



CODE OF CONDUCT

The Code of Conduct outlines the ethics and standards of conduct required by people who work for the Sydney Harbour Federation Trust (Harbour Trust). This document reflects the values and requirements generally applicable to the Commonwealth public sector.

All persons performing work at the direction of, or on behalf of the Harbour Trust such as employees, contractors, subcontractors, agents, consultants, temporary staff, and volunteers are collectively referred to as “workers”.

Ethical Standards

Impartial: The Harbour Trust is apolitical and performs its functions that are frank, honest, and timely and based on the best available evidence.

Committed to service: The Harbour Trust is professional, objective, innovative and efficient, and works collaboratively to achieve the best results for the Australian community and the Government.

Accountable: The Harbour Trust is open and accountable to the Australian community under the law and within the framework of its responsibilities.

Respectful: The Harbour Trust respects all people, including their rights and their heritage.

Ethical: The Harbour Trust demonstrates leadership, is trustworthy and acts with integrity in all that it does.

Harbour Trust Values

We are **Open**

We are **Accountable**

We are **Collaborative**

We are **Entrepreneurial**

We are **Creative**

We act with **Integrity**

The Harbour Trust’s Code of Conduct

As a worker of the Harbour Trust, you are obliged to comply with the following provisions:

- Behave honestly and with integrity in connection with your work.
- Act with care and diligence in connection with your work.

- When acting in connection with your work, treat everyone with respect and courtesy, and without harassment.
- When acting in connection with your work, you must comply with all applicable Australian laws.
- Comply with any lawful and reasonable direction given by people in the Harbour Trust who have authority to give the direction.
- Disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with your work.
- Use the Harbour Trust's resources in a proper manner.
- Not provide false or misleading information in response to a request for information that is made for official purposes in connection with the worker's duties with the Harbour Trust.
- Not make improper use of inside information or the worker's duties, status, power or authority in order to gain, or seek to gain, a benefit or advantage for the worker or for any other person.
- At all times behave in a way that upholds the Harbour Trust's values and the integrity and good reputation of the Harbour Trust.

Workers have a duty to familiarise themselves with the Harbour Trust's Values and the Code of Conduct; and fully comply with the requirements of the Code of Conduct.

Managers/Directors are responsible to ensure workers maintain high standards of conduct in the workplace. They will assist workers to comply with the requirements of the Code of Conduct, providing them with appropriate advice when difficult situations or dilemmas arise. They will consult with the Executive Director/Chair where situations or dilemmas arise that is suspected to be breaches of the Code of Conduct by a worker.

Respect and Courtesy

The Harbour Trust promotes a positive workplace culture and environment which is free from all forms of inappropriate workplace behaviours including bullying and harassment.

Treating others with a lack of respect and courtesy, or bullying and harassing behaviours are potential breaches of the Harbour Trust's Values and Code of Conduct and will not be tolerated. The serious consequences for workers found to have engaged in any form of inappropriate workplace behaviour during the course of their work include the likelihood of facing disciplinary action or where there is an employment relationship, termination of employment in severe cases.

Workers have shared obligations for creating a respectful and courteous workplace and must treat everyone with respect and courtesy. This includes colleagues, volunteers, contractors, clients and members of the public. It also includes treating everyone with civility and tact even when others may display behaviour which is critical, hostile or rude towards them. Workers must uphold these same values during all employment/work related social activities whether outside of normal work hours, when undertaking business travel or otherwise.

Conflicts of Interest

A conflict of interest occurs when a worker's personal affairs may be in conflict, or be perceived to be in conflict, with their responsibilities as a worker of the Harbour Trust.

Workers must:

- take reasonable steps to avoid any real or apparent conflict of interest; and
- disclose any real or apparent (perceived) conflict of interest.

Workers must take reasonable steps to avoid real or apparent conflicts of interest. What is 'reasonable' will vary from situation to situation. Recognising a possible conflict of interest and disclosing it to a Manager/Director/Executive Director/Chair, is an important factor in ensuring that appropriate and reasonable steps are taken to avoid the conflict.

After disclosing the conflict of interest in writing the parties should discuss the matter including:

- the nature of the conflict of interest;
- any sensitivities or privacy issues it raises and how these can be managed;
- any management action necessary to manage the conflict of interest; and
- any action to be taken to avoid or minimise the conflict of interest.

Once a conflict of interest has been disclosed it may be necessary for management to take action to remove the conflict of interest or to limit the extent of any potentially damaging perceptions of a conflict of interest.

Workers must also advise their Manager/Director/Executive Director/Chair if there are changes to their circumstances giving rise to the conflict of interest change.

Directors, given their higher level of responsibilities and influence, have a greater onus to avoid real or perceived conflicts of interest, therefore they must notify the Executive Director of any interests which they have that may impact on the Harbour Trust's business operations. They must also declare any private interests or relationships of their immediate family which could be perceived as a potential conflict of interest.

Close personal relationships

Any business transaction with a person having a close personal relationship with an employee may generate a conflict of interest for that employee. Conflicts may also arise where an employee has a close personal relationship with another employee (e.g. direct reporting lines or conflicts in roles and responsibilities). A "close personal relationship" generally refers to a spouse or partner, descendants and any person living in the same dwelling, but employees should also consider whether transactions with other relatives, friends and companies controlled by those persons give rise to a conflict of interest and act accordingly.

Employees must disclose to the Executive Director any close personal relationship that may cause a conflict of interest. Depending on the nature of the actual or potential conflict of interest the matter may be referred to the Board of Trustees, who will determine the action to be taken on a case by case basis.

Any business transaction between an employee or any person with whom they have a close personal relationship and the Harbour Trust must be at "arms' length".

Outside Employment

Employees must seek approval from the Executive Director before they perform work outside the Harbour Trust. Employees must ensure that any work done outside the Harbour Trust, whether paid or unpaid, whether it occupies a small or a significant part of the employee's private time, neither interferes with the performance of their official duties nor gives the appearance of creating a conflict of interest.

Social Media Policy

The Sydney Harbour Federation Trust's approach is to embrace social media as a vehicle for achieving better communication with the staff, stakeholders and the public, with a clear governance and accountability framework, and the application of sound principles, underpinning its use.

For the Harbour Trust, this means authorising the use of social media tools and not unduly restricting staff access to social media websites.

Harbour Trust staff must use social media tools effectively, ethically and must comply with the:

- Harbour Trust's *Guidelines for the use of social media*
- Harbour Trust Code of Conduct
- Australian Public Service Commission's (APSC) guidance on *Making public comment on social media: a guide for employees* (August 2017)

The full **Social Media Policy** and **Guidelines for the use of social media**, which contains specific guidance on the application of this policy, are located on the Harbour Trust Intranet.

Complying with Lawful and Reasonable Directions

Employees must comply with any lawful and reasonable direction given to them by someone in the Harbour Trust with the authority to do so. Generally, supervisors/managers have the authority to direct an employee to do or not do something in the course of their duties. In addition, other employees with particular responsibilities, for example, fire wardens may need to give directions to ensure staff safety. Provided the direction is not unlawful and is reasonable, then a worker must comply with the direction.

'Lawful and Reasonable Directions' include:

- directions given by managers/supervisors with the authority to direct an employee
- formal instructions such as Executive Director's Instructions,
- directions given by fire wardens in the event an alarm is triggered.

Failure to comply with a lawful and reasonable direction, which has the authority to do so, may constitute a breach of the Code of Conduct and may lead to misconduct action being taken including the imposition of sanctions.

Maintaining Confidentiality

The Harbour Trust places the highest priority on maintaining the confidentiality of the information it collects about its clients and stakeholders. Workers' whose personal information is collected by the Harbour Trust, must have the confidence that the Harbour Trust will protect their information from improper disclosure. It follows that any breach of this requirement may constitute a breach of the Code of Conduct and may attract sanctions.

Therefore workers must not share any information, even within the workplace, except on a need-to-know basis. That means that a worker must not pass information to anyone else unless the information is required for legitimate work related reasons. Workers who do not have a legitimate business need to access information held within any Harbour Trust database or record, must not, under any circumstances access that information for any other reason.

Inappropriate disclosures of information may damage the relationship of trust between the Harbour Trust, its stakeholders and the community.

Gifts

Employees/volunteers must observe the Gift Policy and the following rules in relation to gifts, goods and services:

- Never solicit a gift (inclusive of goods, services or benefits as defined above) and includes entering prize draws at conferences and functions etc
- Never accept cash as a gift under any circumstance as it can easily be construed as a bribe

- Never accept a gift if there is a judgement that a third person could reasonably perceive that you have given or will give favourable treatment as a consequence
- Regardless of value, never accept a gift if there is a clear or likely intention on behalf of the client that you will give favourable treatment in return
- Never accept an offer of hospitality, gifts, services or sponsored travel from anyone involved in a Harbour Trust tender or procurement process. All procurement processes must be undertaken with regard to probity and in a demonstrably fair and equitable manner. No prospective tenderer should be able to obtain (or be perceived to have been able to obtain) an unfair advantage
- If an employee/volunteer accepts a gift, they must inform the person offering the gift that the Harbour Trust has specific procedures which require the declaration of gifts and which determine how they are to be disposed. They should also advise the giver that they may not be able to keep the gift
- Do not participate in commercial promotions for personal benefit while on official duty. If an employee receives a benefit such as a lucky door prize, this is considered to be Harbour Trust property and must be dealt with according to the Harbour Trust procedures for accepting and disposing of gifts.

All gifts and special offers of goods and services must be discussed with your manager and must be entered into the Gift Register kept with Corporate Services.

Invitations and tickets to events

The key consideration in relation to tickets and invitations to events is the relevance of the event to the work responsibilities of the Harbour Trust employee.

Given the nature of the Harbour Trust business, employees may from time to time receive invitations to exhibitions, launches and other cultural or tourism events held by other government agencies or cultural organisations. Where attendance at these events is related to Harbour Trust work responsibilities they do not constitute a gift or benefit. All relevant details of the event attended must be recorded in the Harbour Trust gift register.

Fraud

Employees must comply with the Harbour Trust's Fraud Policy. They have a responsibility to report suspicions or observations of internal fraud or other potential criminal conduct by employees.

Breaching the Code of Conduct

If a worker becomes aware of behaviour that is or appears to be inconsistent with the Code of Conduct they have a responsibility to act without delay, by raising the matter with the Manager, Director, Executive Director or Chair.

Workers should also be aware that disciplinary action may be taken against a worker who makes a frivolous, vexatious, malicious, fabricated and/or false report of suspected misconduct about another worker.

There may be some circumstances in which a worker's behaviour may appear to have, or actually has, breached the Code of Conduct. Usually, such cases will be investigated to determine whether any breach of the Code has occurred. If a breach is found, the Executive Director or a person authorised by the Executive Director will decide what action should be taken as a result of the finding.

The Harbour Trust has established the following procedures for determining whether a worker has breached the Code of Conduct and the outcomes.

Procedures

The procedures for investigating a breach of the Code of Conduct will have due regard to procedural fairness and will generally require the worker suspected of breaching the Code of Conduct to:

- be informed of the details of the possible breach and the sanctions that may be imposed;
- be advised of the worker's entitlement to have a support person of their choice present during the interview; and
- have an opportunity to provide a written statement about the suspected breaches of the Code of Conduct, should the worker wish to do so;
- be given a reasonable opportunity to properly respond and put their case before any decision is made;
- the decision maker must act without bias or an appearance of bias (the 'bias' rule); and
- there must be facts or information to support adverse findings (the 'evidence' rule)

The Executive Director may direct a person to conduct the process for determining whether a worker has breached the Code of Conduct. The process will be carried out efficiently, in a timely manner and with proper consideration of the matter.

Failure to comply with Code of Conduct

If a worker is found to have breached the Code of Conduct, they may be counseled, or, if the Executive Director or a person authorised by the Executive Director considers that a sanction should be imposed, he or she may impose one of the examples of sanctions outlined below:

- termination of employment;
- re-assignment of duties;
- reduction in classification;
- a reprimand;
- termination of contract.

If it is determined that a worker has breached the Code of Conduct and a sanction is imposed, they will be provided with a written statement giving reasons for the determination and sanction.

If the view is formed that the matter is not serious enough to warrant any further action, a less formal action is appropriate in the circumstances or that there is no substance to the allegation.

If the worker has not breached the Code of Conduct the Executive Director will inform the worker in writing of the determination and the process will be finalised and closed.

In some circumstances, the matter of concern may be required to be referred to the Australian Federal Police (AFP) or to another external agency or law enforcement body.

If a worker is required to face criminal charges before a court of law as a result of an investigation, a separate process may be commenced in relation to any associated potential breaches of the Code of Conduct. Employees may be suspended from duties if it is deemed to be in the Harbour Trust's or public interest to do so.

POLICY & PROCEDURE REFERENCES

HR Policy - Sydney Harbour Federation Trust Gift Policy 2017

Finance Policy - Sydney Harbour Federation Trust Fraud Policy

HR Policy - Workplace Behaviour and Culture Procedures 2017

HR Policy – Public Interest Disclosure Procedures 2014

HR Policy – Social Media Policy 2017

HR Guidelines – Guidelines for the use of Social Media 2017

WHS Policy - Harassment, Bullying and Violence in the Workplace Procedure 2017

Execution – Signed for and on behalf of the Sydney Harbour Federation Trust



Harbour Trust representative

Date: 7/12/17

Code of Conduct 2017

Owner	HR Manager
Updated	November 2017
Review Date	October 2019



Declaration

Worker

I understand my obligations and have familiarised myself with the Code of Conduct and commit to fully complying with the requirements of the Code of Conduct.

I understand the sanctions if I am found to have breached the Code of Conduct.

Name (print)

Position

Signature and date

Manager

I understand my obligations and have familiarised myself with the Code of Conduct and commit to fully complying with the requirements of the Code of Conduct.

I will assist workers to comply with the Code of Conduct and will provide appropriate advice when difficult situations or dilemmas arise.

I will notify the Executive Director of any suspected breaches of the Code of Conduct by a worker.

I understand the sanctions if I am found to have breached the Code of Conduct.

Name (Print)

Position

Signature and date