

Ethical responsibilities

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Like all NSW government employees, your conduct and decisions must be consistent with the sector's Ethical Framework and the [Code of Ethics and Conduct for NSW government sector employees](#). You must also comply with the requirements of your agency, and any relevant laws. The [Behaving Ethically](#) resource can help you to meet these requirements.

The Ethical Framework

The [Ethical Framework](#) developed under Section 6(a) of the *Government Sector Employment Act 2013* recognises the role of the government sector in preserving the public interest, defending public value and adding professional quality and value to the commitments of the Government of the day.

The Framework prescribes the government sector's core values of:

- integrity
- trust
- service
- accountability.

These core values are supported by underlying principles, including the need to:

- act professionally with honesty, consistency and impartiality

- place **the public interest** over personal interest
- provide apolitical and non-partisan advice
- provide services fairly, with a focus on customer needs
- provide transparency to enable public scrutiny.

Ethical responsibilities

Like all government sector employees, you have a responsibility to:

- demonstrate high levels of personal conduct consistent with the Ethical Framework
- seek assistance if you are unsure about how to implement the Ethical Framework
- promote the implementation of the Ethical Framework among your colleagues
- report possible breaches of the Ethical Framework to relevant officers.

In addition to these responsibilities, as a senior executive you are responsible for:

- leading and promoting implementation of the Ethical Framework in your workplace
- ensuring your workplace culture, practices and systems (including recruitment and promotion processes) are consistent with the Ethical Framework
- recognising and promoting employee and team conduct that exemplifies the Ethical Framework
- acting promptly and with due process to prevent and address any breaches of the Ethical Framework
- as a senior executive or acting senior executive, declaring in writing any private interests that have the potential to influence, or could be perceived to influence, decisions you make or advice you give
- avoiding or effectively managing any real or perceived conflicts of interests.

The sector-wide **Code of Ethics and Conduct for NSW** government sector employees builds on the Ethical Framework, setting out mandatory conduct required of employees. It includes information on how to:

- act in the public interest
- manage **conflicts of interest**
- treat colleagues, customers, clients and stakeholders
- interact with lobbyists
- use public resources appropriately
- declare private interests as a senior executive.
- take action if there are breaches or alleged breaches of the Code.

You must also comply with your agency's code of conduct. Some agencies may also have separate policies for employees to comply with, on issues such as gifts and benefits, bullying and declaring private interests.

Acting in the public interest

As a senior executive, you have an obligation to act in the public interest. You must perform your official functions and duties, and exercise any discretionary powers, in ways that promote the public interest and are applicable to your official functions.

Acting in the public interest requires two separate components to be in the public interest, namely your:

- Objectives and outcomes: the objectives and outcomes of your decision-making process.
- Process and procedure: the processes you adopt and procedures you follow when exercising your discretionary decision-making power.

Your contract will contain mandatory provisions relating to the disclosure or use of confidential or secret information you acquire as a consequence of your employment. It also contains a provision relating to the ownership of intellectual property you develop in the course of your employment.

Managing private interests

As a senior executive, you must declare any private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, the decisions you make or advice you give.

Your conditions of employment set out more information on managing private interests.

As an executive **you should not use your position to obtain opportunities for future employment outside the government sector**. It is essential that public sector decisions be made on their merits and never compromised by extraneous considerations or personal interests.

Managing gifts and benefits

Accepting a gift or benefit that could be perceived as an inducement does not meet the standards of conduct required by the Ethical Framework.

Soliciting or accepting a gift or benefit as an actual inducement to make a decision or provide a favour constitutes corrupt conduct under the **Independent Commission Against Corruption Act 1988** and may lead to a criminal prosecution.

Your agency should have:

- a policy for managing gifts and benefits
- a gifts and benefits register

- training and support for all employees to help them understand the policy and their obligations under it.

Heads of agencies must implement the minimum standards for managing gifts and benefits, as outlined in **Public Service Commissioner Direction No 1 of 2014**.

Reporting serious wrongdoing

There is a system for reporting wrongdoing through the **Public Interest Disclosures Act 1994**. Your agency will have an internal policy on how to report serious wrongdoing and who to report to.

Executives have a critical role to play in creating a culture where staff feel comfortable coming forward to report wrongdoing they witness. Staff may approach you to report wrongdoing and you must comply with your internal reporting procedures.

Types of serious wrongdoing that can be reported under the Act include:

- corrupt conduct
- serious maladministration
- serious and substantial waste
- failure to comply with the system through which people can access government information
- a breach of local government pecuniary interest requirements.

The **NSW Ombudsman** is responsible for administering the Act. The Ombudsman provides advice and guidance to public sector workers and agencies about reporting serious wrongdoing and handling disclosures.

Lobbyists

A 'third-party lobbyist' is an individual or body carrying on the business of lobbying government officials on behalf of another individual or body.

All NSW Government officials are required not to have lobbying contact with third-party lobbyists unless the lobbyist is registered on the **Register of Third-Party Lobbyists** maintained by the NSW Electoral Commission.

There are also restrictions on meeting with lobbyists who have been placed on the Lobbyist Watch List maintained by the NSW Electoral Commission.

For more information on the above arrangements, see the Premier's Memorandum: **M2014-13 - NSW Lobbyists Code of Conduct**.