Sydney Opera House

Code of Conduct

Photo credit: Dan Boud

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Overview

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1.1 The Sydney Opera House (SOH) is a symbol of modern Australia, the nation's premier tourism destination and one of the world's busiest performing arts centres. In the five decades since it opened in 1973, SOH has played a transformative role in Australian life. Its significance is reflected in its State, National and World Heritage listings. We are all custodians of SOH and have a responsibility to care for all aspects of SOH and its heritage – performing arts, architecture and design, and community.

1.2 All SOH employees are NSW government sector employees. The communities we serve both expect and need us to act ethically, fairly and in compliance with the law. We must use public resources wisely and maintain trust in NSW Government systems and institutions, now and into the future.

1.3 The *NSW Government Code of Ethics and Conduct for NSW Government Sector Employees* (NSW Government Code) is consistent with Part 2 of the *Government Sector Employment Act* (NSW) (GSE Act) (which is the Ethical Framework for the government sector (Ethical Framework[1])). In accordance with section 8A(3) of the GSE Act, all government sector employees must comply with the NSW Government Code, which has been incorporated into this updated SOH Code of Conduct (Code).

1.4 The Code details minimum expected standards of conduct and behaviour that must be met, no matter a person's level or role. This is grounded in the values and principles of the NSW Government Code, including the Ethical Framework, as well as SOH's specific context, culture and values.

[1]The NSW Government code is adopted under section 8A of the GSE Act and applies to all NSW Government sector employees. The NSW Government Code identifies mandatory requirements for all government sector employees that are consistent with Part 2 of the GSE Act (which is the Ethical Framework for the government sector (Ethical Framework)).The NSW Government Code applies from 1 November 2024. Conduct that occurred prior to 1 November 2024 while the code set out in section 2.2 of the document entitled Behaving Ethically: A guide for NSW government sector employees was taken to have been adopted for the purposes of section 8A, remains in effect as if it had not been revoked or replaced.

Scope

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2.1 The Code applies:

- To all SOH staff (ongoing, temporary and casual employees) during the course of your employment and extends to conduct outside work hours where the conduct may affect your role. This includes conduct that is undertaken in a private capacity but is inconsistent with your ability (or could reasonably be perceived to be inconsistent with your ability) to fulfil your duties.
- To any other person engaged to undertake work in any capacity on behalf of SOH, including contractors, subcontractors and their employees, except in certain circumstances where the requirement only applies to public sector employees.
- At all times when you are acting in the course of, or in connection with, your work at SOH, and in your working relations with SOH colleagues, partners, patrons and all stakeholders.

Photo credit: Ken Leanfore

Responsibilities

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3.1

Everyone covered by this Code must act in a way that is consistent with the Ethical Framework and the principles and requirements in this Code. Each of us has a responsibility to conduct ourselves in a manner that reflects both SOH and government sector core values. This includes the responsibility to speak up when we see any behaviour that we believe does not live up to the Ethical Framework and the general principles and requirements in this Code.

- **Everyone is responsible for:**

– Seeking assistance when unsure about how to implement the Code.
– Knowing and acting in accordance with the Code and with the Ethical Framework to demonstrate high levels of personal conduct.
– Promoting the Code's implementation to their colleagues.
– Reporting breaches of the Code to relevant officers.
– Following SOH's policies for reporting wrongdoing.
– Declaring any perceived or real conflict of interests.

- **All supervisors, managers and directors have the responsibilities above and in addition are responsible for:**

– Setting the tone for everyone's conduct.
– Recognising and promoting a culture that values high ethical standards and ethical behaviours that exemplify the Code.
– Modelling and promoting the Code, and ensuring that workplace culture, practices and systems operate consistently with the Ethical Framework.
– Acting promptly and with due process to prevent and address any breaches of the Code.

- **The Chief Executive Officer (CEO) has the responsibilities of directors (above), and in addition is responsible for:**

– Leading and promoting the implementation of the Code at SOH and making improvements where necessary.
– Ensuring the general conduct and management of the functions and activities of SOH are in accordance with the core values of the Ethical Framework.
– Ensuring that procedures are in place to require that declared conflicts of interest are managed and monitored, the handling and storage of declarations comply with the requirements of the *Privacy and Personal Information Protection Act 1998* (NSW) (PPIP Act) and senior executives complete declarations of private interests.

The Ethical Framework

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4.1 Everyone covered by this Code is required and expected to act ethically, lawfully and in the public interest. This can be achieved by adhering to the government sector core values and underpinning principles set out in section 4.2, as prescribed by the GSE Act as the Ethical Framework.

4.2 The four core values and 18 principles that guide their implementation, all of equal importance, are:

- **Integrity**
  - Consider people equally without prejudice or favour.
  - Act professionally with honesty, consistency and impartiality.
  - Take responsibility for situations, showing leadership and courage.
  - Place the public interest over personal interest.

- **Trust**
  - Appreciate difference and welcome learning from others.
  - Build relationships based on mutual respect.
  - Uphold the law, institutions of government and democratic principles.
  - Communicate intentions clearly and invite teamwork and collaboration.
  - Provide apolitical and non-partisan advice.

- **Service**
  - Provide services fairly with a focus on customer needs.
  - Be flexible, innovative and reliable in service delivery.
  - Engage with the not-for-profit and business sectors to develop and implement service solutions.
  - Focus on quality while maximising service delivery.

- **Accountability**
  - Recruit and promote employees on merit.
  - Take responsibility for decisions and actions.
  - Provide transparency to enable public scrutiny.
  - Observe standards for safety.
  - Be fiscally responsible and focus on efficient, effective and prudent use of resources.

Sydney Opera House values

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The government sector core values are complemented by SOH's organisational values:

Creativity

– We are curious and ask questions.
– We set out to inspire and be inspired.

Courage

– We dare to think differently and are ready to embrace change.

Inclusivity

– We respect and welcome everyone.
– People feel a sense of belonging here.

Collaboration

– We value teamwork. We listen, learn and share.
– Together, we celebrate success.

Integrity

– We are honest, open and fair.

Care

– We look after each other, this place and the world around us.
– Safety is our greatest responsibility.

Minimum expected standards of behaviours

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6.1 Everyone covered by this Code is expected to know and act in accordance with the Ethical Framework and the general principles and requirements set out in this Code. The minimum expected standards of behaviour set out below in alphabetical order are not an exhaustive list of what to do in every aspect of your work. Rather, they are general principles and requirements to apply when carrying out your work and should be applied to decide on an appropriate course of action when faced with an ethical issue or professional decision.

6.2 If in doubt, talk to your manager or Human Resources team for advice on Code compliance.

Acting in the public interest

6.3 In the course of your work, you must treat all people you interact with equally, without prejudice or favour, and with honesty, consistency, impartiality and respect.

6.4 You must always:

- Place the public interest over personal interest.
- Act lawfully and uphold the law, institutions of government and democratic principles. You must comply with this Code and any relevant legislative, industrial and administrative requirements and any lawful direction made by a person with the authority to give such a direction.
- Provide apolitical and non-partisan advice.
- Provide transparency to enable public scrutiny.
- Be fiscally responsible and use resources efficiently, effectively and prudently.

6.5 Acting in the public interest requires leadership, courage and innovation to develop practical recommendations and actions that are consistent with the core values.

6.6 SOH is subject to Ministerial control and direction. Acting in the public interest requires you to help SOH to deliver the policies, programs and stated outcomes of the government of the day. However, acting in ways which are expedient or convenient, but inconsistent with the government sector core values, is not in the public interest.

Act lawfully

6.7 You must always act lawfully and uphold the law.

6.8 You must comply with this Code, as well as with:

- Any department or agency code of conduct that applies to you.
- Any relevant legislative, industrial and administrative requirements.
- Any lawful direction made by a person with the authority to give such a direction.

Alcohol or use of drugs

6.9 SOH requires everyone covered by this Code to be unimpaired by alcohol or other drugs that may affect their ability to work safely and effectively. This includes medication. If you are taking medication that may impair your sense of judgement, concentration or coordination, you must advise your supervisor or manager.

6.10 Attendance at work while affected by prior use of alcohol or other drugs is not permitted and may result in disciplinary action. Refer to SOH's *Alcohol and Other Drugs Policy* for guidance.

Bullying, unlawful discrimination and harassment in the workplace

6.11 SOH is committed to maintaining an inclusive workplace where everyone is entitled to be treated fairly and with courtesy and feel safe and respected.

6.12 Bullying, unlawful discrimination and all forms of harassment (including sexual harassment) are not acceptable under any circumstances and not tolerated in our workplaces. *The Anti-Discrimination Act 1977* (NSW) prohibits discrimination on the basis of race, sex, marital status, disability, homosexuality, pregnancy, political belief, age, carer's responsibilities, transgender identity or religious belief.

6.13 You must not bully, unlawfully discriminate against or harass anyone in your dealings with them, including colleagues, patrons, business partners and all stakeholders.

6.14 You should ensure you understand and adhere to your legal obligations and all SOH policies in relation to sexual harassment, bullying, unlawful discrimination and other forms of harassment. Managers play a critical role in preventing and responding to bullying, unlawful discrimination and other forms of harassment (including sexual harassment), and should familiarise themselves with these obligations. Please see SOH's *Respectful Workplace Behaviour Policy* (which includes our policy on sexual harassment[2]), *Resolving Workplace Grievances* Policy and *Grievance Resolution Procedure*.

[2]Public Service Commissioner Direction 1 of 2023 requires departments and agencies to have in place a policy in relation to workplace sexual harassment.

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Child safety

6.15 SOH recognises that children are vulnerable persons and implements strategies to protect their safety. It is important that we all contribute to ensuring the safety and wellbeing of all children on our site, whether they are visitors, customers, artists/performers or guests.

6.16 Everyone covered by this Code is responsible for raising any child safety concerns they may have, including in relation to a co-worker, with the relevant manager or supervisor and/or the Executive Director, People & Government. Additionally, you must comply with all SOH policy and legislative obligations that apply in relation to reporting child abuse. Please refer to SOH's *Child Safety Policy, Child Safety Procedure* and *Child Safety Complaint Handling Procedure.*

Confidentiality

6.17 SOH holds and manages large amounts of information, including confidential information relating to SOH, its customers, staff, and other parties. This information needs to be managed in accordance with relevant legislative obligations. Please refer to SOH's *Information Classification Policy, Information Security Management System Policy, Privacy Management Policy and Plan* and *Records Management Policy.*

6.18 Unless otherwise authorised, you must maintain the confidentiality of all official information (including confidential, personal and other sensitive information or documents) held by SOH that is not publicly available, that has not been published or that you are not authorised to disclose.

6.19 You may only disclose official confidential information when authorised to do so, including when permitted or required by law or legal process to do so.

6.20 You must not disclose, access or use official information in an unauthorised way, including for your or anyone else's personal benefit or advantage.

6.21 Misuse of information acquired in the course of your employment may amount to misconduct, an offence under applicable criminal, privacy, information access, or State Records legislation, and/or serious wrongdoing.

Conflicts of interest

6.22 A conflict of interest exists when a reasonable person might perceive that your personal interest(s) could be favoured over your public duties. A conflict may arise from a range of factors, including personal relationships, secondary employment, membership of special interest groups, your ownership of, or financial interest, in property, shares or companies.

6.23 Conflicts of interest may also arise due to your personal beliefs or attitudes that could influence, or be perceived to influence, your impartiality or decision-making. It is your responsibility to identify and declare conflicts of interest.

6.24 If you find your private interests make it difficult for you to perform your duties impartially in the public interest, you may have a conflict of interest. Conflicts of interest can be:

- **Actual** – when there is a direct conflict between your current duties and responsibilities and your private interests.
- **Perceived** – when a person could reasonably perceive that your private interests are likely to improperly influence the performance of your official duties, whether or not this is in fact the case.
- **Potential** – when you have a private interest that could conflict with your official duties in the future.

6.25 To determine if a conflict of interest exists, ask yourself:

- Do I have a personal interest?
- Do I have a public duty?
- Is there a connection between my personal interest and my public duty?
- Could a reasonable person perceive that my personal interest might be favoured?

6.26 It is not necessarily unethical to have a conflict of interest. However, you should avoid placing yourself in a conflicting situation wherever possible. Failing to disclose and manage a conflict appropriately may amount to misconduct and/or serious wrongdoing. Where you have a conflict of interest, you must:

- Disclose it to your manager or supervisor as soon as you become aware of the conflict. Failure to disclose and manage a conflict appropriately may amount to misconduct and/or serious wrongdoing.
- Work with the relevant person with responsibility to manage any conflicts in the public interest, rather than your own or another person's personal interest.

6.27 To manage any conflicts of interests that occur, or could occur, a range of options may be considered and implemented as relevant. Managers or supervisors, or those responsible for managing the conflict of interest, should:

- Ensure the conflict is appropriately documented.
- Approve a management plan to eliminate or manage the conflict in the public interest, which may include:
  – Considering whether the circumstances warrant removing the employee from the duties that are in conflict with their private interests, and reallocating those duties to another employee (who is not supervised by the person with the conflict).

– Restricting the person's involvement in, or access to, certain tasks or duties that could conflict with their private interest.
– Restricting the person's access to relevant information that is sensitive, confidential or secret.
– Appointing additional 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 the persons likely to be concerned about a potential, actual or reasonably perceived conflict are identifiable, seeking their views as to whether they object to the person having any, or any further, involvement in the matter.

- Direct the person to behave at all times in ways that are consistent with SOH's responsibilities and functions.
- Monitor the situation to ensure compliance with the agreed management plan.
- Inform any key stakeholders of the conflict and the proposed plan.

6.28 Persons with a 'conflict' who are members of boards or committees must remove themselves from or not take part in any debate or voting on the issue. For example, Procurement Review Panel members must declare any conflict of interests in respect to a procurement matter scheduled for review and will not participate in any decision-making for that procurement.

Customer service

6.29 Everyone who interacts with us is a customer, including presenting companies, resident companies, hirers, artists, service providers, audiences, tourists, industry and government colleagues, and the general public. We are proud of the diversity of our customers, which is reflected in our programs, products and services.

Photo credit: Ken Leanfore

Photo credit: Ken Leanfore

6.30 You must always make customers feel warmly welcomed and strive to ensure that visiting the SOH is a vibrant, compelling and memorable experience that exceeds expectations by:

- Offering a courteous, helpful, informed and personalised response to all customers, visitors and guests.
- Bringing your knowledge and expertise to each interaction, offering responsive, effective and exceptional service to achieve the best possible outcome.
- Seeking and valuing customer feedback and supporting each other in responding to customer needs. See SOH's *Customer Feedback Polic*y for more information.
- Working together, supporting each other and taking personal responsibility to ensure that the customer experience is seamless and consistently excellent.

Generative artificial intelligence (AI)

6.31 The NSW Government is increasingly adopting AI technology to improve service delivery and government decision-making. The NSW Government *Artificial Intelligence Ethics Policy* and *Assurance Framework* supports the NSW AI Strategy and guides the safe and ethical use of AI.

6.32 You must ensure that use of AI technology complies with all the applicable NSW Government guidelines and SOH policies, and follow the mandatory AI ethical principles:

- Community benefit – AI should deliver a clear community or government benefit.
- Fairness – the use of AI will include safeguards to manage data bias or data quality risks.
- Privacy and security – AI use should be consistent with privacy, data sharing and information access requirements.
- Transparency – there must be review mechanisms to ensure the public can question and challenge AI-based decisions.
- Accountability – decision-making remains the responsibility of organisations and individuals.

6.33 For further guidance on the use of AI within SOH, please refer to SOH's *Acceptable Information and Technology Use and Surveillance Policy*, *Information Classification Policy, Privacy Management Policy and Plan* and *Data Breach Policy.*

Gifts, benefits and hospitality

6.34 In the course of your work, you – or, occasionally, your family, relations, friends or associates – might be offered gifts, benefits and/or hospitality by customers, clients, applicants, suppliers or other persons or organisations.

6.35 Where a gift, benefit or hospitality of token value is offered simply as a memento or token of appreciation (e.g. a pen, a mug or light refreshments), accepting it is unlikely to be inconsistent with your obligations under the Ethical Framework.

6.36 However, you should always be aware that gifts, benefits and/or hospitality might be offered to influence you when making a decision, or to provide a favour that will advance the interests of the giver either now or in the future. You should never:

- Solicit gifts, benefits and/or hospitality from anyone.
- Accept any gift, benefit and/or hospitality offered to you that is intended, or likely, to cause you to act in a certain way.
- Accept any gift, benefit and/or hospitality where there could reasonably be a perception that it has been offered as an inducement or incentive to act in a certain way.
- Accept any gift, benefit and/or hospitality for a family member, relation, friend or associate that is intended as, or could reasonably be perceived to be intended as, an inducement or incentive to act in a certain way.
- Accept any gift, benefit and/or hospitality where you currently, or may in the future, exercise discretion in the making of a decision affecting the giver.

6.37 You should ensure you understand and adhere to SOH's *Gifts and Benefits Policy*, which outlines how to manage gifts and benefits (including hospitality). This includes what can and cannot be accepted, what requires manager approval and/or must be declared and considered for acceptance for inclusion on the SOH *Gifts and Benefits Register*.

6.38 You must refuse bribes or inducements and report them in line with SOH's *Public Interest Disclosures Policy* and *Gifts and Benefits Policy.*

Photo credit: Ken Leanfore

Heritage and conservation

6.39 To conserve and protect SOH's heritage values, several key documents guide the operation, management, maintenance and development of SOH, including the *Conservation Management Plan, Utzon Design Principles* and *Heritage Risk Management Policy.* You should ensure all risks to the heritage values associated with SOH are identified and managed in accordance with these documents.

Environmental sustainability

6.40 SOH is committed to environmental sustainability, including embedding the UN Global Goals and becoming Climate Positive by 2030. We all have a shared responsibility for SOH's sustainability performance through promoting sustainable practices, reducing our carbon footprint, fostering behaviour change and participating in SOH programs and initiatives that lessen environmental impact.

Photo credit: Anna Kucera

Information systems

6.41 Use of SOH information systems must comply with relevant policies and procedures, including SOH *Acceptable Information and Technology Use and Surveillance Policy*. Use of information systems is monitored. Serious breaches of these policies and guidelines will result in disciplinary action and may lead to dismissal.

Lobbying

6.42 NSW public sector officials are required to act impartially in the public interest when carrying out their public duties, including when being lobbied, or making decisions after being lobbied.

6.43 You must comply with the values, principles and requirements of this Code and the Premier's Memorandum M2019-02 NSW Lobbyists Code of Conduct. *The Lobbying for Government Officials Act 2011* (NSW) restricts lobbying of officials and requires lobbyists to comply with ethical standards of conduct and other requirements set out in the NSW Lobbyists Code of Conduct. It is important for public confidence in the integrity of government that lobbying is carried out with appropriate probity and transparency.

Political and community participation

6.44 You should ensure that any participation in party-political activities does not conflict with your responsibility as a public employee, which is to serve the NSW Government in a politically neutral manner. If you are aware that a conflict of interest has arisen or may arise, you should inform your manager immediately.

6.45 You are free to fully participate in voluntary community organisations and charities and professional associations. When engaging in these activities, disclose only official, factual information that would normally be given out to members of the public.

Making public comment

6.46 Public comment is any comment made where it is expected that it will be seen or heard by members of the public. It includes:

- Profiles or activities on social media.
- Comments on internet sites or broadcast by electronic means.
- Public speaking engagements.
- Comments to radio, television or print reporters (including letters to the editor).
- Comments in books, journals or notices.
- Appearances before Parliamentary Committees.

6.47 You must not make any public or "off the record" comments on behalf of SOH or in the course of your work unless authorised to do so by a member of SOH's External Communications team. All media enquiries must be directed to SOH's External Communications team for response.

6.48 When making an authorised public comment for official duties, you must:

- Only state the facts.
- Avoid expressing opinions on government policies or government decisions, unless authorised to do so.

- Only disclose information that is publicly available or that you are authorised to disclose.

6.49 You must not act in a way that casts doubt on your ability, or the ability of SOH, to act impartially, apolitically and professionally.

6.50 You are able to participate in public debate on political and social issues in a private capacity, including on social media. In making public comments in a private capacity, you should comply with SOH's *Social Media Policy*, and ensure your comments:

- Are clearly identified and understood to be your personal views. Be mindful that, while engaged by SOH, there are circumstances in which your personal opinion may be interpreted as being an official comment about or on behalf of SOH or the NSW Government. If your social media activity relates to SOH, identify yourself as an SOH staff member, consultant or contractor and make clear you are not authorised to speak as a representative of SOH or the NSW Government, nor give the impression that your views are shared by SOH or the NSW Government.
- Be responsible and protect your reputation and SOH's reputation.
- Do not discuss or disclose information concerning your work or workplace that is not publicly available.
- Are lawful – do not post material that is defamatory, bullying, harassing, breaches privacy, is in contempt of court, breaches intellectual property rights or is otherwise unlawful.
- Be mindful that information posted online is public and permanent.

Photo credit: Ken Leanfore

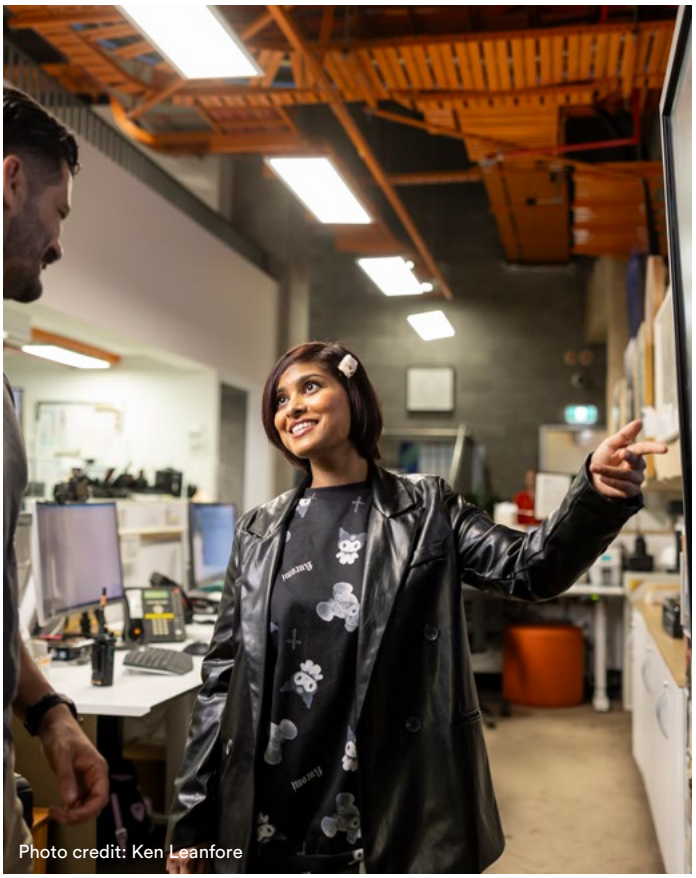

Photo credit: Ken Leanfore

Privacy

6.51 You must protect personal information and health information, and comply with applicable privacy obligations and SOH's privacy and data breach policies (Please refer to SOH's *Records Management Policy, Privacy Management Policy and Plan, Data Breach Policy* and *Information Classification Policy*).

6.52 The PPIP Act outlines how NSW public sector agencies are required to manage personal information. *The Health Records and Information Privacy Act 2002* (NSW) (HRIP Act) outlines how NSW public sector agencies are required to manage health information.

Records management

6.53 We all have a responsibility to make and store records that support day-to-day operations, outcomes and decisions. It is important to collect and store SOH knowledge and information so it is preserved, accessible and can be used for future decision-making.

6.54 You must comply with record-keeping obligations that apply to your role and SOH's *Records Management Policy*. You must not destroy records without proper authority.

Recruitment

6.55 If you are involved in any recruitment, you must comply with the Ethical Framework requirement to recruit and promote employees on merit, and comply with applicable legislative requirements concerning the recruitment process.

6.56 You must also promptly declare any conflict of interest. Where applicable, you must work with the appropriate person to manage any conflicts in the public interest, rather than your own or another person's personal interest.

Risk management

6.57 When carrying out your work or contributing to the making of decisions, you have a duty to objectively identify any risks and report them to your manager or the relevant decision maker, so they can be assessed and appropriately managed. Risks must be managed in accordance with SOH's *Risk Management Policy* and *Treasury Risk Management Policy*, and applicable mandatory NSW Treasury policies.

Security

6.58 Everyone covered by this Code must observe security procedures and policies by:

- Following all emergency evacuation procedures and instructions promptly.

- Wearing your Electronic Access ID Card visibly at all times. You may be requested to present your ID for checking at any time by SOH Security. Report any lost ID Cards immediately.
- Following directions from Event Safety Officers or event personnel.
- Accessing and exiting the building through Stage Door only, or by the main foyers at other SOH premises.
- Not entering any restricted or unauthorised area without prior consent from the relevant manager.
- Ensuring all visitors are signed in at Stage Door and are supervised at all times.

6.59 Refer to the SOH House Rules on Intouch for a guide to required behaviour when at SOH premises, including building access requirements (including for visitors), Green Room and backstage area rules, event access and general expectations.

Photo credit: Ken Leanfore

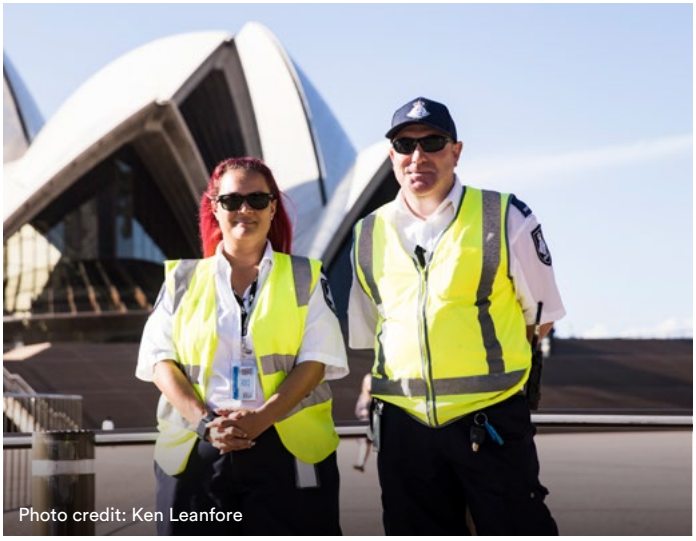
Photo credit: Ken Leanfore

Secondary employment

6.60 You may for various reasons wish to undertake either paid or unpaid work in addition to your role at SOH.

6.61 SOH staff wishing to undertake paid work outside of SOH must comply with applicable legislative requirements, including clause 7 of the *Government Sector Employment Regulation 2014* (NSW). If you are an ongoing (including part-time) or full-time temporary (including seasonal) employee, you must liaise with your manager or supervisor to obtain written approval from SOH's CEO, or its delegated authority in line with the SOH *Delegations of Authority Manual.*

6.62 If undertaking approved secondary employment:

- The work must be done in your own time or during unpaid leave.
- The other job should not affect your work at SOH, including the risk of fatigue.
- There cannot be any conflict of interest between your job at SOH and the outside work.

6.63 Additional work may give rise to a conflict of interest between your primary and secondary employment. If this occurs, you should declare the conflict in accordance with this Code and SOH's *Fraud and Corruption Control Policy* and *Public Interest Disclosures Policy* and manage any conflict in the public interest, rather than your own or another person's personal interest.

Smoking

6.64 In line with SOH's duty of care to protect the health, wellbeing and safety of its staff, contractors, partners, visitors and the SOH community, smoking (including e-cigarettes) is prohibited at SOH-owned or operated sites. See SOH's *Smoke-free Environment Policy* for more information.

Use of public resources and procurement

6.65 You must use public resources in an efficient, effective and prudent way.

6.66 You must not use public resources – money, property, equipment or consumables – for your personal benefit, or for an unauthorised purpose. You must not use your position, or access to government resources and information, for personal gain or the gain of another person.

6.67 If you are responsible for receiving, spending or accounting for money, ensure you know, understand and comply with the SOH *Delegations of Authority Manual* and other legal requirements.

6.68 When procuring goods and services for your employer, you must:

- Declare any conflicts of interest in accordance with SOH's *Procurement Policy* and this Code (sections 6.22-6.28).
- Work with the appropriate person to manage any conflict in the public interest, rather than your own or another person's personal interest.
- Comply with the *NSW Government Procurement Policy Framework*, including all applicable NSW Procurement Board policies and directions, as well as SOH's *Procurement Policy* and *Procurement Procedure*.
- Comply with the principles of probity and fairness.
- Take reasonable steps to ensure the goods and services are not the product of modern slavery.
- Obtain value for money.

Work health, safety and wellbeing

6.69 Safety is our greatest responsibility. We all have a role to play in ensuring the safety of ourselves and others in the workplace by observing safety and security procedures and policies.

6.70 You must take reasonable care for your own health and safety and not do anything that adversely affects the health and safety of others. You should report risks to health and safety in accordance with your duties under the *Work Health and Safety Act 2011* (NSW) and SOH's *Work Health and Safety Policy*, and familiarise yourself with the work, health and safety arrangements at SOH.

6.71 Everyone covered by this Code has a responsibility to report any emergencies in the SOH precinct to the Emergency Planning & Response Group Control Room by dialling 2 on any in-house phone or 9250 7200 on a mobile. At other SOH premises, dial 000 and report the incident, then also report it to the SOH Control Room.

6.72 Additionally, all risks to health and safety – including injuries, incidents, hazards and near misses – must be reported in accordance with the *Work Health and Safety Act* 2011 (NSW) and SOH's *Work Health and Safety Policy*.

- For injuries requiring immediate attention, contact the Emergency Planning & Response Group Control Room by dialling 2 on any in-house phone or 9250 7200 from a mobile.
- Subsequent reporting (injuries, near misses and other hazards) should be done via the online Incident/Hazard Form in SOH's SAFER system.

Ensure you understand and are able to carry out the safety procedures for your area and job and raise any safety risks or security issues with your manager or WHS representative.

6.73 Managers have more substantial obligations involving the safety of those under their supervision or attending work locations, and should familiarise themselves with these obligations. See SOH's *Work Health and Safety Policy* for more information.

Photo credit: Ken Leanfore

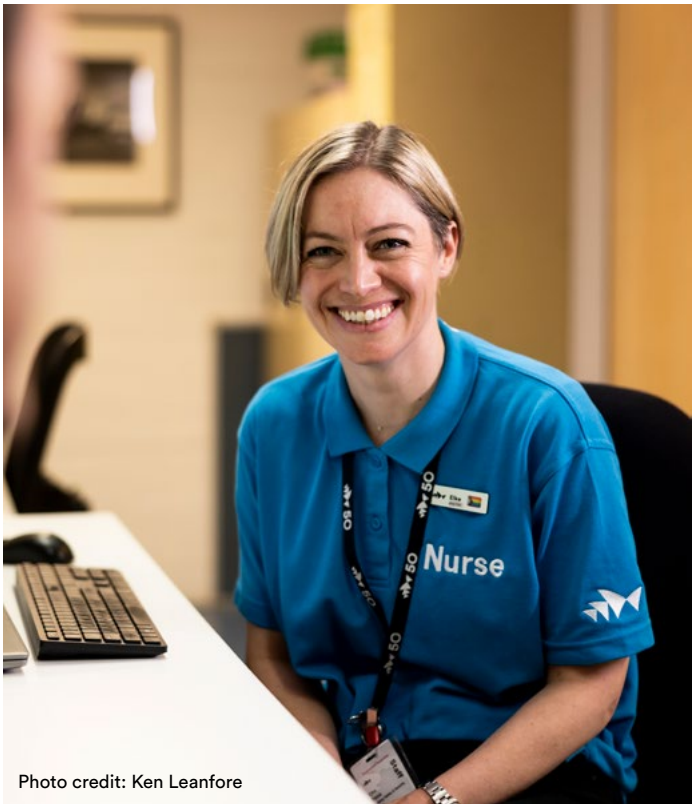

Photo credit: Ken Leanfore

Behaviour contrary to the code

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7.1 Behaviour contrary to this Code or to the Ethical Framework can create an unsafe workspace, bring individuals into disrepute, undermine productive working relationships with colleagues and the public, hinder customer service delivery, and damage public trust in SOH or the broader government sector.

7.2 A contravention of this Code may be misconduct for the purposes of section 69 of the GSE Act.

7.3 If you are unsure of what is appropriate conduct in a particular situation, discuss the matter with your manager or Human Resources team. The CEO may contact the Public Service Commissioner.

7.4 If you see someone act in ways that are contrary to this Code, or if you are unsure of what is appropriate conduct under any particular circumstances, you should raise your concerns in accordance with the SOH *Resolving Workplace Grievances Policy.*

How to report serious wrongdoing

7.5 The *Public Interest Disclosures Act* 2022 (NSW) (PID Act) establishes a framework to encourage people who work in the public sector to report serious wrongdoing. Serious wrongdoing means one or more of the following:

- Corrupt conduct.
- Serious maladministration.
- A government information contravention (other than a trivial failure).
- A local government pecuniary interest contravention.
- A privacy contravention (other than a trivial failure).
- A serious and substantial waste of public money.

7.6 If you become aware of serious wrongdoing, you can report your concerns in accordance with SOH's *Public Interest Disclosures Policy*. You can also contact the relevant integrity agency body (such as the Ombudsman, Independent Commission Against Corruption, Auditor-General, or Law Enforcement Conduct Commission).

7.7 If you believe conduct may be illegal or constitute a criminal offence, you should follow SOH's *Public Interest Disclosures Policy* for reporting wrongdoing or, if appropriate, report the matter to NSW Police.

7.8 When a public official reports suspected or possible wrongdoing in the public sector, their report will be a public interest disclosure (PID) if it has certain features which are set out in the PID Act. PIDs must be managed in accordance with the PID Act. Guidance on making disclosures relating to serious wrongdoing can be found in SOH's *Public Interest Disclosures Policy*.

7.9 Under the PID Act, it is both a criminal offence and misconduct to take reprisals against a staff member who makes a public interest disclosure. The PID Act provides a range of additional protections against detrimental action.

7.10 Further information about PID is available on the NSW Ombudsman website.

Actions when allegations of misconduct are made

7.11 If you are alleged to have acted contrary to this Code, you will have an opportunity to provide your version of events. The process will be proportionate to the seriousness of the matter. In cases where the allegation is minor or of a low level, your manager will usually discuss this matter directly with you. If the allegations are more serious, a formal process may be required.

7.12 If you are responsible for investigating an allegation of a behaviour that is contrary to this Code, you must ensure your decision-making is fair and reasonable by acting consistently with four principles:

- Procedural fairness for all parties.
- Timely investigations to minimise the potential for breaches of confidentiality and lack of procedural fairness.
- Confidentiality for all parties, where practicable and appropriate, until the investigation process is completed.
- Meticulous recordkeeping, including recording of reasons for all significant decisions.

7.13 For employees of Public Service agencies, the GSE Act and *Government Sector Employment (General) Rules 2014* (NSW) set out how allegations of misconduct are to be dealt with, including:

- The requirement that the relevant employee be advised of the detail of the allegation.
- The process to be undertaken to investigate and resolve the matter.
- The action that may be taken against the relevant employee if there is a finding of misconduct.
- The relevant employee be provided a reasonable opportunity to respond to the allegations and the proposed action to be taken.

7.14 If there is a finding of misconduct against a staff member, a Public Service agency head (for SOH, this is the CEO) may take the following actions:

- Terminate employment without giving the employee an opportunity to resign.
- Terminate employment after giving the employee an opportunity to resign.
- Impose a fine 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.

Photo credit: Brett Boardman

Declaring private interests as a senior executive or nominated staff member

8

8.1 All senior executives (including an acting senior executive) and nominated staff must make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could reasonably be perceived to influence, the senior executive's duties, including decisions made or advice given. Where a staff member has no such private interests to declare, they must declare a "nil return".

8.2 After a staff member makes an initial declaration, a fresh declaration must be made:

- As soon as practicable following any relevant change in the staff member's private interests.
- As soon as practicable following the staff member's assignment to a new role or responsibility.
- At least annually.

8.3 A template for making a private interests declaration is provided at Attachment A to this Code. All senior executives and nominated staff must use the declaration form "as is" and provide it to the CEO. The CEO must provide their declaration form to the Department Secretary.

Photo credit: Ken Leanfore

8.4 An acting senior executive is not required to make a fresh declaration on each 'acting' occasion and may rely on their most recent declaration, provided:

- That declaration is brought to the attention of their then current manager.
- There are no additional undeclared private financial, business, personal or other interests or relationships that have the potential to influence, or could reasonably be perceived to influence, decisions made or advice given by the senior executive while they are acting.

8.5 As the person receiving the declarations, the CEO is responsible for having procedures in place to ensure:

- Senior executives complete declarations, including the additional declarations referred to section 8.2.
- Handling and storage of declarations comply with the PPIP Act.
- Declared conflicts of interest are managed and monitored.

Approved

Acting Chief Executive Officer
04/02/2025

Declaration of private interests

Attachment A

Note
The editable version in Word can be obtained from the Policy team.

Instructions
The Code of Conduct requires senior executives and nominated staff to make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could reasonably be perceived to influence, decisions made or advice given by the staff member.

Where a staff member has no such private interests to declare, they must declare a "nil return". After a staff member makes an initial declaration, a fresh declaration must be made:

- As soon as practicable following any relevant change in the staff member's private interests.
- As soon as practicable following the staff member's assignment to a new role or responsibility.
- At least annually.

Senior executives and nominated staff must provide their declaration to the CEO. The CEO must provide
their declaration to the Department Secretary.

Person making declaration

Name: _____

Role Title: _____

Department/agency: _____

Division/branch: _____

Location: _____

Declaration: I declare that:

- I have read and understand the requirement under the Sydney Opera House Code of Conduct to declare any private financial, business, personal or other interests or relationships that have the potential to influence, or could reasonably be perceived to influence, my duties, including decisions made or advice given by me.
- I will take prompt action to manage any actual and/or reasonably perceived conflicts of interests, as required by the Code.

Tick one option only (Option A or B)

☐ **Option A**
Annexure A lists my private interests for the purpose of this declaration.
In preparing this list, I have had regard to:

- My private financial, business, personal and other interests or relationships.
- The functions and responsibilities of my Department/agency.
- My role and responsibilities in the Department/agency.

☐ **Option B**
I have no such private interests to declare.

Signature: _____

Name: _____

Date: _____

Declaration of private interests

Annexure A

Instructions
Please list any private financial, business, personal or other interests or relationships that have the potential to influence, or could reasonably be perceived to influence, decisions made or advice given by you.

The types of interests and relationships that may need to be disclosed include: real estate investments or holdings; shareholdings; trusts or nominee companies; company directorships or partnerships; other significant sources of income; significant liabilities; gifts; and business, employment, voluntary organisation, social, family or personal relationships.

List interests here:

_____

_____

_____

_____

_____

_____

_____