

MAAS Code of Conduct

Draft policy for comment: 31/10/16
Date Approved: 24 November 2016
Date for Review: November 2018

Table of contents

The use of a table of contents is optional, and should be deleted if not required. Generally, only long or complex policies will require a table of contents.

1. Purpose	3
2. Policy statement	3
3. Scope.....	3
4. The Code of Conduct	3
5. Specific conduct obligations	4
5.1 Caring for the MAAS Collection	4
5.2 Good practice in research	4
5.3 Gifts and benefits	4
5.4 Conflicts of interest.....	4
5.5 Bullying and harassment.....	4
5.6 Discrimination.....	5
5.7 Drugs, alcohol and tobacco.....	5
5.8 Other paid employment.....	5
5.9 Tendering for and procuring goods and services.....	5
5.10 Corrupt conduct, fraud and maladministration	5
5.11 Use of communication devices and other equipment and facilities	6
5.12 Public comments.....	6
5.13 Social media and public websites	7
5.14 Ensuring the reputation of MAAS.....	7
5.15 Recordkeeping	7
5.16 Privacy and personal information.....	7
5.17 Protecting government information	7
5.18 Security	8
5.19 Work, health and safety	8
5.20 Working with children	8
6. Breaches of this Code	8
7. Related Museum policies, plans and/or procedures	8
8. Relevant legislation and external context.....	9
9. Responsible officer	9
10. Responsible Department & Unit	9
11. Amendment history	9

1. Purpose

The purpose of the MAAS Code of Conduct is to help all employees:

- Understand expected standards of conduct and behaviour
- Maintain MAAS's integrity and reputation
- Comply with relevant laws and government policies
- Deal with ethical problems that may be encountered.

MAAS has three core values - Integrity, Courage and Passion as outlined in our Strategic Plan. This Code of Conduct upholds these core MAAS values as well as the values and principles within the *Code of Ethics and Conduct for NSW government sector employees*.

2. Policy Statement

The Public Service Commissioner has issued a direction for agencies to implement the *Code of Ethics and Conduct for NSW government sector employees*. This MAAS Code of Conduct is a supplementary policy to be read and complied with together with the Public Service Commission's *Code of Ethics and Conduct for NSW government sector employees*.

This Policy and the *Code of Ethics and Conduct for NSW government sector employees* set out the standards of conduct, ethics and behaviour required for all MAAS staff. This MAAS Code of Conduct will help MAAS employees comply with their professional obligations and sustain high standards of ethical conduct. This will in turn maintain our credibility and the public's trust in what we do, ensuring the reputation of MAAS is preserved.

3. Scope

This Code of Conduct sets out the standards of conduct, ethics and behaviour required for all employees at MAAS. It applies to all MAAS employees, casual employees, contractors and volunteers. All references to 'employees' within this policy should therefore be read to include volunteers and contractors as well as paid employees. Compliance with this Code of Conduct is mandatory. Failure to comply with this Code of Conduct and associated policies may lead to disciplinary, remedial or performance management actions (including termination of employment). This Code of Conduct also provides a guiding framework for those who work with or represent MAAS, including Trustees and external advisory panel members.

4. The Code of Conduct

During the course of work, employees are often required to make decisions about the most appropriate course of action to take. The people of New South Wales have a right to expect that the business of public institutions, such as MAAS, will be conducted with transparency, efficiency, impartiality and integrity. Employees should recognise that public service employment carries with it an obligation to the public interest and requires them to exhibit high standards of professional behaviour in order to maintain public confidence. MAAS recognises that employees generally act in good faith, making decisions with the best intentions. The Code of Conduct has been designed to assist employees to link their actions to the *Code of Ethics and Conduct for NSW government sector employees* as well as the MAAS Strategic Plan and principles enshrined in other relevant policy documents, particularly in those instances where there are numerous and possibly conflicting options.

It is important to realise that the Code of Conduct does not contain the answers to all the situations employees may face. In cases of uncertainty employees are encouraged to seek advice and assistance from

their team head, director or the Governance Planning & Reporting Team. While the Code provides guidance on making ethical decisions, individuals must accept responsibility for their actions and choices.

MAAS recognises that employees may have additional ethical obligations associated with their particular profession. The following codes may be relevant to particular area of expertise:

- ICOM Code of Ethics for Museums
- Australian Institute for the Conservation of Cultural Material (AICCM) Code of Ethics (Practice)
- The Australian Code for Responsible Conduct of Research
- Museums Australia Code of Ethics

5. Specific conduct obligations

The information in this section guides employees in addressing specific conduct issues that may regularly arise at MAAS.

5.1 Caring for the MAAS Collection

The MAAS collection is an important and valuable asset, held in trust for the people of NSW and future generations. All employees must care for the collection and ensure its security following the Strategic Collections Policy Framework and Strategic Collections procedures.

It is acknowledged that personal collecting is a way of enhancing professional knowledge and is likely to be a product of professional interest. Employees must however be aware that personal collections may result in a conflict of interest. An employee should discuss collecting in a field related to the MAAS collection with their manager or team head.

No employee may compete with MAAS to acquire an object, nor may they use their position to promote their own (or an associate's) collecting activities. Employees may not deal (as opposed to collect) in objects similar or related to the objects collected by MAAS.

5.2 Good practice in research

MAAS aims to ensure delivery of high quality research that is carried out in accordance with the highest standard of integrity. All MAAS employees undertaking research or working on research projects must familiarise themselves with *the MAAS Code of good practice in research*.

5.3 Gifts and Benefits

Employees should not seek or accept gifts, benefits or hospitality that will compromise or appear to compromise their integrity and objectivity in performing their duties. Soliciting or accepting a gift or benefit as an actual inducement to make a decision or to provide a favour, is not only a breach of this code but constitutes corrupt conduct under the *Independent Commission Against Corruption Act 1988*. Refer to the *MAAS Gifts and Benefits Policy* for further information on how to deal with offers of gifts, benefits or hospitality.

5.4 Conflicts of interest

Managing actual, potential or perceived conflicts of interest is of great importance to ensure duties are performed impartially and in the public's interest. Conflicts of interest may arise in a number of ways and employees need to take reasonable steps to avoid them. Further information on conflicts of interest is found in the *Code of Ethics and Conduct for NSW government sector employees*. Specific details on identifying and managing conflicts of interest at MAAS are found in the *Conflict of Interest Policy 2012*, *Ethical Conduct of Purchasing Officer's Policy and Procedure 2016* and the *MAAS Conflict of Interest Factsheet 2016*.

5.5 Bullying and harassment

Bullying and harassment is not tolerated at MAAS. Employees must treat all colleagues, customers, clients and stakeholders with dignity and respect. Workplace bullying and harassment is repeated and

unreasonable behaviour directed towards a worker or a group of workers that creates a risk to health and safety. If you feel you are being bullied or harassed you should discuss the matter with your team head, director or with the Human Resources Team. Employees are encouraged to speak up against and report any bullying behaviour they witness to prevent its recurrence and escalation.

More information on bullying and harassment is available in the Public Service Commission's *Positive and Productive Workplaces Guideline*.

5.6 Discrimination

NSW and Commonwealth legislation protect people from discrimination on the grounds of their sex, gender identity, sexual orientation, marital, parental or carer status, pregnancy, age, disability, race, and political or religious beliefs. If you believe you have been discriminated against, contact your team head, director or the Human Resources Team. Team heads and managers are responsible for ensuring that the workplace is free from discrimination and should understand and apply the principles of equal employment opportunity and ensure that workers are informed of these principles.

5.7 Drugs, alcohol and tobacco

MAAS is committed to providing a productive, safe and healthy workplace. Employees are responsible for ensuring that their capacity to perform their duties is not impaired by the use of alcohol or drugs, and that the use of such substances does not put them or any other person's health and safety at risk. MAAS employees must not be under the influence of or in possession of a drug or substance that is illegal to possess or distribute. They must not work whilst under the influence of alcohol. Refer to the *Managing Alcohol and Other Drugs in the Workplace Policy* for more information.

MAAS is a smoke-free workplace and employees are not permitted to smoke or permit smoking on MAAS property or on the precinct surrounding MAAS sites. For more information refer to the *MAAS Smoke Free Workplace Policy*.

5.8 Other paid employment

Employees are able to work in either a paid or voluntary capacity outside of the Museum subject to the Director's approval. Secondary employment should not result in a conflict of interest for you or MAAS, either real or perceived. Employees also need to keep the following in mind:

- The work must be done in your own time.
- Your work at the Museum must not be affected.
- Any additional employment should not be in an area that competes or conflicts with the Museum.

Full time employees must seek approval from the Director prior to accepting any other offer of employment or contract / consultancy work. Contractors, casuals and part time staff and volunteers do not need to seek approval, but they should ensure any secondary employment does not create a conflict of interest.

5.9 Tendering for and procuring goods and services

When purchasing goods and services for MAAS, employees must follow MAAS policies and procedures for procurement. Employees are responsible for understanding the procedures that apply to the type of procurement you are undertaking on behalf of MAAS. For further information refer to the *MAAS Ethical conduct of purchasing officer policy and procedure 2016*.

5.10 Corrupt Conduct, fraud, and maladministration,

Employees are expected to uphold the law in exercising their day to day work duties. Employees are encouraged to report suspected corrupt conduct, fraud, maladministration, or substantial waste of public resources.

Corrupt conduct is the conduct of any person, whether or not a public official, that could adversely affect the exercise of an official function including conspiring or attempting corrupt conduct. Corruption is defined in the *Independent Commission Against Corruption (ICAC) Act 1988* and may take many forms. Examples of corrupt conduct include:

- Accepting or offering bribes
- Using your position (or official information) dishonestly or for personal gain
- Using MAAS resources for private purposes.

Fraud is the practice of using deceit to confer some form of financial benefit upon the perpetrator and results in a material loss to a person, persons or organisation.

Maladministration is an action which is illegal, unreasonable, unjust, oppressive, discriminatory or based on improper motives. Knowing of such an action and failing to address it is also considered to be maladministration.

Maladministration may include serious and substantial waste of public resources. Such uneconomical, inefficient or ineffective use of resources that is either authorised or unauthorised, may result in significant loss or wastage of public funds or resources. For further information please refer to the Audit Office of NSW website.

If you suspect corrupt conduct, fraud or maladministration you should report it to your team head, director or the MAAS Disclosures Coordinator (Head of Governance Planning & Reporting). Disclosures can be made according to the procedures described in the MAAS Public Interest Disclosure Policy. The *Public Interest Disclosure Act 1994* provides protection against reprisals for employees who report wrong doing. Should you feel that you are not able to report the matter through internal channels, you can contact:

- ICAC (for cases of corruption)
- The Auditor General (where the disclosure relates to a substantial waste of public money)
- The Ombudsman (for matters relating to maladministration)

5.11 Use of communication devices and other equipment and facilities

All use of MAAS communication devices (eg computers, mobile phones or similar devices) should be lawful, appropriate and ethical. Limited personal use is permitted, provided the use is infrequent, brief, involves minimal cost and does not interfere with work performance.

When using MAAS resources employees must not transmit, communicate or access information that could:

- Damage MAAS's reputation
- Be misleading or deceptive
- Result in victimisation or harassment
- Be offensive, inappropriate, obscene, threatening, abusive or defamatory
- Violate Australian or NSW regulations or laws, eg 'computer hacking'
- Be intended to have a destructive effect on storage, processing or communications network facilities.

MAAS vehicles are to be used only for official business. This may involve keeping a MAAS vehicle in a garage overnight at your home address. This rule does not apply to any employee whose employment terms and conditions include the private use of a vehicle.

5.12 Public comments

Public comment is any comment made where it is expected that it will be seen or heard by members of the public. It includes (but is not limited to) public speaking engagements, comments on social media, on radio and television, in newspapers, books or journals.

Certain employees have been nominated as official spokespersons for MAAS. Only these individuals may make official comments following the approval of the Director. All requests from the media must be referred to the Communications Team.

As an individual you have the right to public comment and to participate in political and social debate. However, you may not do so if you are identified as being connected with MAAS and it might appear that you

are making an official comment on behalf of MAAS. Individuals may not use their position with MAAS as a means of obtaining an opportunity to make social or political comment for personal or political gain.

Union delegates or union office holders employed by MAAS may comment on matters relating to union business.

5.13 Social media and public websites

When engaging in social media employees must make it clear they are engaging in a discussion as a private individual and not representing the official views of MAAS or the NSW Government. Only official information that is already in the public domain and does not breach any confidentiality requirements may be disclosed.

5.14 Ensuring the reputation of MAAS

As part of a professional team, MAAS employees are accountable for their actions and must work to enhance and protect the reputation of MAAS. The reputation of MAAS depends heavily on the conduct of its staff.

As an employee of MAAS you must not allow your personal views to influence the information you provide to the public. Employees must support and explain MAAS policy and procedures to clients and visitors where required, even if they disagree with them. All information provided should be accurate, relevant and unbiased. Any concerns employees may have relating to policy, procedures and plans should be raised with their manager or team head.

5.15 Record keeping

All employees are responsible for creating and maintaining full and accurate records that document official business transactions, decisions and activities. It is the responsibility of all employees to make and keep adequate records in accordance with the *State Records Act 1998* that support the conduct of business, ensuring that records are incorporated into the Museum's record keeping system and not destroyed without appropriate authority.

Records must be kept in an orderly and retrievable form. By keeping well-ordered records in a retrievable format we can promote confidence in the MAAS as a business conducted with integrity founded on efficient and impartial decision-making. Further information on record keeping responsibilities is in the *MAAS Records & Information Management Policy*.

5.16 Privacy and personal information

MAAS is committed to ensuring personal information collected from individuals will be kept confidential as required by law. Employees need to be aware of and comply with the *Privacy and Personal Information Protection Act 1998* which provides protections around information collected and/or held by a public agency about a person. All information about employees, clients, commercial activities and contractors must be kept confidential. Employees should ensure that personal information is only used for the official purposes for which it was collected. In the event that such information is requested, permission will be sought from those concerned prior to the information being disclosed. In addition information relating to financial information, object purchases and object loans should be treated as restricted. Refer to the *MAAS Privacy Management Plan* for further information.

5.17 Protecting government information

Government information held by MAAS includes all records regarding:

- The operation of the Museum
- Personal details of staff, visitors, contractors or consultants
- Collection object records

Information may be contained in correspondence (written and electronic), file notes, computer databases, text messages, video surveillance tapes and many other formats.

As a NSW government agency MAAS is committed to provide high quality, equitable and customer focused services to the people of NSW. Employees should bear this in mind in all dealings with the public. Information must be accurate, relevant and unbiased.

Under the *Government Information (Public Access) Act (GIPA) 2009* citizens have the right to access information held by the NSW Government to foster a government that is open, accountable, fair and effective. Enquiries regarding accessing information held by MAAS should be directed to the Right to Information Officer (Head of Governance Planning & Reporting), except for enquiries regarding collection information, which are managed in accordance with the *MAAS Collection Information Management and Access Policy* (part of the *Strategic Collections Policy Framework*).

If in doubt as to the appropriateness of releasing information employees should seek guidance from the Right to Information Officer (Head of Governance Planning & Reporting).

Employees should note that emails and text messages are part of MAAS's administrative records and are subject to requests under the GIPA Act. These records may be subpoenaed.

MAAS records must only be used for work related purposes and should not to be used for personal gain, or to assist a third party to benefit. This applies even after employment by MAAS has ceased.

5.18 Security

It is the responsibility of all employees to be aware of all security considerations and follow security procedures for their work area. MAAS is obliged to maintain security for employees, the public, the collection and all buildings and equipment. Refer to the *MAAS Security Policy* for further information.

5.19 Work, health and safety

All employees must follow MAAS Work Health and Safety requirements. Employees must take reasonable care of their own health and safety and do nothing to adversely affect the health and safety of others. All health and safety risks should be reported to your manager and all incidents of accidents, injuries and near misses should be reported through the Incident Report Form on the intranet. All employees should familiarise themselves with MAAS's Work Health and Safety policies and procedures.

5.20 Working with children

If you are in a role that involves working with children you will need to meet the legislative requirements of the *Children and Young Persons (Care and Protection) Act 1998* and the *Child Protection (Working with Children) Act 2012*. This includes undergoing a 'working with children' check. For more information refer to the Office of the Children's Guardian website.

6. Breaches of this Code

Any suspected breaches of this Code of Conduct should be reported to your team head or the Head of Governance Planning & Reporting. Breaches may result in proceedings of misconduct and disciplinary remedial or performance management actions (including termination of employment). Further information is also available in *The Code of Ethics and Conduct for NSW government sector employees*.

Reports of corrupt conduct, maladministration, serious and substantial waste and government information contravention may be subject to the protections offered by the *Public Interest Disclosures Act 1994*. See the *MAAS Public Interest Disclosure Policy 2012* for guidance.

7. Related Museum plans, policies and/or procedures

Code of good practice in research 2015

Conflict of Interest Policy 2012

Conflict of Interest Factsheet 2016

Drug and alcohol policy 2010
 Ethical conduct of purchasing officer's policy and procedure 2016
 Gifts and Benefits Policy 2016
 Managing Alcohol and Other Drugs in the Workplace Policy 2010
 Privacy Management Plan
 Public Interest Disclosure Policy 2012
 Records & Information Management Policy 2016
 Security Policy 2016
 Smoke-Free Workplace Policy 2016
 Strategic Collections Policy Framework 2016
 Strategic Plan
 Volunteers Policy 2008
 Work Health and Safety Policy 2016

8. Relevant legislation and external context

Anti Discrimination Act 1977
Children and Young Persons (Care and Protection) Act 1998
Child Protection (Working with Children) Act 2012.
Crimes Act 1900
Government Advertising Act 2011
Government Information (Public Access) Act (GIPA) 2009
Government Sector Employment Act 2013
Independent Commission Against Corruption (ICAC) Act 1988
Industrial Relations Act 1996
Museum of Applied Arts & Sciences Act 1945 and Regulation 2012
Ombudsman Act 1974
Privacy and Personal Information Protection Act 1998
Public Finance and Audit Act
Public Interest Disclosures Act 1994
Public Works and Procurement Act 1912
State Records Act 1998

Behaving Ethically: A guide for NSW government sector employees
 Public Service Commission's *Code of ethics and conduct for NSW Government sector employees*
 Public Service Commission's *Positive and Productive Workplaces Guideline*
ICOM Code of Ethics for Museums
Australian Institute for the Conservation of Cultural Material (AICCM) Code of Ethics (Practice)
The Australian Code for Responsible Conduct of Research
Museums Australia Code of Ethics

9. Responsible Officer

Head of Governance Planning & Reporting

10. Responsible Department & Unit

Corporate Service Department, Governance Planning & Reporting Team

11. Amendment history

Version	Date issued	Notes	By
---------	-------------	-------	----

1	26/09/2016	Updated	Governance Manager
---	------------	---------	--------------------