Australian Museum
Code of Conduct

Responsibility: Director

Approved: November 2010

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Change Log

c1993 First approved
27 May 2003 Revised to reflect the NSW Government’s Model Code of Conduct for NSW Public Agencies – Policy and Guidelines, Premier’s Department, Sydney 1997
25 Mar 2009 Updated to reflect the NSW Lobbyists Code of Conduct and associated changes to M97-10 Model Code of Conduct for NSW Public Agencies
1 June 2010 Updated to
- improve guidance on conflicts of interest and secondary employment;
- reflect the Research Policy;
- replace reference to The Australian Museum Society with reference to Australian Museum Members (AMM);
- clarify that the Code applies to AMM staff; to include a general principle “Respect for animals”;
- provide additional guidance via references to relevant legislation, Museum policies and NSW Government guidelines; and
- clarify the definition of official facilities and equipment and to clarify public comment on the work of the Museum.
24 November 2010 Updated to clarify reporting and approval requirements

Review Date

This policy will be reviewed no later than 5 years from the date of the last approval. This does not preclude the policy’s review at any time or revision as required.
1. Government Policy Statement

It is the NSW Government’s policy that the people of New South Wales have a right to expect the business of the State to be conducted with efficiency, fairness, impartiality and integrity. Public employment carries with it a particular obligation to the public interest. It requires standards of professional behaviour from employees that promote and maintain public confidences and trust in the work of government agencies.

At the same time, employees should not be subject to unnecessary restrictions simply because they work in the public sector. State employees have all the normal rights of employees under common and statute law.

Although no one set of rules can answer all ethical questions, a code of conduct provides the Museum with an ethical framework for the decisions, actions and behaviour of its staff. In this regard, it explains the principles covering appropriate conduct in a variety of contexts and outlines the minimum standard of behaviour expected of public employees when performing their work.

2. Introduction

Objectives

The objective of the Staff Code of Conduct (the Code) is to ensure the highest possible standard of conduct by employees of the Australian Museum.

Scope

The Code identifies key issues concerning staff conduct and provides guidance. It is to be read in conjunction with other Museum policies and general policies and procedures related to the NSW Public Service. Staff undertaking researcher should read this document in conjunction with the Museum’s Research Policy which sets out the guidelines for conducting responsible research.

Application

The Code applies to all Museum employees regardless of their employment status. It also applies to Research Fellows and Associates, other associates, volunteers and interns of the Museum.

3. General Principles

The community is entitled to expect the business of the Australian Museum to be conducted with efficiency, economy, fairness, impartiality and integrity. When undertaking their duties, all Museum employees need to follow the principles as set out below.

Responsibility to the Government of the day

Museum employees are to implement the policies and decisions of the Government of the day in an impartial manner.
Respect for people

Museum employees are to treat members of the public and their colleagues fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations. In this regard, they should perform their duties in a professional and responsible manner.

They should also ensure that their decisions and actions are reasonable, fair and appropriate to the circumstances, based on a consideration of all the relevant facts, and supported by adequate documentation.

Respect for animals

The use of live animals in the Museum comes with a significant responsibility for the care and maintenance of these animals. Museum employees are to treat animals humanely at all times. Employees should endeavour to ensure that others treat animals humanely.

Museum employees who work directly with live animals in research or in public programs should also read the policy ‘Display and Use of Live Animals in Public Programs at the Australian Museum’ and abide by the requirements of the Australian Museum’s Animal Care and Ethics Committee.

Integrity and public interest

Museum employees are to promote confidence in the integrity of public administration and always act in the public interest and not in their private interest. Employees should feel free to give honest, frank and fearless advice.

Employees should protect the reputation of the Museum and public sector agencies as a whole. They should not engage in activities that would bring the Museum or the public sector into disrepute.

Responsive service

Museum employees are to provide a relevant and responsive service to their clients and customers, providing all necessary and appropriate assistance and fulfil the Museum’s service performance standards (Guarantee of Service).

Employees should provide information promptly and in an appropriate format that is easy for the recipient to understand. The information should be clear, accurate, current and complete while being mindful of the need to maintain confidentiality where appropriate.

Economy and efficiency

Museum employees should keep up to date with advances and changes in their area of expertise, and look for ways to improve performance and achieve high standards of public administration. They should use their authority, available resources and information only for the work-related purposes intended, (or as otherwise specifically authorised by the Director of the Australian Museum).
4. **Guide to Ethical Decision-Making**

To assist in fostering a climate of ethical awareness, conduct and decision making in public agencies, Museum employees may find it useful to refer to or consider, either by themselves or in consultation with others such as their peers or supervisor, 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 Museum’s objectives and this Code?
3. What will the outcome be for the employee, work colleagues, the Museum or other parties?
4. Do these outcomes raise conflicts 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?

5. **Disclosure and Reporting**

Employees should disclose or report a matter if they have a reasonable belief that it may, or does, involve a breach of the Code. When forming such a belief, employees should consider that each person has a right to a presumption of innocence and privacy concerning their personal affairs. Employees should not make vexatious or malicious allegations.

Unless specified otherwise, employees should disclose or report a matter to their supervisor if possible and appropriate; but otherwise they may disclose or report to an officer nominated below:

- the Director or another member of management defined as an officer who has supervisory responsibility for a Unit, Branch or Division of the Museum
- the Grievance Manager.

Disclosing or reporting corrupt conduct, maladministration and serious and substantial waste of public resources are special cases and employees should refer to the Museum’s policy Corrupt Conduct Reporting. Under these circumstances, employees may make a report to the external investigating bodies below:

- corrupt conduct may be reported to the Independent Commission Against Corruption
- maladministration may be reported to the Ombudsman; and
- serious and substantial waste of public money may be reported to the Auditor General.

In addition, under circumstances specified in the Protected Disclosure Act, protected disclosures may be made to a Member of Parliament or a journalist.
6. Conflicts of Interest

Conflict of interest refers to a situation where a conflict (clash) exists, or could reasonably be perceived to exist, between public duty (position) and self interest (person). Such conflicts generally involve opposing principles or incompatible responsibilities. Neither the presence nor absence of remuneration is relevant to determining whether a conflict of interest exists.

In other words, a conflict of interest exists when it is likely that an employee could be influenced, or could reasonably be perceived to be influenced by a personal interest in carrying out their public duty. If a conflict of interest leads to inappropriate, incorrect or partial decision-making, it may constitute corrupt conduct as defined in the Independent Commission Against Corruption Act 1998.

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

- holding a natural science, cultural or rare book collection similar to those held by the Museum;
- in collaborative research, for example, where a Museum researcher has a personal relationship with an employee of the collaborating institution; where a Museum researcher has a financial interest in the collaborating institution; or where a Museum researcher has been invited to be on an advisory body of the collaborating institution;
- financial interests in a matter the Museum deals with or having friends or relatives with such an interest of which the employee is aware;
- personal beliefs or attitudes that influence the impartiality of advice given;
- personal relationships with the people the agency is dealing with that go beyond the level of a professional working relationship;
- secondary employment that compromises the integrity of the employee and the Museum;
- political activities or making adverse political comments that relate to the Museum’s work.

An individual employee 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.

Employees should disclose or report any potential or actual conflict of interest to their supervisor if possible and appropriate; but otherwise as set out under Disclosure and Reporting. If employees are uncertain whether a conflict exists, they should discuss the matter with their supervisor if possible and appropriate; but otherwise with an officer set out under Disclosure and Reporting. Employees and officers receiving such a disclosure or report should attempt to resolve any actual conflict of interest as soon as practicable. An actual conflict of interest and how it was resolved should be recorded on an employee’s personnel file. To resolve any conflict of interest that occur, or could occur, a range of options are 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 employee relinquishing the personal interest;
- The employee 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 Museum’s grievance handling procedures.

Additional guidance can be found in Appendix 3.

7. Acceptance of Gifts and Benefits

Museum employees should not accept a gift or benefit that is intended to, or is likely to, cause them to act in a partial manner in the course of their duties.

Museum employees should not accept a gift or benefit of more than token value unless it would be perceived as rude or offensive to decline (e.g. gifts from a visiting overseas delegation). Employees should disclose or report any gift or benefit to their supervisor if possible and appropriate; but otherwise to an officer nominated under Disclosure and Reporting.

Divisional Heads may approve the acceptance of the gift or benefit provided that:

- the gift or benefit is of token value
- there is no possibility that the recipient might be, or might appear to be, compromised in the process.

Gifts of more than token value are to be retained by the Museum for its purposes and recorded in the Gifts Register.

Employees should advise their supervisor if possible and appropriate; but otherwise an officer nominated under Disclosure and Reporting if they believe they have been offered a bribe, or if they have been offered or received a favour or benefit.

Museum employees dealing with, or having access to, sensitive investigations or commercially sensitive information, should be particularly alert to inappropriate attempts to influence them.

In view of the nature of the Museum’s business activities, offers of free or discounted tickets to performances, exhibitions, events or other arts and cultural activities are not uncommon. Acceptance of such offers in the course of work-related or personal development would normally be seen as reasonable. However, employees are asked to be mindful of the intent, extent and frequency of such offers and to consider the possible public perception that may be attached to their acceptance. If there is any possibility that these offers could be perceived as attempt to influence decisions of Museum employees, or for gaining improper advantage, the issue should be brought to the attention of a supervisor before taking up the offer.

8. Discrimination and Harassment

Museum employees must not harass or discriminate against their colleagues or members of the public on the grounds of sex, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment, or sexual preference. Such harassment or discrimination may constitute an offence under the Anti Discrimination Act, 1977. In addition, Museum employees must not harass or discriminate on the grounds of political or religious conviction.

Managers 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 the Museum employees they supervise are informed of these principles.
Managers 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.

9. Fairness and Equality

Issues or cases being considered by Museum employees 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, (which includes the right to know the reason for decisions and to challenge those reasons if they are erroneously based).

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

10. Public Comment on the Work of the Museum

Public comment on work of the Museum means communication via any media where it is reasonable to expect that comments could be spread to the community at large. This includes public speaking engagements, comments on radio and television, letters to newspapers, communicating on social media and expressing views in books, journals or notices. When using social media, employees are required to observe the Museum’s Social Media Guidelines.

As individual members of the community, Museum employees 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 where the public comment, although made in a private capacity, may appear to be an official comment on behalf of the Museum. In such circumstances, Museum employees should preface their remarks with a comment that they are made in a private capacity and do not represent the official view of the Museum.

As a general rule, Museum employees may disclose official information that is normally given to members of the public seeking that information. Museum employees should only disclose other official information or documents when:

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

In these cases, comments made by Museum employees 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 (e.g., asked to do so in court).

Museum employees are expected to follow the Media Relations policy. If contacted by the media, employees should confer with the Director before making comment on the work of the Museum. Where
however, employees are first approached by Museum Marketing and Publicity staff to speak to the media
it can be assumed that they have the Director’s authority to comment on the work of the Museum.

Public comments made on matters pertaining to union business by members of unions in their capacity as
a local delegate within the organisation, or by union office holders employed by the organisation, are
permissible under this Code.

11. Protecting Confidential Information

Museum employees who handle confidential or sensitive personal, commercial or political information
should follow established procedures regarding the storage, disclosure and distribution of such information
and must take special precautions to make sure that it is not disclosed without clear authority. Official
information must only be used for the intended work related purpose and not for personal benefit.

Unless authorised to do so by legislation, Museum employees 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 an organisation an improper advantage. The integrity and credibility of
the Museum may also be damaged if it appears unable to keep its information secure.

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

12. Use of Official Facilities and Equipment

Museum employees 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.

Employees should only use official facilities and equipment for private purposes with the approval of their
supervisor if possible and appropriate; but otherwise with the approval of an officer nominated under
Disclosure and Reporting.

Permission may be assumed for limited private use of facilities as well as information technology and
communication devices so long as it complies with the Museum’s Communications Devices policy. Such
devices and facilities include:

- computers, printers, scanners, copies and facsimiles
- internet including social media;
- intranet;
- email;
- telephones and pagers;
- satellite communications equipment;
A supervisor if possible and appropriate; but otherwise an officer nominated under Disclosure and Reporting may also approve the use of facilities, such as meeting rooms and equipment, by non-profit professional and community organisations in which Museum employees are volunteers as long as there is no significant cost to the agency.

Employees must ensure that their use of Museum facilities, equipment and resources whether for official business or private use, are appropriate, lawful, efficient, proper and ethical. Employees must not intentionally transmit, communicate or access information that could:

- damage the Museum’s reputation;
- be misleading or deceptive;
- result in victimisation or harassment;
- lead to criminal penalty or civil liability;
- be reasonably found to be offensive, obscene, threatening, abusive or defamatory (e.g. pornographic or sexually explicit material – images and/or text.

13. Secondary Employment

The provisions of this section apply whether employees are working permanent or temporary, full-time or part-time.

Museum employees are subject to the Public Sector Employment & Management Act, 2002 which requires the approval of the Director before they engage in any form of paid employment outside their official duties. This includes permanent or temporary, full-time or part-time employees.

Museum employees must also carefully consider whether the organisation offering them secondary employment may adversely affect the performance of their Museum duties and responsibilities or give rise to a conflict of interest.

Additional guidance can be found in Appendix 3.

14. Political and Community Participation

Museum employees must make sure that any participation in 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 Museum employees. What is considered appropriate by the Director of the Museum in any particular case will depend on the nature of the issue, the position held by the employee, the extent of the employee’s participation, and his/her public prominence.

If Museum employees become aware that a potential conflict of interest has arisen or might arise, they should disclose the matter to the Director immediately and may have to stop the political activity or withdraw from the areas of their work where the conflict is occurring.
Special arrangements apply to Museum employees (as public employees) who are contesting State or Federal elections. Details of these arrangements are in the Premier’s Department Circular No. 95-4 and PEO Circular 96-7.

Within the context of the requirements of this Code, Museum employees are free to fully participate as volunteers in community organisations and charities, and in professional associations.

15. Reporting Corrupt Conduct, Maladministration and Serious and Substantial Waste of Public Resources

All Museum employees should disclose or report corrupt conduct, maladministration and serious and substantial waste of public resources. Employees should make such a disclosure or report to their supervisor if possible and appropriate; but otherwise to an officer nominated under Disclosure and Reporting.

The Protected Disclosures Act 1994 provides certain protections against reprisals for Museum employees who voluntarily disclose or report such matters either internally, or to one of the three investigative bodies: the Independent Commission against Corruption, the Auditor General or the Ombudsman. Such protections do not apply in cases of vexatious or malicious allegations.

In addition, under circumstances specified in the Act, protected disclosures may be made to a Member of Parliament or a journalist.

However, certain protections may not be available if the employee making the disclosure fails to follow the proper disclosure procedures. Employees are therefore advised to refer to the Museum’s internal reporting procedures document for details of the correct procedures.

Where disclosures or reports are made to an external investigating body:

- corrupt conduct should be referred to the Independent Commission Against Corruption
- maladministration should be referred to the Ombudsman and
- serious and substantial waste of public money should be referred to the Auditor General.

Supervisors must ensure that all employees have information about the Museum’s Corrupt Conduct Reporting Policy. The officer dealing with the protected disclosure should notify the employee who made the disclosure of the action taken or proposed to be taken in relation to the disclosure and the outcome of such action.

Additional guidance can be found in Appendix 3.

16. Post-Separation Employment

Museum employees 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 Museum. If they do, there is a conflict of interest and the integrity of the employee and the Museum is at risk.
Former Museum employees 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 employees should be careful in their dealings with former Museum employees of the agency and make sure that they do not give them, or appear to give them, favourable treatment or access to privileged information.

17. Recordkeeping

Museum employees are individually responsible for creating and maintaining full and accurate records that document official business. In particular, staff are required to ensure that they document decisions, commitments, judgments, meetings and other events that provide evidence of business transactions or that contain information essential to the Museum. Employees are all so responsible for ensuring that those records are captured into the Museum’s official recordkeeping systems.

Employees must observe the Museum’s records management policy and procedures which provide further information and guidance on implementing their recordkeeping responsibilities.

18. Health and Safety

All employees are expected to take reasonable care in regard to themselves and others, co-operate with the implementation of the Museum’s occupation health and safety policy and program and co-operate in measures designed to ensure a safe and healthy workplace, including first-aid and emergency procedures. All employees should immediately disclose or report any real or perceived hazard to their supervisor if possible and appropriate; but otherwise to an officer set out under Disclosure and Reporting.

Hazards include any unsafe or unhealthy:

- conditions
- work practices
- behaviour

19. Dealing with Lobbyists

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 (http://www.dpc.nsw.gov.au).

A lobbyist is a person or entity contracted to represent the interests of a third party to a government representative. Note that the following persons are not lobbyists:

- an association or organisation constituted to represent to interests of its members (e.g. National Trust or Museums Australia),
• a religious or charitable organisation (e.g. Red Cross),
• technicians and Professionals representing their client’s views (e.g. lawyers),
• employees lobbying in the interests of their non-lobbyist employer, and
• members of Parliament.

All employees of the Australian Museum are government representatives for the purposes of the Code.

A government representative approached or contacted by a lobbyist must satisfy themselves that the lobbyist in question:
• is currently listed on the NSW Register of Lobbyists,
• has declared the name of their client, and
• has declared the nature of their client’s issue.

The lobbyist is responsible for telling you this. If the lobbyist does not declare these three things, staff should refuse to communicate with them. Even when a lobbyist makes the necessary declarations, there is no obligation to respond to a lobbyist just because they are listed on the Register of Lobbyists. However, all lobbyists should be treated with courtesy and assisted where appropriate.

All employees should disclose or report any contact from a lobbyist to their supervisor if possible and appropriate; but otherwise to an officer set out under Disclosure and Reporting; and should discuss any protocols that might be appropriate beyond the mandatory requirements set out in the Lobbyist Code of Conduct.
Appendices

Appendix 1 Relevant Legislation

The main legislation that applies to Museum employees is the Public Sector Employment & Management Act, 2002. The following legislation is also relevant:

Anti-Discrimination Act 1977
Crimes Act 1900
Freedom of Information Act 1989
Independent Commission Against Corruption Act 1988
Industrial Relations Act 1996
Ombudsman Act 1974
Protected Disclosures Act 1994
Public Finance and Audit Act 1983
Occupational Health and Safety Act 2000
State Records Act 1998
Privacy & Personal Information Protection Act 1998

Appendix 2 Museum Policies and Guidelines

The Code is supported by a range of policies and guidelines that provide additional information and procedures that employees are required to follow. These may be accessed via the Museum’s intranet (http://intranet/policies/index.htm).

Appendix 3 NSW Government Guidelines

Conflicts of Interest

Circular 2007-32 Public Sector Employees contesting Federal Elections

This Department of Premier and Cabinet Circular requires that employees “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” and forbids employees engaging in “activities of a party political nature whilst on duty”.

Managing conflicts of interest in the public sector: Toolkit (Copy on TRIM File 10/189)

This ICAC publication includes both a toolkit, and guidelines and a training module (powerpoint presentation on CD). Its purpose is to assist government organisations develop and implement a customised conflicts of interest management system, and to help individual public officials identify, manage and monitor conflicts of interest.
Other ICAC documents:

Managing conflicts of interest in the public sector: Guidelines

This booklet explains the principles that should govern management of conflicts of interest.

Identifying and managing conflicts of interest in the public sector

This resource helps to determine if a conflict of interest exists and communicates options for managing conflicts of interest.

Public Sector Agencies Fact Sheets - No. 3 Conflicts of Interest (2003)

This publication by the NSW Ombudsman defines conflicts of interests, distinguishes them from a conflicts of duty, identifies where conflicts of interest may arise and discusses disclosure, issues to be considered and options to avoid or deal with conflicts of interest.

Secondary Employment

Circular 2007-32 Public Sector Employees contesting Federal Elections

This Department of Premier and Cabinet circular requires that employees “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” and forbids employees engaging in “activities of a party political nature whilst on duty”.

Section 5.9 Private Employment of the NSW Government Personnel Handbook refers to Section 59 of the PSEM Act 2002 which provides that:

A person employed in the Public Service is not to undertake any other paid work without the permission of the appropriate Department Head.

This section does not apply:

- to a casual employee, or

- to a person working part-time, during the period that the person is not required to discharge duties in the Public Service, but only if the discharge of those duties is not adversely affected and no conflicts of interest applies.

The Handbook emphasises that prior approval is required and that the prohibition continues during any period of leave, whether the leave is paid or unpaid, and applies to all employees.

The Handbook has procedures and guidelines for the following:

- Disciplinary action may be taken under S43 & S30 of the PSEM Act in the case of officers and temporary employees respectively (S5.9.2.1)

- Authority to approve or decline applications for private employment (S5.9.2.2)

- Procedure for seeking approval, information and specified assurances to be included. Protection regarding divulging personal circumstances. Notice that approval to engage in private employment other than in the employee’s own time will only be granted in exceptional circumstances (S5.9.3)
• Part time employees being entitled to engage in private employment outside their hours of duty but approvals are subject to the guiding principles

• Working with government agencies and international agencies (S6.9.4.1)

• The Crown to receive payments received by an employee where the private employment is part of that person’s or employee’s duties and responsibilities (S5.9.5)

• Policies regarding specific types of private employment including (S5.9.6):
  • Lecturing, teaching, tutoring, demonstration, and the like
  • Examiners or members of examining committees
  • Appearances in radio and television programs
  • Publications
  • Directors of companies
  • Primary producing properties
  • Volunteer fire fighting.

Protected Disclosure Guidelines

The NSW Ombudsman’s Protected Disclosures Guidelines may assist in handling corrupt conduct, maladministration and serious and substantial waste of public resources.

The Guidelines significantly expand on previous editions, including:

• insights from the Whistling While They Work research project

• significant new advice about the establishment of an effective internal reporting system

• comment on the relevance of the motive of whistleblowers

• guidance on assessing whether confidentiality is a practical option

• greater emphasis on the importance of assessing the risk of reprisals

• guidance on managing workplace conflict resulting from an internal disclosure

• more guidance about managing whistleblower expectations and the protection of whistleblowers, and

• set out new model internal reporting policies for state and local government agencies.