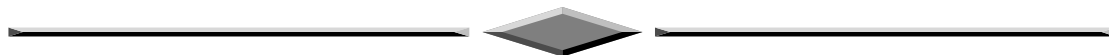


GREYHOUND AND HARNESS RACING REGULATORY AUTHORITY

CODE OF CONDUCT FOR STAFF MEMBERS

- DECEMBER 2005 -



The participants in greyhound and harness racing have a right to expect the business of the Authority to be conducted with efficiency, fairness, impartiality and integrity.

Public employment carries with it a unique obligation to the public interest and this demands that people working in the public sector exhibit standards of professional behaviour which will maintain public confidence and trust.

At the same time, Authority officers should not be subject to unnecessary restrictions in their private activities simply because they are employees of a Statutory Authority.

A Code of Conduct establishes standards of behaviour expected of Authority Officers and is a guide to solving ethical issues for those employed by the Authority. While there is no set of rules capable of providing answers to all ethical questions which arise this code provides the framework for appropriate conduct in a variety of contexts.

A number of the obligations and standards set out in this Code are also to be found in legislation. Officers need to be aware that, in some cases, breach of standards may involve criminal offences, in others they may amount to serious breaches of discipline and the possibility of dismissal.

The main legislation which is relevant is:

- Greyhound and Harness Racing Administration Act 2004
- Public Sector Employment and Management Act 2002
- Crimes Act 1900
- Anti-Discrimination Act 1977
- Occupational Health and Safety Act 2000
- Public Finance and Audit Act 1983
- Freedom of Information Act 1989
- Independent Commission Against Corruption Act 1988
- Protected Disclosures Act 1994
- Ombudsman Act 1974
- Industrial Relations Act 1996

VALUES UNDERLYING THE CODE

This Code of Conduct rests upon the assumption of a number of values which require that Authority officials behave with:

- integrity
- honesty
- loyalty to the public interest
- fairness
- conscientiousness
- compassion

The following areas should be observed -

1. PRINCIPLES

Codes are prepared within a framework of principles which are fundamental to the ethos governing behaviour. To this extent the community is entitled to expect the business of the Authority to be conducted with efficiency, economy, fairness, impartiality and integrity. To meet this expectation, all Authority employees need to apply the following principles when doing their work.

Public Confidence

Participants and the public have a right to expect that Authority officials -

- are of the highest integrity and competence
- treat all participants fairly, reasonably and equitably
- accord them with privacy surrounding their transactions, and
- provide an efficient and friendly service

Authority 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 protect the reputation of the Authority. They should not engage in activities, at work or outside work, that would bring the Authority into disrepute.

Responsibility to the Government of the Day

The Government and the Authority of the day are entitled to expect Authority officials to provide impartial and accurate advice and to implement their policies promptly, efficiently and effectively.

In particular employees must comply with any relevant legislative, industrial and administrative requirements.

Employee Rights and Responsibilities

Employees rights are the normal rights of employees, under the common law and within the provisions of legislation.

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

In addition Employees have a right to -

- be treated with dignity and respect
- expect all dealings with the Authority to be truthful and have regard to ethical propriety
- be given access to reasonable resources to enable execution of duties and provided opportunity for on-going personal development and training
- have performance appraised on a regular basis giving rise to constructive feedback
- have access to open channels of communication
- personal records being treated in a private and confidential manner

Responsive Service

Authority employees are to provide a relevant and responsive service to the Authority's clients and customers, providing all necessary and appropriate assistance and fulfil the Authority's service performance standards.

They 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.

Economy and Efficiency

Authority 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 purpose intended.

2. GUIDE TO ETHICAL DECISION MAKING

To assist in fostering a climate of ethical awareness, conduct and decision-making within the Authority, 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:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with Government and Authority Policy and in line with the Authority's objectives and code of conduct?
- What will the outcome be for the employee; work colleagues; the Authority; and other parties?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

3. CONFLICTS OF INTEREST

Conflicts of interest exist when it is likely that an employee could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their public duty. Conflicts of interest that lead to partial decision-making may constitute corrupt conduct.

Authority officers should avoid any financial or other interest or undertaking that could directly or indirectly compromise the performance of their duties. Conflicts of interest should be assessed in terms of the likelihood that officers possessing a particular interest could be influenced, or might appear to be influenced, in the performance of their duties on a particular matter.

In many cases only the individual officer will be aware of the potential for conflict. Therefore, the onus is on the officer to notify his or her senior officers if a potential or actual conflict of interest arises.

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

- financial interests in a matter the Authority deals with or having friends or relatives with such an interest that the employee is aware of
- personal benefits or attitudes that influence the impartiality of advice given
- personal relationships with the people the Authority is dealing with or investigating that go beyond the level of a professional working relationship
- secondary employment that compromises the integrity of the employee and the Authority; and

- party political activities or making adverse political comments that relate to the Authority's work

If employees are uncertain whether a conflict exists, they should discuss the related interest matter with their manager and attempt to resolve any conflicts of interest that may exist.

To resolve any conflicts of interest that occur, or could occur, a range of options is 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; or
- 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 Authority's normal grievance handling procedures.

4. ACCEPTANCE OF GIFTS OR BENEFITS

No officer should accept a gift or benefit if it could be seen by the public, knowing the full facts, as intended or likely to cause the official to do his or her job in a particular way, or deviate from the proper course of duty.

Token gifts or benefits may be accepted in circumstances approved by the Chief Executive Officer, provided that there is no possibility that the recipient might be, or might appear to be, compromised in the process.

As a general rule a line may be drawn in situations where a gift could be seen by others as either an inducement or a reward which might place the official under an obligation.

Employees should advise an appropriate senior member of staff if they believe they have been offered a bribe, or if they have been offered or received a favour or benefit.

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

5. PERSONAL AND PROFESSIONAL BEHAVIOUR

Authority officers should perform any duties associated with their positions diligently, impartially and conscientiously, to the best of their ability.

In the performance of their duties, officers should -

- keep up to date with advances and changes in their area of expertise

- comply with any relevant legislative, industrial or administrative requirements
- maintain adequate documentation to support any decisions made
- treat members of the public and other staff members with courtesy and sensitivity to their rights
- aim to provide a high level of customer service
- provide all necessary and appropriate assistance to participants and members of the public
- strive to obtain value for Authority money spent and avoid waste and extravagance in the use of Authority resources
- not take or seek to take improper advantage of any official information gained in the course of employment
- never exert inappropriate influence over officers of a less senior position

Officers are expected to give full support to the Government of the day regardless of which political party or parties are in office. When implementing Authority policy, officers' own values should not take precedence over those explicit or implicit in Authority policy.

When faced with having to implement a policy which is at variance with his or her own view, officers should discuss the matter with the Chief Executive Officer.

Officers should not harass or discriminate in work practices on the grounds of sex, marital status, pregnancy, age, race, ethnic or national origin, physical or intellectual impairment, sexual preference when dealing with their colleagues, participants and members of the public. Managers and Supervisors should understand and apply E.E.O. principles.

Officers are responsible for their own acts or omissions. It is the responsibility of a supervisor to ensure his/her staff understand -

- what their job is
- how they are expected to do their job
- what results are expected of them
- the principles of E.E.O

Managers must make sure that the workplace is free from all forms of harassment and discrimination. Managers should take all necessary steps to prevent and deal with harassment and discrimination in their particular work environment.

Officers have a duty to report to the Chief Executive Officer, the Anti-Corruption and Fraud Co-Ordinator, a Nominated Disclosure Officer, a Supervisor or a senior officer any unethical behaviour, suspected or otherwise, or wrong-doing by any other officer.

6. FAIRNESS AND EQUITY

Issues or cases being considered by officers should be dealt with consistently, promptly and fairly. This involves dealing with matters in accordance with approved procedures, quickly, without discrimination on any grounds. There is an obligation to treat each issue reasonably and in conformity with the principles of natural justice.

When using any discretionary powers officers 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.

7. MEDIA COMMENT AND THE USE OF OFFICIAL INFORMATION

Media comment under Authority policy is restricted to the Chairman/Chief Executive Officer and the Chairman of Stewards/Manager Stewards within the sphere of his particular responsibilities.

Authority officers should only disclose official information or documents acquired in the course of his or her employment when required to do so by law, in the course of duty, when called to give evidence in court, or when proper authority has been given.

In these cases, comments made by 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 (eg. asked to do so in court).

Officers are strongly advised not to air personal views, anonymous or otherwise, which may be inaccurate or which may reflect adversely on the Authority. Officers should ensure that their personal views are not interpreted as official comment.

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

8. USE OF OFFICIAL FACILITIES AND EQUIPMENT

It is expected that Authority Officers will be -

- efficient and economical in the use and management of Authority resources
- scrupulous in their use of Authority property including official motor vehicles and services and not permit their abuse by others

Official facilities and equipment should only be used for private purposes when official permission has been given by the supervisor.

9. OUTSIDE EMPLOYMENT

The prior approval of the Chief Executive Officer is required before officers may engage in any form of paid employment outside their official duties.

In all cases when outside employment is considered, officers should give their Authority employment first consideration and avoid situations which give rise to, or the appearance of, a conflict of interest. In particular, they must consider whether the company or organisation concerned is in, or entering into, a contractual relationship with the Government/Authority, whether its primary purpose is to lobby Government organisations or Members of Parliament, or whether it is in a regulatory relationship with the Authority.

10. POLITICAL PARTICIPATION

Authority Officers need to ensure that their participation in party political matters does not bring them into conflict with their primary duty as officers to service the Authority in a politically neutral manner.

This is important in order to maintain Ministerial and public confidence in the impartiality of the advice given, and actions taken by officers.

If an officer becomes aware that a potential conflict, whether real or apparent, has arisen or is likely to arise, the officer should inform his or her supervisor or the Chief Executive Officer immediately.

If a conflict of interest does arise the officer may have to stop participating in political activity or withdraw from areas of his or her duties giving rise to the conflict of interest.

Premier's Department Circular C2002-46 and PEO Circular 96-7 detail those special arrangements applicable to officers who are contesting State or Federal elections.

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

11. PROCESSING OF APPLICATIONS FOR REGISTRATION

Authority Officers must ensure that no preference is given to any participant in the processing of applications having relevance to either persons, greyhounds or horses.

12. ROLE OF STEWARDS

Authority Stewards should make fair, impartial and accurate judgements pertaining to all aspects of the supervision of race meetings and should ensure that they are not compromised in their decision making process.

13. CONDUCT OF STAFF

Members of staff of the Authority should be conscious of their conduct in public, should always conduct themselves with decorum and circumspection and at no time bring discredit to the Authority. In particular –

- Staff should not gamble on greyhound or harness racing.
- Staff should be aware of their responsibilities and obligations regarding the consumption of alcohol or illicit drugs at industry venues, official functions and during a normal working day. Staff consuming alcohol in these circumstances should ensure that they have proper regard to the effect it may have on their work performance, on the integrity of the Authority, and on what would generally be an acceptable standard by responsible members of the public.

Under no circumstances should staff be intoxicated or under the influence of illicit drugs, or drink immoderately at industry venues, official functions and during a normal working day.

- Staff must not solicit gifts or benefits from persons registered or licensed by the Authority.
- Staff must not accept gifts or benefits from persons registered or licensed by the Authority except where the gift or benefit consists of, or arises from participation in an industry function, in which case it shall be declared to the CEO and recorded in a register kept for the purpose.
- Staff should not associate, or have any dealings or contact with persons under suspension or disqualified from the racing industry, except in relation to official Authority business and with the express prior approval of the CEO.
- Staff should recognise the potential for conflict between their official duties and responsibilities and private friendships and associations. In order that potential conflicts may be avoided or managed staff must:
 - Not discuss confidential Authority business with friends and family
 - Ensure that, where racing matters are discussed with industry participants in other than an official context, it is made clear that the staff member is not acting on behalf of the Authority.
 - Ensure that, should any licensed person with whom the staff member has a social or family relationship become the subject of an inquiry or other proceedings of the Authority affecting that person, the staff member immediately advises the CEO, and takes no part in any such inquiry or other proceedings.

Where such a licensed person has business with the Authority in the ordinary course of his or her participation in the Greyhound or Harness Racing Industry the staff members shall notify as set out above and the Authority shall take steps to ensure that all administrative or other functions are carried out by other people.

14. BREACHES OF THE CODE

Officers should be familiar with the responsibilities that are contained in the Code. If the Authority becomes aware that an officer has breached the Code, appropriate action will be taken. This action may vary from counselling, to disciplinary action, including suspension, termination of employment or contract or the laying of appropriate criminal charges.

15. PROTECTED DISCLOSURES ACT 1994

The *Protected Disclosures Act 1994* offers protection for public officials who make disclosures concerning -

- corrupt conduct as defined by the ICAC Act 1988 eg taking or offering bribes, public official's dishonesty, using influence, blackmail and fraud
- maladministration that is based on unjust, oppressive or improper conduct, or improper motives and/or contrary to law
- serious and substantial waste of public funds, i.e. uneconomical, inefficient or ineffective use of resources (authorised or unauthorised)

The Act makes it a criminal offence to take "detrimental action" in reprisal against a person who makes a protected disclosure. Detrimental action means action causing or involving injury, damage or loss, intimidation or harassment, discrimination, dismissal or discipline.

It is important to note that it is an offence to wilfully make a false or misleading statement when making a disclosure.

Disclosures can be made to:

- Chief Executive Officer
- Nominated Disclosure Officers
- Anti-Corruption and Fraud Coordinator
- ICAC (for matters concerning corrupt conduct)
- Auditor General (in relation to disclosures concerning substantial waste of public money)
- NSW Ombudsman (when the matter concerns maladministration)

- in limited circumstances a member of Parliament or a journalist. This is only where the disclosure had already been made to an investigating authority or public authority, but whereby no investigation had followed or the investigation had not been completed within six months or investigation had been done but no recommendations had been made or the person who had made the disclosure had not been notified of the investigation.

The investigating authority or officer to whom the disclosure is referred, must notify within six months the person who made the disclosure of the action taken or proposed.

Further information can be obtained from the Authority's Protected Disclosure Policy, Premier's Memorandum 96-24 or PEO 96-1.

16. POST SEPARATION EMPLOYMENT

Authority Officers 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 Authority. The existence of such a scenario may indicate a conflict of interest and place the integrity of the employee and the Authority at risk.

Former 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.

Officers of the Authority should exercise due care in their dealings with former employees of the Authority and ensure that they do not give them, or appear to give them, favourable treatment or access to privileged information.

17. DO YOU NEED HELP?

If you do not understand anything covered in this Code or if you would like to discuss its contents further, there are a number of people to whom you can talk to including -

- your supervisor
- any Senior Manager

