



DEPARTMENT OF PLANNING, INDUSTRY & ENVIRONMENT

Code of Conduct

Kangaroo Management Advisory Panel



© 2021 State of NSW and Department of Planning, Industry and Environment

With the exception of photographs, the State of NSW and Department of Planning, Industry and Environment are pleased to allow this material to be reproduced in whole or in part for educational and non-commercial use, provided the meaning is unchanged and its source, publisher and authorship are acknowledged. Specific permission is required for the reproduction of photographs.

The Department of Planning, Industry and Environment (DPIE) has compiled this report in good faith, exercising all due care and attention. No representation is made about the accuracy, completeness or suitability of the information in this publication for any particular purpose. DPIE shall not be liable for any damage which may occur to any person or organisation taking action or not on the basis of this publication. Readers should seek appropriate advice when applying the information to their specific needs.

All content in this publication is owned by DPIE and is protected by Crown Copyright, unless credited otherwise. It is licensed under the [Creative Commons Attribution 4.0 International \(CC BY 4.0\)](#), subject to the exemptions contained in the licence. The legal code for the licence is available at [Creative Commons](#).

DPIE asserts the right to be attributed as author of the original material in the following manner: © State of New South Wales and Department of Planning, Industry and Environment 2021.

Cover photo: Toorale National Park. Terry Cooke/DPIE

Published by:

Environment, Energy and Science
Department of Planning, Industry and Environment
Locked Bag 5022, Parramatta NSW 2124
Phone: +61 2 9995 5000 (switchboard)
Phone: 1300 361 967 (Environment, Energy and Science enquiries)
TTY users: phone 133 677, then ask for 1300 361 967
Speak and listen users: phone 1300 555 727, then ask for 1300 361 967
Email: info@environment.nsw.gov.au
Website: www.environment.nsw.gov.au

Report pollution and environmental incidents
Environment Line: 131 555 (NSW only) or info@environment.nsw.gov.au
See also www.environment.nsw.gov.au

ISBN 978-1-922715-24-1
EES 2021/0413
September 2021

Find out more about your environment at:

www.environment.nsw.gov.au

Contents

1.	Introduction and application of the code	1
1.1	Values	1
2.	Purpose	1
3.	Standards of conduct	2
3.1	General conduct	2
3.2	Workplace health and safety	2
3.3	Respect and inclusion	2
3.4	Conflict of interest	3
3.5	Disclosure of conflicts of interest	3
3.6	Breach of the code	3
3.7	Register of conflicts of interest	4
3.8	Protecting official and confidential information and privacy	4
3.9	Confidential information	4
3.10	Dispute resolution	5
3.11	Communicating with the media and third parties	6
3.12	Intellectual property rights	6
3.13	<i>Government Information (Public Access) Act 2009</i>	6
3.14	Gifts and benefits	7
3.15	Impropriety and corrupt conduct	7
3.16	Drugs, alcohol and tobacco	7
3.17	Media inquiries and public comment	8
3.18	Political, community and personal activities	8
4.	Breaches of the Code of Conduct	8
4.1	Reporting	8
4.2	Evaluation of Code of Conduct breaches	8
5.	Monitoring the Code of Conduct	9
	Appendix 1 – Defined terms	10
	Appendix 2 – Pecuniary Interest form	11
	Member’s pecuniary interests declaration and undertaking	11

1. Introduction and application of the code

As public officials, members of boards and committees have obligations to act in the public interest. Board and committee members are required to demonstrate standards of professional behaviour that will preserve public trust and deliver the best possible outcomes for the people of New South Wales.

Members of boards and committees must comply with a broad range of whole of government regulations and policies, including those stipulated in legislation, regulations, Ministerial Memoranda, Department of Premier and Cabinet circulars, Treasury publications and Public Service Commission policy documents.

The Code of Conduct provides an easy to understand summary of these responsibilities and sets out the standards of behaviour expected.

For the purposes of the Code of Conduct, 'members' refers to all people to who the Code of Conduct applies. Further definitions are listed in Appendix 1.

1.1 Values

The NSW Government core values are set out in the *Government Sector Employment Act 2013*, are:

- integrity
- trust
- service
- accountability.

These values are the heart of how we work, and, if applied consistently, they also help us to maintain the trust of the public.

The Department of Planning, Industry and Environment also has additional specific values that encourage us to be:

- daring
- collaborative
- creative
- kind
- inclusive.

2. Purpose

The purpose of the Code of Conduct is to:

- provide a framework for appropriate behaviour for members' interactions with staff, stakeholders and each other
- outline the standards required to guide decisions, actions and ethical behaviour in the performance of their duties.

3. Standards of conduct

This code outlines the standards of conduct expected of board and committee members in exercising their functions. It is the personal responsibility of each board or committee member to comply with this code.

The code has been developed to ensure members:

- commit to upholding a high degree of professional service and ethical leadership
- act in a way that promotes public confidence in board and committee conduct
- have a clear understanding of their public duty and legal responsibilities
- act for proper purposes without exceeding their powers
- exercise due diligence in all their functions.

3.1 General conduct

A board or committee member must:

- act honestly and exercise a reasonable degree of care and diligence in carrying out their functions
- act for a proper purpose in carrying out their functions
- not use their membership for personal advantage
- not use their membership to the detriment of the board or committee
- disclose any interest (whether pecuniary or otherwise) that could conflict with the proper performance of their functions and avoid performing any function that could involve such a conflict of interest.

3.2 Workplace health and safety

People working for the Department of Planning, Industry and Environment are responsible for complying with statutory and other obligations to ensure healthy and safe workplaces and practices. While participating in official Kangaroo Management Advisory Panel (KMAP) activities, KMAP members are considered 'workers' for the purposes of the *Work Health and Safety Act 2011* and Work Health and Safety Regulation 2017. The department is committed to eliminating and minimising work health and safety (WHS) risks as far as reasonably practicable

KMAP members are responsible for:

- being aware of the safety systems and practices that help keep everyone safe and well
- looking for hazards and taking action if a safety risk is identified and it is safe to do so
- reporting all WHS incidents, including near misses, to the Senior Team Leader, who will liaise with the department's WHS staff.

3.3 Respect and inclusion

Respect and inclusion are fundamental to a harmonious, productive and psychologically safe workplace where people feel safe to speak up about concerns. The Department of Planning, Industry and Environment is committed to ensuring a safe environment where everyone feels they can achieve their potential.

KMAP members must treat all people fairly, and with dignity and respect. The Department of Planning, Industry and Environment and the NSW Government have zero tolerance for bullying, harassment, discrimination and inappropriate or unreasonable workplace conduct. Reasonable workplace actions, including legal and reasonable performance management and directions to employees, are not bullying.

3.4 Conflict of interest

KMAP members must perform their duties impartially and must avoid any actual, potential or perceived conflict of interest.

An actual, potential or perceived conflict of interest exists when a member could be influenced by a personal interest in the course of their official duties. This may arise through a range of personal interests or connections, including family, friends and associates, or as a result of financial employment and/or community or political interests and activities.

Examples of conflicts of interest include:

- other appointments or employment
- professional and business interests and associations
- investment interests or the investment interests of friends or relatives
- family relationships
- participation in party political activities
- personal beliefs or attitudes that affect impartiality

3.5 Disclosure of conflicts of interest

All KMAP members must disclose every instance of an actual, potential or reasonably perceived conflict of interest to the KMAP. Disclosures should include all relevant private financial, business, personal or other interests or relationships that are actual, potential or could be reasonably perceived to be a conflict of interest.

Interests should be disclosed at the beginning of a member's term and during the term as required.

A Member's Pecuniary Interest Declaration Form should be used to disclose relevant interests. The Pecuniary Interest Declaration Form is in Appendix 2.

3.6 Breach of the code

It is important to remember that members are representatives of the NSW Government and are conducting work on behalf of the NSW Government. If a member does not comply with the code, the Chair may direct the member to take a specified action to rectify his or her conduct or determine that further work is not allocated to the member until the breach is rectified. If the Chair is in breach of the code, members of the board or committee may take similar relevant actions.

If members of the board or committee do not adhere to the Code of Conduct or are seen to display inappropriate ethical standards of behaviour, the department may take applicable action. Where suspected breaches are related to the conduct of a member or the entire board or committee, the board or committee must consult with the department.

In the case of a serious breach, the Chair may need to refer to the appropriate Minister and consider appropriate action. Any action taken will consider the seriousness of the breach,

whether there is a pattern of such conduct, the intent of the member concerned and the effect it is having on the work of the board or committee.

3.7 Register of conflicts of interest

The Senior Team Leader, Kangaroo Management Program, will maintain a register of interests on behalf of KMAP.

3.8 Protecting official and confidential information and privacy

KMAP members must maintain the security and confidentiality of all official information and of any documents that are not published or normally made available to the public. Unauthorised disclosure may cause harm to individuals or give an individual or organisation an improper advantage.

Information in any form (printed or electronic) must not be accessed by unauthorised persons. Sensitive information should only be discussed with or disclosed to persons authorised to have access to it.

The NSW Government and Kangaroo Management Program own all intellectual property rights in the work of the KMAP during the course of their appointment. KMAP members must not use any material owned by the NSW Government or Kangaroo Management Program other than in the course of their official duties.

Members must protect personal information and health information in accordance with the requirements of the *Privacy and Personal Information Act 1998*. Members should consult the NSW Government's Privacy Management Plan for further information.

To promote open, accountable, fair and effective government, the *Government Information (Public Access) Act 2009* gives members of the public a right to access government information. This right is restricted only when there is an overriding public interest against disclosing the particular information. KMAP members should note that any record members create, including emails, working notebooks, draft documents and database entries, may be released to the wider public.

3.9 Confidential information

During the course of their duties, members may have access to sensitive, personal and/or commercially confidential information. This information could relate to members of the community, the NSW Government or government employees. Such information is varied in form, including written information, stored information, e-documents and verbal information.

Such information may only be used for the purposes of the work of the KMAP. Members are expected to protect the integrity and security of information and documents for which they are responsible and to adhere to the principles of the *Privacy and Personal Information Protection Act 1998* and the Privacy Management Plan.

Members have an ongoing duty to protect confidential and private information even after they have retired from the board or committee.

Examples of misuse of official information or documents include:

- speculating on shares, commodities or property on the basis of confidential information about the affairs of a business or of proposed Government actions
- seeking to take advantage of another person, for personal reasons, on the basis of information held in official records

- disclosing sensitive information to members of the public, political parties, clients, lobby groups, other public servants, other government organisations or members of Parliament, without proper authority
- providing or trading confidential information for use by private investigators, banks and credit agencies.

Members must:

- not use information for any unofficial purpose outside the committee
- use confidential or official information only in relation to their committee role and consistent with their obligation to act impartially
- be cautious and use sound judgement when discussing sensitive information with others
- not use information gained in their capacity as a committee member for personal gain
- disclose information that is normally available to members of the public
- not improperly collect, use or disclose the personal information of individuals, including community and staff members
- not use information gained during their committee role to cause harm or detriment to government or any person or organisation
- safely and securely store any committee records, including emails and electronic information
- not remove official information from government premises unless needed for committee purposes
- treat email and electronic records as carefully as hard copy information.

3.10 Dispute resolution

It is important that as disputes between members arise, they are dealt with in a fair and timely manner. While some conflicts will be resolved by an informal discussion between the parties, others will need a process for successful resolution.

Where informal discussion is an insufficient means of resolution, the following process will be followed by all KMAP members when dealing with any dispute:

- the dispute must be articulated in writing and sent to the Chairperson
- the Chairperson must acknowledge receipt of this within two working days
- the Chairperson will use their discretion to bring the issue to the next ordinary KMAP meeting or will call an extraordinary meeting
- when raised at the meeting, all people involved in the dispute will be given the right to be heard
- the matter should be heard with all KMAP members present, unless they have advised in writing that they are aware there is a dispute resolution meeting being held and they are unable to attend.

The Chairperson will call for a motion from all KMAP members present at the meeting to:

- seek further advice/information
- refer the matter
- resolve or dismiss the complaint.

3.11 Communicating with the media and third parties

Views that are publicly expressed by a member may be perceived or construed by the broader community as views of the board or committee or the department.

Members should ensure that any public comments made in a private capacity are not attributed as official comments to the board or committee. In this respect, members should not use official stationery for private correspondence or for purposes not related to their official duties.

Members must not:

- initiate contact with the media on matters or issues that have been subject to discussion by the board or committee
- make public comment on behalf of the board or committee or the department
- make public comment on (including to the media or on social media) any matter or issue that has been subject to discussion by the board or committee
- share any board or committee records with the media or on social media

3.12 Intellectual property rights

The NSW Government owns all intellectual property rights in the work of KMAP during their tenure on the KMAP. Members must not use any material owned by the NSW Government or the Department of Planning, Industry and Environment other than in the course of their official duties.

3.13 Government Information (Public Access) Act 2009

To promote open, accountable, fair and effective government, the *Government Information (Public Access) Act 2009* gives members of the public a right to access government information. This right is restricted only when there is an overriding public interest against disclosing the information. KMAP members should note that any record members create, including emails, working notebooks, draft documents and database entries, may be released to the wider public.

Members must:

- be cautious and use sound judgement when discussing sensitive information with others
- use confidential or official information only in relation to their KMAP role and consistent with their obligation to act impartially
- disclose information that is normally available to members of the public
- treat email and electronic records as carefully as hard copy information
- safely and securely store any KMAP records, including emails and electronic information

Members must not:

- use information gained in their capacity as a KMAP member for personal gain
- use information for any unofficial purpose outside the KMAP
- improperly collect, use or disclose the personal information of individuals, including community and staff members
- use information gained in the course of their role on the KMAP to cause harm or detriment to government or any person or organisation
- remove official information from government premises unless needed for KMAP purposes

3.14 Gifts and benefits

KMAP members must never seek or accept any payment, gift, benefit, inducement, or offer of hospitality that is intended, or that could be reasonably perceived to be intended, to induce them to:

- act in a particular way, including making a particular decision
- fail to act in a particular circumstance
- deviate in any way from the proper exercise of their official duties.

Members must immediately report any offer of a bribe or inducement to the Chairperson.

Members must declare gifts, benefits and hospitality in accordance with NSW Government policy, procedures and guidelines.

3.15 Impropriety and corrupt conduct

It is important that the conduct of KMAP members reflects the principles and ethical requirements set out in this Code of Ethics at all times. If allegations about inappropriate conduct are made or aired in the public domain which, if true, would constitute a breach of this code, the member concerned may be removed from the KMAP.

Corrupt conduct is the dishonest or partial exercise of official functions by a public official, including the improper use of power or position as a board or committee member for personal gain or the advantage of others.

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. It is more serious than a technical breach of policy or procedures

Fraud is dishonestly obtaining a benefit, or causing a loss, by deception or other means, including the unlawful use of information obtained as a board or committee member or equipment provided by the department for personal use.

KMAP members must report corrupt conduct, maladministration, fraud, unethical behaviour and dishonest conduct if they have reasonable grounds to suspect it has occurred.

Members may provide a report as a Public Interest Disclosure where they may be concerned about potential detrimental action or confidentiality. Members should consult the NSW Government's Public Interest Disclosures policy for further information.

The *Public Interest Disclosures Act 1994* provides protection to board and committee members who voluntarily report suspected corrupt conduct. Members can make reports to the Chairperson or to the principal officer of the relevant public authority (usually the Secretary, Chief Executive Officer, General Manager) in accordance with the agency's internal reporting guidelines. Members can also report directly to the following investigative bodies:

- disclosures concerning corrupt conduct should be made to the [ICAC](#)
- disclosures concerning maladministration should be made to the [NSW Ombudsman](#)
- disclosures concerning serious and substantial waste of public money should be made to the [NSW Auditor General](#).

3.16 Drugs, alcohol and tobacco

KMAP members must, while at work, be in a fit and proper state to perform their duties, so as to not put at risk the health and safety of themselves and others.

Smoking is not permitted in or near any NSW Government workplace. Members must not be under the influence of alcohol or drugs in the workplace or whilst attending meetings.

3.17 Media inquiries and public comment

KMAP members must not represent KMAP or the NSW Government without being given authority to do so by the Department of Planning, Industry and Environment. This includes the following activities where it is reasonably expected that the comments will be perceived as representing the views of the department:

- making comments on radio or television
- letters to newspapers
- commentary on the intranet, internet or on collaborative or social networking sites
- expressing views in books, journals, notices or other published material.

Members should consult the department who will liaise with membership organisations for any required approvals.

Members must obtain prior approval from the department for any speaking engagement and for any presentation material that relates to the work of the KMAP.

3.18 Political, community and personal activities

KMAP members must act in an impartial and objective manner and ensure that their involvement in any political, community, volunteering or personal activities does not conflict with or influence their membership on the KMAP.

In any such activities, employees must appropriately consider and deal with any actual, potential or perceived conflict of interest.

4. Breaches of the Code of Conduct

4.1 Reporting

Behaviour contrary to the Code of Conduct should be reported. KMAP members should first discuss the issue with the Senior Team Leader, Kangaroo Management Program.

4.2 Evaluation of Code of Conduct breaches

Members are representatives of the NSW Government and are conducting work on behalf of the NSW Government. If a member does not comply with the code, the Chairperson may direct the member to take a specified action to rectify his or her conduct or determine that further work not be allocated to the member until the breach is rectified. If the Chairperson is in breach of the code, members of the KMAP may take similar relevant actions.

If members of KMAP do not adhere to the Code of Conduct or are seen to display inappropriate ethical standards of behaviour, the department may take applicable action.

In the case of a serious breach, the Chairperson may need to refer to the agency head and consider appropriate action. Any action taken will consider the seriousness of the breach, whether there is a pattern of such conduct, the intent of the member concerned and the effect it is having on the work of the KMAP.

5. Monitoring the Code of Conduct

The Chairperson of KMAP and Director Compliance and Licensing are responsible for the effective management of the Code of Conduct.

Appendix 1 – Defined terms

Board	Any reference to ‘Board’ or ‘Committee’ in this document should be taken as a reference to the Kangaroo Management Advisory Panel (KMAP).
Bullying	Repeated behaviour and unreasonable behaviour directed towards a staff member or staff, stakeholders or members that creates a risk to health, safety or wellbeing Note: A single incident of unreasonable behaviour is not considered to be bullying; however, it may have the potential to escalate and should not be ignored.
Committee	Any reference to ‘Board’ or ‘Committee’ in this document should be taken as a reference to the Kangaroo Management Advisory Panel.
Discrimination	Where a person is treated unfairly because they may belong to a particular group of people or have a particular characteristic, for example, gender, pregnancy, breastfeeding, race, age, marital or domestic status, sexual orientation, disability, carer’s responsibility.
Personal information	Information or an opinion (including information or an opinion in a database) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.
Repeated behaviour	The persistent nature of the behaviour and can involve a range of behaviours over time.
Serious Criminal offence	Means an offence committed in New South Wales that is punishable by imprisonment for 6 months or more, or an offence committed elsewhere that, if it had been committed in New South Wales, would be an offence so punishable.
Unreasonable workplace conduct	Means behaviour that a reasonable person in the circumstances would see as unreasonable, including behaviour that is victimising, humiliating intimidating or threatening.

Appendix 2 – Pecuniary Interest form

Member’s pecuniary interests declaration and undertaking

Kangaroo Management Advisory Panel

I, , give the following undertaking:

1. There is no matter I am aware of concerning my interests*, or any activity in which I am or have been engaged, that may call into question the probity of the , or give rise to any conflict with my responsibilities as a member of that .
2. I am aware that I must exercise my responsibilities as a member of the Choose an item. in accordance with the Code of Conduct for the .
3. I have the following interests* in corporations, partnerships, businesses or other organisations that may be relevant to the activities of the :

Sources of income	<input type="text"/>
Memberships of boards and committees	<input type="text"/>
Interests and positions in corporations, partnerships and/or businesses	<input type="text"/>
Interests and positions in trade unions, professional, business or community associations and organisations	<input type="text"/>

4. I will formally advise the Choose an item. and the agency of any significant change in circumstances that affects the accuracy of this declaration and undertaking.

Signature	<input type="text"/>
Date	<input type="text"/>

*A member’s interests include those of an associate or close relative.