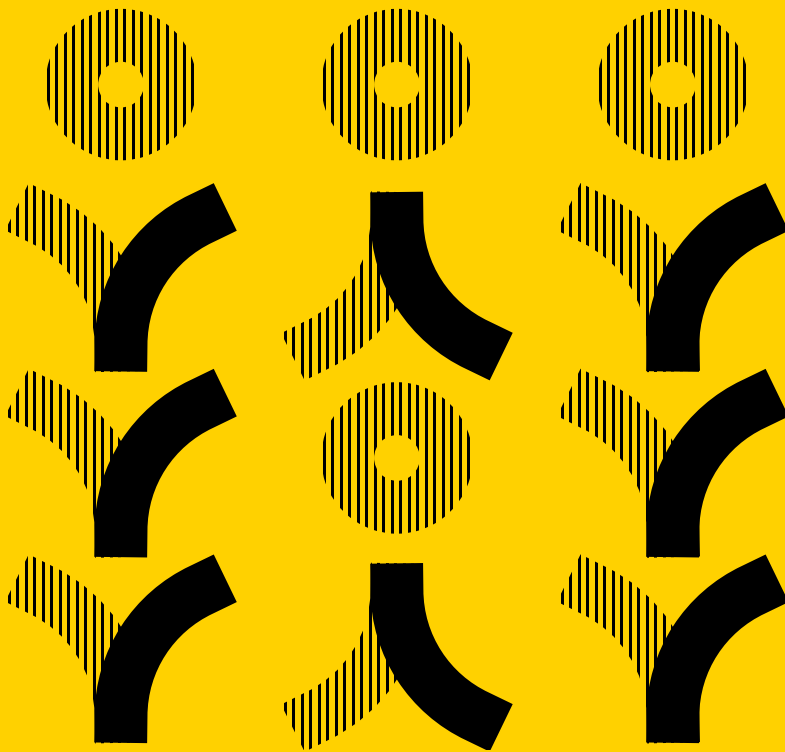


September 2024

Code of Conduct

Community trustee boards



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About this Code of Conduct

This Code of Conduct (the Code) supports the delivery of Greater Sydney Parklands Trust's (GSPT) community trustee boards.

As set out in Greater Sydney Parklands' *Consultation and Engagement Framework*, the agency is committed to engaging with communities in a way that is reflective of community diversity, recognises listening as fundamental to learning, and seeks to validate engagement through impact. Community trustee boards are one of a number of important mechanisms for ongoing and proactive engagement.

The Code provides a summary of community trustee board member responsibilities and sets out expected standards for their behaviour.

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

Members of community trustee boards must comply with a broad range of whole of government regulations and policies including those outlined in legislation, regulations, ministerial memoranda, The Cabinet Office circulars, Treasury publications and Public Service Commission policy documents.

They must provide advice to Greater Sydney Parklands as members of the communities surrounding the parklands and not as representatives of any particular group or organisation.

Values

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

- Integrity
- Trust
- Service
- Accountability

These values are at the heart of how the NSW Government works and through consistent application they help us to maintain public trust.

Greater Sydney Parklands' approach is informed by the Department of Planning, Housing and Infrastructure (DPHI) values of:

- Daring
- Collaborative
- Creative
- Kind
- Inclusive

Standards of conduct

In exercising their functions, it is the personal responsibility of each community trustee board member to comply with this Code.

The Code has been developed to ensure that community trustee board members:

- Commit to upholding a high degree of professional service and ethical leadership
- Act in a way that promotes public confidence in board conduct
- Understand their public duty and legal responsibilities
- Act for proper purposes without exceeding their powers
- Exercise due diligence in all their functions.

General conduct

A community trustee board member must:

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

Meeting principles

Members are expected to:

- Participate in discussions and offer opinions and knowledge
- Treat others with respect and have due regard to the opinions, rights and responsibilities of others
- Act with integrity
- Attend each meeting where practical
- Disclose any pecuniary interests and declare any conflicts of interest
- Maintain the confidentiality of information.

Work health and safety

Greater Sydney Parklands sits within DPHI. Ensuring people working for Greater Sydney Parklands have a safe place to work is a top priority, as is public safety. Community trustee board members are considered 'workers' for the purposes of the *Work Health and Safety Act 2011* and supporting regulation. Greater Sydney Parklands is committed to eliminating and minimising work health and safety risks as far as reasonably practicable.

Community trustee board members are responsible for:

- Being aware of the safety systems and practices that help keep everyone safe and well
- Looking for hazards, and taking action if a safety risk is identified and it is safe to do so
- Reporting all work health and safety incidents, including near misses, using the Incident Reporting System, with reports provided to the board and committee Secretariat, GSPT Board and Audit Risk and Compliance Committee.

Respect and inclusion

Respect and inclusion are fundamental to a harmonious, productive, and psychologically and culturally safe workplace where people feel safe to speak up. Greater Sydney Parklands is committed to ensuring a safe environment where everyone can achieve their potential. Greater Sydney Parklands has no tolerance for harassment or victimisation.

Community trustee board members are responsible for:

- Treating people with dignity and respect, and contributing to a positive and productive environment
- Making sure people feel valued and are able to fully participate
- Not discriminating against, harassing or victimising anyone on any grounds including:
 - sex, gender identity or sexual orientation
 - age
 - race or ethnicity
 - physical or intellectual disability
 - political or religious conviction
- Demonstrating inclusive behaviours and using inclusive language
- Creating an environment that is safe from sexual, physical and psychological harm
- Preventing bullying.

Conflicts of interest

What is a conflict of interest?

A conflict of interest exists when a reasonable person might perceive that a public official's personal interest/s could be favoured over their public duties.

There are 4 elements to consider when determining whether a conflict of interest exists:

- Does the member have a personal interest?
- Does the member have a public duty?
- Is there a connection between the personal interest and the public duty?
- Could a reasonable person perceive that the personal interest might be favoured?

Conflicts of interest do not, in themselves, usually constitute corrupt conduct. Corrupt conduct can, however, arise when a conflict of interest is concealed, understated, mismanaged or abused.

Conflicts of interest can arise where a community trustee board member has any of the following that relates to the subject matter of their work with the community trustee board:

- Other directorships or employment
- Professional and business interests and associations
- Investment interests or the investment interests of friends or relatives
- Family relationships
- Participation in party political activities
- Personal beliefs or attitudes that affect impartiality.

The above list is indicative only. Other situations could also lead to a real or perceived conflict of interest.

How to mitigate a conflict of interest?

Members must mitigate any conflict of interest by:

- Disclosing any actual or perceived conflict of interest which may exist as soon as they become aware of the issue
- Declaring any actual or perceived conflict of interest on any agenda item at the start of the relevant meeting. The relevant interest/s in question are to be recorded in the summary report of the meeting
- Not participating in discussions, potentially being excused from the room and not voting on any issues where an actual or perceived conflict of interest has been identified.

Conflicts of interest that cannot be effectively mitigated may give rise to dismissal from membership to the community trustee board.

A register of such interests must be maintained by the community trustee board and must be made available on request.

Gifts, benefits and hospitality

Membership of community trustee boards is voluntary and unpaid.

Community trustee board members should be aware that it is illegal to seek, offer or receive money or gifts in order to obtain a benefit or favour. Members must not accept gifts or benefits that could place them under an actual or perceived financial or moral obligation to another organisation or individual.

Offers (other than light refreshment) should be politely refused. Members are required to report all offers of gifts, benefits or hospitality that are offered to them in their role as a community trustee board member.

Public resources

Appropriate use of resources

Public resources should only be used for public purposes. Furniture, equipment, staff and other resources may be provided to a community trustee board to enable the board to perform its functions, and should be used only in relation to those functions. This includes Greater Sydney Parklands staff members providing information and responding to questions as part of community trustee board meetings.

Communications

Confidential and private information

During the course of their duties, community trustee board members may have access to sensitive, personal and/or commercially confidential information that is only to be used for the purposes of the work of the community trustee board.

Members are expected to protect the integrity and security of any verbal and written information for which they are responsible and to adhere to the principles of the *Privacy and Personal Information Protection Act 1998* and any applicable privacy management plan.

Members have an ongoing duty to protect confidential and private information even after their membership of the community trustee board ceases.

Examples of misuse of official information or documents include:

- Speculating on shares, commodities or property on the basis of confidential information about the affairs of a business or of proposed NSW Government actions
- Seeking to take advantage of another person, for personal reasons, on the basis of information held in official records
- Disclosing sensitive information to members of the public, political parties, clients, lobby groups, other public servants, other government organisations or members of the NSW Parliament, without proper authority
- Providing or trading confidential information for use by private investigators, banks and credit agencies.

Members must:

- Use confidential or official information only in relation to their community trustee board role and consistent with their obligation to act impartially
- Be cautious and use sound judgement when discussing sensitive information with others
- Not use information gained in their capacity as a board member for personal gain
- Not improperly collect, use or disclose the personal information of individuals including community and staff members
- Not use information gained in the course of their community trustee board role to cause harm or detriment to government or any person or organisation
- Safely and securely store any community trustee board records, including emails and electronic information
- Not remove official information from government premises unless needed for board purposes.

Release of information

The *Government Information (Public Access) Act 2009* (GIPA Act) applies to public sector agencies including the community trustee boards that meet the definition of public sector agency in the GIPA Act. The meeting summaries of community trustee board meetings will be proactively released in accordance with the NSW Government's commitment to Open Government, unless there is an overriding public interest against disclosure.

Where a community trustee board has delegated its obligations under the GIPA Act to another agency or is considered a subsidiary agency under Schedule 3 of the GIPA Regulation, requests for information from the applicable information access and privacy unit should be responded to promptly. All documents should be provided, and any sensitivities clearly articulated to the information access officer handling the case.

Communicating with the media and third parties

Members should ensure that any public comments are made in a personal capacity and not attributed as official comments by the community trustee board.

Community trustee board members must not:

- Initiate contact with the media on matters or issues that have been subject to discussion by the board
- Make public comment on behalf of the board, Greater Sydney Parklands or the NSW Government
- Make public comment on any matter or issue that has been subject to discussion by the board (including to the media or on social media)
- Share any board records with the media or on social media.

Speaking up and reporting matters

Greater Sydney Parklands can only resolve problems and create improvements if people speak up and make Greater Sydney Parklands aware of a concern or situation.

Greater Sydney Parklands will support community trustee board members who speak up, by listening and providing feedback on the actions they have taken and the reasons for these actions. Speaking up is more likely to be effective if it takes place early and in a constructive, courteous way. This should be undertaken through the community trustee board Chair or to the Greater Sydney Parklands Chief Executive.

Reporting allegations of impropriety and corrupt conduct

It is important that the conduct of community trustee board members reflects the principles and ethical requirements set out in this Code at all times.

If allegations about inappropriate conduct are made or aired in the public domain which, if true, would constitute a breach of this Code, the member concerned may be removed from the board.

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

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

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

The Public Interest Disclosures Act 1994 provides protection to board members who voluntarily report suspected corrupt conduct. Members can make reports to the community trustee board Chair or to the Greater Sydney Parklands Chief Executive, in accordance with the agency's internal reporting guidelines.

Members can also report directly to the following investigative bodies:

- Disclosures concerning corrupt conduct should be made to the Independent Commission Against Corruption (ICAC)
- Disclosures concerning maladministration should be made to the NSW Ombudsman
- Disclosures concerning serious and substantial waste of public money should be made to the NSW Auditor General.

Breach of this Code

It is important to remember that community trustee board members are representatives of the NSW Government and are conducting work on behalf of the NSW Government. If a member does not comply with the Code, the community trustee board Chair may request the member take action to rectify their conduct or may determine that further work should be undertaken by the member until the breach is rectified. If the Chair is in breach of the Code, members of the board may take similar relevant actions.

If members of the community trustee board do not adhere to the Code of Conduct or are seen to display inappropriate ethical standards of behaviour, action may be taken. Where suspected breaches are related to the conduct of a member or the entire board, the board must consult with Greater Sydney Parklands.

In the case of a serious breach, the Chair may need to refer to the appropriate Minister and consider appropriate action. Any action taken will consider the seriousness of the breach, whether there is a pattern of such conduct, the intent of the member concerned, and the effect it is having on the work of the board. Action will also be taken as soon as practicable.

