LECC
Law Enforcement
Conduct Commission

1.1 Code of Ethics & Conduct

The *Code of Ethics and Conduct for NSW Government Sector Employees* applies to all NSW government sector employees.

The Law Enforcement Conduct Commission (the Commission) has developed this supplementary Code. You must read and comply with this code in conjunction with the Public Service Commission's Code of Ethics and Conduct for NSW Government Sector Employees

This document sets out.

- standards of conduct, ethics and behaviour required of you, and
- the process for managing non-compliance.

LECC
Law Enforcement
Conduct Commission

Document Control

Policy title	1.1 Code of Ethics and Conduct
Responsible team	Human Resources
Sponsor	Chief Executive Officer
Approval	Executive Committee
Date of approval	29 October 2024
Security Classification	OFFICIAL
DLM	None
Review period	2 years
Next review	November 2026

Version History

Version	Date	Reason for amendment
V1.0	22/03/2017	Approved by the CEO and Chief Commissioner
V1.1	20/06/2017	Minor updates by Executive Committee
V2.0	2 Dec 2019	Approved by Executive Committee
V2.1	May 2020	Updated with A/ Chief Commissioner signature
V3.0	February 2022	Approved by Executive
V3.1	November 2022	Updated to reflect Public Service Commission updates.
V3.2	November 2022	Approved by Executive
V3.3	October 2024	Plain English edit
V4.0	28 October 2024	Approved by Executive

Printed copies and e-copies on personal drives may not be up to date.
Check the electronic Policy Library to ensure you have the latest version of this document.

LECC
Law Enforcement
Conduct Commission

Contents

1. Introduction 5
2. Definitions 6
3. LECC Values 6
4. About this code 6
5. Who does the code apply to? 6
   - 5.1 Know your responsibilities 7
     - 5.1.1 LECC Employees and Other Commission Officers 7
     - 5.1.2 Executives or delegated roles 7
     - 5.1.3 Human Resources 7
6. Unacceptable conduct 7
   - 6.1 Misconduct 8
   - 6.2 Corrupt conduct 8
   - 6.3 Waste 8
   - 6.4 Maladministration 9
7. Professional and ethical decision making 9
   - 7.1 Principles for ethical and professional behaviour 9
   - 7.2 Conflict of interest 10
     - 7.2.1 Examples 11
   - 7.3 Gifts, benefits, bribes, and favours 11
   - 7.4 Use of public resources 11
   - 7.5 Political, community and personal activities 12
8. Professional behaviour 12
   - 8.1 A workplace free from discrimination, harassment, and bullying 12
   - 8.2 Professional behaviour towards employees and others 13
   - 8.3 Respectful language in the workplace and in public 13
   - 8.4 A safe and secure workplace 13
     - 8.4.1 Workplace health and safety (WHS) 13
     - 8.4.2 Security 14
9. Representing the Commission 14
   - 9.1 Obligations regarding Commission information 14
   - 9.2 Making public comment on the Commission's work 15
     - 9.2.1 Formal comment 15
     - 9.2.2 Informal comment 15
   - 9.3 Social media and public websites 15
   - 9.4 Intellectual property 16
   - 9.5 Personal references 16
   - 9.6 Other employment 16
   - 9.7 Dress and presentation 17
   - 9.8 Leaving the Commission 17

LECC
Law Enforcement
Conduct Commission

10. Reporting suspected wrongdoing _____ 17
10.1 What happens if an officer breaches this code? _____ 18
10.2 Procedural fairness _____ 18
10.3 Public Interest Disclosures _____ 18
10.4 Reporting unacceptable behaviour outside the Commission 20
11. Declaring private interests as a senior executive _____ 20
12. Relevant legislation and sources of authority _____ 20
13. Quick tips to guide actions _____ 21
14. Advice and further information _____ 22
15. Monitoring and review _____ 22

LECC
Law Enforcement
Conduct Commission

1. Introduction

The Law Enforcement Conduct Commission plays a key role in strengthening the integrity of law enforcement in NSW.

The Commission was set up to strengthen law enforcement integrity in NSW. We do this by reviewing and monitoring the way the NSW Police and NSW Crime Commission handle misconduct, conducting our own investigations into allegations of serious misconduct, and identifying systemic issues to help prevent misconduct, unlawful actions and unreasonable practices. These functions can only be effectively carried out if every Commission employee and officer acts in line with their public duty, and the trust placed in them by the community.

This Code of Ethics and Conduct sets out the principles you are expected to follow. It prescribes specific conduct relevant to the exercise of the Commission's functions.

The Code applies to all Commission officers. This includes all employees of the Commission and any other person engaged to work for the Commission.

Any one of us may be faced with ethical dilemmas in both our working and personal lives. The Commission's Code of Ethics and Conduct sets out the standards of behaviour required of all staff of the Commission. It sets out the actions that you should take when confronted with ethical issues at work.

You are responsible for your own actions. If you become aware of, or witness, actions by other Commission officers in breach of this code, you are obliged to report the incident to the Manager Human Resources. If they are unavailable, report the incident to a member of the leadership team.

Breaches of the Code, or any of the principles and guidelines that it prescribes, may lead to disciplinary action.

If you are unsure of any aspect of this Code, ask your manager, a member of the executive, or the Manager Human Resources.



The Hon Peter Johnson SC
Chief Commissioner

2. Definitions

CEO	Chief Executive Officer
Commission	Law Enforcement Conduct Commission.
LECC	Law Enforcement Conduct Commission.
LECC employees	Persons working with or on behalf of the LECC, including ongoing, temporary, casual, or term-basis employees and senior executives.
Commission officers	LECC employees and any other persons engaged to do work for the Commission

3. LECC Values

You are required to understand and adhere to the LECC values of accountability, fairness, integrity and respect as well as the government sector core values of service and trust.

The above values form the basis of a values-led workplace culture and are underpinned with principles or behaviours that help you put the values into action.

4. About this code

The people of New South Wales expect you to work with a high level of efficiency, fairness, impartiality and integrity.

Your primary responsibility is to place the public interest above your personal interests and demonstrate the core values of the public sector and the Commission at all times.

We all have a responsibility to conduct ourselves in a manner that reflects the core values. This includes a responsibility to speak up when we see any behaviour that we believe does not live up to the Government's *Ethical Framework* and the general principles and requirements in this Code.

This Code does not list how to comply in every aspect of your work. Instead, it is a broad framework to help you act ethically at all times and quide decision making on the right course of action if you are faced with an ethical issue.

5. Who does the code apply to?

This Code applies to all Commission officers. This means.

- LECC employees
- Commissioners, and
- any person engaged to do work for the Commission.

By accepting employment with the Commission, you agree to comply with this Code.

Contractors and consultants must also be aware of and follow this Code. Contractors and consultants are not subject to disciplinary action, but if they breach this code, their

contract/placement might be terminated or suspended.

If you engage or manage external consultants and contractors, you are responsible for informing them of this Code, and for taking action to address any concerns about their conduct.

5.1 Know your responsibilities

5.1.1 LECC Employees and Other Commission Officers

LECC employees and other Commission officers are required to:

- understand and comply with this Code
- demonstrate ethical, fair, and professional behaviour
- report any breaches or suspected breaches of the Code
- seek their supervisor's advice and guidance when required
- commit to this Code through signature.

5.1.2 Executives or delegated roles

Executives or delegated roles are required to:

- model and promote a culture of ethical, fair, and professional behaviour,
- ensure that employees are aware of and understand this Code and their obligations in relation to this Code
- ensure staff complete all mandatory training on the Code and associated policies
- refer issues or non-compliance to the Manager Human Resources or CEO.

Managerial behaviour sets the tone for the conduct of all employees. Managers (including senior executives) play a critical role in promoting a culture that values high ethical standards and ethical behaviour. In addition to their responsibilities as government sector employees, all managers are required to model and promote this Code, and ensure that workplace culture, practices and systems operate consistently with the Governments Ethical Framework.

5.1.3 Human Resources

Human Resources is required to:

- monitor and maintain the Code
- provide advice, guidance, training, and support to employees, and
- raise with the Chief Commissioner and CEO any significant issues of unethical conduct or possible unethical conduct they become aware of.

6. Unacceptable conduct

Unacceptable conduct includes conduct that is unethical, unfair, unlawful, or corrupt, or involves maladministration, by carelessness or negligence, that causes significant waste or the inappropriate or improper divulging of confidential information.

It is critical that your conduct is beyond criticism. The integrity and reputation of the Commission could be seriously compromised if you do anything that is corrupt, unlawful, unethical, or unfair.

6.1 Misconduct

Misconduct may involve deliberate acts or acts that contravene the *LECC Act* or this Code. Misconduct refers to situations that are considered under legislation or by the Commission to be unethical, unfair, or unlawful.

Misconduct includes, but is not limited to, acts of carelessness, neglect, deceit, bullying, discrimination, harassment, the misuse of position or information, or conflicts of interest. It also includes reprisal action against someone for making a public interest disclosure.

6.2 Corrupt conduct

Corrupt conduct includes, but is not limited to, the dishonest or partial exercise of official functions by a public official. Corrupt conduct occurs when:

a) a public official improperly uses, or tries to improperly use, the knowledge, power, or resources of their position for personal gain or the advantage of others.

b) a public official dishonestly exercises their official functions, or improperly exercises their official functions in a partial manner, breaches public trust or misuses information or material acquired during the course of their official functions.

c) a member of the public influences, or tries to influence, a public official to use their position in a way that is dishonest or biased.

d) a member of the public engages in conduct that could involve one of the matters set out in section 8(2A) of the *Independent Commission Against Corruption Act 1988* (the ICAC Act) where such conduct impairs, or could impair, public confidence in public administration.

6.3 Waste

Waste of public money is any uneconomical, inefficient, or ineffective use of resources that results in a loss of public funds or resources. Serious and substantial waste can be:

a) absolute – where the waste is regarded as significant.

b) systemic – where the waste indicates weakness within an organisation's systems.

c) material – where the waste is linked to the authority's expenditure or a particular item of expenditure, or it adversely affects an authority's capacity to perform its primary functions.

Some examples are:

- misappropriation or misuse of public property

- knowingly or carelessly purchasing unnecessary or inadequate goods and services
- knowingly or carelessly overstaffing particular areas
- employees being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment
- knowingly or carelessly implementing programs that fail to achieve their objectives.

Waste can result from:

- insufficient safeguards to prevent the theft or misuse of public property
- purchasing practices that do not ensure goods and services are necessary and adequate for their intended purpose
- poor recruiting practices.

6.4 Maladministration

Maladministration includes action — or lack of action — of a serious nature by a public official that includes, but is not limited to, being:

a) against the law.

b) unreasonable, unjust, oppressive, or discriminatory.

c) based wholly or partly on improper motives, or

d) involving a government information breach.

For more information on these definitions, refer to the *Ombudsman Act 1974*, the *ICAC Act 1998*, the *Public Interest Disclosures Act 2022* (the PID Act) and the *Government Information (Public Access) (GIPA) Act 2009*.

7. Professional and ethical decision making

7.1 Principles for ethical and professional behaviour

You must be aware of the Commission's policies, procedures, guidelines, and delegations, particularly those that apply to your work and/or exercising of authority or authority to act. These are available on the Commission Intranet, or through induction, training, and development programs. If you are unsure about the scope or content of a policy, procedure, or guideline with which you must comply, seek clarification from your manager.

You must also be familiar with the legislation and/or regulations you are employed under. These may specify other requirements you need to comply with.

You are obliged to meet the same standards of ethical behaviour and accountability that the Commission promotes in its dealing with other government organisations.

You are expected to:

a) perform your duties to the best of your ability and be accountable for your performance.

b) follow all reasonable instructions and/or directions.

c) comply with lawful directions.

d) perform your duties in a professional, competent and conscientious manner.

e) act in good faith in providing advice or service that is honest, impartial, and comprehensive, regardless of your personal views.

f) be courteous, respectful, and responsive when dealing with your colleagues, complainants, and members of the public.

g) collaborate with your colleagues.

h) be mindful of your duty of care and safety of yourself and others, and

i) be aware that if your conduct has the potential to damage the reputation of the Commission, even if it is in a private capacity, this could lead to disciplinary action.

7.2 Conflict of interest

A conflict of interest (whether actual, potential, or perceived) exists when a private interest could objectively influence the performance of your official duties. The work of the Commission must not be compromised or affected by any personal interest.

It does not matter if you feel that you could discharge your public duties without being influenced by your private interests. The public interest must always come first.

Conflicts of interest can do great damage to the reputation of the Commission and its officers. A perceived conflict of interest can do just as much damage as an actual conflict of interest.

Reporting the conflict of interest is the first and most important step to managing any perception of a conflict of interest.

Conflicts of interest, whether real or perceived, must be reported to your supervisor, and recorded. If in doubt, seek advice from your supervisor or Manger Human Resources.

It is your responsibility to ensure the situation is properly managed. This means reporting it to your manager and advising your manager of any changes to that situation.

You must regularly check your Declaration of Interests, and update it with any changes in your interests as they occur.

Conflicts of interest can be financial or non-financial. 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?

7.2.1 Examples

Examples of a conflict of interest relating to a personal interest may include (but are not limited to).

- a financial interest (yours or that of a family member, relative, friend or associate) in a matter you may deal with during your work
- a personal relationship that could be seen to affect your decision-making, for instance, on a recruitment panel
- personal beliefs or attitudes that could influence, or may be perceived to influence, your impartiality
- other employment which conflicts with your duties, and
- participation in political activities or making political comments that may relate to, or be seen as relating to, the work of the Commission.

For more information, refer to the Commission's Conflicts of Interest Policy and Procedure.

7.3 Gifts, benefits, bribes, and favours

You should never create the impression that the Commission, or any of its employees, is or might be capable of, being influenced by any person or organisation.

As a Commission officer, you may be offered gifts, benefits, travel, hospitality, or other inducements during your work. Accepting gifts and other benefits may compromise your position by creating a sense of obligation, which may undermine your impartiality. It may also affect the public perception of the integrity and independence of the Commission and its employees.

Bribery is soliciting, receiving, or offering any undue reward. You should never seek any money, gift or benefit and should never accept any offer of money. A reward can encompass anything of value and is not limited to money or tangible goods. Providing services may also amount to a reward. If you are offered a bribe or reward, you should report it to your supervisor.

All employees should be familiar with the *Gifts and Benefits Policy*. If unsure of your responsibilities, seek advice from your supervisor or Human Resources.

7.4 Use of public resources

The resources you use at work, including your time, are publicly funded. Public resources must be used efficiently, effectively, and prudently.

Never use public resources (e.g. money, property equipment or consumables) for your personal benefit, or an unauthorised purpose.

Limited personal use of the Commission's resources is permitted, provided the use is infrequent, brief, and does not interfere with Commission's work.

Further guidance about managing your use of the Commission's resources can be found in the *IT Conditions of Use Policy*, *Taxi Usage Policy* and *Motor Vehicle Policy.*

7.5 Political, community and personal activities

You have the right to be involved in political and community activities and to pursue personal interests, provided you do so in a private capacity and do not allow a conflict of interest to arise with your role at the Commission.

You must ensure that any participation in party political activities does not conflict with your primary duty to advance and be perceived as advancing the public interest in a politically neutral manner while undertaking your Commission duties.

You should be aware that involvement in, or association with, a political party may limit or prevent your involvement in particular Commission investigations and projects. This is because the Commission can be required to deal with matters that may be politically controversial and sensitive.

In participating in any political, community and personal activity you must ensure that:

a) any comment you make or discussion you have does not cast doubt on your ability or willingness to implement Commission policies and guidelines objectively.

b) you do not engage in private political activities at work.

c) you do not use Commission resources to assist in your political, community or personal activities.

d) you do not use information obtained through your work at the Commission to assist your political, community or personal activities, or make such information known to any other person, and

e) you do not misrepresent the position of the Commission on any issue.

You must ensure that any involvement in political, community or personal activities is understood to represent your personal views as a private citizen. You are also responsible for informing your supervisor of any political association that may affect, or be perceived to affect, a matter that is encountered in your day-to-day work.

8. Professional behaviour

8.1 A workplace free from discrimination, harassment, and bullying

You should treat everyone with respect. You are required to deal with individuals and organisations fairly, properly and with integrity, and recognise everyone's rights as a citizen.

Discrimination, partiality, and favouritism, either within the Commission or in your dealings with people and organisations outside the Commission, are unacceptable.

You must not harass, bully, or discriminate against your colleagues or members of the public on the grounds of gender, marital status, pregnancy, age, race, ethnic or national origin, disability,

carer responsibilities, transgender, religious beliefs, sexual orientation, medical conditions or political or trade union affiliations.

You should take all necessary steps to prevent and deal with harassment, bullying and discrimination in your work environment, and report it if it occurs.

For more information, refer to the Managing Workplace Issues policy and the *Anti-Discrimination Act 1977.*

8.2 Professional behaviour towards employees and others

You are expected to relate professionally to other employees, complainants, and members of the public and to act with courtesy and fairness. In dealings with others, you should ensure that you do not adversely affect the operations, security, or reputation of the Commission.

In performing your duties, you must act consistently, promptly, and fairly. This involves dealing with matters according to procedures and in a non-discriminatory manner.

Acts of unfairness involving favouritism, inconsistency or discrimination adversely affect morale and good working relationships and should not occur in the workplace.

8.3 Respectful language in the workplace and in public

You must use courteous and respectful language in your interactions with fellow employees, complainants, their families, and members of the public.

Everyone has the right to expect that they will be spoken to in a reasonable manner by colleagues and managers. Coarse and obscene language is inappropriate in any Commission workplace, as is sexual banter and suggestive language.

No employee should tolerate such language or conduct. If you witness it, you must report it to a manager or Human Resources.

8.4 A safe and secure workplace

8.4.1 Workplace health and safety (WHS)

You must understand your responsibilities and obligations under work health and safety (WHS) legislation. You should be proactive in ensuring that your workplace is safe and secure for everyone, including identifying, assessing and reporting safety risks and hazards.

The Commission is committed to providing a productive, safe, and healthy workplace. You are responsible for ensuring that your capacity to perform your duties is not impaired by the use of alcohol or drugs, and that the use of such substances does not put you or any other person's health and safety at risk.

You must ensure that your personal use of alcohol or other drugs does not affect your

performance or safety, or the performance or safety of others. Inappropriate consumption of alcohol or other drugs may adversely affect the image of the Commission. The Commission has a zero-tolerance approach to the use of prohibited drugs.

For more information, refer to the *WHS policy*, *Return to Work policy* and the Drug and Alcohol Testing Policy and Procedure.

8.4.2 Security

You have an obligation to keep your workplace secure by being aware of, and reporting, suspicious visitors, and unusual events. It is important that you are familiar with the Commission's security policies and procedures.

For more information, refer to the *Identity cards badges and designations policy and procedure*.

9. Representing the Commission

9.1 Obligations regarding Commission information

The security of information and protection of persons working, or dealing, with the Commission, must be assured.

Commission work involves access to confidential information. You must not disclose any information acquired during your work except in the exercise of the Commission's functions. To do so may be an offence under Part 14 of the *LECC Act.*

You are obliged to ensure that you deal with information appropriately and use it only for the purposes of the Commission's work. You must not use information to gain a personal or commercial advantage for yourself or another person.

Information may be disclosed for other purposes if the Chief Commissioner certifies that it is necessary in the public interest to do so.

You should also exercise caution and sound judgment in discussing such information with other Commission officers. Information should be limited to those who need it to conduct their duties, or who can assist you to carry out your work because of their expertise.

Former Commission officers are not permitted access to confidential information unless it is for the purpose of the LECC Act.

If you use information in the wrong way, it could harm another person, interfere with the integrity of the Commission's work, or otherwise reduce the effectiveness of the Commission.

Commission files and other confidential documents and information are not to be removed from the premises except in accordance with the Commission's security policies and procedures. If in doubt as to how to manage or secure sensitive material, consult with your supervisor.

9.2 Making public comment on the Commission's work

9.2.1 Formal comment

Formal comment means making official public comments about the Commission to the media or in presentations. Commission officers can only do this if authorised by the Chief Commissioner

The unauthorised or improper release of information to the media may compromise the work of the Commission, adversely affect the reputation or safety of individuals, or undermine public confidence in the Commission.

For further information, please refer to the LECC Media Policy.

9.2.2 Informal comment

You may informally discuss Commission work that is already in the public domain, such as published reports and discussion papers, annual reports, public relations material, transcripts of public hearings, media releases and public addresses.

You should ensure that others are aware that you are only discussing material that is in the public domain, to avoid the perception that you may be telling people something that is confidential. This is a good rule to observe, for example, when talking to family, friends, or acquaintances, when on public transport, in social settings, or at a café, party or pub.

If you are uncertain about whether information is in the public domain or not, ask your manager.

9.3 Social media and public websites

When engaging in social media, you must make it very clear you are engaging in discussion as a private individual and not representing the official views of the Commission or the NSW Government.

You may only disclose official information that is already in the public domain and does not breach confidentiality requirements.

This section of the Code does not apply to your personal use of social media platforms where you make no reference to Commission-related issues unless it has the potential to impact the workplace and bring other officers or the Commission into disrepute.

Unlawful or unprofessional conduct, even in a private capacity, which may damage, or has the potential to damage the reputation of the Commission, may attract misconduct action. This includes comments made on social media or public websites in which you are representing the Commission, or it may be perceived that you are representing the Commission. This extends to comments made on sites including, but not limited to, Facebook, Instagram, Snapchat, or X (formerly known as Twitter) which, because of your employment with the Commission, is inconsistent with your professional responsibilities or has the potential to adversely affect the reputation of the Commission.

When commenting on public media websites in a private capacity you must ensure that any

comment you make is not referrable to the Commission and does not bring discredit to the Commission. For further information, please refer to the Commission's Social Media policy.

9.4 Intellectual property

You should respect the Commission's intellectual property rights over material it produces.

Anything you develop, invent, or create, either alone or in collaboration with others in the course of your employment or engagement with the Commission, remains the intellectual property of the Commission. At times, it may be in the public interest for the Commission to share its intellectual property with other agencies, but this must be authorised by the Chief Commissioner.

If you leave the Commission, you should respect the Commission's intellectual property rights over its material.

9.5 Personal references

You are not permitted to use the LECC letterhead when writing a personal reference for another Commission officer or anyone else if it represents your personal assessment or opinion, and not that of the Commission.

You should not supply references to any supplier or contractor to the Commission.

If asked to provide a referee report in relation to a Commission recruitment action, you must complete the report honestly with information that can be verified. You must not make untrue or inaccurate statements about an individual.

9.6 Other employment

Other employment (also known as secondary employment) includes.

- when a person works for a public agency but also engages in paid or unpaid work for another organisation (private or public)
- volunteering
- operating a private business and providing paid consultancy services
- partnerships and directorships of companies.

You must carefully consider whether other employment with an organisation may adversely affect:

- your performance of your Commission duties and responsibilities,
- the reputation of the Commission, or
- may give rise to a real or perceived conflict of interest.

Before you engage in any other employment, you should seek advice from your manager. You must not make any commitment, nor engage in other employment, until formally approved by the CEO, Chief Commissioner, or delegate.

For further details regarding other paid or unpaid employment, and how to apply for approval, refer to the Other Paid or Unpaid Employment policy.

Under the *Other Paid or Unpaid Employment policy*, contractors, consultants and other agency staff (for example, secondments) are obliged to formally advise the Commission of any outside employment undertaken while engaged at the Commission.

Other employment can only be approved for up to 12 months. If you want to renew an existing approval, you must do so in writing at least 4 weeks before either the anniversary date or expiration date of the initial approval (whichever is sooner).

You must not use your official position for personal advantage in pursuit of private income. Where a conflict of interest arises during other paid employment, you must immediately refer it to the manager who approved the other paid employment. If the conflict cannot be managed, then the Commission will withdraw the approval for the other paid employment.

9.7 Dress and presentation

You should be mindful of how you present yourself in the workplace, particularly if you are in contact with complainants or members of the public. You should wear appropriate clothing to work, consistent with work health and safety standards. Your clothing should enable you to respond in an emergency.

Your dress and presentation should always project an image consistent with accepted community standards and the work of the Commission.

9.8 Leaving the Commission

If you intend to accept a role with another organisation, you should advise your supervisor as soon as possible so that any conflict or potential conflict of interest can be managed.

When you leave the Commission, in accordance with the *LECC Act*, you must respect the confidentiality of information that you have come across in your work and the Commission's intellectual property rights over material produced by the Commission, including material produced by you while at the Commission.

You cannot take any Commission resources such as manuals, documents, materials or other information or equipment, unless authorised. These items are the property of the Commission.

10. Reporting suspected wrongdoing

You must report breaches of this Code to your supervisor. If the breach is by your supervisor, then report to your next line manager or the Manager Human Resources, the CEO, the Chief Commissioner, or to the Inspector of the LECC.

The Commission will consider each case on its own facts and circumstances.

You should also make a report if you suspect that another Commission officer is engaged in corrupt conduct, even if that corrupt conduct is unrelated to the employee's duties at the Commission.

10.1 What happens if an officer breaches this code?

If you breach this Code, it may constitute misconduct and the Commission may treat this as a disciplinary matter. Section 69(1) of the *Government Sector Employment Act 2013* states that misconduct extends to the following:

a) contravention of this Act or an instrument made under this Act.

b) taking any detrimental action (within the meaning of the *Public Interest Disclosures Act 2022*) against a person that is substantially in reprisal for the person making a public interest disclosure within the meaning of that Act.

c) taking any action against another employee of a government sector agency that is substantially in reprisal for a disclosure made by that employee of the alleged misconduct of the employee taking that action.

d) a conviction or finding of guilt for a serious offence.

The subject matter of any misconduct by an employee may relate to an incident or conduct that happened while the employee was not on duty or before their employment.

Further matters that may be defined as misconduct are outlined in section 6.1 of this Code.

If a matter proceeds to an inquiry, the inquiry will be conducted according to the *Government Sector Employment Act 2013* and the *Government Sector Employment Rules 2014*, which require compliance with the principles of procedural fairness.

10.2 Procedural fairness

Any officer who might suffer because of a decision (be they the complainant or other employee) must be afforded procedural fairness.

Procedural fairness provides fairness to all parties. It includes:

- the right to be heard
- the right to be treated without bias
- the right to be informed of allegations being made and given an opportunity to respond to them, and
- the right to be advised of the status of the complaint and any outcome contemplated.

10.3 Public Interest Disclosures

LECC
Law Enforcement
Conduct Commission

The *Public Interest Disclosures Act 2022* (PID Act) sets out the system under which NSW public sector employees can make reports about the functioning of the public sector in a way that minimises the risk of reprisal. Public interest disclosures can be made about corrupt conduct, serious maladministration, significant waste, a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009*, or a financial interest contravention under the *Local Government Act 1993*.

The PID Act provides certain protections against reprisals for employees who report such matters and makes it an offence for anyone to take detrimental action against a person for making a public interest disclosure. You can make a public interest disclosure in the knowledge that it is an offence to take detrimental action against a person in reprisal for making such a disclosure. If you believe that you have been detrimentally treated for having made a public interest disclosure, you should report this directly to the CEO.

You can make a report about the actions of public officials from your own agency or other agencies.

You can make the report within or outside of the Commission.

Making a report to a disclosure officer who works for the LECC
You can make a report inside the LECC to the:

- CEO
- Executive Director Operations
- Manager HR
- Any Director
- Your manager – this is the person you report to or who supervisors you directly, or indirectly. Your manager is responsible for ensuring your report is communicated to a disclosure officer on your behalf.

Making a report to a recipient outside of the LECC
You can also make a report to a public official in another agency including another integrity agency, including:

- The head of any public service agency (as defined under the PID Act)
- An integrity agency (as defined under the PID Act)
- A disclosure officer for another agency (ways to contact disclosure officers in other agencies can be found in agency PID policies available on their website)
- A Minister or member of the Minister's staff (in writing only)

If you make a disclosure outside of the LECC, it is possible that your disclosure will be referred to the LECC for appropriate action.

The Commission's *Public Interest Disclosures (PID) policy for PIDs relating to LECC employees* sets out how the Commission will treat PIDs.

The CEO is responsible for investigating PID complaints against employees, and keeping the Chief Commissioner informed.

The Auditor General has power to investigate allegations of significant waste. An allegation by a Commission officer to the Auditor General, however, is not a public interest disclosure under the PID Act.

Refer to the *Public Interest Disclosures (PID) policy for PIDs relating to LECC employees* for full details.

10.4 Reporting unacceptable behaviour outside the Commission

The nature of your work means that from time to time you may become aware of suspected misconduct or corrupt conduct that has not been otherwise reported.

For example

- you may personally observe a law enforcement officer engaging in a suspect act
- a friend may tell you something because you are a Commission officer, or
- someone may try to involve you into an improper arrangement while conducting government business.

Although you are not obliged to report misconduct or corrupt conduct that you may suspect or encounter outside the course of your work at the Commission, you are encouraged to do so. You should make such reports in writing to your supervisor or to the CEO.

11. 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, their duties, including decisions made, or advice given.

Declarations including a nil return are to be submitted annually, 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 assignment to a new role or responsibility.

An acting senior executive is not required to make a declaration on each 'acting' occasion unless there are undeclared private financial, business, personal or other interests or relationships that have the potential to or could be perceived to influence their decision making.

12. Relevant legislation and sources of authority

You are expected to be aware of the Acts and Regulations that legally govern the way you work. This Code does not stand alone and should be read alongside the following legislation:

- *Anti-Discrimination Act 1977 (NSW)*
- *Children and Young Persons (Care and Protection) Act 1998 (NSW)*
- *Child Protection (Working with Children) Act 2012 (NSW)*
- *Children's Guardian Act 2019 (NSW)*
- *Crimes Act 1900 (NSW)*
- *Government Advertising Act 2011 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Government Sector Employment Act2013 (NSW)*
- *Government Sector Employment Regulation 2014 (NSW)*
- *Government Sector Employment (General) Rules 2014 (NSW)*
- *Government Sector Finance Act 2018*
- *Health Records and Information Privacy Act 2002 (NSW)*
- *Independent Commission Against Corruption Act 1988 (NSW)*
- *Industrial Relations Act 1996 (NSW)*
- *Law Enforcement Conduct Commission Act 2016 (NSW)*
- *Modern Slavery Act 2018 (NSW)*
- *Ombudsman Act 1974 (NSW)*
- *Privacy and Personal Information Protection Act 1998(NSW)*
- *Public Interest Disclosures Act 2022 (NSW)*
- *Public Works and Procurement Act 1912 (NSW)*
- *State Records Act 1998(NSW)*
- *Work Health and Safety Act 2011 (NSW)*
- *Work Health and Safety Regulation 2017 (NSW)*
- *Workplace Injury Management and Workers Compensation Act 1998 (NSW)*

13. Quick tips to guide actions

When you are faced with an ethical dilemma, you should ask yourself the following questions:

- Is it legal?

- Is it in line with Commission values, principles, and policies?
- Do I think it's the right thing to do?
- What will be the result for my colleagues, the Commission and me?
- What will be the result for other parties?
- Can I justify my actions?
- What would be the reaction of my family and friends if they were to find out?
- What would happen if my conduct became front page news?

If you are unsure of what to do, speak to your manager, Manager Human Resources, or the CEO.

14. Advice and further information

Contact your manager or the Manager Human Resources for further clarification and information.

15. Monitoring and review

Human Resources is responsible for reviewing the Code and for amending the Code in relation to issues raised across the Commission.

This Code will be reviewed according to the policy review schedule. It will also be reviewed at other times if any significant new information or legislative or organisational change warrants a change in this document. Reviews will be completed in consultation with the appropriate business units for relevance and effectiveness.