



## SERVICE STANDARD 1.1.7 CODE OF CONDUCT AND ETHICS

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### 1 Purpose

- 1.1 The purpose of this Service Standard is to ensure that all NSW Rural Fire Service (NSW RFS) members are aware of their obligation to uphold the values of the NSW RFS.
- 1.2 This Service Standard and accompanying Code of Conduct and Ethics (Code of Conduct) specify the mandatory requirements and best practice conduct expected of all NSW RFS members, both volunteer and staff, which is consistent with the Ethical Framework for the government sector.

### 2 Policy

- 2.1 The Code of Conduct forms part of this Service Standard.
- 2.2 All members must comply with the Code of Conduct.
- 2.3 As part of the acceptance of offer of employment, new staff are required to sign an acceptance letter that states they have been provided with a copy, read and agreed to abide by the conditions of the NSW RFS Code of Conduct and Ethics.
- 2.4 All staff must acknowledge and electronically sign the Code of Conduct and Ethics declaration within one month of commencing employment, and on an annual basis by 1 July each year, via the approved corporate system (currently SAP learning portal).
- 2.5 On joining the NSW RFS, all volunteer members are to be provided with a copy of the Code of Conduct and Ethics as part of the induction process.
- 2.6 The Code of Conduct provides a broad framework to:
  - a. guide daily professional and personal conduct of all NSW RFS employee and volunteer members and engaged contractors and consultants, as they undertake their NSW RFS duties and activities and provide a service for, and communicate with the NSW community;
  - b. support sound and ethical decision making and efficient, effective and prudent use of resources;
  - c. assist NSW RFS members, contractors and consultants decide on an appropriate course of action when they are faced with an ethical issue or situation;

- d. assist NSW RFS members, contractors and consultants to recognise and avoid behaviours that are inappropriate or have the potential to involve, or be perceived to involve, corruption, maladministration or waste, and provide guidance with respect to the reporting of such matters;
  - e. provide transparency to enable public scrutiny and ensure a merit based, apolitical and professional NSW RFS; and
  - f. support compliance with the NSW Government's mandatory conduct standards outlined in *Behaving Ethically: A guide for NSW government sector employees*.
- 2.7 The Code of Conduct obliges all members, contractors and consultants to be accountable for their own professional and personal conduct and behaviour and to act in accordance with the NSW RFS values and in the community's interest at all times.
- 2.8 The Code of Conduct recognises the role of the NSW RFS as a government sector agency in preserving the community's / public's interest and defending public value.
- 2.9 The NSW RFS Values and standards outlined in the Code of Conduct must be demonstrated and maintained by all NSW RFS members, contractors and consultants at all times; whenever and wherever it is relevant to the work, responsibilities, functions and activities of the NSW RFS.
- 2.10 NSW RFS members, contractors and consultants should ensure that their off duty conduct is consistent with these standards to avoid any adverse impact on the NSW RFS, or on a member's employment or volunteer status or contractual arrangements.
- 2.11 The Code of Conduct cannot address every possible ethical issue or scenario which may be faced by NSW RFS members, contractors and consultants in the course of performing work, duties or functions and when off duty. For this reason, the Code of Conduct should be used as a source of practical guidance based on a common sense approach to making ethical decisions about duty and issues. If in doubt, members should always consult their supervisor.
- 2.12 All NSW RFS members have an obligation to ensure that any visitors they are hosting act in accordance with the Code of Conduct at all times.

### 3 Related documents

- > [Anti Discrimination Act 1977](#)
- > [Children and Young Persons \(Care and Protection\) Act 1998](#)
- > [Child Protection \(Working with Children\) Act 2012](#)
- > [Child Protection \(Working with Children\) Regulation 2013](#)
- > [Crimes Act 1900](#)
- > [Government Advertising Act 2011](#)
- > [Government Information \(Public Access\) Act 2009](#)
- > [Government Sector Employment Act 2013](#)
- > [Government Sector Employment Regulation 2014](#)
- > [Government Sector Employment Rules 2014](#)
- > [Independent Commission Against Corruption Act 1988](#)
- > [Ombudsman Act 1974](#)
- > [Privacy and Personal Information Protection Act 1998](#)
- > [Public Finance and Audit Act 1983](#)
- > [Public Interest Disclosures Act 1994](#)
- > [Public Works and Procurement Act 1912](#)
- > [Rural Fires Act 1997](#)
- > [Rural Fires Regulation 2021](#)
- > [State Records Act 1998](#)
- > [Work Health and Safety Act 2011](#)
- > Code of Conduct and Ethics: Putting the NSW RFS Values and Ethical Principles into Practice
- > All NSW RFS Service Standards, Policies, and related documents
- > [NSW RFS Statement of Business Ethics for Commercial Partners and Suppliers](#)

> [Behaving Ethically: A guide for NSW government sector employees](#)

**Note:** This is not an exhaustive list. At certain times, or when doing certain work, NSW RFS members will have additional obligations under other regulatory and/or NSW RFS policy documents.

Relevant legislation, regulation, rules and other documents providing information and guidelines to NSW RFS members can be found at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

## 4 Amendments

AMENDMENT DATE	VERSION NO	DESCRIPTION
1 September 1999	1.0	> Initial release
9 October 2001	1.3	> Repealed v1.0 > Clauses 2.11.5, 2.14.2, 2.14.3, 2.15, 5 and 7 added or amended
17 June 2005	2.0	> Repealed v1.3 > Complete review
3 April 2008	2.1	> Repealed v2.0 > Clauses 10.1 and 10.4 amended
29 May 2008	2.2	> Repealed v2.1 > References to associated service standards and policies updated
9 December 2008	3.0	> Repealed v2.2 > Complete review to align with organisational values > SOP 1.1.7-1 clause 8.1 – new dot point re. use of NSW RFS IP for secondary employment > SOP 1.1.7-1 clause 10.4 amended
18 September 2009	3.1	> Repealed v3.0 > Clause 3.4 amended > Clause 9 incorporates legal advice on use of alcohol on NSW RFS premises
10 September 2015	4.0	> Repealed v3.1 > Service Standard reviewed to align with <i>Government Sector Employment Act 2013</i> and Public Service Commissioner's Direction 1 of 2015 > SOP SS 1.1.7-1 removed and replaced with a "Code of Conduct and Ethics"
2 December 2016	4.1	> Repeals v4.0 > Amended to include details of how members are provided with Code of Conduct, and reference to mandatory annual acknowledgement > Section 4 Amendments updated with version history
22 February 2022	4.2	> Repeals v4.1 > Updated Commissioner's message > Clarification of the application of the Code of Conduct for off-duty members > Updated roles titles to align with the Area Management Model and the functional realignment of NSW RFS Headquarters



**NSW RURAL FIRE SERVICE**



## **CODE OF CONDUCT AND ETHICS**

**PUTTING THE NSW RFS VALUES AND ETHICAL  
PRINCIPLES INTO PRACTICE**

## Document control

### Release history

Version	Date	Author	Summary of changes
1.0	10 Sep 2015		Initial release
1.1	5 Dec 2016		Clause 4.3
2.0	22 Feb 2022		Update Commissioner's message, and role titles

### Reviewed by

Name	Title	Date
PRC	Policy Review Committee	6 Jul 2015
CEG	Corporate Executive Group	29 Nov 2016

### Approved by

Name	Title	Date
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Trina Schmidt	Executive Director People and Strategy	16 Feb 2022
Rob Rogers	Commissioner	22 Feb 2022

### Related documents

Document name	Version
SS 1.1.7 Code of Conduct and Ethics	4.2

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## Message from the Commissioner

The NSW Rural Fire Service (NSW RFS) is established under the *Rural Fires Act 1997* as the lead combat agency for bush fires in NSW. For over 100 years the NSW RFS has been a significant part of the history and landscape of NSW and is widely acknowledged as the largest volunteer fire service in the world. Our members come from all walks of life, bringing different backgrounds, experiences and perspectives to our organisation.

This diversity brings better decision making, it makes our organisation richer and more reflective of our communities. It also helps us evolve, and many of the things we did in the past look very different today.

As we look to the future, we must never lose sight of all that is good, right and special about the NSW RFS. At the same time, we must strive to create a place of work where all members feel safe, included and empowered to be at their best.

Our Values and Code of Conduct will continue to play a fundamental part in what our future looks like. The decisions we make, the way we conduct ourselves and treat each other, matter. What we do and how we act, individually and collectively, will always count. Sometimes this might mean calling out inappropriate behaviour, or speaking up about wrongdoing. This isn't always easy to do, but it's the right thing to do.

The Code of Conduct provides all of us with an ethical framework to guide our actions and decisions. It makes it clear what is, and what isn't acceptable. It applies to all NSW RFS members, contractors and consultants.

We are a highly trusted organisation, and we serve the community in many ways; often when they are at their most vulnerable. To maintain that trust and our reputation, we must uphold the highest standards of behaviour. This is why our Values and the Code of Conduct must underpin all that we do.

**Rob Rogers AFSM**

Commissioner

# 1 Our Values

The community of NSW expects the NSW RFS to conduct its business with professionalism, accountability, integrity and respect.

The actions, decisions and interactions of NSW RFS members must:

- › be consistent with relevant legislation and policy;
- › provide transparency to enable public scrutiny; and
- › be soundly based on the NSW RFS values and the principles that guide their implementation.

There is no hierarchy among our core values and each is of equal importance.

<b>Mutual Respect</b>
<ul style="list-style-type: none"><li>› We actively seek and value everyone's contribution</li><li>› We acknowledge differences in people</li><li>› Constructive comment is accepted as a positive contribution to the richness of our organisation</li><li>› We encourage accepting responsibility and accountability while avoiding a "blaming" culture</li><li>› We respect the dignity of each and every person in all our communications</li></ul>
<b>Adaptability and Resourcefulness</b>
<ul style="list-style-type: none"><li>› We encourage creativity and flexibility, while approaching our work sensibly and with safety</li><li>› Initiative and continuous development are necessary and to be encouraged within our approved standards, procedures and guidelines</li><li>› We encourage open mindedness</li><li>› We are analytical in our approach to tasks and the Service encourages progression in new methods, alternatives, equipment and processes</li></ul>
<b>One Team, Many Players, One Purpose</b>
<ul style="list-style-type: none"><li>› We encourage diversity: our organisation is reflective of our communities</li><li>› We encourage contribution from all areas</li><li>› Consultation and engagement of stakeholders are essential to the success of the NSW RFS</li><li>› We target a diverse range of groups in our communications and the promotion of our organisation</li></ul>
<b>Integrity and Trust</b>
<ul style="list-style-type: none"><li>› We communicate clearly what we expect from each other</li><li>› We take personal responsibility for actions and commitments that we make</li><li>› We are both respectful and open with each other</li><li>› We foster a climate of trust and reliability</li><li>› Open and informed decision making is promoted and encouraged</li></ul>
<b>Support, Friendship and Camaraderie</b>
<ul style="list-style-type: none"><li>› We provide a welcome atmosphere for all</li><li>› We support each other in all activities</li><li>› We foster a sense of belonging, purpose, enjoyment and involvement</li><li>› We mentor our people to help develop their full potential</li></ul>
<b>Community and Our Environment</b>
<ul style="list-style-type: none"><li>› We go above and beyond to make a difference in the community and our environment</li><li>› We undertake our roles and behave in a way that is inspiring to others</li><li>› We see building community capacity as central to our mission</li><li>› We engage with the youth of our communities to ensure the sustainability of the Service</li><li>› We are mindful of the ecological and environmental impact of our activities</li></ul>
<b>Knowledge and Learning</b>
<ul style="list-style-type: none"><li>› We foster a climate of continuous learning and sharing of information</li><li>› We encourage self-reflection and personal growth</li><li>› We enhance our knowledge through participation in a range of forums</li><li>› We actively participate in research and embed the learning into our organisation</li><li>› Debriefing is important, necessary and to be encouraged to improve our standards, procedures and guidelines</li></ul>



## 2 Introduction

### 2.1 What is the NSW RFS Code of Ethics and Conduct, and who does it apply to?

The NSW RFS Code of Conduct and Ethics (the Code of Conduct) forms part of Service Standard 1.1.7 Code of Conduct and Ethics.

The Code of Conduct implements the *Ethical framework for the government sector* found in Part 2 of the *Government Sector Employment Act 2013*.

The Code of Conduct applies to:

- all members of the NSW RFS, including the Commissioner;
- any employee of another government sector agency on secondment to the NSW RFS;
- all consultants, contractors and agency employees engaged to perform work for, or on behalf of the NSW RFS; and
- work experience students.

In the Code of Conduct:

- members of the staff of the NSW RFS are referred to as “staff members”;
- volunteer rural fire fighters are referred to as “volunteers”;
- staff members and volunteers are referred to collectively as “members”; and
- the supervisor or manager directly in charge of a member is referred to as the “next in charge”. An example, for volunteers is:
  - for an officer or member of a brigade – the captain; or
  - for a captain or group officer – the district manager.

Staff members, as government sector employees have additional obligations to those of volunteers. These obligations, as set out in Part 2 of the *Government Sector Employment Act 2013*, have been incorporated within the Code of Conduct. Additional obligations that apply to staff members, but not to volunteers, have been specifically identified in the Code of Conduct.

### 2.2 When does the Code of Conduct apply?

The Code of Conduct applies whenever a member is:

- in the workplace<sup>1</sup>;
- acting in the capacity of a member;
- attending or participating in any NSW RFS or NSW RFS sponsored<sup>2</sup> activity, including but not limited to attending incidents, training, or other community relations events;
- wearing NSW RFS uniform, whether on duty or otherwise;
- attending any NSW RFS sponsored event including social events; or
- holding him or herself out as a member<sup>3</sup>.

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<sup>1</sup> “Workplace” includes places occupied by NSW RFS members whilst undertaking authorised activities and may include, but are not limited to: vehicles and tankers, boats, aircraft, fire grounds, trailers, caravans, plant and machinery, fire control centres, brigade stations, offices, training centres or locations, base camps, staging areas, canteens, workshops, storage facilities and warehouses, garages, toilets and amenities and any other location where NSW RFS activities/duties occur.

<sup>2</sup> “NSW RFS sponsored activity” includes functions or events organised by a brigade or brigade social committee, field days, training courses (whether or not they are conducted on RFS premises) and meals provided at, or social gatherings held in conjunction with meetings or training courses involving staff and/or volunteers.

<sup>3</sup> This includes occasions when a member describes him or herself as a member or implies that they are a member by, for example, posting an image of themselves in NSW RFS uniform or biographical details/description that includes a reference to membership of the NSW RFS.

Members should ensure their off duty conduct is consistent with these standards to avoid any adverse impact on the NSW RFS, or on their employment or volunteer status.

Contractors, consultants and agency employees engaged by and work experience students working in the NSW RFS must abide by the Code of Conduct, whenever and wherever they are performing work for the NSW RFS.

### 2.3 How does it relate to NSW RFS service standards and policies and the law?

The Code of Conduct does not replace the general law or the NSW Public Service Commissioner's Directions. All members of the NSW RFS must also comply with all relevant State and Commonwealth laws and staff members must comply with the NSW Public Service Commissioner's directions.

If a conflict arises between the Code of Conduct and the provisions of any Act, Regulation or Public Service Commissioner's Directions, the latter provisions prevail.

The Code of Conduct provides the overarching principles and standards for how members are to approach the most common ethical issues that may arise as they perform their duties. A number of other service standards, policies and guidelines are also issued by the NSW RFS to set out the specific steps and actions to be taken when managing the ethical issues referred to in the Code of Conduct. Members must therefore ensure they are aware of, and comply with the Code of Conduct and the relevant service standards, policies and procedures.

### 2.4 What happens if a member breaches the Code of Conduct?

Behaviour contrary to the NSW RFS values and/or the Code of Conduct can bring individual members into disrepute, undermine productive working relationships, hinder service delivery and damage the community/public trust in the NSW RFS, or the government sector more broadly.

There are a range of consequences for breaching the NSW RFS values and the Code of Conduct depending on the nature and seriousness of the breach and the status of members involved.

A failure to comply with the Code of Conduct may constitute:

- A breach of discipline in the case of a volunteer – see Service Standard 1.1.2 Discipline and Service Standard 1.1.21 Stand Down/Removal from Membership and Notification of Criminal Charges and Convictions;
- Misconduct in the case of a staff member – see the misconduct processes under Section 69 of the *Government Sector Employment Act 2013* and Part 8 of the *Government Sector Employment Rules 2014*.

The NSW RFS Commissioner may also be required by law to report some breaches of the Code of Conduct to one or more of the following external agencies and such conduct may constitute a criminal offence:

- NSW Police;
- NSW Independent Commission against Corruption (ICAC);
- Office of the Children's Guardian.

If it is alleged that a member has acted in a way that is contrary to the Code of Conduct, he or she will have an opportunity to provide their version of events. How this will happen will be proportionate to the seriousness of the matter. Where the allegation is minor or low level the member's next in charge may discuss the matter directly with the member. If the allegation is more serious, and/or there is evidence of a pattern of similar behaviour over a period of time, a formal process may be required.

Potential outcomes where a finding of breach of discipline/misconduct has occurred may include:

- Volunteers – reprimand, suspension, demotion, disqualifying the respondent from holding rank, imposition of conditions on membership or removal from membership;
- Staff members – any of the actions detailed in Part 5, Section 69 (4) of the *Government Sector Employment Act 2013*;
- Contractors, consultants, agency employee and work experience students – termination of contract/work arrangements.

## 2.5 What should a member do if they become aware of conduct or behaviour contrary to the Code of Conduct?

A member who believes that another member, consultant, contractor, agency employee, secondee or work experience student has done the wrong thing they must discuss their concerns confidentially with their next in charge.

If the next in charge is the person who the member believes may have breached the Code of Conduct, or the member is not comfortable discussing their concerns with this person, they must raise their concerns confidentially with the next level of management/command.

A member may also raise any concerns with Critical Incident Support Services or the Chaplaincy Service.

Members must report suspected corrupt conduct, as well as maladministration and serious and substantial waste of public resources, or a breach of government information and privacy rights to their next in charge in accordance with Service Standard 1.1.32 Fraud and Corruption Prevention, or make a public interest disclosure.

The *Public Interest Disclosures Act 1994* provides certain protections against reprisals for members who voluntarily report such matters, but not where the allegation is made vexatiously or with malicious intent.

To be protected under the *Public Interest Disclosures Act 1994* an individual must make the disclosure:

- internally to the person or persons nominated in Service Standard 1.1.30 Public Interest Disclosures in the NSW RFS;
- externally to any of the following agencies, depending on the nature of the disclosure:
  - Disclosures concerning corrupt conduct should be made to the ICAC;
  - Disclosures concerning maladministration should be made to the Ombudsman; and
  - Disclosures concerning serious and substantial waste of public money should be made to the Auditor-General.

Disclosure can likewise be made to a Member of Parliament or to a journalist, subject to the conditions provided under Section 19, Part 2 of the *Public Interest Disclosures Act 1994*.

If a member is unsure as to whether a matter involves corrupt conduct, maladministration or serious and substantial waste they should still report it to the nominated person or agency cited above.

In the case of conduct or behaviour that may involve serious misconduct, any misconduct involving a child or potentially criminal or corrupt conduct, or to seek clarification on these matters, they may also contact the NSW RFS Performance and Conduct Unit or Area Commander.

## 3 Our Core Conduct Obligations

The NSW RFS is a community based fire and emergency service. It is both part of the community and serves the community.

Serving the community means more than fighting fires and protecting people, property and the environment from emergencies. It also means we have other obligations as detailed in this section.

### 3.1 Compliance

All members must comply with:

- State and Federal Laws
- the NSW RFS values;
- the Code of Conduct; and
- any other NSW RFS service standards, policies, procedures and guidelines relevant to their role.

All members must also comply with any lawful and reasonable direction or instruction given to them by another NSW RFS member empowered to make such a direction or instruction under legislation, regulation, delegation or authorisation.

All NSW RFS managers, executives and senior volunteers must also:

- lead and promote implementation of the Ethical Framework in their workplace;
- ensure their workplace culture, practices and systems (including recruitment and promotion) operate consistently with the Ethical Framework;
- recognise and promote individual member and team conduct that exemplifies the Ethical Framework; and
- act promptly and with due process to prevent and address any breaches of the Ethical Framework.

### 3.2 Public Interest

Since the functions and powers of the NSW RFS can have a broad effect on members of the community, you are expected as a member to perform your duties and activities, make decisions and exercise any delegation or authorisation in ways that promote or preserve the community/public's interest.

It is acknowledged that members also have their own private interests. An "interest" in this context means anything that can have an impact on an individual or group. The term "private interest" includes not only the personal, professional or business interests of a member, but also the personal, professional or business interests of individuals or groups with whom a member is closely associated. This can include relatives, friends, business associates, or even rivals and enemies.

In order to ensure their actions and decisions actively place the interests of the community/public and the NSW RFS before that of their own, members must:

- act professionally with honesty, consistency and impartiality as they carry out their NSW RFS duties;
- treat people with whom they have contact during the course of their duties equally without prejudice or favour;
- uphold the law, institutions of government and democratic principles;
- provide transparency to enable public scrutiny;
- not use NSW RFS information or resources for private gain;
- not take improper advantage of their NSW RFS membership;
- provide apolitical and non-partisan advice;
- promptly disclose and effectively manage any actual, perceived or potential conflict of interest so that they can perform their duties in a fair and unbiased way;
- make adequate records of any decision made or actions taken during the course of their duties;
- make sure they receive value for money when incurring expenses on the NSW RFS' behalf; and
- be fiscally responsible and focus on the efficient, effective and prudent use of resources.

### 3.3 Ethical Decision Making

A member must act ethically in all their dealings with members of the community, our stakeholders and their fellow members.

It is therefore essential that members identify ethical dilemmas and apply ethical judgement in resolving them because this is appropriate behaviour that reflects NSW RFS values.

The decisions and actions members take must be consistent with legislation, the NSW RFS values, the Code of Conduct and NSW RFS service standards, policies, procedures and guidelines.

When faced with an ethical dilemma, members should clarify the scope of the problem and consider carefully how the problem affects (or may affect in the future) other members, members of the community, stakeholders and the government of the day.

Members should use the following framework to guide their decision making:

1	Is what I am proposing to do within the law?
2	Is what I am proposing to do consistent with the principles of the NSW Government Sector?
3	Is what I am proposing to do in line with the NSW RFS purpose and strategic plan?
4	Is what I am proposing to do in the best interests of the NSW RFS and the community? (i.e. Will it yield the greatest benefit or least harm to the most people and minimize the number of people who might be disadvantaged in the short or long term)
5	Is what I am proposing to do consistent with the Code of Conduct and/or NSW RFS service standards, policies, procedures and guidelines?
6	Is this a decision I have the authorisation to make, or should it be referred to a more senior member?
7	What will the outcomes of the decision be – for me, my role, the Section/Brigade, the NSW RFS?
8	What will the consequences be for other individuals?
9	Which options support due process, transparency, fair compensation for any loss and fair treatment of those affected by any decision?
10	Which options support the legal rights of members of the public?
11	Could the decision lead to myself, or a family member, friend or associate benefiting at the expense of the Brigade, the NSW RFS or the community?
12	Will the decision bear up to scrutiny by the community, the media or a watchdog organisation like ICAC?
13	What is the likely impact on NSW RFS membership, finances, infrastructure and other assets?
14	What is the likely impact on government finances?
15	Can the issue be addressed through the redesign of services, work practices or new methods of service delivery?

Evaluate and decide which option best addresses the above issues and:

- > is lawful;
- > is in the community/public interest;
- > supports integrity;
- > builds trust;
- > delivers better services; and
- > ensures accountability.

To establish if the option selected is consistent with the NSW RFS values and the Code of Conduct, test it against the following questions:

- > Integrity – would your fellow members say you had considered the views of all interested parties/individuals and acted in the right way, even if it was at your personal cost?
- > Trust – would your action, if it became public, build confidence in the NSW RFS and the public sector?
- > Service – would the community say your actions improved the quality of the services they receive?

- › Accountability – would the Commissioner and fellow members say that your actions are consistent with the NSW RFS values, the Code of Conduct and the law?

Ensure that in implementing your decision, the methods and approach you take are also consistent with the NSW RFS values and the Code of Conduct.

### 3.4 Accountability

Being accountable in everything we do:

- › enhances the public's confidence in the NSW RFS;
- › helps to ensure that we are responsive to the interests of the community; and
- › protects individuals, members and the NSW RFS.

A member is accountable for their own conduct and the decisions they make and actions they take. Members must demonstrate their accountability by:

- › acting according to the spirit and the letter of any relevant legislation;
- › complying with NSW RFS service standards, policies, procedures and guidelines at all times;
- › making certain that all decisions, actions and advice are based on evidence and within delegation/authorisation;
- › being answerable for their decisions and actions, and the outcomes resulting from their decisions and actions;
- › making sure that any decisions made, actions taken or advice provided on behalf of the NSW RFS is properly documented;
- › ensuring they take ownership of situations that they are involved in. They see them through, and take responsibility for what happens – good or bad;
- › not blaming others if things go wrong. Instead, they do their best to make things right;
- › taking an active role in implementing the objectives of the NSW RFS; and
- › ensuring that NSW RFS resources and assets are used responsibly in accordance with relevant service standards.

### 3.5 Fairness and Equity

The NSW community, our stakeholders and other members have a right to expect that members demonstrate fairness and equity whenever they perform their duties, take actions, have interactions and make decisions.

Accordingly, all members must:

- › act honestly, in good faith, reasonably and with integrity at all times when dealing with members of the community, stakeholders and fellow members;
- › perform their duties impartially, particularly when exercising discretionary powers or delegated authority;
- › inform other members and members of the community of their rights, the procedures to be followed and the criteria on which any decisions will be made; providing them with adequate opportunity to respond and/or put their case and then taking this information into consideration when making decisions;
- › ensure other members and members of the community are advised of the reasons for any decision; and
- › act in a manner that is inclusive and respectful of people and their linguistic, cultural, religious, ethnic, national or racial backgrounds, physical, mental or intellectual attributes or disabilities, age, gender or sexual orientation.

### 3.6 Environmental Protection

All members have statutory responsibilities to protect the environment under the *Rural Fires Act 1997* and other legislation.

Accordingly, all members must:

- be mindful of the environmental impacts of their actions;
- have regard to the principles of ecologically sustainable development; and
- work to minimise environmental impacts in the workplace by reducing consumption of paper and energy and reusing and recycling resources.

## 4 Conduct Obligations in Specific Circumstances

A member's conduct, behaviour and the choices they make provide the opportunity to put the NSW RFS values and the Code of Conduct into practice and to support other NSW RFS members to do the same.

By observing the following principles as members undertake their duties will ensure that their professional and personal conduct and behaviour promotes the NSW RFS values and maintains the community's trust and confidence in its integrity and professionalism.

### 4.1 Workplace Health and Safety

All members must take reasonable care of their own health and safety, and the health and safety of others.

Volunteers must comply with all relevant NSW RFS Work, Health and Safety service standards.

Staff members must comply with all relevant NSW RFS Work, Health and Safety policies and service standards.

### 4.2 Alcohol and other Drugs

A member must not:

- sell or allow the sale of alcohol on NSW RFS premises and at NSW RFS sponsored events, other than on licensed premises;
- supply or allow the supply of alcohol to minors on NSW RFS premises and at NSW RFS sponsored events by any person, including the minor's parent or guardian;
- allow the consumption of alcohol by minors on NSW RFS premises or at NSW RFS sponsored events; or
- consume alcohol on NSW RFS premises or at NSW RFS sponsored events unless a responsible officer is present who is willing to assume responsibility for:
  - ensuring compliance with the Code of Conduct and other relevant service standards and policies; and
  - supervising the conduct of the members in attendance.

In the case of volunteers, the responsible officer must be:

- a group or brigade officer over the age of 18 years; and
- present at all times while alcohol is being consumed.

In the case of staff members, the responsible officer must be:

- an inspector or of higher rank or if non-ranked, a Manager or above; and
- present at all times while alcohol is being consumed.

Soft drinks or other non-alcoholic drinks must be made available whenever alcohol is consumed or available for consumption on NSW RFS premises or at NSW RFS sponsored events.



A member must not use, supply or possess any prohibited substance.

A prohibited substance includes:

- any prohibited drug or prohibited plant as that term is used in the *Drug Misuse and Trafficking Act 1985 (NSW)*
- any prescription drug or pharmaceutical other than in circumstances where the member:
  - has a prescription for the prescription drug or pharmaceutical provided by a registered health care provider; and
  - is using it in accordance with the advice of that health care provider.

### 4.3 Conflicts of Interest

A “conflict of interest” refers to situations where a member’s private or personal interests may conflict with the performance of a member’s responsibilities/duties (i.e. their public duty).

A conflict of interest can involve gaining a personal advantage as well as avoiding or minimising personal disadvantage. That is, a conflict of interest may allow you to avoid a loss, expense, or something else that has a negative impact on your personal or private interests.

Conflicts of interest may be actual, or be perceived to exist, or potentially exist at some time in the future.

Members must avoid situations where in the performance of their duties they could be influenced, or be seen to be influenced by their private interests.

The perception of a conflict of interest is just as important as an actual conflict as it can equally have an impact on the NSW community’s confidence in the integrity of the NSW RFS.

It isn’t wrong or unethical to have a conflict of interest, what is important is that it is identified promptly and appropriately managed.

The best way to handle conflicts of interests is to avoid them entirely, wherever possible. If a member thinks they have a conflict of interest they must disclose it to their next in charge as soon as possible, and work cooperatively with them on a strategy to manage the situation.

**Staff Members Only** – Staff members must also comply with all relevant policies relating to Conflicts of Interest.

**Public Sector Senior Executive (including an acting senior executive) Only** - must make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could be perceived to influence, decisions made or advice given by the senior executive.

#### **Conflicts of Interest and a member’s right to participate in political and community activities and pursue personal interests.**

Outside of a member’s NSW RFS duties he or she has the right to participate in political and community activities and to pursue personal interests, provided that:

- any participation does not conflict with their duty as a member to serve the community’s interest and the government of the day in a politically neutral manner; and
- any conflict that arises is recognised and adequately managed.

What is considered appropriate by the NSW RFS in any particular case will depend on the nature of the issue, the position the member holds, the extent of their participation, and their public prominence.

Where a member becomes aware that a conflict of interest has arisen regarding their political or community activities they must inform their next in charge immediately who will then work with them to develop the most appropriate strategy for addressing the conflict.

NSW RFS Employees seeking to contest elections must also comply with the provisions outlined in PSCC 2013 – 03 & DPC Circular 2013 – 04 Contesting Elections.



#### **4.4 Gifts and Benefits (Staff Members Only)**

All staff members must exercise judgment and caution in regard to any gifts or benefits they may be offered in connection with their official duties, or because of their position or role in the NSW RFS.

The acceptance of gifts/benefits regardless of their monetary value may compromise, or appear to compromise the impartial performance of a member's duties and responsibilities, or cause, or appear to cause a conflict of interest. Accordingly, members must always consider the reasons and the context in which the gift/benefit has been offered and the consequences of receiving it, before making any decisions to accept it.

Staff members must comply with all relevant policies relating to gifts and benefits.

#### **4.5 Secondary or Private Employment (Staff Members Only)**

Secondary or private employment means work other than a staff member's job with the NSW RFS, and includes undertaking voluntary or unpaid work or operating a private business (whether as an employee, principal or business owner).

A staff member must seek approval in writing from their next in charge to undertake secondary or private employment prior to commencing the secondary or private employment.

The written submission must show that:

- the secondary or private employment will not interfere with, or adversely affect their NSW RFS duties;
- the secondary or private employment will not create a conflict of interest with their NSW RFS duties;
- the secondary or private employment will not involve the use of any NSW RFS intellectual property or confidential information or resources; and
- the secondary or private employment will be undertaken outside of their current working hours.

Staff members who are directly involved in the procurement of goods and services for the NSW RFS are prohibited from undertaking secondary or private employment with a supplier or potential supplier of goods or services to the NSW RFS.

If the staff member's approved secondary employment arrangements change (e.g. change in hours, location etc.) they must seek approval in writing from their next in charge before the new arrangements take effect. If the staff member's position in the NSW RFS changes they must reapply for secondary employment approval.

Staff members who are volunteer members of a brigade do not need to seek approval to be a volunteer member from their supervisor; however they must comply with the provisions of Service Standard 2.1.9 Participation by Permanent Staff in Brigade Activities.

#### **4.6 Respectful and Inclusive Workplace**

The NSW RFS is strongly committed to providing and maintaining a respectful and inclusive workplace, where all members are treated with dignity, courtesy and respect at all times, and in all work locations. Bullying, discrimination, vilification and/or sexual harassment have no place in a respectful and inclusive workplace.

Volunteers must comply with all relevant service standards.

Staff members must comply with all relevant policies and service standards.

#### **4.7 Safety, welfare and well-being of children**

The NSW RFS has both a legislative and moral obligation to protect children.

A child is defined as a person under the age of 18 years.

Protecting children engaged in NSW RFS activities and providing a child-safe, child-friendly environment is a responsibility that all members share. In order to create a child-safe environment all members must take an active

role in keeping children safe from all forms of harm and creating a trusting environment where they are valued, respected and welcomed.

Members must:

- comply with any relevant pre-screening employment/membership checks if they will be involved in child related activities. Child related activities are defined in Service Standard 2.1.5 Child and Youth Participation in NSW RFS Activities;
- ensure that they act professionally and maintain a respectful and professional distance around any child with whom they come into contact during the course of their duties;
- avoid any behaviour which might be considered by a reasonable person as inappropriate including but not limited to:
  - having a sexual or intimate relationship;
  - using sexual innuendo or inappropriate language;
  - holding conversations where they disclose private information about themselves;
  - giving gifts of a personal nature;
  - taking inappropriate photographs; or
  - having contact via social media, text, phone, email or letters in inappropriate circumstances.
- recognise circumstances that may involve inappropriate behaviours towards a child and discussing their concerns with their next in charge, or with the Performance and Conduct Unit; and
- ensure that any child that approaches them with a concern or complaint about another member's behaviour towards a child is appropriately supported and the matter immediately reported to their next in charge, or to the Performance and Conduct Unit.
- ensure any immediate risk to a child is reported to the NSW Police.

#### **4.8 NSW RFS resources**

Members must ensure that NSW RFS resources are used efficiently and effectively for the purposes of the NSW RFS and that they:

- make decisions relating to the use of resources, facilities and equipment that are reasonable, appropriately authorised and able to withstand community scrutiny;
- take due care and diligence and act within delegation when purchasing goods and services on behalf of the NSW RFS;
- treat NSW RFS property and equipment with due care and ensure the property and equipment is secured against theft, misuse or breakage;
- take appropriate care of any protective clothing and equipment issued to them and only wear it when authorised to do so;
- wear their NSW RFS uniform in a presentable manner;
- hold a valid licence for the class of NSW RFS vehicle, boat or aircraft they are operating. If their licence is cancelled, suspended or disqualified they must inform their next in charge immediately;
- hold a valid licence or accreditation for the equipment they are required to use;
- only use the NSW RFS internet, intranet, email and computers (computer systems) for appropriate purposes;
- do not use NSW RFS computer systems to create, access, store or distribute pornographic, harassing, obscene, threatening, sexist, sexually explicit, racist, discriminatory or other offensive material;
- do not use the NSW RFS computer systems for accessing, downloading, copying, storing or playing videos, audio or music files, unless that material is related to their NSW RFS duties;
- are economical in the use of office facilities and equipment, including the use of motor vehicles, travel and credit cards;

- know, understand and comply with the requirements of the *Public Finance and Audit Act 1983*, the *Public Works and Procurement Act 1912* and the *Government Advertising Act 2011* if they are responsible for receiving, spending or accounting for money; and
- return any equipment provided to them during the course of their employment/membership to their next in charge on their last day of duty.

**Staff Members only** - Limited use of computer systems, fixed and mobile telephones, facsimile and photocopier equipment (but excluding motor vehicles) for personal use will generally be permitted, provided the use is infrequent and brief and the following criteria has been satisfied:

- The use of the equipment does not conflict with the staff member's work or that of their colleagues;
- The use of the equipment does not involve a significant cost to the NSW RFS;
- The use of the equipment is undertaken in the staff members own time;
- The staff member will not benefit financially from the use of equipment; and
- The use of equipment is not for commercial purposes for the staff member or others.

## 4.9 Intellectual property

When creating materials, applications or equipment, members must ensure the intellectual property rights of the NSW RFS and others are not infringed. Any third party copyright or other rights information must be recorded in the materials.

The copyright of material created by members in the course of their duties belongs to the Crown, even if the material was developed in the member's own time, or at home.

A member must seek consent from the relevant Deputy Commissioner/Executive Director before entering into any arrangements regarding the publication or disclosure of any research or articles or materials, applications or equipment produced as part of their duties.

A member must not use the intellectual property, including copyright of the NSW RFS for private purposes without first obtaining written consent from the relevant Deputy Commissioner/Executive Director.

During subsequent employment and activities a member must respect the confidentiality of any information obtained in the course of their NSW RFS duties and the intellectual property rights over material produced, including material that they produced in the course of their NSW RFS duties.

For more information in relation to responsibilities regarding intellectual property see Service Standard 1.1.19 Intellectual Property.

## 4.10 Confidential, private and personal information

All members must ensure that personal and private information that is collected from other members or the public is treated in a confidential manner.

All members must ensure that corporate information created, received, or collected in the course of their duties is treated in a confidential manner.

Volunteers must comply with all service standards relating to the collection, handling and protection of information.

Staff members must comply with all policies and service standards relating to the collection, handling and protection of information.

## 4.11 Public Comments

A member must comply with relevant service standards in particular Service Standard 1.4.8 Media when making any public comments or publishing official information regarding the NSW RFS.

Public comment includes comments made in the context of public speaking engagements, comments on radio, television, the internet or other collaborative or social networking applications, letters to newspapers, books, journals or other written publications where it is reasonably expected that the comments will be available to the community at large.

Only the Commissioner, Deputy Commissioners or Executive Directors, or other delegated persons are authorised to speak on behalf of the NSW RFS.

Members who are an elected or nominated spokesperson for a relevant representative association or union are entitled to make public comments in relation to NSW RFS matters, as long as it is made clear to the audience that those comments represent the views of the association or union, and are not necessarily those of the NSW RFS.

If a member wishes to make a statement on an official matter as a private citizen they must not do so in NSW RFS uniform. They must also make clear that the comments made are their own or those of other entities and are not made on behalf of the NSW RFS.

Members must be mindful to ensure they do not reveal any confidential, personal or private information when making public comments.

## 4.12 Personal relationships

The NSW RFS acknowledges that members with a close personal relationship may be required to work/undertake duties together. It is also recognised that in the workplace or the operational environment this could, or could be seen to compromise fair and ethical work performance and decision-making.

If a member has a close personal relationship with another member or members that may create a conflict of interest (either perceived or actual) they must declare the relationship/s to the next in charge. The member must also work actively with their next in charge to ensure that appropriate steps are taken to minimise any negative effects, (either perceived or actual), of the close personal relationship/s. If a member is unsure or has concerns about whether a close personal relationship is a Conflict of Interest they should discuss the matter with their next in charge.

## 4.13 Personal presentation

When a member wears the NSW RFS uniform, or operates identifiable NSW RFS vehicles, boats or aircraft they are clearly identified to the community as a member of the NSW RFS. A member's appearance must be clean, neat and tidy; other than when undertaking operational activities on an incident ground.

Any clothing worn by a member which bears the insignia of the NSW RFS must only to be worn in accordance with Service Standard 8.1.1 Uniforms for NSW RFS members.

A member must only wear NSW RFS uniform:

- when on duty or travelling to or from duty; and/or
- when attending training, official functions, meetings, conferences or at NSW RFS sponsored events.

A member must wear the appropriate personal protective equipment/clothing (PPE/C) for the task when undertaking operational activities in accordance with Service Standard 5.1.5 Protective Clothing and Accessories.

A member must not wear their uniform, identity card or NSW RFS name badge when visiting a public bar or registered club, other than if they are attending the venue for an official function, meeting, conference or a NSW RFS sponsored event.

Staff members who do not wear uniform must still ensure that their personal appearance and presentation are clean, tidy and appropriate for their role when on duty.

All uniform and PPE/C items remain the property of the NSW RFS and must be immediately returned to the NSW RFS if the member is directed to do so by their next in charge or when they cease to be a member of the NSW RFS.

#### **4.14 References**

All members must comply with this section of the Code of Conduct to avoid incurring legal liability and to ensure they protect the public interest and the integrity and reputation of the NSW RFS.

##### **Employment References (Staff members only)**

An employment reference is a document or verbal statement which provides information or makes assertions about a current or former staff member's skills, conduct and performance, during a specified period of time. An employment reference is provided to an employer to enable them to assess the current or former staff member's suitability or non-suitability for employment.

Staff members who hold supervisory or management roles may be approached from time to time by current or former staff member for an employment reference. As there is no legal obligation for an employee in NSW to be provided with an employment reference, staff members who hold supervisory or management roles are not obliged to provide an employment reference.

Where a staff member who holds a supervisory or management role chooses to provide an employment reference, they can only do so if they were a line supervisor or manager of the person seeking the reference.

Employment references for current or former staff members may only be provided to another person/organisation with the staff member's consent.

Where a line supervisor or manager has been asked by a current or former staff member to act as a referee, it can be assumed that implied consent has been granted to disclose relevant information.

If a line supervisor or manager has not been asked by the staff member to be a referee and the line supervisor or manager is contacted for an employment reference, the consent of the staff member must be obtained before disclosing any information. If the staff member cannot be contacted or consent is not granted then no information is to be disclosed.

Employment references whether provided verbally, or in writing, must be accurate. You may be subject to a claim of defamation from the current or former staff member or a claim for compensation for misleading a new employer if you provide inaccurate information or withhold critical information in an employment reference. Line supervisors or managers must ensure they limit the information they provide in any reference to a subordinate's capabilities, performance and conduct during the period in which the person was under their supervision/management, or to an assessment of the person against specific selection criteria.

Where an employment reference is requested in writing it may be prepared on NSW RFS letterhead and the line supervisor or manager may include their NSW RFS title, rank, grade or position/role.

Written employment references must be signed and dated by the author and a copy retained for future reference. A hardcopy must be placed on an existing staff members personnel file where practicable.

Written employment references must only be provided in hardcopy or in PDF format.

##### **Personal References**

A personal reference is a document or verbal statement which provides information or makes assertions about a person's character or personal attributes. Personal references are generally used to support loan or rental applications, in dealings with the Police, or in criminal, civil or industrial court proceedings.

Personal references may be provided by any NSW RFS member in their capacity as a private individual.

Members need to be careful however when providing personal references as there are a number of legal or conflict of interest issues to be considered, including:

- The integrity of the NSW RFS
  - Members must sign and date any written personal reference they provide. However they must not use their NSW RFS title, rank, grade or position in a written personal reference, nor imply in any way that the NSW RFS endorses the content of the personal reference.
  - Personal references (written or verbal) which make reference to the current or former member's service with the NSW RFS must include a clear disclaimer that the views contained in the reference are the views of the person providing the reference and do not represent the views of the NSW RFS.
  - Written personal references must not be provided on NSW RFS letterhead, including Brigade letterhead.
  - Written personal references must not be sent through the NSW RFS email system, or in an envelope which contains the NSW RFS crest or identifies the NSW RFS or a Brigade in any way.
- The Public Interest
  - As public officials, members have an obligation to protect the public interest and the integrity of the NSW RFS before their own, or another member's interests. For that reason it is important to consider if a conflict of interest exists, either for themselves, or for the NSW RFS, if they provide a personal reference.
- The Person's Privacy
  - Members have an obligation to protect the privacy of the person for which they are providing the personal reference. Thus written personal references should generally be provided directly to the current or former member who has requested the personal reference.
  - A written personal reference may only be provided to another person/organisation if the current/former member has provided their consent to the information being disclosed to that person/organisation.
  - Once the written personal reference has been provided to the current/former member (or with their consent to another person/organisation), all electronic versions and any hardcopy versions of the document must be destroyed to protect the privacy of the current/former member.
- Personal Liability
  - Members who have been requested to provide a personal reference (whether verbally or in writing) which is to be used by the current or former member in proceedings involving the NSW Police Force, or to support the member in civil or legal proceedings, or at a tribunal, must ensure that the information they provide in the personal reference is accurate to the best of their knowledge. It is an offence to state anything to a tribunal or court that is untrue, or that would be misleading.
  - To ensure a written personal reference cannot be subsequently altered you should only provide it to the person requesting it in hardcopy or PDF format.

Notwithstanding anything else in this Code of Conduct, a statement may be provided by the NSW RFS in relation to a staff member's employment or salary to a financial institution or other appropriate person or entity at the member's request for the purpose of an application for a mortgage, loan application, finance agreement or other purpose where information of that nature is normally provided by an employer.

#### **4.15 Bankruptcy (Staff Members Only)**

Under Clause 10 of the *Government Sector Employment Regulation 2014* a staff member must notify the NSW RFS Commissioner if they become bankrupt, or make a composition, arrangement or assignment for the benefit of their creditors.

This notification must be made in writing immediately after the declaration, composition, arrangement or assignment has been made. The member must also provide information as to the cause of the bankruptcy or need for the composition, arrangement or assignment.

The Commissioner may, as a condition of the engagement of a person in a financial management role, require the person to declare, before the person is engaged in that role, whether or not the person has at any time been declared bankrupt or made a composition, arrangement or assignment for the benefit of the person's creditors.

## 4.16 NSW Government Lobbyist Code of Conduct

Lobbyists seek to influence Government not only by direct approaches to Ministers and their offices, but also through contacts with staff members. These contacts normally focus on introducing their clients' views and related information into policy or consultation processes. While this is a legitimate activity that can improve the quality of advice to Government, it must be subject to similar standards of transparency, integrity and honesty as lobbying contacts with Ministers.

For this reason the NSW Government Lobbyist Code of Conduct also applies to NSW RFS staff members in that:

- Staff members must only deal with registered lobbyists. The Register of Lobbyists is available on the [NSW Electoral Commission Website: www.elections.nsw.gov.au](http://www.elections.nsw.gov.au)
- The lobbyist is obliged to inform the staff member of the third party interests they represent and the issues that the third party wishes the lobbyist to raise.

Any breach of the Lobbyist Code of Conduct should be reported to the Secretary of the Department of Premier and Cabinet.