

Code of Conduct

Item	Description
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1. Introduction

Our vision is to be a leader in a legal system that delivers fair outcomes for disadvantaged people. Our purpose is to use the law to help people, particularly those who are disadvantaged, know, defend and assert their rights. To achieve our vision and fulfil our purpose, we need a highly professional and inclusive workforce.

As employees, we are committed to social justice by opposing prejudice, injustice and dishonesty, and behaving in ways that advance vibrant, sustainable, inclusive and responsible communities across NSW.

This Code of Conduct (Code) describes standards of professional conduct that promote adherence to Legal Aid NSW's (Legal Aid's) and NSW public sector values.

All Legal Aid employees are expected to exercise sound judgment and live up to both the content and spirit of the Code.

Given the broad and diverse nature of Legal Aid's work, the Code does not seek to cover every requirement. Legislation, industrial instruments, policies, government directives, procedures, training and instruction will intersect with the Code to provide the framework for accountability in our work.

The Code should also be read in conjunction with the [NSW Public Service Commission's Code of Ethics and Conduct for NSW Government Sector Employees](#), which all government sector employees must comply with.

If you have any questions about the Code, please email IR & Workplace Standards workplacestandards@legalaid.nsw.gov.au.

2. Scope

The Code applies to all employees of Legal Aid, as well as to contractors, consultants and volunteers (collectively referred to as staff in this Code). By accepting employment or engagement with Legal Aid, staff must be aware of, and always comply with this Code. It is the responsibility of staff to ensure they have read and understood the Code. Managers are responsible for making sure that all staff know about the Code and how to apply it.

All commencing staff must declare that they have read and agree to comply with the Code. Existing staff are required to participate in mandatory Code training and to declare, annually, that they have read, and agree to comply with the Code (incorporated into CPDP).

3. Our values

Legal Aid's values build upon the public sector core values. Legal Aid employees are expected to live up to these values at work.

Excellence

- Have high expectations and continually seek to improve ourselves and our work
- Strive to excel and invite best ideas from everyone in and outside of Legal Aid
- Use and share evidence, research and data to underpin policy and practice
- Invite and welcome collaboration and learning with others

Trust

- Respect diversity and the views and contributions of others
- Build relationships based on transparency, honesty and mutual respect
- Support each other and treat people fairly
- Respect each other's expertise, experience and points of view, and listen with an open mind
- Uphold the law, institutions of government and democratic principles
- Provide apolitical and non-partisan advice

Integrity

- Act professionally, in the best interests of Legal Aid and with honesty, consistency and impartiality
- Consider people equally without prejudice or favour
- Communicate clear expectations
- Be transparent with information and decisions
- Place public interest over personal interest
- Not engage in conduct where you are readily identifiable as a Legal Aid employee which does, or has the potential to, bring Legal Aid into disrepute or undermine public confidence in Legal Aid

Accountability

- Recruit and promote employees on merit
- Take responsibility for decisions and outcomes
- Allocate and use resources efficiently and effectively
- Monitor and review performance to drive improvement

Service

- Be flexible, innovative, responsive and reliable
- Provide high quality, targeted services that meet our clients' needs
- Work openly in partnership with the not-for-profit and business sectors to deliver the best possible outcomes for our clients

Respect

- Treat colleagues, our stakeholders, our clients and members of the public with respect and dignity, fairness and consistency
- Work collaboratively with our colleagues
- Foster a workplace free from discrimination, bullying and harassment

4. Role and responsibilities

4.1 Staff responsibilities

Legal Aid staff must:

- comply with the Code
- seek advice and guidance from their manager or next level manager on issues relating to the Code
- confirm their understanding of and commitment to the Code on an annual basis via CPDP and mandatory training
- be alert for possible breaches of the Code and discuss them with their manager or next level manager or IR & Workplace Standards at the earliest opportunity.

4.2 Managers responsibilities

Managers are staff who have a supervisory role for other staff.

In addition to complying with the responsibilities detailed in section above, managers must:

- model acceptable standards of behaviour and always demonstrate high ethical standards
- nurture performance and development processes with staff under their supervision
- provide ongoing support and feedback to staff under their supervision
- communicate to staff under their supervision their responsibilities under the Code and provide advice and guidance to staff on issues relating to the Code
- promptly address poor conduct and performance
- ensure compliance with the Code and take appropriate action in relation to suspected breaches of the Code, including prompt consultation with Senior Executives or IR & Workplace Standards.

4.3 Senior Executives or delegated roles responsibilities

In addition to complying with the responsibilities detailed in sections above, senior executives (including acting senior executives) must:

- ensure all staff are aware of and understand their obligations in relation to the Code
- model acceptable standards of behaviour and demonstrate high ethical standards at all times
- refer suspected non-compliance to IR & Workplace Standards.

4.4 IR & Workplace Standards responsibilities

The IR & Workplace Standards Team in HR have the responsibility to:

- collaborate to monitor and maintain the Code
- provide oversight of misconduct matters
- provide advice, guidance and support to Legal Aid senior executives, managers and all staff.

5. Ethical decision making

Ethical decision making involves evaluating and choosing alternatives consistent with ethical principles.

5.1 Conflicts of interest

Sometimes staff may find that their personal interests make it difficult for them to perform their duties impartially in the public interest.

Personal interests refer to a wide range of interests that arise from a staff member's private or non-work life. They include:

- activities that directly benefit the individual staff member
- favours benefiting personal relationships or associates
- animosity towards another person
- business, social and professional activities
- financial or non-financial interests.

Conflicts of interests can be **actual**, when there is a direct conflict between a staff member's current duties and responsibilities and their personal interests; **reasonably perceived**, when a person could reasonably perceive that a staff member's personal interests are likely to improperly influence the performance of their official duties, whether or not this is in fact the case; or **potential**, when a staff member has a private interest that could conflict with their official duties in the future.

5.1.1 Avoiding conflicts of interest

Legal Aid staff must:

- take all steps to avoid actual, perceived or potential conflicts of interests. This may include declining social invitations from individuals or organisations.

5.1.2 Disclosing conflicts of interest

Legal Aid staff must:

- proactively disclose in writing any conflict of interests they have, or may be perceived to have, as soon as they become aware of it, to their manager (or next level manager, where appropriate)
- report situations where a colleague or manager attempts to influence a decision where there is a perceived or actual conflict of interest

Senior executives (including acting senior executives) or nominated staff must make an annual written declaration about any private financial, business, personal or other interest or relationship that has the potential to influence their decisions or advice (see 5.2 Declaring private interests (Senior Executives)).

5.1.3 Managing conflicts of interest

A manager taking steps to manage an actual or perceived conflict of interest, must:

- assess the risks related to the conflict of interest
- determine the best management options that uphold the integrity of Legal Aid and public trust, prevent the impression of improper influence and are in the public interest
- document the management action plan in the Conflict of Interest Declaration form (under development)
- implement and monitor a management action plan.

Legal Aid staff must cooperate fully with any management action plan implemented to address actual or perceived conflicts of interest.

5.1.4 Managing personal relationships

It is not uncommon for staff to form close friendships and even relationships at work. It is also the case that members of the same family may be employed at Legal Aid.

Such relationships, while not necessarily improper, can give rise to a conflict of interest in certain circumstances. For example, family members or partners who are in a direct reporting relationship, or work within the same team, division, or location.

Having a conflict of interest is not necessarily misconduct, but it is important that staff take steps to declare, manage or avoid such conflicts. A failure to declare a conflict of interest may amount to misconduct.

Appropriate management of a conflict of interest due to a personal relationship will vary depending on the nature of the personal and professional relationship (the 'scale' of the conflict). However, any strategy to manage a conflict of interest must effectively resolve conflict (actual or perceived).

Declaring a conflict of interest is an important first step. Staff can do this by discussing the matter with their manager (or next level manager) and completing a Conflict of Interest declaration form (under development).

The Conflict of Interest Declaration form (under development) requires the manager and their staff to detail measures put in place to resolve the conflict of interest. Measures might include an undertaking to not become involved in matters concerning the other persons employment, such as recruitment activity, performance management, leave approvals or complaints. In some circumstances it may not be possible to effectively resolve a conflict of interest and the only solution will be avoidance – for example, separating the reporting lines between two people by moving one person to another team.

The manager retains a copy of the completed declaration form.

Not all personal relationships will require declaration, only those that give rise to an actual or reasonably perceived conflict of interest. If staff are unsure how to manage a personal relationship, they should discuss the matter with their manager or contact the Manager, IR & Workplace Standards workplacestandards@legalaid.nsw.gov.au.

5.1.5 Options for resolving conflicts of interest

To resolve any conflicts of interests that occur, or could occur, a range of options are available depending on the significance of the conflict. These options include, but are not limited to:

- informing the likely affected persons that a disclosure has been made, giving details and Legal Aid's view that there is no actual conflict or the potential for conflict is minimal
- appointing further persons to a panel/committee/team to minimise the actual or perceived influence or involvement of the person with the actual or reasonably perceived conflict
- where someone likely to be concerned about a potential, actual or reasonably perceived conflict can be identified, seeking their views as to whether they object to the person having any, or further, involvement in the matter
- restricting the access of the person to relevant information that is sensitive, confidential or secret
- directing the person to cease supporting a third party whose actions may conflict with Legal Aid's interests (e.g. a person or organisation taking legal proceedings against Legal Aid)
- removing the person from duties or from responsibility to make decisions in relation to which the 'conflict' arises and reallocating those duties to another member of staff (who is not supervised by the person with the 'conflict')
- persons with a 'conflict' who are members of boards or committees absenting themselves from or not taking part in any debate or voting on the issue.

For further detail on how to manage actual, potential or reasonably perceived conflicts of interests, staff should speak with the Manager, IR & Workplace Standards or email workplacestandards@legalaid.nsw.gov.au.

5.2 Declaring private interests (Senior Executives)

Senior executives (including acting senior executives) or nominated staff, must make an annual written declaration about any private financial, business, personal or other interest or relationship that has the potential to influence their decisions or advice.

Where a senior executive has no private interests to declare, they must declare a “nil return”.

After a senior executive makes an initial declaration, a fresh declaration must be made:

- As soon as practicable, following any relevant change in their private interests
- As soon as practicable, following their assignment to a new role or responsibility
- At least annually.

Legal Aid NSW senior executives must provide their declaration to the CEO. The CEO must provide their declaration to the Secretary of the Department of Premier and Cabinet.

The CEO is responsible for ensuring:

- senior executives complete the declaration form
- handling and storage of declarations complies with the requirements of the [Privacy and Personal Information Protection Act 1998](#).

At Legal Aid, this process is managed by IR & Workplace Standards. Annual declarations are called for in July of each year and a record retained by HR.

5.3 Fraud, corruption and maladministration

Legal Aid does not tolerate any kind of fraud, corruption or maladministration and is vigilant in its prevention, deterrence, detection and investigation.

All staff are required to act ethically, with integrity and in accordance with the law, this Code and related policy and procedures.

All staff must be aware of the risks of fraud, corruption and maladministration in the workplace. Staff must take practical steps to avoid or manage risks and report all suspected cases of fraud, corruption and maladministration.

Legal Aid’s [Public Interest Disclosures Policy](#) establishes our commitment to supporting and protecting staff who report wrongdoing. For more information refer to 9.3 Protection against reprisal.

The [Legal Aid NSW Fraud and Corruption Control Framework](#) outlines what constitutes fraud and corruption, how employees can report fraud and corruption and how Legal Aid responds to allegations of fraud and corruption.

5.4 Gifts and benefits

All staff are required to act with integrity and to place the public interest over personal interest.

Staff must be familiar with, and comply with [Legal Aid NSW Gifts and Benefits policy](#) and the disclosure requirements it contains.

Accepting gifts and other benefits has the potential to compromise staff by creating a sense of obligation and potentially undermining their impartiality. It may also affect the reputation of Legal Aid and its staff.

5.5 Working with children

Staff who work with children are required to understand and comply with child protection legislation. Any person working with children, or performing work that is deemed as child related, must hold a current Working with Children Check. Any volunteer or student working with children must also sign a volunteer/student declaration, prior to commencing with Legal Aid.

In line with the [Children's Guardian Act 2019](#), a Legal Aid employee who works with children must as soon as practicable, report to the Manager, IR & Workplace Standards if:

- they, or a colleague are convicted of reportable conduct involving children
- they, or a colleague are the subject of an allegation of reportable conduct involving children (i.e. a person under the age of 18 years)
- an application for an Apprehended Violence Order has been made against them or an Apprehended Violence Order has been issued against them, where a child is recorded as requiring protection from them
- any child protection notification which relates to their conduct and meets the definition of reportable conduct.

It is an offence for a prohibited person to apply for, or attempt to obtain, undertake, or remain in, child-related employment in any capacity, whether paid, volunteering, or self-employed.

5.6 Recruitment

Recruitment of staff is carried out in accordance with relevant legislation, industrial instruments, and Legal Aid's policies and procedures.

Recruitment and staff selection processes must meet the principles and standards of merit selection. It must be ethical and fair.

Staff on a selection panel have the responsibility to declare any prior personal or business relationship with, or interest in, an applicant.

Prior knowledge of an applicant does not necessarily amount to a conflict of interest or exclude participation in the selection process. Declaration of a potential conflict, however, enables the panel to resolve or manage any conflicts of interest that might unduly influence panel deliberations.

Legal Aid staff must:

- not be involved in any decisions relating to the discipline, promotion, pay or conditions of current or prospective staff with whom they have a close personal or business relationship
- declare any prior close personal or business relationship with or interest in an applicant where they are a member of a selection panel.

For more information, refer to the [Recruitment and Selection Guide](#) and 5.1 Conflicts of interest.

5.7 Outside employment

Staff who work fulltime (ongoing or temporary) must have prior approval to undertake any other paid work outside of their employment with Legal Aid. Approval may also be required for unpaid or volunteer activities that give rise to an actual, potential or perceived conflict of interest or that may affect the performance of the employee's duties.

Casual or part-time staff do not require approval for outside employment undertaken during times they are not performing their Legal Aid duties provided the performance of those duties is not adversely affected, and no actual, potential or perceived conflict of interest arises.

Further information is contained in the [Legal Aid NSW Outside Employment Policy](#).

5.8 Appropriate use of public resources

The resources staff use at work are publicly funded. This includes their time.

Legal Aid staff must:

- use public resources economically, efficiently and effectively for official purposes
- make decisions relating to the use of public resources that are reasonable, authorised and can withstand public scrutiny
- treat Legal Aid property with due care and secure against theft and misuse
- not use departmental equipment for personal or commercial income-generating activity
- obtain written approval in advance from their manager to use Legal Aid resources and facilities for personal use
- if responsible for receiving, spending or accounting for money, ensure they know, understand and comply with the requirement of the [Public Finance and Audit Act 1983](#), the [Public Works and Procurement Act 1912](#) and the [Government Advertising Act 2011](#).

5.9 Interacting with lobbyists

Lobbying is the practice of influencing the decisions of government officials and legislators by an external person, organisation or agency.

A **lobbyist** is a person who tries to influence legislation on behalf of a special interest of a member of a lobby.

Governments often define and regulate organised group lobbying.

Legal Aid staff must:

- comply with the [NSW Government Lobbyist Code of Conduct](#), published on the Department of Premier and Cabinet’s website, as amended from time to time.

5.10 Professional Code of Ethics

All staff must comply with the codes of ethics and standards of conduct applicable to any professional group they belong to.

All solicitors employed by Legal Aid are obliged to abide by the professional ethics and standards of conduct which apply to all solicitors in their dealings with clients, the courts, and other members of the legal profession.

All solicitors are required to notify their manager about any complaints made about them to the Office of the Legal Services Commission (“OLSC”) or any process initiated by the Legal Services Commissioner about their conduct. Where such complaints raise issues of potential misconduct, the employee, or their manager, must notify the Manager, IR & Workplace Standards workplacecomplaints@legalaid.nsw.gov.au.

Where there is conflict, professional ethics and standards override the Code of Conduct. In the case of solicitors, it is recommended that staff seek advice from the In-house Counsel Unit inhousecounselunit@legalaid.nsw.gov.au if issues arise, or if a complaint is made against them to the OLSC. Employees may also contact the Ethics Unit of the Law Society of NSW for further information and assistance in relation to ethical issues.

6. Respectful and safe relationships

Our daily interaction with others reflects on Legal Aid's reputation.

Everyone has a right to expect that they will be spoken to in a respectful manner.

It is inevitable that people will have different opinions and perspectives, and this may lead to disagreements in the workplace. Staff should seek to understand different views and perspectives through rational and respectful discussion. However, if the different opinions and perspective is causing harm or an unsafe work environment, concerns should be raised with the staff member's manager, or the Manager, IR & Workplace Standards.

6.1 Unacceptable behaviour

All staff, when acting in the course of employment, must treat everyone with respect and without prejudice or favour.

- Bullying, harassment, racism, discrimination, and violence, including lateral violence¹, are unacceptable and will not be tolerated.
- The [Legal Aid NSW Unacceptable Behaviour Policy](#) outlines what constitutes unacceptable behaviour, how employees can report unacceptable behaviour and how Legal Aid responds to allegations of unacceptable behaviour.

6.2 Sexual harassment

- All staff have the right to a respectful and safe workplace. Legal Aid does not tolerate sexual harassment of any kind.
- The [Legal Aid NSW Sexual Harassment Policy](#) outlines what constitutes sexual harassment, how staff can report sexual harassment and how Legal Aid responds to allegations of sexual harassment.

¹ Lateral violence, also known as horizontal violence or intra-racial conflict, is a product of a complex mix of historical, cultural and social dynamics that results in a spectrum of behaviours that include: gossiping, jealousy, bullying, shaming, social exclusion, family feuding, organisational conflict, and physical violence. See [Australian Human Rights Commission report](#) for more information.

6.3 Recording of management meetings

Legal Aid does not support or consent to any requests from a staff member to record management meetings. Managers are not able to consent to the recording of management meetings. If asked, a manager will respectfully decline and offer to meet with the staff member in person.

7. Professional conduct

7.1 Reasonable instruction and direction

Managers are expected to maintain the good order and functioning of the workplace. This includes providing instruction and giving feedback to staff.

Managers should be open to constructive questions, feedback or concerns regarding their instructions. They have a responsibility to respond appropriately.

If a staff member considers an instruction unreasonable, they should tell the person issuing the instruction while also ensuring their response is delivered respectfully. The staff member should provide reasons for their concerns and allow the person an opportunity to respond. If they remain concerned they may seek advice at the next management level or from the Manager, IR & Workplace Standards workplacestandards@legalaid.nsw.gov.au.

7.1.1 Direct management action

A manager should apply a fair process when taking direct management action to address concerns with staff performance or conduct. This includes:

- informing the subject of a concern/complaint about the substance of the matter
- providing reasonable opportunity for people with a direct interest in the situation to respond to or comment on the issues, whether in writing, in person or otherwise
- making reasonable inquiries and considering relevant information before making a decision
- acting fairly and without bias, including not managing a complaint in which they have a direct interest
- conducting any inquiries without undue delay.

Depending on the circumstances, instead of direct management action, it may be appropriate to refer the matter to IR & Workplace Standards for investigation. If unsure contact your HR Business Partner or the Manager IR & Workplace Standards for advice workplacestandards@legalaid.nsw.gov.au.

7.2 Alcohol, tobacco and other drugs

All staff are required to observe safety standards. Drug and alcohol use that affects staff's ability to work safely and professionally is unacceptable.

Staff must not present themselves for work if they have consumed alcohol and/or other drugs (whether legal or illegal) that has the potential to impair their ability to work safely. If staff attend the workplace and they are affected by drugs and/or alcohol or become affected by drugs and/or alcohol while at work, they are not to remain at the workplace or to continue with their work.

Where staff have reason to believe that another staff member is affected by drugs and/or alcohol while on duty, they should discuss the matter with their manager. The manager should then consult with HR. If, in the reasonable opinion of the manager or HR, any staff's capacity to work safely or professionally is impaired by drugs and/or alcohol, the manager or HR can direct the staff member to cease duty and /or leave the workplace.

The consumption of alcohol in the workplace, or at work sponsored functions, requires prior written approval from a relevant Director (or above). Employee conduct and behaviour during work sponsored events must comply with the requirements of this Code of Conduct.

Smoking, including the use of e-cigarettes, in any Legal Aid building, or enclosed area is not permitted. [Section 6A](#) of the [Smoke-free Environment Act 2000](#) bans smoking within 4 metres of a pedestrian access point to a public building.

7.3 Electronic communication and social media

Legal Aid acknowledges that staff use electronic communication and social media in both professional and personal contexts.

To avoid a conflict of interest or conduct that does or has the potential to impact on Legal Aid's reputation or undermine public confidence in Legal Aid, staff should make sure they clearly separate professional and personal use of social media platforms and comply with the [Legal Aid Social Media Policy](#). Using electronic communication and social media requires good judgement.

New staff are encouraged to audit their online presence, review their list of friends and contacts and remove items that may conflict with our values or be in breach of this Code.

Legal Aid can exercise its right to monitor and view any data stored or transmitted using its facilities or equipment.

For more information refer to [Social Media Policy](#), [ICT Acceptable Use Policy](#), [Cyber Security Awareness Training Policy](#) and [Privacy Policy](#).

7.4 Accurate recording and signatures

To maintain integrity and trust, it is important that information is reported accurately and with appropriate authority.

Legal Aid staff must:

- proactively report to their manager when they have made a mistake or been involved in an incident
- provide information truthfully and candidly when giving an account of events
- be accountable for any documents that they sign. They should carefully read all documents they are asked to sign and must not sign or submit a document that they know is not true or is misleading
- not give the impression that they have the authority of another person without their permission
- only sign their name and never permit or encourage anyone to sign a name other than their own.

Managers must also not encourage or coerce staff to sign a document or approve purchases for which they do not have delegation, disagree or are not satisfied.

Refer to the [Staff and Administration Delegations Manual](#) and [Financial Delegations](#).

7.5 Recordkeeping

A record serves an essential administrative, legal and historical purpose.

Under the [State Records Act 1998 \(NSW\)](#) staff must make and keep full and accurate records in respect to their official actions and decisions. Staff must do so in accordance with Legal Aid's [Records Management Program](#).

Legal Aid staff must:

- properly capture and store information in Legal Aid’s records management systems
- store documents securely and confidentially
- not destroy records without appropriate authority.

Managers must also:

- make sure staff reporting to them understand their records management obligations
- act on any apparent record management breaches.

7.6 Cyber security and professional use of devices

Maintaining trust in the services provided by the NSW Government requires the protection and professional use of government data and systems.

[Cyber Security NSW](#) provides a list of cyber security hygiene practices that are mandatory for all Legal Aid staff.

For more information, refer to the [Cyber Security Awareness Training Policy](#).

8. Representing Legal Aid NSW

8.1 Public comment on behalf of Legal Aid

Legal Aid staff must not make any official public comment on matters relating to Legal Aid or its work unless they are authorised to do so. To make a public comment on behalf of Legal Aid or in a professional capacity, requires staff to first seek written authorisation from the Communications Unit communications@legalaid.nsw.gov.au.

8.2 Public comment in your personal capacity

Staff, as individual members of the community, have the right to make public comment and participate in public debate on political and social issues. Public comment may include, for example, comments made at public speaking events, to the media, on social media, in books or journals and in letters or submissions to public officials and members of parliament about matters of public policy.

However, as employees of Legal Aid, there will be circumstances in which comments made in a personal capacity, where you are identifiable as a Legal Aid employee, are not appropriate including because they do, or have the potential to, impact on the reputation of Legal Aid or undermine public confidence in Legal Aid. Examples may include, but are not limited to:

- situations when the public comment, although made in a private capacity, may appear to be an official comment on behalf of Legal Aid
- public comment about the policies and programs of the government or Legal Aid that would compromise staff's capacity to fulfil their duties professionally or impartially
- public comments that reflect poorly on Legal Aid and / or compromise its reputation and standing in the community, or have the potential to undermine public confidence in Legal Aid
- comments that are unreasonably critical of, or hostile towards, or display a lack of respect for Legal Aid's management, staff or operations.

For more information, refer to the [Social Media Policy](#).

8.3 Dress and presentation

Under this Code, all staff are required to act professionally, and this extends to the way we present ourselves to each other and to our stakeholders – both in person and virtually.

Legal Aid staff are required to present in a way that upholds the credibility and professionalism of Legal Aid and maintains respect to our audience. Dress standards are to reflect community expectations of a professional organisation. Staff must consider their audience and dress accordingly, whether meeting in person or virtually.

As a matter of courtesy cameras should be turned on during virtual meetings unless there is a legitimate reason for not doing so.

8.4 Protecting confidential and personal information

The principal function of Legal Aid is to provide legal services in accordance with the [Legal Aid Commission Act 1979 \(NSW\)](#) (the Act). Under [s25](#) and [s26](#) of the Act any information obtained in connection with the provision and/or administration of legal aid is confidential. Under [s26](#) of the Act it is an offence to disclose any information obtained in connection with the administration of legal aid.

In certain circumstances, staff may disclose information where they have been authorised to do so. The [Delegation Instrument](#) sets out the officers who are authorised to disclose information on behalf of Legal Aid.

All staff who have access to any confidential or sensitive personal, commercial, or political information must take special precautions to ensure that it is not disclosed or used without clear authority.

Information obtained in the course of employment with Legal Aid must only be used for the work-related purpose intended, and not for personal benefit. Unauthorised disclosures may cause harm to individuals or give an individual or an organisation an improper advantage. The integrity and credibility of Legal Aid may be damaged if it appears unable to keep its information secure.

Legal Aid staff must make sure that confidential information, in any form, cannot be accessed by unauthorised people and that sensitive information is only discussed with people, either within or outside the agency, who are authorised to have access to it.

Any formal request to produce information or documents (e.g. by subpoena or under the [Government Information \(Public Access\) Act 2009](#)) should be referred to the relevant Director and the Manager, Inhouse Counsel Unit.

8.5 Personal references

Staff are not permitted to use Legal Aid letterhead when writing a personal or character reference for other staff or a client that references the personal assessment or opinion of the individual, and not of Legal Aid.

Staff are not permitted to supply references to other staff who are the subject of a current misconduct investigation or criminal prosecution.

8.6 Post-separation employment

Staff must be careful in their dealings with former Legal Aid staff. Staff must not give, or appear to give, former staff favourable treatment or access to privileged information.

Staff must report to their manager any attempts made by former staff to influence or lobby them about Legal Aid's activities.

8.6.1 Before separating from Legal Aid

Legal Aid staff must:

- not use their position unfairly to improve their own prospects of future employment. If they allow plans for, or offers of, employment outside to Legal Aid to improperly influence their work, there is a conflict of interest and their integrity, as well as that of Legal Aid, is at risk
- return any Legal Aid property they have prior to the termination of their employment with Legal Aid.

8.6.2 After separating from Legal Aid

Following termination of employment with Legal Aid, staff must:

- respect the confidentiality of information received in their work and Legal Aid's intellectual property rights over material produced by Legal Aid, including material they produced while an employee
- not take Legal Aid resources or other information or equipment unless expressly authorised in writing to do so by their manager.

9. Behaviour contrary to the Code

9.1 The effect of behaviour that is contrary to the Code

Behaviour contrary to this Code and to the [Ethical framework for the government sector](#) can bring individual staff into disrepute, undermine productive working relationships in the workplace, hinder customer service delivery, damage public trust in Legal Aid or the broader government sector, and/or damage the reputation of Legal Aid.

Even when off duty, Legal Aid staff must act in accordance with the law and this Code. Unlawful or unprofessional conduct, even in a private capacity, may damage, or have the potential to damage, the reputation or interests of Legal Aid and impact their ability to perform their role, and may constitute misconduct.

If staff are unsure of what is appropriate conduct under any particular circumstances, they should discuss the matter with their manager or, if that is not appropriate, with their next level of management or contact the Manager, IR & Workplace Standards workplacestandards@legalaid.nsw.gov.au or their HR Business Partner.

9.2 If you see behaviour that is contrary to this Code

Staff that witness someone act in ways that are contrary to this Code should in the first instance discuss that person's behaviour with their immediate manager or, if that is not appropriate, with their next level of management or contact the Manager, IR & Workplace Standards workplacestandards@legalaid.nsw.gov.au or their HR Business Partner.

If they believe certain conduct is not just unethical, but may also be corrupt, a serious and substantial waste of government resources, maladministration or a breach of government information and privacy rights, then they should report their concerns to an authorised Legal Aid NSW Public Interests Disclosures Officer.

A report of suspected wrongdoing by a public official about a public official which has been accepted as meeting certain requirements under the [Public Interest Disclosures Act 2022](#) is referred to as a public interest disclosure.

Public interest disclosures can be made to the CEO, Deputy CEO (the Disclosures Manager), a member of the Legal Aid Executive (e.g. a Director), the Manager, IR & Workplace Standards (workplacestandards@legalaid.nsw.gov.au) or the HR Business Partners. Alternatively, employees may report such matters to the relevant investigating authority (such as the [NSW Ombudsman](#), [NSW Independent Commission Against Corruption](#) or the [Audit Office of NSW](#)).

9.3 Protection against reprisal

Legal Aid expects people to report concerns and to raise complaints about staff conduct, where it is safe to do so. Diligent reporting promotes transparent processes that maintain public confidence.

Anyone who takes detrimental action against staff in reprisal for having made a public interest disclosure is committing a criminal offence.

Anyone who takes, or threatens to take, detrimental action in respect of a person who reports or proposes to report, in good faith, reportable allegations in line with the Children's Guardian Act 2019, is committing a criminal offence.

Taking or threatening to take detrimental action in respect of a person who reports or proposes to report other unacceptable conduct, amounts to misconduct.

Legal Aid staff must not:

- take detrimental action against a person in reprisal for making a report, providing evidence or raising a complaint
- seek to directly discuss a person's report, evidence or complaint where formal investigation of complaint processes have been commenced without the Manager IR & Workplace Standards or investigator's approval.

9.4 Actions when allegations are made

If it is alleged that a member of staff has acted in a way that is contrary to this Code, they will be afforded procedural fairness and have an opportunity to provide their version of events. How this will happen will be proportionate to the seriousness of the matter:

- Minor or of a low level: a manager will usually discuss this matter directly with the staff member (local, informal resolution)
- More serious: a formal process of investigation may be required (misconduct investigation).

The [Workplace Complaint Guidelines](#) (currently under review) provide guidance about when each process (formal or informal) might be appropriate.

When investigating an allegation of behaviour that is contrary to this Code, Legal Aid will make sure its decision-making is fair and reasonable by acting consistently with four principles:

- Procedural fairness for both the complainant and staff member
- Investigations should be handled expeditiously. This will minimise the potential for breaches of confidentiality and lack of procedural fairness
- Confidentiality for all parties, where practicable and appropriate, until such time as the investigation process is completed
- Appropriate recordkeeping, including recording of reasons for all significant decisions.

For employees of Public Service agencies, the [Government Sector Employment Act 2013](#) (GSE Act) and [Government Sector Employment \(General\) Rules 2014](#) (GSE Rules) set out how allegations of misconduct are to be dealt with. [Part 8 of the GSE Rules](#) sets out the procedural requirements for dealing with allegations of misconduct, which include:

- requirements that employees be advised of the detail of the allegation
- the process to be undertaken to investigate and resolve the matter; and
- employees are provided an opportunity to respond to the allegations.

For employees in the Public Service, the GSE Act sets out the actions that a Public Service agency head may take where there is a finding of misconduct against an employee. These actions are as follows:

- terminate the employment of the employee (without giving the employee an opportunity to resign)
- terminate the employment of the employee (after giving the employee an opportunity to resign)
- impose a fine on the employee (which may be deducted from the remuneration payable to the employee)
- reduce the remuneration payable to the employee
- reduce the classification or grade of the employee
- assign the employee to a different role
- caution or reprimand the employee.

Appendix 1: Legislation

A principle of the Ethical Framework for the government sector is to uphold the law. The law includes, but is not limited to:

- [Government Sector Employment Act 2013](#) sections 25 and 30 (regarding the general conduct and management of organisations in accordance with the core values) and section 63 (regarding workforce diversity and the integration of workforce diversity into agency workforce planning)
- [Public Finance and Audit Act 1983](#) sections 11 and 45C (regarding the system of internal control over the financial and related operations of agencies)
- [Anti-Discrimination Act 1977](#) (regarding equal employment opportunity and equal access to services)
- [Government Information \(Public Access\) Act 2009](#) (regarding public access arrangements to agency information)
- [Public Interest Disclosures Act 2022](#) (regarding receiving, assessing and dealing with public interest disclosures)
- [Independent Commission Against Corruption Act 1988](#) (regarding reporting of any matter suspected on reasonable grounds to involve corrupt conduct and to comply with any requirement or direction of the ICAC in relation to a referral of matters by the ICAC)
- [Privacy and Personal Information Protection Act 1998](#) (regarding the protection of personal information, and the protection of the privacy of individuals generally)
- [Public Works and Procurement Act 1912](#) (regarding the procurement of goods and services by government agencies)
- [Health Records and Information Privacy Act 2002](#) (regarding the fair and responsible handling of health information)
- [Work Health and Safety Act 2011](#) (regarding the health and safety of employees and the maintenance of healthy and safe workplaces)
- [Government Advertising Act 2011](#) (regarding requirements to issue advertising compliance certificates)
- [Ombudsman Act 1974](#) (regarding obligations to cooperate with investigations by the Ombudsman and obligations relating to reportable conduct concerning child protection matters)
- [State Records Act 1998](#) (regarding the creation, management and protection of agency records and public access to those records)

- [*Children and Young Persons \(Care and Protection\) Act 1998*](#) (regarding obligations relating to the care and protection of, and provision of services to, children and young persons, including obligations relating to exchange of information and co-ordination of services between agencies)
- [*Child Protection \(Working with Children\) Act 2012*](#) (regarding obligations to obtain checks and clearances for employees engaged in child-related work)
- [*Legal Aid Commission Act 1979*](#)
- [*Legal Profession Uniform Law \(NSW\) 2014*](#)
- [*Anti-Discrimination Act 1977*](#)
- [*Commonwealth Disability Discrimination Act 1992*](#)
- [*Crimes Act 1900*](#)

Employee Declaration

I, the undersigned, have read and understand this Code of Conduct and agree to abide by its provisions including the need to declare and manage conflicts of interest. I also acknowledge and understand that maintaining confidentiality is an essential condition of my work at Legal Aid NSW.

Name	
Role Title	
Department/Agency	
Division/Branch	
Location	
Employee Number	
Signature	
Date	

Copy to Human Resources (erecruitment@legalaid.nsw.gov.au)