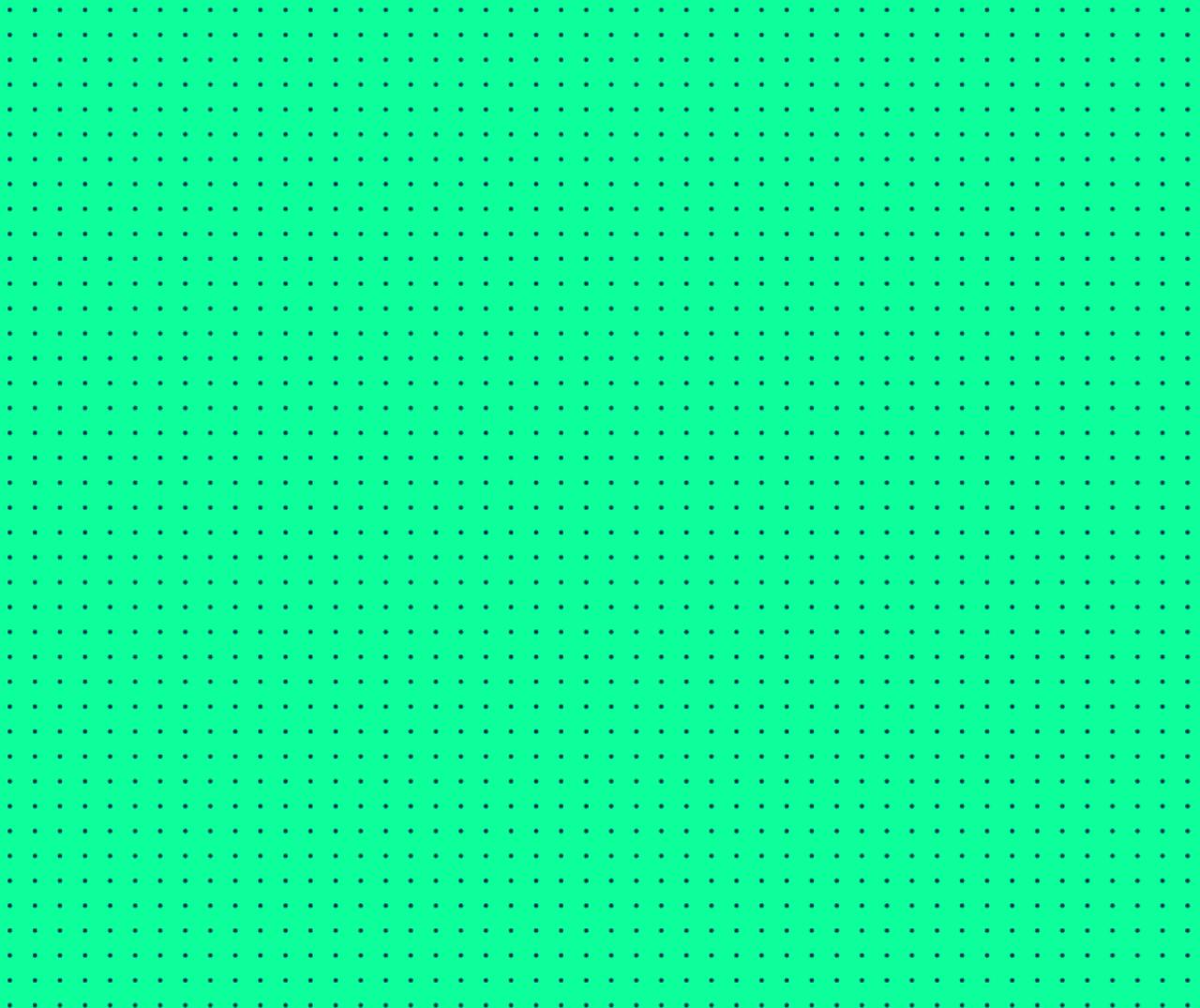




Environment Protection Authority

EPA Code of Ethics and Conduct

May 2022



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Message from the EPA Executive

Acknowledgement of Country

The NSW Environment Protection Authority (EPA) acknowledges the traditional custodians of the waters and land on which we live and work, and pays its respects to Elders past, present, and emerging.

We recognise the connection to their land, their waters and surrounding communities and acknowledge their history here on this land.

We also acknowledge our Aboriginal and Torres Strait Islander employees who are an integral part of our diverse workforce and recognise the knowledge embedded forever in Aboriginal and Torres Strait Islander custodianship of Country and culture.

Our strategic intent

The EPA aims to be a world class regulator, shaping positive environmental outcomes to ensure healthy environments and communities in NSW. We are an independent statutory authority, sitting in the portfolio of the Minister for Environment and Heritage.

The EPA works in partnership with communities, businesses, and government. to protect human health, reduce pollution and waste, and prevent degradation of the environment.

The EPA is responsible for regulating a diverse range of activities, using a suite of legislation and tools which establishes a strong basis for environmental protection that is outcomes-focused, proactive and contains appropriate compliance mechanisms and actions. As a statutory authority with an independent, skills-based governing board, the EPA is able to operate effectively to achieve the environmental and human health outcomes we are responsible for.

As a modern world class regulator, the EPA is focused on achieving real-world outcomes for the environment and the community of NSW. This means carefully balancing the priorities of the government, community and business in our regulatory approach and decision-making.

Building on our strengths

Our core business is focused on protecting, restoring and enhancing the quality of the environment in NSW, reducing risks to human health and preventing degradation of the environment. We will continue to plan for, prepare for and respond to emergencies where human health and the environment are at risk.

Listening and learning from different voices

We aim to ensure Aboriginal knowledge and perspectives are sought and incorporated into the EPA's work and important environmental issues, by building relationships with communities and working to maintain these relationships for the long term.

We listen to and learn from our communities, engaging with them to understand complex local factors and share decision-making. We take a place-based approach that considers the specific circumstances of a place.

Embrace our culture of integrity, honesty and openness through our EPA Code of Conduct

Each day we make decisions on behalf of the government and the people of NSW. Our customers, stakeholders and minister rely on us to be transparent and ethical, and to act in their best interests. As a government sector agency and regulator, it is essential that the EPA is exemplary in its ethical practices and aims to achieve best practice in self-managing compliance with our obligations.

To help understand the standards of behaviour expected of all of us when we come to work each day, we've developed the *EPA Code of Ethics and Conduct (2022)* (the Code). The Code guides our decision-making so we can:

- maintain the trust of the public and all of our stakeholders
- act ethically and in the public interest
- act in a professional and non-political way while implementing the decisions of the government
- use public resources efficiently and appropriately
- continue to develop and deliver as a world class regulator.

At the EPA we are clear and genuine with every interaction we have with stakeholders and each other. The Code supports us if we encounter something that isn't right. As well as clarifying the correct standards of behaviour, it provides different ways to make a confidential report. As you know, building and supporting a great workplace culture is one of our key priorities and this means supporting you to report wrongdoing safely and confidentially.

If you see something that's not right, please speak up. Talk to a member of the Executive or your people leader, or use one of the reporting mechanisms detailed within the Code. We will follow up; there will be action, and you will be supported.

Everyone must meet the standards of behaviour set out in this document and we expect our people leaders to lead by example. This includes our commitment to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.

Please read the Code carefully. Together, we can create and embrace a culture of integrity, honesty and openness, of which we can all be proud.

Our Vision

Best living on the planet **FOREVER**

Our Purpose

Healthy environments, economies and communities

Our Principle

We strive to be a world class regulator



Learning mindset

We continuously develop to build and maintain trusted expertise in all relevant disciplines and operations



Outcomes focused

We articulate and are relentlessly accountable for clear outcomes that focus on the effective delivery of public value



Responsive and adaptive

We proactively listen to, identify and respond to risks with contemporary tools, technology and data to reduce harm



Purpose and people-centred

We are fundamentally purpose driven and enable a people-centred culture to create a safe and great place to work



Service oriented

We work collaboratively with community, government, stakeholders and our people to influence and enable outcomes

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1. Introduction and application of the Code

The EPA's Code of Ethics and Conduct applies to all EPA employees. It also applies to volunteers, contingent workers, independent contractors and consultants engaged by the EPA, except for those aspects, such as My Talent plans, that are only applicable to employees. To make it easier for people to understand their responsibilities, this Code links to extra information and procedures where required, and to supporting systems where available.

It is important that you take the time to understand the responsibilities set out in this Code.

It is a mandatory requirement for all EPA employees and others working in the EPA to make a declaration every 12 months that they have read and understood their obligations under the Code.

EPA employees are also required to familiarise themselves and comply with EPA policies and procedures, which are available on the EPA website and intranet.

If you are a member of a board or committee and hold that position as a nominee of the Chief Executive Officer (CEO) or Minister (that is, you are there in your capacity as an officer of the EPA), this Code applies. A board or committee may have its own code of conduct or rely on the [NSW Government Boards and Committees Guidelines](#). In that case, you will have obligations under both the EPA Code and the board or committee code.

Many of the responsibilities in this Code apply to all EPA employees. In some instances, senior executives, people leaders or subject matter experts have more responsibilities. For the purposes of this Code, the following definitions apply:

- a **people leader** is anyone whose role description includes managing other people within the **EPA**
- a **subject matter expert** is anyone in a role that has responsibility for a particular functional area.

Governance, Risk and Planning can provide guidance on matters including conflict of interest and other ethical issues.

This Code supersedes the *EPA Code of Ethics and Conduct Policy (2015)* and the *EPA Statement of Business Ethics (2015)*.

About EPA governance policies

After the EPA was re-established as an independent organisation in 2012, its governance (and administrative) policies were generally those inherited from the Environment cluster. However, the EPA has an independent statutory board with its own governance structures, a separate staff agency, and separate financial and human resources delegations. It is therefore appropriate for the EPA to have policies and guidelines that are aligned with, but distinct from, those of the cluster.

2. Standards of conduct

EPA employees must comply with the *Code of Ethics and Conduct for NSW Government Sector Employees* and the *EPA Code of Ethics and Conduct*, which:

- recognise the role of the government sector in preserving the public interest, defending public values, and adding professional quality and value to the commitments of the government of the day
- establish an ethical framework for a merit-based and professional public sector that implements the decisions of the government of the day.

3. Our values

3.1. NSW Government core values

The core values for the NSW Government sector as set out in the *Government Sector Employment Act 2013* are at the heart of how we work. They are:

- integrity
- trust
- service
- accountability.

These values guide our conduct and our understanding of what is expected of us. If applied consistently they help us to maintain the trust of the public, and they help us reach our potential.

3.2. EPA values

To help us achieve the EPA vision ('best living on the planet, forever') and EPA purpose ('healthy environments, economies and communities') we have an additional set of EPA values which encourage and require us to:

- be collegiate, be collaborative
- be creative, be curious
- be decisive, be bold
- be inclusive, be respectful
- be kind
- deliver results.

Living our values and their associated behaviours is the key to making the EPA a great place to work.

4. Professional standards

We all want to be part of a workplace that helps create healthy environments, economies and communities in NSW. To do this we need to perform our roles to the best of our abilities and meet or exceed our commitments by:

- complying with conditions of employment (which includes meeting required integrity clearances)
- including clear deliverables and measures in performance plans
- discussing performance and seeking feedback

- using capability development frameworks to identify development opportunities and needs
- identifying (in collaboration with people leaders) and documenting in the performance plan, the appropriate learning and development pathway.

We need to foster effective collaboration within and between teams. This means:

- contributing to decision-making through open, honest and timely advice
- once a decision has been made, implementing that decision to the best of our abilities
- complying with reasonable requests from people leaders.

We must take reasonable care of the health, safety and wellbeing of ourselves, our colleagues and members of the public while performing our work. Given our responsibility to act in a professional manner at all times, we are all responsible for ensuring that our capacity to perform our duties is not impaired by fatigue or the use of alcohol or drugs, and that use of such substances does not put us or any other person's health and safety at risk.

We must behave in a way that does not damage the reputation of the EPA or the NSW Public Service. This includes being well-presented and courteous when interacting with the public and other organisations.

We should effectively communicate the work the EPA is doing and how it aligns with the government's position. For this reason, it is important that:

- only authorised employees comment publicly on the activities of the EPA, including having conversations with journalists and applying requirements under our social media policy
- public speaking engagements are approved by the CEO before commitments are given.

Ask yourself

Making the right choices is often complex. If you're in doubt about what to do, ask yourself:

- Do I really feel comfortable with this decision?
- Is it legal?
- Would my family, friends and colleagues be proud of me?
- What impact would my decision have on the EPA's reputation?
- Would I feel confident explaining my actions to external authorities?
- Would I be happy to be treated this way?

The Public Service Commission guide [Behaving Ethically](#) provides helpful information.

5. Wellbeing and work, health and safety

Ensuring our people have a safe and healthy place to work is a top priority, as is public safety. The EPA is committed to eliminating and minimising impacts on wellbeing, and work, health and safety (WHS) risks, as far as reasonably practicable. A safe workplace can only be achieved with your help, so we must all:

- be aware of, and implement, the safety systems and practices that help keep each other safe and well
- look for workplace hazards and take action if you see a safety risk – while making sure you keep yourself safe
- report all WHS hazards and incidents, including near misses, on the relevant WHS reporting system.

People leaders are expected to:

- lead by example and ensure they model safe work practices
- lead all team members to actively identify safety hazards, assess risk, and have in place controls that reduce safety risks faced by our people and the public
- take action if the practices in your team are not consistent with safe work practices
- address any intimidation, bullying or violence in the workplace
- investigate all WHS reports in accordance with EPA safety systems and implement any new safety measures as soon as practicable.

Find out more in the *EPA Wellbeing and Work, Health and Safety Policy*, and the *EPA Respectful Workplace and Anti-Bullying Policy and Procedure Guide*.

6. Respect and inclusion

Respect and inclusion are fundamental to a harmonious, productive and psychologically safe workplace where people feel safe to speak up about concerns. We're committed to ensuring our workplace is an environment in which everyone feels they can achieve their potential. The EPA requires that everyone is treated with respect. All forms of violence are unacceptable, and there is zero tolerance for harassment, victimisation, or discrimination.

The EPA works to ensure all workplaces are safe by addressing any matters regarding harassment, victimisation, discrimination or violence in the workplace. The *EPA Respectful Workplace and Anti-Bullying Policy and Procedure Guide* covers these topics.

We are all responsible for:

- treating people with dignity and respect, and contributing to a positive and productive workplace
- making sure people feel valued and are able to fully participate in the workplace
- creating a safe and protective workplace, which means not discriminating against, harassing or victimising anyone on any grounds, such as
 - sex, gender identity or sexual orientation
 - marital status
 - pregnancy
 - age
 - race or ethnicity
 - physical or intellectual disability
 - political or religious faith or conviction
- encouraging the use of inclusive behaviours and inclusive language
- preventing bullying.

The EPA has zero tolerance for bullying. Workplace bullying is repeated and unreasonable behaviour directed toward an employee or group of employees (or other person(s) you deal with at work), that creates a risk to health and safety. It is considered offensive, intimidating, humiliating or threatening by the recipient or others who witness the actions or are affected by them.

Bullying does not include reasonable management practices such as performance management and disciplinary procedures, or other reasonable management directions.

In a large and diverse workplace there may be differences of opinions or personal standards of acceptable behaviour between colleagues. The EPA has workplace standards that we all have to follow. It is important that we try to resolve issues calmly, constructively and promptly.

It's not always easy to do, but there are practical steps you can take to resolve issues. Issues can be resolved locally; with the support of specialist advice; or formally. If you haven't been able to resolve an issue or require guidance, contact your EPA people partner.

Examples of bullying behaviour in the workplace

Examples of behaviour that could be considered bullying are:

- subjecting another person to ridicule and putting them down in front of colleagues
- using loud and abusive, threatening or derogatory language
- isolating or excluding another person
- leaving offensive messages on email or by telephone, SMS, other messaging services and posting material online
- providing feedback or performance managing in a manner which is not consistent with the Respectful Workplace and Anti-Bullying Policy and Procedure Guide
- controlling or intimidating a person
- limiting a person's ability to perform their role
- subjecting others to practical jokes that are humiliating, dangerous or offensive
- restricting career development such as access to acting opportunities.

People leaders set the tone for their teams; it is important they model good behaviour and nurture a constructive, supportive, and inclusive team culture. Our people leaders are responsible for:

- demonstrating and regularly discussing the standards of behaviour to make sure the standards are clear and well understood
- supporting employees who speak up about potential behaviour not meeting our standards and, where necessary, seeking help from your EPA people partner
- understanding the facts and making sure all parties are treated fairly. In complex and sensitive cases an independent investigation may be helpful, and assistance is available
- supporting employees if inappropriate behaviour has occurred, and working to appropriately resolve issues in a way that protects the wellbeing of employees and improves the effectiveness of the team
- providing clear guidance about the standard of behaviour that is expected. If inappropriate behaviour continues, more serious action may be required and it is important that good records are kept of any relevant conversations
- contacting your EPA people partner if inappropriate behaviour
 - cannot be resolved to the satisfaction of all parties
 - the potential misconduct is significant; or
 - the behaviour has happened more than once.

Examples of what is not bullying behaviour in the workplace

Examples of behaviour that do not constitute bullying are:

- reasonable management direction required to carry out a role effectively and safely
- career development and recruitment decisions based upon merit
- expecting an employee to meet performance goals and work standards, particularly if feedback has been provided on more than one occasion to guide them in satisfactorily completing a task
- providing feedback in a manner which is professional, respectful and supportive, such as
 - performance development and improvement
 - performance management
 - general feedback such as debriefing, 'lessons learnt', continuous improvement (for example, debriefing when something has gone wrong in a given situation or in relation to a specific task, which may include asking the employee to clarify what happened, identify contributing factors, and propose solutions for improved practice in future).

7. Managing conflict of interest

7.1. Conflict of interest defined

A conflict of interest occurs when an individual's personal interests could compromise their impartial performance of official duties in the public interest. Conflicts are common and can arise, for example, from close personal relationships at work; family relationships; social friendships or animosities; and work done outside the EPA (including volunteering or any political activities).

Conflicts of interest fall into one of three main categories:

- An **actual conflict** of interest exists when an individual's current responsibilities, functions or duties on behalf of the EPA **could be influenced** by their personal interests – regardless of whether the personal interests do in fact influence the individual.
- A **perceived conflict** of interest exists where an individual's current responsibilities, functions or duties on behalf of the EPA **could appear to be influenced** by their personal interests – regardless of whether the personal interests do in fact influence the individual.
- A **potential conflict** of interest exists when an individual's responsibilities, functions or duties on behalf of the EPA **could in future be influenced** by their personal interests.

'Personal interests' may include:

- family relationships, such as those with your partner (spouse or de facto), any child, parent and sibling
- close personal relationships, including those with other persons living in the same household with whom you have a dependant relationship, a close personal relationship at work, or a close social friendship
- memberships of, or partnerships with, corporate entities, charities, recreation or sporting clubs, political associations or interest groups, think tanks, and advisory or decision-making bodies; volunteer activities; ethnic, cultural or religious affiliations
- offers of gifts, benefits or hospitality
- financial interests such as sources of income, financial assets and liabilities, real estate, superannuation funds and other trusts

- enmity towards, or competition with, other individuals or groups
- avoiding personal disadvantage or gaining personal advantage
- private and secondary employment, and future employment prospects or plans.

Note: The terms 'personal interests' and 'private interests' are interchangeable in most instances.

Conflicts are common and can arise, for example, from close personal relationships at work, family relationships, social friendships or animosities, and work done outside the EPA, including volunteering or political activities.

When we have access to information or are in a position to make decisions, give approvals or authorise expenditure that may benefit or detrimentally affect someone with whom we have a relationship, there is a conflict of interests. This can include for example, decisions involving recruitment, procurement, community grants or regulatory decisions.

Conflicts of interests may arise in a wide variety of circumstances, including private and secondary employment; assessment panels or committees dealing with procurement, grants, sponsorship or recruitment; or internal reviews of decisions or complaints. The policies and procedures for some of these processes have specific disclosure requirements about the existence of conflicts of interests.

Conflicts of interests may also arise in day-to-day regulatory processes of consultation, monitoring, complaint handling, compliance and enforcement activities.

7.2. Mandatory annual declaration of conflicts

It is a mandatory requirement for all EPA employees and people to whom the Code applies to make an annual declaration as to whether they have, or do not have, a conflict of interest.

In addition to the mandatory annual declaration, you must declare any actual, reasonably perceived, or potential conflicts that arise, including:

- on commencing employment with the EPA
- as a result of changing circumstances
- when evaluating quotes or tenders
- when participating on recruitment panels.

If we fail to properly manage conflicts, we leave ourselves open to claims of corruption or maladministration. This can affect the reputation of the EPA and individuals. Conflicts must be declared so they can be managed in a careful and transparent way.

There are several ways for conflicts to be managed. Options include:

- register (always) – disclose the existence of a conflict; and
- restrict – limit involvement in the matter and restrict access to sensitive information, or
- recruit – involve independent third parties to participate in, and/or oversee, the matter, or
- remove – exclude any involvement in the matter, or transfer to another area of work, or
- relinquish – divest the personal interests, or
- resign – let go of your official role on behalf of the EPA.

If there is an actual, perceived or potential conflict, you must:

- declare the conflict, and
- discuss it with either your people leader or the people leader of the affected activity (such as the convener of a recruitment panel or chair of a tender evaluation panel)
- detail the proposed action to manage
- comply with the approved course of action for managing the conflict

- always place the public interest over your personal interest.

If you realise you have a conflict of interest that should have been declared previously, you must notify your people leader promptly. It is much easier to fix problems and minimise effects if they are identified early. If in doubt, protect yourself, your team and the EPA by declaring the situation.

7.3. Arrangements to manage conflicts

People leaders are responsible for promptly considering conflict declarations from their teams and taking action to ensure appropriate management arrangements are in place and documented.

Any management arrangements should be subject to at least six-monthly review by you and your people leader to assess whether the conflict is still present and, if so, ensure continuing alignment between the management plan and the conflict(s) it addresses.

8. Conflict of duty

A conflict of duty can arise when you can make decisions in more than one functional area (sometimes referred to as 'wearing two hats'). Such a conflict can arise, for example, when a person is responsible for both the area that re-classifies something and the area that regulates change.

It can also arise when there is inadequate separation of duties; for example, where a person is in a position to both recommend and approve a transaction.

If a conflict of duty arises it must be properly documented, and all decisions must be made in an appropriate and transparent way.

9. Senior executive private interests

In addition to declaring any conflicts, all senior executives must make declarations about private financial, business, personal, and other interests or relationships that have the potential to influence, or could be perceived to influence, decisions they make or advice they give. If you are acting in a senior executive role for six months or more, you must also make this declaration.

These declarations are made annually and as soon as practicable following:

- any relevant change to your private interests
- commencement in a new role; or
- additional new responsibilities.

10. Employment outside the EPA

Experience in other sectors can improve people's contribution to the EPA. Also, more people are changing from full-time work to more complex and flexible arrangements that better meet their individual needs.

While the EPA will consider applications made by employees who wish to perform paid work elsewhere (secondary employment), you must gain approval before accepting paid work. This ensures that there is no conflict of interest that cannot be managed, and that the extra work will not inappropriately affect your work with the EPA.

You must reapply if you transfer to a new position, business unit or division within the EPA.

Directors will determine applications for secondary employment in a timely way and will not unreasonably withhold approval.

If you are casual and part-time you may engage in additional employment outside of your hours of duty providing there is no adverse effect on your regular duty and no conflict of interests exists.

11. Gifts, benefits and hospitality

Receiving invitations or offers or actual gifts, benefits or hospitality in the course of your work can be perceived as inappropriately influencing your decisions or actions (such as choosing from which supplier to buy), a conflict of interests or even corruption. This can harm your personal credibility and reputation as well as that of the EPA. You are required to report offers of gifts, benefits or hospitality to your people leader.

Offers (other than light refreshment) should be politely refused unless doing so would cause offence, as in the case of meeting with visiting delegations from overseas. If you need to accept an offer, ensure you notify your people leader and complete a declaration form within 10 working days. Your people leader will discuss with you the appropriate course of action.

High-risk areas and activities where you should never accept gifts or benefits include:

- regulatory functions (for example, those carried out by licensing or compliance officers)
- procurement and/or disposal of assets
- negotiating and/or managing contracts for public–private partnerships
- administration or approval of grants and similar funding applications
- recruitment
- negotiating and/or managing the delivery of products and services.

12. Criminal offences and bankruptcy

If you are charged with, or convicted of, an offence punishable by imprisonment for 12 months or more, you are required to notify the **EPA CEO**, even if the offence was committed in your personal capacity. You are also required to notify the CEO if you are declared bankrupt or enter into an arrangement with creditors. If a less serious criminal charge is brought against you, you should raise this with your people leader if it may affect how you do your job.

13. Flexible workforce

The EPA promotes a flexible culture that embraces different ways of working. Everyone has the right to request flexible working arrangements that:

- support the needs of the team, the EPA our customers and the individual
- maintain or improve services delivery
- uphold our work health and safety standards
- are in harmony with our employment conditions and legislation.

People leaders should consider requests promptly and provide feedback where the proposed arrangement is not considered appropriate.

14. Leaving the EPA, transfer and secondment

Before leaving the EPA, you must complete several tasks, including submitting certain information through the Exit Notification and Exit Checklist. This includes when you transfer to another agency or have a temporary secondment. This will help finalise any payments as close to your departure date as possible. People leaders are responsible for ensuring the tasks are completed.

14.1. Post-separation employment

Post-separation employment is when a public servant resigns or 'separates' from the NSW Public Service and becomes employed outside government.

If an EPA employee resigns to work for an organisation outside the NSW Public Service that has a business or regulatory relationship with the EPA, for the period that they are still employed by the EPA that employee must:

- disclose this as a potential conflict of interest when they resign
- not discuss EPA matters with their future employer
- ensure their manager is aware of any specific matters they are working on that may give rise to a conflict of interest.

The employee's people leader should take stock of their information holdings and access, and place controls on this access if appropriate.

Where a new role will present a significant and unmanageable conflict or perceived conflict of interest, it may be appropriate for the employee to leave immediately without any notice period. An instance would be if an employee is going to work in an organisation that the EPA regulates.

Former EPA employees have ongoing confidentiality obligations including not disclosing the EPA's intellectual property.

15. EPA resources

It is vital that we use public money carefully to maintain trust and to maximise cost efficiency.

Every person is responsible for using resources efficiently. While individual decisions about the way we use our resources may have relatively small effects, they all add up. Before using EPA resources ask yourself the following questions:

- Do I really need this?
- Is there a smarter, more efficient way of doing this?
- What is the real long-term cost of doing this – not just the upfront cost? For example, are there maintenance costs, ongoing licensing fees, or extra administration resources needed?
- Am I getting value for money?
- Have I got the right people with the right skills doing the job?
- Am I managing my contracts properly to ensure we get the best outcome?
- Is this consistent with EPA and government priorities?
- If you need more information, please contact the finance team.

15.1. Appropriate use of resources

EPA resources should only be used for the EPA's purposes. These resources include things such as vehicles, digital devices, photocopiers and purchase cards. If you are unsure whether an activity or expenditure is appropriate, have a conversation with your people leader.

For example:

- Providing modest in-kind support for appropriate local community events and charities may be acceptable, with written approval from an Executive Director.
- Fleet vehicles are to be used in accordance with the EPA Fleet Policy and are to be driven in a safe manner and in accordance with the road rules.
- Brief use of an EPA phone for a personal call or appropriate use of the internet during breaks is acceptable as long as it does not interfere with work, including that of the people around you.
- Some hospitality and entertainment may be acceptable if it generates direct benefits that contribute to the EPA achieving its strategic objectives and is approved in writing.
- Paying for employee social events or buying gifts for EPA employees from EPA funds is not appropriate under any circumstance.

To ensure that we have a safe and inclusive workplace, it is important that the EPA's digital devices and tools, including the internet, are not used to create, browse or download illegal, inappropriate or offensive material.

15.2. Appropriate use of EPA-branded clothing

EPA-branded clothing can be worn when carrying out work-related tasks. It should not be worn when engaged in off-duty conduct that could bring the EPA into disrepute, by virtue of you being identified as working for the EPA, nor where there could be a perceived or real conflict of interest. It should not be worn when socialising, and must never be worn while drinking in a public bar or hotel.

16. Budget

Budgets are allocated to ensure that we apply resources in a way that will deliver the EPA's priorities. It is important that:

- you plan to deliver your functions and participate in the budget process
- once the budget is set, you comply with your budget and budget controls, including net cost of service, gross expense limit, labour expense cap and any capital authorisation expenditure limit.

Sometimes, despite the best planning, circumstances change. If it becomes likely that you will not be able to spend your budget within the agreed time frame, let your people leader and finance business partner know as soon as possible so the excess funds may be reallocated to priority tasks. Similarly, let your people leader and finance business partner know if you think you may go over your budget. They will provide advice to ensure you can meet your budget target or, where available and appropriate, secure additional funding:

- by a reallocation from within your division, or
- by decision of the Executive supported by recommendation by the Chief Financial Officer.

Please contact the finance team for your area for more information.

17. Buying goods and services

The EPA routinely buys (procures) goods and services to help us conduct our business. These can range from routine office supplies to consultancies and contingent labour. It is important for both successful program delivery and our reputation that public money is spent wisely, ensuring we get value for money and receive quality goods and/or services. There are a few simple rules that will help you do the right thing:

- **Plan ahead.** For high-value, complex, goods or services it is important to plan ahead as the procurement process can take time. Failing to plan ahead can lead to pressure to cut corners down the track. This can include, for example, splitting bills to avoid more rigorous assessment processes or signing a contract before all the details are finalised. Cutting corners is likely to cause problems in the future. It may also be illegal or corrupt and could cost you your employment.
- **Buy the right thing.** This seems obvious, but for more complex purchases it is important to be clear about things such as what is required, when it's required, who is doing the work, the standard of work, and when payments are to be made. Legislation and Advice can help with the contract, but it is your responsibility to make sure you are buying what you need, when you need it, and to have thought about the risks.
- **Use the right process.** Different procurement requirements apply to ensure probity, transparency and accountability. The requirements depend on a range of factors such as the type of goods or service, their value and their risk profile. You must comply with these requirements. For some high-value procurements there are also public notice requirements.
- **Understand your budget responsibilities.** You must not agree to buy something unless you have the delegation to spend that amount and you have available budget. To prevent unexpected budget pressures in future years, consider any additional costs that will result from the expenditure, including additional direct recurrent costs, indirect operating costs, and life cycle and future replacement costs.
- **Get help if you need it.** Procurement can be a complex process, but there are subject matter experts who can help. The first contact for procurement questions is the DPE Procurement Partner. Talk to them early. Support from Legislation and Legal Advice Branch may also be needed for complex or high-risk matters.
- **Make sure you get what you paid for at the agreed price.** Your responsibilities do not end when you sign the contract. Before you make any payments, you must check you have received what you have paid for, and at the agreed price. Once you have paid it is much harder to rectify any problems. If there is a contract dispute that cannot be appropriately resolved, contact Legislation and Legal Advice Branch.

18. Intellectual property and copyright

Whole-of-government principles apply to the creation, management and use of intellectual property, which includes copyright, trademarks, patents, plant breeders' rights and designs.

The State of NSW and the EPA own all intellectual property you create in the course of your work. Anyone who becomes aware of, or suspects, misuse of the EPA's intellectual property must immediately notify their people leader.

The State's or the EPA's intellectual property may only be licensed or used by a third party with the relevant approval. Licences for third parties to use Crown copyright or trademarks will often be free. However, if you think the intellectual property should be commercially licensed, discuss this with your senior executive or talk to Legislation and Legal Advice Branch.

If a collaboration with a third party will result in the creation of intellectual property, ownership of the intellectual property should be dealt with in the contract. Government contracts include

standard terms which reflect government policy and should not be modified unless there is good reason to do so. Contact DPE Procurement in these cases, noting that support from Legislation and Legal Advice Branch may also be needed.

It is also important that we respect and comply with others' intellectual property rights (even if intellectual property material is publicly available on the internet, for example). This includes the cultural material of Aboriginal and Torres Strait Islanders.

Familiarise yourself with the principles contained in the *Intellectual Property Management Framework for the NSW Government Sector*.

19. Managing grant and funding agreements

The EPA uses grant programs to promote and achieve its community, environment and conservation objectives. The partnership between the EPA and a grant recipient allows external participants to contribute to, and participate in, environment and conservation initiatives with the NSW Government.

The *EPA Grants Management Policy* outlines what the EPA considers when establishing and funding grant programs.

If you are responsible for programs that provide grants or other funding you must ensure that:

- program guidelines are approved at an appropriate level, consistent with the decision that established the program
- the guidelines include a probity framework
- the team understands the probity requirements
- funding is being allocated appropriately and consistently with any guidelines and the probity framework
- agreements include terms and conditions that reflect the purpose of the grant or other funding; the EPA's requirements for reporting, acquittal, and sanctions (if any) for breach of the agreement
- grants and funding agreements require ongoing management to ensure that the funds are being applied for the purpose for which they were given.

20. Managing information

The government promotes the use of information to improve its services and benefit the people of NSW. We are responsible for managing information held by the EPA, which includes protecting it and making it publicly available under certain circumstances.

20.1. Records management

Our decisions can have huge consequences on the whole State and we need to be able to show how they were arrived at. We do this by creating, capturing and managing records in accordance with the *EPA Records Management Policy*.

Records may be held in information systems or they may be in paper or other physical form. Either way, we all need to contribute to protecting records and information held in any information system, digital devices including mobile phones, workplace or storage area used by the EPA. For example, you should lock your computer if you are leaving it unattended, maintain your own password security and never use other people's passwords. Electronic devices and paper files or documents

may hold sensitive information or state records and should only be disposed of in accordance with the approved procedures.

Digital records must be held in an appropriate business system or in an electronic document and records management system (such as HPE Content Manager (CM9) or EPIC). Physical records are to be stored in a way that protects their integrity, while their location is to be recorded in a relevant CM9 or EPIC file. This is important to enable records to be retrieved when required.

The more significant the decision, meeting or action, the more detailed records should be. Records include emails, draft and final versions of documents developed on collaborative platforms or elsewhere, meeting minutes, and notes of instructions given verbally or via text message.

20.2. Classified and sensitive information

When dealing with information which is sensitive – such as in a briefing note, email, presentation or board paper – it is important to apply the correct dissemination limiting markers (DLM) in accordance with the [NSW Government Information Classification, Labelling and Handling Guidelines](#) to ensure the information is handled in the appropriate way. The DLMs in use are:

- Sensitive – NSW Cabinet
- Sensitive – Legal
- Sensitive – Law enforcement
- Sensitive – Health information
- Sensitive – Personal
- Sensitive – NSW Government.

20.3. People leader responsibilities and records management

People leaders are responsible for ensuring:

- employees understand their records management responsibilities, the scope of information and records in their operations and how these should be captured and stored in an approved records system
- employees have access to the records they require to perform their role
- 'vital records' related to their area of responsibility are identified and logged.

Note: Vital records are documents that are essential for the ongoing effective functioning of the EPA. They may include significant long-term agreements, delegations and undertakings to courts or oversight bodies such as [ICAC](#) or the [NSW Ombudsman](#).

20.4. Confidentiality and privacy

We collect a wide range of business and personal information while carrying out our functions. The public expects us to handle their information carefully, in much the same way as you expect your medical information to be kept private. This means we must have effective safeguards in place to prevent unauthorised or inappropriate use, access and disclosure of that information (including through social media: for more details, refer to the *Social Media Policy*).

Breaching confidentiality can seriously harm public trust in us and make it harder to obtain information we need to do our jobs. For business information, breaches of confidentiality may result in claims for damages. Disclosing personal or health information may be an offence under the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the *Health Records and Information Privacy Act 2002*.

You should not disclose business or personal information that is not already publicly available, unless this has been approved for release. However, where it is reasonably necessary to advise a

complainant of the progress or outcome of a complaint, the PPIP Act (s 24) allows for the limited disclosure of some personal information.

You must also adhere to Premier's Memorandum M2006-08 regarding confidentiality of Cabinet documents.

The instrument Authorisation Under the Government Information (Public Access) Act 2009 defines who in the EPA has the authority to release information. These are the basic principles:

- Only release information if you are authorised to do so or have approval.
- Only use information you have access to for EPA work purposes.
- Ensure confidential and personal information is handled in a way that prevents unauthorised access or release. Among other things, you should
 - build in privacy considerations during the design phase of initiatives (e.g. state at the outset whether the EPA will publish submissions it invites on a public consultation paper); and
 - consider that confidential information includes Cabinet submissions and associated documentation, and these are provided to employees on a need-to-know basis. More information is available from Strategic Coordination Unit within Governance, Risk and Planning.
- Only collect personal information if it's necessary for a lawful purpose directly related to EPA functions.
- Report breaches of confidentiality or privacy to Governance, Risk and Planning immediately.

20.5. Requests for information

20.5.1. Receiving and referring information requests

The EPA receives requests to release information in a number of ways. All formal legal notices – including subpoenas – should be immediately referred to the Director Litigation in Legal and Corporate Division, except for:

- matters where a case lawyer is allocated, in which case the notice should go to them
- 'GIPA' applications under the *Government Information (Public Access) Act 2009* (GIPA Act), which should be sent to gipa.privacy@epa.nsw.gov.au
- Parliamentary Standing Order 52 notices, which should be sent to gipa.privacy@epa.nsw.gov.au
- notices from the Audit Office, which should be sent to audit.compliance@industry.nsw.gov.au.

Note: This is a DPE service provided to the EPA.

20.5.2. Helping with information requests

If you are asked to help with an information request, it is important you make rigorous searches for all records relevant to the request. Do this in the required time frames, ensure all documents within scope are assessed, and provide a thorough response. This provides a complete record in case a response is subject to external scrutiny and comment, for example by Parliament, the NSW Civil and Administrative Tribunal, the Information and Privacy Commission, ICAC, or the NSW Ombudsman.

20.5.3. People leader responsibilities and information requests

People leaders are responsible for:

- certifying that appropriate searches are undertaken and documented
- providing the Information and Access team, within the Governance, Risk and Planning Branch, with information about the documents that may be relevant, whether or not they are released

- advising the Minister's office of the potential release of the documents
- providing documents to the Information and Access team within the required time frames.

20.5.4. Advice about managing information requests

The EPA often receives informal requests for information about issues that affect or interest people. While the EPA supports transparency, it is important to ensure that sensitive information (such as personal information, legal advice, Cabinet documents or information that is confidential or commercial-in-confidence) is not inappropriately released. Contact the Information and Access team for [advice to help you manage information requests](#).

20.5.5. Potential release of EPA documents to the public

Every time you create a new record, keep in mind that it could be released to the public. Wherever possible, documents originating from within the EPA should be written in the expectation they may be released publicly in some format at some stage. Records include work emails, texts and posts, and correspondence, while policy and procedure describing how the EPA makes decisions and delivers services must be made available to the public as mandatory open access information.

20.6. Cybersecurity

Cybersecurity is a rapidly evolving challenge. It is important that we take some simple steps to help protect our systems and information. These include that you:

- Don't share or re-use your work passwords across different accounts or for non-work related information systems.
- Use multifactor authentication where possible.
- Physically secure your device if you are travelling for work with it, to reduce the chance of it being lost or stolen along with all your data.
- Never plug in devices from unknown sources, including USBs or external hard drives given as gifts or found lying around.
- Don't use public wi-fi with sensitive data. Cyber criminals can impersonate a legitimate wi-fi hotspot, or attack a connection that is not appropriately secured.
- Think twice before opening email attachments and or links. Phishing emails are becoming increasingly difficult to detect, so be careful when opening email attachments and clicking links as this can result in a malware infection, fraud, and losing credentials or sensitive data.
- Seek advice via the Cluster Corporate Services (CCS) Portal before purchasing or using any new information, communications and technology services, software or devices, to ensure they are secure and meet our cybersecurity requirements, now and in the future.
- Report violations of cybersecurity policies, cybersecurity incidents, and suspicious activity through the Cluster Corporate Services (CCS) portal.
- Only use information and information systems for responsible and authorised purposes.

People leaders are responsible for:

- Determining what information communication and technology access an employee, contractor or third party (for example a vendor or outsourced business partner) should have. This should be done in consultation with the system owner or relevant ICT Service Centre support.
- Ensuring employees have the right level of access – no more and no less.
- Ensuring timely amendment to existing access when employees leave or change their role, including revocation of access where appropriate.

21. Making good decisions

We perform important functions that can significantly affect members of the community. For example we can:

- confer benefits that are not available to everyone (for example, awarding grants), and we can also withhold those benefits
- grant access to limited public resources such as fisheries, water resources and Crown Land
- exercise enforcement powers that affect people's personal and property rights.

This places us in a position of great trust and carries with it significant responsibilities to carry out those functions in line with the public sector values, legislation, EPA policies and our delegations.

It also means that individuals may seek to improperly influence or subvert our decision-making in order to gain advantage for themselves or people they know. This type of behaviour could be attempted by someone internal or external to the EPA.

We can reduce the likelihood that wrongdoing will adversely affect our decisions by ensuring that we can demonstrate transparency, and by ensuring that our business processes include the following (at a minimum):

- using written processes for core aspects of our work. These processes must be aligned to guidance materials (e.g. legislation and policy), current, and available to staff (with training provided as necessary)
- documenting all decisions, including the reasons for the decision and confirmation that the decision-maker has appropriate delegation
- retaining records in accordance with EPA policy.

21.1. Complying with legislation and policy

Complying with the law and government policy is the right thing to do. The EPA wants to make it easy for every person to do the right thing and be part of a culture where there is no tolerance for wilful or reckless breaches of the law, policies or procedures. However, the EPA also recognises that we operate in a complex legal, policy and process environment where it is not possible for any individual to be an expert in all government requirements.

EPA teams, especially those with functional expertise, have a critical role to play in making information available to ensure we can all do our jobs in a legally compliant way. Subject matter experts will help you to stay up to date as they also have a critical role in making sure that any changes to requirements are reflected in our policies, our procedures and any information developed for employees and the community. Subject matter experts should ensure that guidance material:

- has been approved at an appropriate level
- is concise, customer-focused, in plain English and accurate
- has been prepared in consultation and collaboration with related content owners and updated to reflect feedback from users
- has been communicated to those in the EPA most affected by the change
- remains accessible and updated as required.

Subject matter experts exist both in operational and corporate areas. Anyone may be a subject matter expert.

21.1.1. Compliance is everyone's responsibility

It is everyone's responsibility to do the right thing and comply with our legal and policy responsibilities. If you are not sure about an issue, ask your people leader or a colleague with the requisite experience.

People leaders have an important role to play in ensuring their teams are made aware of legal, policy and budget responsibilities, including their delegated powers and authorised officer powers.

21.1.2. What to do in the event of a breach

Breaches can indicate where further guidance or training may be beneficial or show that policies or procedures need clarification. Divisions are responsible for tracking breaches in their area of responsibility and escalating significant or systemic problems so that action can be taken.

You should report to your people leader if there has been a breach.

21.2. Risk management

The EPA aims to create a risk-aware culture and as such it has developed a robust *EPA Risk Management Policy* and *EPA Risk Management Framework and Operating Procedures* which support a clear and transparent understanding and management of risks.

21.2.1. The importance of risk management

Risk management is the process of anticipating future events that could adversely affect the EPA, and taking action to either reduce the likelihood of the risk occurring or reduce the consequences if the risk does occur.

The key reasons why we need to manage our risks are to:

- improve the likelihood of achieving our strategic and business objectives
- identify and mitigate threats
- improve stakeholder confidence and trust
- improve loss prevention and incident management
- enhance organisational learning and resilience
- provide an effective basis for decision-making and planning.

21.2.2. Employee responsibilities and risk management

Every employee of the EPA is responsible for the effective management of risk as part of their duties. It is the responsibility of all employees and management to actively anticipate and manage their risks to take advantage of opportunities and minimise potential hazards in line with the EPA's risk tolerance and risk appetite.

All employees should actively participate in identifying potential risks in their area of operations and responsibility and contribute to the implementation of appropriate treatment actions including controls.

Everyone is responsible for identifying and acting on risks. Frontline employees are the people most likely to see operational risks early and the EPA needs your help to capture these.

All employees have a responsibility to embrace the management of risk, which includes:

- adhering to and implementing EPA policies and procedures
- undertaking appropriate risk education
- embedding and applying key risk-management processes and practices within your group.

21.2.3. People leader responsibilities and risk management

People leaders are responsible for:

- ensuring their team is encouraged and feels empowered to raise and discuss potential risks
- identifying and recording emerging risks or changes that require existing risks or their controls to be reframed or re-evaluated
- monitoring controls to ensure they are being implemented and are effective
- ensuring their team is aware of the risks and controls in place
- minimum six-monthly reviews, or reviews when a material change in business conditions, operations or environmental context could arise or is experienced.

21.3. Business continuity management

The EPA has a business continuity management framework including roles and responsibilities in the event of a business disruption. You may have specific responsibilities under the framework that you need to be aware of to support the continuation of our critical business functions during a disruptive event.

21.4. Business review: audits, assurance reviews, and inquiries

We can identify problems with, and opportunities to improve, our systems and processes through a number of mechanisms. Reviews, such as assurance reviews, audits or inquiries, often result in improvement recommendations. While the EPA does not need to accept all recommendations, it must give due consideration to insights and recommendations and respond appropriately. If we know about the problems and do not act on them, we face significant reputational damage if a problem arises later.

Senior executives are expected to:

- provide informed and prompt responses to auditors and reviewers
- record the anticipated delivery date of the review
- ensure there is a formal response to the recommendations within 30 days
- ensure required actions are logged and monitored through to completion.

Senior executives need to make decisions about the required action and ensure any action needed is carried out in a timely manner.

22. Engaging with the community

As public servants we manage a range of programs, and it is our responsibility to engage and seek the views of the community. This occurs through the following:

- formal consultation processes
- meeting with interested parties
- directly with our customers
- sponsorship programs to inform the community.

We need to be clear about how we engage with the community to ensure standards are upheld and public expectations are met. As we engage with the community it is important to remember that sometimes a stakeholder may seek to influence our work in an improper way (knowingly or unknowingly). Examples include offers of low value gifts or hospitality, through to promises of substantial financial or other benefits. Any such attempts (even if you're not completely sure) are to be declared as required by the [EPA Fraud and Corruption Control Policy](#).

22.1. Stakeholder engagement

Stakeholder engagement ensures the people of NSW have the opportunity to contribute to government decisions. It helps us develop and implement good policy. Approved engagement activities provide an opportunity to deliver better public policy and can also help us identify opportunities to improve service delivery and customer satisfaction.

When we engage with our stakeholders, it is important to acknowledge that their needs vary, and we must use a range of engagement approaches to ensure all views are understood and represented. Engagement activities should be tailored to help create the best environment for authentic engagement with the community and stakeholders, and engagement strategies and plans should be documented and evaluated and have appropriate approval.

22.2. Lobbyists

The EPA recognises the need to make important decisions in an open and transparent manner, without any real or perceived undue influence from external parties. There are obligations on parties seeking to influence decisions and outcomes, and on EPA officers they interact with, to ensure any interactions are transparent, properly recorded and don't involve or have the perception of exerting undue influence.

22.3. Managing complaints about the services we provide

As taxpayers we expect government to provide good services. As public servants we aim to provide high-quality, seamless services to our external stakeholders and customers. This includes those who access or are affected by the programs and services we deliver.

We offer our stakeholders and customers the option to provide us with feedback. Understanding the cause of complaints gives us an opportunity to improve our services. Often it prompts us to address issues we didn't even know were occurring.

Complaints can be received by email or phone, in person, in writing, and through other channels. It is better to resolve a service complaint at the frontline, preferably through discussion.

From time to time we receive complaints that are an expression of dissatisfaction made about us, our services or our employees, and where a response or resolution is explicitly or implicitly expected. Such complaints should be managed in accordance with the *EPA Complaint Handling Policy*.

22.4. Sponsorships

A sponsorship is a commercial arrangement in which a sponsor provides money or in-kind support in return for benefits such as improved relationships, enhanced profile, or association with a program or initiative. A sponsor generally expects to receive a benefit beyond a modest acknowledgement.

We do not use sponsorship as a primary tool to conduct our business, irrespective of whether we would be receiving or granting the sponsorship. It may be appropriate if the activity directly contributes to government priorities, if it directly aligns with the EPA's documented strategic objectives, and if it does not create an inappropriate conflict.

Sponsorship proposals are evaluated in line with the *EPA Sponsorship Policy* and *ICAC's sponsorship principles*.

23. Speaking up and reporting matters

We can only resolve problems and put improvements in place if people speak up. All employees have a responsibility and an ethical obligation to report wrongdoing. The EPA is committed to providing reporters with the support they need, including protecting them against reprisals.

At some point you may encounter a situation that just doesn't seem right. Sometimes it relates to an action taken by someone else, and sometimes it's about an action you have been asked to do (or not do). Sometimes the reason it seems wrong is clear cut, and other times it is more of a feeling.

If you see someone act in ways that are contrary to this Code, you should in the first instance discuss that person's behaviour with your immediate supervisor or manager, or report your concerns to any member of the EPA executive.

EPA leaders will support people who speak up by listening to concerns, assessing and taking the necessary action, and providing feedback on the outcomes. Speaking up early and in constructive and courteous manner is more likely to be effective and allow the concerns to be addressed in a timely manner.

Practical tips

There are a number of reasons why people don't speak up. Tips for overcoming these include:

- *I raised it before and no-one did anything, so what's the point?*
Make sure you listen to your team, let them know what you are going to do and then do it.
- *That's just the way it's always been done around here.*
This is never a good-enough reason for anything.
- *I'm junior so why would anyone listen to me?*
Good ideas can come from all levels of the EPA and a good leader listens to everyone in their team.
- *I'm new so why would anyone listen to me?*
When you are new you can see with fresh eyes problems that people have grown used to.
- *I'm scared I might be judged and that it might limit my career.*
There are no stupid questions. If you don't understand a decision, it's your leader's responsibility to explain it.

24. Reporting options and requirements

Sometimes speaking up can be difficult, and asking for help is the first step. It's better that you raise something and it turn out to be a minor issue, than for one serious matter to go unaddressed because someone didn't raise it.

Discussions at the local level are not always effective or appropriate but there is a range of avenues through which you can get advice and guidance. If you are concerned about raising a matter at a local level, or previous attempts to resolve it at that level have not been effective, you can:

- talk to an EPA Director or EPA people partner
- if you believe behaviour may be corrupt, a substantial waste of government resources, maladministration or a breach of government information and privacy rights, lodge a public interest disclosure to get protection under the *Public Interest Disclosure Act 1994*

- contact the NSW Ombudsman, ICAC, the Audit Office of NSW or the Information and Privacy Commission.

All employees must:

- report WHS incidents
- report any suspected corrupt conduct, maladministration or fraud to the Director, Governance, Risk and Planning, or through one of the options listed above.

People leaders are responsible for:

- supporting their team members in raising concerns and providing constructive guidance
- acting if they see behaviours in their team that do not support people speaking up
- ensuring that they and their team are aware of their responsibilities under the *Public Interest Disclosures Act 1994*
- reporting all breaches or potential breaches of the law to the Executive Director, Legal and Corporate
- reporting all breaches of policy to the relevant functional area or team
- reporting unresolved or repeat misconduct, including bullying, harassment or discrimination, to an EPA Manager or EPA people partner
- recording new or changing risks and unresolved issues.

25. Fraud, corruption and maladministration

The EPA has zero tolerance for fraud, corrupt behaviour, or maladministration, as detailed in the *EPA Fraud and Corruption Control Policy*.

You must report all reasonably suspected instances of wrongdoing, including:

- corrupt behaviour
- maladministration
- serious and substantial waste of money
- breach of the GIPA Act
- local government pecuniary interest contravention (by council officials only).

Any matter can be reported by email or phone call to the Director Governance, Risk and Planning (in their role as the Public Interest Disclosure Coordinator).

Fraud can include simple things such as paying for personal items with your purchase card, falsifying your timesheets to misrepresent how many hours you have worked, or using work resources for personal purposes.

Corruption includes theft, bribery, selling confidential EPA information, manipulating recruitment decisions or accepting a gift in exchange for issuing a permit.

Maladministration includes acting without authority – for example, approving a purchase beyond your approved dollar limit. Another example is where rules or procedures that are intended to guide decision-making on granting licences have not been applied correctly.

Senior executives are responsible for ensuring that fraud and corruption risks are regularly reviewed in their area of responsibility. In medium- and high-risk areas, such as procurement, funding and grant delivery, systems administration and regulatory functions, senior executives must document

the controls in place to manage fraud and corruption risk and ensure these controls are kept up to date.

If you are contacted by ICAC or the NSW Ombudsman, you should inform the Executive Director, Legal and Corporate of this, except where directed not to do so by ICAC.

26. Breach of the Code

This Code sets out the ethical and behavioural standards you are expected to demonstrate while working for the EPA, based upon the values set out under section 3, *Our values*. If you fail to meet these standards, action may be taken in accordance with the *Government Sector Employment Act 2013*.

The EPA identifies potential breaches using a range of mechanisms, including:

- audits (internal and external)
- data analysis and exceptions reporting (financial transactions, purchase card usage, etc.)
- surveillance (departmental email, internet and motor vehicle activity etc.) in accordance with the *Workplace Surveillance Act 2005*
- telematics data from EPA fleet vehicles
- consideration of reports of wrongdoing.

If there is a finding of misconduct, the action taken will depend on the circumstances, but may include caution or reprimand, assignment to another role, a fine, reduction in grade or termination of employment, in line with section 69 of the *Government Sector Employment Act 2013*.

If you are a contingent worker, independent contractor, consultant or volunteer, a breach of the Code may result in your contract or placement being terminated.