

MAAS Code of Conduct Policy

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POLICY SUMMARY	
POLICY DETAILS	<p>Title: MAAS Code of Conduct</p> <p>Date: 16 July 2020</p> <p>Review Date: 16 July 2022</p>
KEY MESSAGES	<p>This Code of Conduct sets out the standards of conduct, ethics and behaviour required for all employees at MAAS.</p> <p>Compliance with this Code of Conduct is mandatory. Together with the Code, you must comply with any relevant legislative, industrial and administrative requirements and any lawful direction made by a person with the authority to give such a direction.</p> <p>How do I report a breach of the Code? Any suspected breaches of this Code of Conduct should be reported to your manager or the Human Resources Manager.</p>
SCOPE	<p>This policy applies to all MAAS employees, casual employees, contractors and volunteers.</p>
USE	<p>Employees should use this policy to help decide on an appropriate course of action when faced with an ethical or professional decision.</p>
COMPLIANCE	<p>This policy is supplementary to and should be read in conjunction with the Code of Ethics and Conduct for NSW government sector employees.</p>
POLICY OWNER	<p>Human Resources, with the primary contact being the Human Resources Manager.</p> <p>This is a public policy for publication on the MAAS website.</p>

1. Purpose

- 1.1. Employees of MAAS must comply with the Code of Ethics and Conduct for NSW government sector employees issued by the Public Service Commissioner, as well as this supplementary MAAS Code of Conduct. These two documents are jointly referred to in this document as 'the Code'.
- 1.2. The purpose of the Code is to help all employees:
 - Understand expected standards of conduct and behaviour
 - Maintain MAAS's integrity and reputation
 - Comply with relevant laws and government policies
 - Deal with ethical problems that may be encountered.
- 1.3. The Code does not attempt to provide an exhaustive list of what to do in every aspect of our work. Instead, it represents a broad framework that will help employees decide on an appropriate course of action when faced with an ethical or professional decision.

2. Policy Statement

- 2.1. The Code sets out the standards of conduct, ethics and behaviour required for all MAAS employees. The Code helps MAAS employees comply with their professional obligations and sustain high standards of ethical conduct. This will in turn maintain our credibility and the public's trust in what we do, ensuring the reputation of MAAS is preserved.

3. Scope

- 3.1. This Code of Conduct sets out the standards of conduct, ethics and behaviour required for all employees at MAAS.
- 3.2. It applies to all MAAS employees, casual employees, contractors and volunteers. All references to 'employees' within this policy should therefore be read to include volunteers and contractors/consultants as well as paid employees.
- 3.3. This Code of Conduct also provides a guiding framework for those who work with or represent MAAS, including Trustees and external advisory panel members.
- 3.4. Compliance with this Code of Conduct is mandatory. Together with the Code, you must comply with any relevant legislative, industrial and administrative requirements and any lawful direction made by a person with the authority to give such a direction.

4. MAAS Code of Conduct

- 4.1. All MAAS employees are expected to:
 - 4.1.1. Perform your duties to the best of your ability and be accountable for your performance
 - 4.1.2. Adhere to all reasonable instruction and/or directions
 - 4.1.3. Comply with lawful directions made by a person with the authority to give such a direction
 - 4.1.4. Carry out your duties in a professional, competent and conscientious manner
 - 4.1.5. Act in good faith in providing advice or service that is honest, impartial and comprehensive, irrespective of your personal views
 - 4.1.6. Be courteous, respect and responsive in dealing with your colleagues, stakeholders and members of the public
 - 4.1.7. Work collaboratively with colleagues and appreciate the values of a diverse workforce
 - 4.1.8. Be mindful of your duty of care and safety of yourself and others
 - 4.1.9. Be aware that if your conduct has the potential to damage public trust in MAAS, even if it is in a private capacity, this could lead to action being taken by MAAS for breach of the Code

- 4.2. MAAS recognises that employees may have additional ethical obligations associated with their profession. The following codes may be relevant to particular areas of expertise:
 - 4.2.1. ICOM Code of Ethics for Museums
 - 4.2.2. Australian Institute for the Conservation of Cultural Material (AICCM) Code of Ethics (Practice)
 - 4.2.3. The Australian Code for Responsible Conduct of Research
 - 4.2.4. Museums Australia Code of Ethics

5. Specific conduct obligations

Caring for the MAAS Collection

- 5.1. The MAAS collection is an important and valuable asset, held in trust for the people of NSW and future generations. All employees must care for the collection and ensure its security following the Strategic Collections Policy Framework and Strategic Collections procedures.
- 5.2. It is acknowledged that personal collecting is a way of enhancing professional knowledge and is likely to be a product of professional interest. Employees must however be aware that personal collections may result in a conflict of interest. An employee should discuss collecting in a field related to the MAAS collection with their manager or team head.
- 5.3. No employee may compete with MAAS to acquire an object, nor may they use their position to promote their own (or an associate's) collecting activities. Employees may not deal (as opposed to collect) in objects similar or related to the objects collected by MAAS.

Professional behaviour

Workplace health, safety and security

- 5.4. MAAS employees are expected to understand their responsibilities and obligations under work, health and safety legislation. All employees have a duty to:
 - 5.4.1. Take reasonable care for the health, safety and welfare of yourself and others when performing your work
 - 5.4.2. Adhere to MAAS security procedures
 - 5.4.3. Cooperate with MAAS to ensure compliance with all relevant work, health and safety laws
- 5.5. All health and safety risks should be reported to your manager and all incidents of accidents, injuries and near misses should be reported through the Incident Report Form on the intranet. All employees should familiarise themselves with MAAS's Work Health and Safety policies and procedures.

Treating people with dignity and respect

- 5.6. MAAS employees are expected to relate professionally to colleagues, stakeholders and members of the public.
- 5.7. MAAS expressly prohibits any form of discrimination, harassment and bullying at any time. This includes comments or posts on social media. Such behaviour may also be unlawful.
- 5.8. Employees should become familiar with MAAS' processes for resolving workplace problems and issues.

Working with children

- 5.9. MAAS employees have a responsibility to act appropriately when dealing with children in the course of their work.
- 5.10. If you are in a role that involves working directly with children, you will be required to hold a current NSW Working with Children Check at all times during your employment. Employees who work with children are required to provide services and conduct duties in a manner that respects the right of all children and young people to safety and protection from all forms of abuse.
- 5.11. For more information refer to the Office of the Children's Guardian website.

Indigenous cultural perspectives

- 5.12. Under the MAAS Reconciliation Action Plan, employees have a responsibility to provide leadership and inspiration to the wider community on reconciliation between all Australians by building strong relationships that are inclusive and respectful of Australian Aboriginal and Torres Strait Islander communities, cultures, histories and peoples.
- 5.13. All employees have a responsibility to ensure a culturally inclusive, sensitive and safe workplace.

Use of alcohol, drugs and tobacco

- 5.14. Employees are responsible for ensuring that their capacity to perform their duties is not impaired by the use of alcohol or drugs, and that the use of such substances does not put them or any other person's health and safety at risk.
- 5.15. MAAS employees must not be under the influence of or in possession of a drug or substance that is illegal to possess or distribute. They must not work whilst under the influence of alcohol. For more information refer to the MAAS Managing Alcohol and Other Drugs in the Workplace Policy.
- 5.16. MAAS is a smoke-free workplace and employees are not permitted to smoke or permit smoking on MAAS property or on the precinct surrounding MAAS sites. For more information refer to the MAAS Smoke Free Workplace Policy.

Conflicts of interest

- 5.17. A conflict of interest (whether actual, potential or reasonably perceived) exists when a private interest could objectively influence the performance of an employee's official duties. Conflicts of interest may lead to improper decision making, which may constitute corrupt conduct.
- 5.18. Examples of situations which may give rise to a conflict of interest affecting the performance of your duties include:
 - A financial interest (yours or that of a family member, relative, friend or associate) in a matter you deal with in the course of your work
 - Your personal beliefs or attitudes that could influence, or may be perceived to influence, your impartiality
 - Other employment that conflicts with your duties for MAAS
 - Participation in political or community activities or making political comments that may relate to, or be seen as relating to, the work of MAAS
- 5.19. Employees are required to take reasonable steps to avoid conflicts of interest.
- 5.20. Any conflicts of interest (actual, potential or reasonably perceived) must be reported using the MAAS Disclosure of Conflict of Interest Form (available on the MAAS Intranet).

- 5.21. Examples of approaches for resolving conflicts of interest can be found in the Code of Ethics and Conduct for NSW government sector employees (see “How do I manage conflicts of interest”).

Other paid employment

- 5.22. When considering employment outside of your role at MAAS, you must assess whether it may adversely affect the performance of your duties or give rise to a conflict of interest.
- 5.23. Full time employees must obtain written approval from the Chief Executive to engage in any paid work outside of their work with MAAS. This is a legal requirement under the Government Sector Employment Regulation 2014.
- 5.24. Part time and casual employees are not required to gain approval for outside paid employment provided that the work is undertaken during the period that they are not required to work for MAAS, and there is no other conflict of interest.
- 5.25. Secondary employment should not result in a conflict of interest for you or MAAS, either real or perceived. Employees also need to keep the following in mind:
- 5.25.1. The work must be done in your own time.
 - 5.25.2. Your work at the Museum must not be affected.
 - 5.25.3. Any additional employment should not be in an area that competes or conflicts with the Museum.
- 5.26. Employees must not accept payment from a third party for work or activities that are part of your normal MAAS duties or responsibilities. In some circumstances, it may be appropriate for MAAS to derive a fee for the services and time of a staff member. Employees who identify such opportunities should discuss them with their Manager.

Gifts and Benefits

- 5.27. The receipt of gifts, benefits or hospitality may be perceived as having the potential to compromise current and future impartial decision making.
- 5.28. Employees must comply with the MAAS Gifts and Benefits Policy.
- 5.29. Refer to the MAAS Gifts and Benefits Policy for further information on how to deal with offers of gifts, benefits or hospitality.

Corrupt Conduct, fraud, and maladministration

- 5.30. The management of fraud and corruption is an integral part of good governance and management practice.
- 5.31. Employees must comply with the MAAS Fraud and Corruption Prevention Policy.
- 5.32. Refer to the MAAS Fraud and Corruption Prevention Policy for further information on how to prevent and report fraud and corruption.

Use of official resources

- 5.33. Employees may be provided with resources, facilities and equipment to perform their duties. Examples of official resources may include office facilities, venues, computers, mobile phones, equipment, motor vehicles, credit cards, software.

- 5.34. Employees must use MAAS resources efficiently and effectively, for authorised purposes only. MAAS resources, including communications devices and software, must not be used for private employment or for private financial gain by employees.

Private Use

- 5.35. All use of MAAS communication devices (eg computers, mobile phones or similar devices) must be lawful, appropriate and ethical. Limited personal use of communication devices is permitted, provided the use is infrequent, brief, involves minimal cost and does not interfere with work performance.
- 5.36. MAAS vehicles are to be used only for official business. This may involve keeping a MAAS vehicle in a garage overnight at your home address when approval has been given by a manager (self-approval is not permitted).

Communication Devices

- 5.37. When using MAAS resources employees must not transmit, communicate or access information that could:
- 5.37.1. Damage MAAS's reputation
 - 5.37.2. Be misleading or deceptive
 - 5.37.3. Result in victimisation or harassment
 - 5.37.4. Be offensive, inappropriate, obscene, threatening, abusive or defamatory
 - 5.37.5. Violate Australian or NSW regulations or laws, eg 'computer hacking'
 - 5.37.6. Be intended to have a destructive effect on storage, processing or communications network facilities.

Procurement

- 5.38. MAAS' purchasing practices must be of the highest standard to achieve value for money and ensure that public money is spent appropriately. MAAS also needs to comply with specific mandatory state government policies and practices in relation to procurement and tendering.
- 5.39. When purchasing goods and services for MAAS, employees must follow MAAS policies and procedures for procurement. Employees are responsible for understanding the procedures that apply to the type of procurement you are undertaking on behalf of MAAS. For further information refer to the MAAS Ethical conduct of purchasing officer policy and procedure 2016.

Intellectual Property

- 5.40. Employees must ensure when creating materials that the intellectual property rights of others are not infringed. Any third party copyright or other rights information is to be recorded in the materials.
- 5.41. The copyright of material created by an employee in the course of their work belongs to MAAS, even if the material was developed in their own time or at home.
- 5.42. Employees must not use MAAS' intellectual property (including copyright) for private purposes without obtaining written permission from an appropriately delegated manager.

Ensuring the reputation of MAAS

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

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

Public Comment

- 5.45. Public comment is any comment made where it is expected that it will be seen or heard by members of the public. It includes (but is not limited to) the following:
- Public speaking engagements
 - Comments to radio, television or print reporters (including letters to the editor)
 - Comments in books, journals or notices
 - Comments on internet sites or broadcast by electronic means
 - Profiles or activities on social media (including posting, blogging, tweeting, uploading photographs, sharing, commenting, liking and re-tweeting on sites such as Facebook, LinkedIn and Twitter).

Public comment in your capacity as an employee of MAAS

- 5.46. In the course of your official duties, you may be called on to make public comment. You must not make any comment on behalf of MAAS unless authorised to do so. All media enquiries must be referred to the Communications and External Affairs team.
- 5.47. Where comment is authorised to be given, comments must be confined to factual information. Opinions on government policies or government decisions must be avoided unless required by law. Only official information that is already in the public domain and does not breach any confidentiality requirements may be disclosed.

Public comment in a private capacity

- 5.48. As a private individual, employees have the right to participate in public debate on political and social issues. When making public comments in a private capacity, including on social media, you must make it very clear that you are commenting as a private individual. This includes:
- 5.48.1. Only provide your personal contact details and not those of the Museum
 - 5.48.2. Not use any MAAS logos or insignia
 - 5.48.3. Not make any comment that could compromise or be reasonably perceived as compromising your capacity to fulfil your duties in an impartial, apolitical and professional manner
 - 5.48.4. Not make any comment that could damage public trust in MAAS
- 5.49. When exercising your right to participate in public debate in a private capacity you must:
- 5.49.1. Treat others with respect, ensuring you are compliant with the law
 - 5.49.2. Not make comments that are obscene, defamatory, abusive, threatening, harassing, bullying or discriminatory
 - 5.49.3. Act with integrity and professionalism
 - 5.49.4. Comply with MAAS policies on use of official resources (including communication devices)

Handling Information

Protecting privacy and personal information

- 5.50. MAAS is committed to ensuring personal information collected from individuals will be kept confidential as required by law. Employees need to be aware of and comply with the Privacy and Personal Information Protection Act 1998 which provides protections around information collected and/or held by a public agency about a person.

- 5.51. All information about employees, clients, commercial activities and contractors must be kept confidential. Employees should ensure that personal information is only used for the official purposes for which it was collected. In the event that such information is requested, permission will be sought from those concerned prior to the information being disclosed.
- 5.52. Information relating to financial information, object purchases and object loans should be treated as restricted.
- 5.53. Refer to the MAAS Privacy Management Plan for further information.

Protecting government information

- 5.54. Government information held by MAAS includes all records regarding:
- The operation of the Museum
 - Personal details of staff, visitors, contractors or consultants
 - Collection object records
- 5.55. Information may be contained in correspondence (written and electronic), file notes, computer databases, text messages, video surveillance tapes and many other formats.
- 5.56. As a NSW government agency MAAS is committed to provide high quality, equitable and customer focused services to the people of NSW. Employees should bear this in mind in all dealings with the public. Information must be accurate, relevant and unbiased. Under the Government Information (Public Access) Act (GIPA) 2009 citizens have the right to access information held by the NSW Government to foster a government that is open, accountable, fair and effective.
- 5.57. Enquiries regarding accessing information held by MAAS should be directed to the Right to Information Officer, except for enquiries regarding collection information, which are managed in accordance with the MAAS Collection Information Management and Access Policy (part of the Strategic Collections Policy Framework).
- 5.58. If in doubt as to the appropriateness of releasing information employees should seek guidance from the Right to Information Officer or Director of Corporate Resources.
- 5.59. Employees should note that emails and text messages are part of MAAS's administrative records and are subject to requests under the GIPA Act. These records may be subpoenaed.
- 5.60. MAAS records must only be used for work related purposes and should not to be used for personal gain, or to assist a third party to benefit. This applies even after employment by MAAS has ceased.

Recordkeeping

- 5.61. All employees are responsible for creating and maintaining full and accurate records that document official business transactions, decisions and activities. It is the responsibility of all employees to make and keep adequate records in accordance with the State Records Act 1998 that support the conduct of business, ensuring that records are incorporated into the Museum's recordkeeping system and not destroyed without appropriate authority.
- 5.62. Records must be kept in an orderly and retrievable form. By keeping well-ordered records in a retrievable format we can promote confidence in the MAAS as a business conducted with integrity founded on efficient and impartial decision-making. Further information on recordkeeping responsibilities is in the MAAS Records & Information Management Policy.

Signatures and references

- 5.63. MAAS employees must review carefully any document they are asked to sign (including electronic approvals). Employees must not sign any document unless they know it is true and correct.
- 5.64. Employees must only sign their own name, and not permit or encourage anyone to sign a name other than their own.
- 5.65. MAAS employees are not permitted to provide written personal references for any current or former MAAS employee on letterhead, nor use their title and position for this purpose. Official references are limited to a statement of service which is issued by Human Resources or Payroll.

6. Roles and Responsibilities

- 6.1. Employees are responsible for
 - 6.1.1. Understanding the Code
 - 6.1.2. Abiding by the Code's guidelines on ethical and professional behaviour
 - 6.1.3. Reporting any breaches or suspected breaches of the Code
 - 6.1.4. Consulting management and/or Human Resources when unsure of what behaviour or action is expected
 - 6.1.5. Understanding legislation and MAAS' policies and procedures that support professional and ethical behaviour
- 6.2. Managers/Supervisors are responsible for
 - 6.2.1. Ensuring employees have been issued with the Code and understand its requirements
 - 6.2.2. Advising employees on MAAS' expected standards of behaviour
 - 6.2.3. Investigating alleged breaches of the Code
 - 6.2.4. Demonstrating ethical, fair and professional behaviour
- 6.3. Human Resources is responsible for
 - 6.3.1. Monitoring and maintaining the Code
 - 6.3.2. Providing advice and guidance to MAAS and individuals
 - 6.3.3. Ensuring that training and support is provided

7. Breaches of this Code

- 7.1. Any suspected breaches of this Code of Conduct should be reported to your team head or the Human Resources Manager.
- 7.2. Breaches may result in proceedings of misconduct and disciplinary, remedial or performance management actions (including termination of employment).
- 7.3. Further information is also available in The Code of Ethics and Conduct for NSW government sector employees.
- 7.4. Reports of corrupt conduct, maladministration, serious and substantial waste and government information contravention may be subject to the protections offered by the Public Interest Disclosures Act 1994. See the MAAS Public Interest Disclosure Policy 2017 for guidance.

8. Related Museum plans, policies and/or procedures

Conflict of Interest Policy 2012
Ethical conduct of purchasing officer's policy and procedure 2016
MAAS Bullying Prevention Policy
MAAS Fraud and Corruption Prevention Policy
MAAS Gifts and Benefits Policy

MAAS Managing Alcohol and Other Drugs Policy
 MAAS Mobile Device Policy
 MAAS Public Interest Disclosure Policy
 MAAS Research Policy and Framework
 MAAS Security Policy
 MAAS Smoke-free Workplace Policy
 Privacy Management Plan
 Records & Information Management Policy 2016
 Work Health and Safety Policy 2016

9. Relevant legislation and external context

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

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

10. Acknowledgement

Department of Premier and Cabinet Code of Conduct 2016

11. Responsible Officer

Head of Human Resources

12. Responsible Department & Unit

Corporate Resources, Human Resources

13. Amendment history

Version	Date issued	Notes	By
1	26/09/2016	Updated	Governance Manager
2	16/07/2020	Updated	Human Resources Manager