 2205-930X

April 2015

Version 1

Title: Board of Surveying and Spatial Information Code of Conduct

ISSN: 2205-930X

Board of Surveying and Spatial Information

www.bossi.nsw.gov.au

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April 2015

P15/14/099

Document summary

Document control

Document	Date amended
Status	First version in new format
Version	1
Version Date	April 2015
Author	Board of Surveying and Spatial Information
Owner	Board of Surveying and Spatial Information

Change history

Version	Version date	Authorised by	Change details
1	April 2015	Surveyor General	New document

Approval

Name	Role	Section the be approved
Michael Spiteri	Registrar, BOSSI	Whole document

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1. Introduction

The Board of Surveying and Spatial Information (BOSSI) has adopted this Code of Conduct to guide the Board and its committees in the exercise of their responsibilities in the service of its shareholders, customers and other stakeholders.

The principles set out in this Code of Conduct are in addition to and are not intended to change or interpret any laws or the application of the Board's Constitution. The Board will review this Code of Conduct at least annually and, if appropriate, revise this Code of Conduct from time to time.

The Code of Conduct delineates the values and principles of the Board and its committees.

2. Values and principles for all Board and committee members

The *Government Sector Employment Act 2013* sets out the following Ethical Framework for the public sector.

2.1 Objective

The Ethical Framework:

- (a) recognises the role of the public sector in preserving the public interest, defending public value and adding professional quality and value to the commitments of the government of the day, and
- (b) establishes an ethical framework for a merit-based, apolitical and professional public sector that implements the decisions of the government of the day.

2.2 Public sector core values

The core values for the public sector and the principles that guide their implementation are as follows:

- (a) Integrity
- (b) Trust
- (c) Service
- (d) Accountability

2.3 Integrity

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

2.4 Trust

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

2.5 Service

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

2.6 Accountability

- (a) Recruit and promote staff on merit.
- (b) Take responsibility for decisions and actions.
- (c) Provide transparency to enable public scrutiny.
- (d) Observe standards for safety.
- (e) Be fiscally responsible and focus on efficient, effective and prudent use of resources.

3. Guide to ethical decision making

To assist in fostering a climate of ethical awareness, conduct and decision-making in Board matters, Board and committee members may find it useful to refer to or consider, either by themselves or in consultation with other Board and committee members, the following five points:

1. Is the decision or conduct lawful?
2. Is the decision or conduct consistent with government policy and in line with the Board's objectives and code of conduct?
3. What will be the outcomes be for the Board or committee member, the Board and other parties?
4. Do these outcomes raise a conflict of interest or lead to private gain at public expense?
5. Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

3.1 Conflicts of interest

Conflicts of interest exist when it is likely that a Board or committee member could be influenced, or could be perceived to be influenced by a personal interest in carrying out their public duty. Conflicts of interest that lead to partial decision-making may constitute corrupt conduct.

Some related interests that may give rise to a conflict of interest include:

- financial interests in a matter the Board deals with or having friends or relatives with such an interest that the Board or committee member is aware of
- personal beliefs or attitudes that influence the impartiality of advice given
- personal relationships with the people the department is dealing with or investigating that go beyond the level of a professional working relationship
- other employment that compromise the integrity of the Board or committee member and the Board and
- party political activities or making adverse political comments that relate to the Board's work.

A Board or committee member may often be the only person aware of the potential for conflict. It is therefore their responsibility to avoid any financial or other interest that could compromise the impartial performance of their duties, and disclose any potential or actual conflicts of interest to the Board.

If Board or committee members are uncertain whether a conflict exists, they should discuss the related interest matter with the Chair of the Board or committee and attempt to resolve any conflicts of interest that may exist.

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

- recording the details of the disclosure and taking no further action because the potential for conflict is minimal or can be eliminated by disclosure or effective supervision
- the Board or committee member relinquishing the personal interest and
- the Board or committee member transferring (at no disadvantage in their terms and conditions of employment) from the area of work or particular task where the conflict arises.

Disputes over alleged conflicts of interests may be resolved through the Board's normal grievance handling procedures.

3.2 Acceptance of gifts or benefits

Board or committee members should not accept a gift or benefit that is intended to, or likely to, cause them to act in a partial manner in the course of their duties. The Board may approve the acceptance of token gifts or benefits under certain circumstances provided that there is no possibility that the recipient might be, or might appear to be, compromised in the process.

Board or committee members should advise the Board if they believe they have been offered a bribe or if they have been offered or received a favour or benefit. Board or committee members dealing with or having access to sensitive investigations or commercially sensitive information should be particularly alert to inappropriate attempts to influence them.

4. Discrimination and harassment

Board or committee members must not harass or discriminate against their colleagues or members of the public on the grounds of sex, marital status, race, colour, nationality, ethnic or national origin, ethno-religious identity, descent, age, disability, homosexuality, transsexuality or carer's responsibilities. Such harassment or discrimination may constitute an offence under the *Anti-Discrimination Act 1977*. In addition, Board or committee members must not harass or discriminate on the grounds of political conviction.

The Board must make sure that the workplace is free from all forms of harassment and discrimination. They should understand and apply the principles of equal employment opportunity and ensure that Board and committee members are informed of these principles. The Board should also take all necessary steps, such as training and other active measures, to prevent and deal with harassment and discrimination in their work area.

4.1 Fairness and equity

Issues or cases being considered by Board or committee members should be dealt with consistently, promptly and fairly. This involves dealing with matters in accordance with approved procedures, in a non-discriminatory manner, and in conformity with natural justice.

When using any discretionary powers, Board or committee members should ensure that they take all relevant facts into consideration, have regard to particular merits of each case, and not take irrelevant matters or circumstances into consideration.

5. Public comment on the work of the department

Public comment by Board or committee members includes public speaking engagements, comments on radio and television or in letters to newspapers, and expressing views in books, journals or notices if it is expected that the comments will spread to the community at large.

Board and committee members, as individual members of the community, have the right to make public comment and enter into public debate on political and social issues. However, there are some circumstances in which this is inappropriate. For example, situations when the public comment, although made in a private capacity, may appear to be an official comment on behalf of the Board. In such circumstances, Board and committee members should preface their remarks with a comment that they are made in a private or professional capacity and do not represent the official view of the Board.

Board and committee members should follow the procedures established by the Board for making public comment on the work of the Board. As a general rule, they can disclose official information that is normally given to members of the public seeking that information, but should only disclose other official information or documents when:

- in the course of their duties
- when proper authority has been given
- required to, or authorised, do so by law or
- when called to give evidence in court.

In these cases comments made by Board and committee members should be confined to factual information and should not, as far as possible, express an opinion on official policy or practice unless required to do so by the circumstances of the particular situation (for example, when asked to do so in court).

6. Protecting confidential information

The Board must have clearly documented procedures regarding the storage, disclosure and distribution of confidential or sensitive personal, commercial or political information. Board and committee members that handle such information should follow these procedures and must take special precautions to make sure that it is not disclosed without clear authority. Official information must only be used for the work-related purpose intended and not for personal benefit.

Unless authorised to do so by legislation, Board and committee members must make sure that they do not disclose or use any confidential information without official approval. Unauthorised disclosures may cause harm to individuals or give an individual or the Board an improper advantage. The integrity and credibility of the Board may also be damaged if it appears unable to keep its information secure.

All Board and committee members must make sure that confidential information, in any form (such as computer files), cannot be accessed by unauthorised people and that sensitive information is only discussed with people, either within or outside the Board, who are authorised to have access to it.

7. Use of official facilities and equipment

Board and committee members are expected to be efficient and economical in their use and management of public resources, including their own work time. They should be scrupulous in their use of public property and services.

Official facilities and equipment should only be used for private purposes when official permission has been given. This may include short private local telephone calls and limited private use of facsimile equipment that does not disrupt official work.

The Board may also approve the use of facilities, such as meeting rooms and equipment, by non-profit professional and community organisations in which Board and committee members are volunteers as long as there is no significant cost to the Board.

7.1 Telecommunications equipment

The Board and its members should be aware of the *Use of Communication Devices Circular* (B1999_005) and its associated directives the policy and *Guidelines for the use by staff of Employer Communication Devices* (D1999_007) and *Protocol for Acceptable use of the Internet and Electronic Mail* (D1999_008).

8. Other employment

Employees of departments covered by the *Government Sector Employment Act 2013* must have the approval of their department head before they engage in any form of paid employment outside their official duties. As far as practicable, public authorities should adopt this policy.

Board and committee members must also carefully consider whether the organisation offering them additional employment may adversely affect the performance of their Public Service duties and responsibilities or give rise to a conflict of interest. This applies whether they are working full time, part time or only temporarily employed.

9. Political and community participation

Board and Committee members must make sure that any participation in party political activities does not conflict with their primary duty as a public employee to serve the government of the day in a politically neutral manner.

This is important because of the need to maintain Ministerial and public confidence in the impartiality of the actions taken and advice given by public employees. What is considered appropriate by the Board in any particular case will depend on the nature of the issue, the position held by the Board or committee member, the extent of the Board or committee member's participation, and their public prominence.

If Board and committee members become aware that a potential conflict of interest has arisen or might arise, they should inform the Board immediately and may have to stop the political activity or withdraw from the areas of their work where the conflict is occurring.

Within the context of the requirements of this code, Board and committee members are free to fully participate in voluntary community organisations and charities and in professional associations.

10. Reporting corrupt conduct, maladministration and waste

Board and committee members are urged to report suspected corrupt conduct, as well as maladministration and serious and substantial waste of public resources. The *Public Interest Disclosures Act 1994* provides certain protections against reprisals for Board or committee members who voluntarily report such matters (but not vexatious or malicious allegations), either to the principal officer of a public authority, or to one of the three investigative bodies; the Independent Commission Against Corruption, the Auditor-General or the Ombudsman.

Disclosures may also be made to other officers of a public authority under its internal reporting procedures. In addition, under circumstances specified in this Act, protected disclosures may be made to a Member of Parliament or a journalist.

If disclosures are made to an external investigating body, those concerning corrupt conduct should be made to the Independent Commission Against Corruption. Disclosures concerning maladministration should be made to the Ombudsman while disclosures concerning substantial waste of public money should be made to the Auditor-General.

The Board must ensure that all Board and committee members have information about the Board's internal reporting procedures. The person dealing with the protected disclosure should notify the Board or Committee member who made the disclosure of the action taken or proposed to be taken in relation to the disclosure and the outcome of such action.

More information about protected disclosures is available in the *Public Interest Disclosures Act 1994*. Also see Premier's Memorandum M2011-17 Public Interest Disclosures Policies and other Changes and the Ombudsman's Protect Disclosures Guidelines. In addition, particular requirements to report suspected corrupt conduct are placed on principal officers by the *Independent Commission Against Corruption Act 1988*.

11. Post separation employment

Board or committee members should not use their position to obtain opportunities for future employment. They should not allow themselves or their work to be influenced by plans for, or offers of, employment outside the Board. If they do, there is a conflict of interest and the integrity of the Board or committee member and the Board is at risk.

Former Board or committee members should not use, or take advantage of, confidential information that may lead to gain or profit obtained in the course of their official duties until it has become publicly available.

All Board or committee members should be careful in their dealings with former Board or committee members and make sure that they do not give them, or appear to give them, favourable treatment or access to privileged information.

12. Lobbying

All persons employed, contracted or engaged in an agency must comply with the NSW Government Lobbyist Code of Conduct published on the Department of Premier and Cabinet's website www.dpc.nsw.gov.au

This provision applies only to an agency which is a division of the Government Service as defined in section 4A of the *Government Sector Employment Act 2013*.