



CORPORATE INFORMATION

SOPA POLICY

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CODE OF CONDUCT

Introduction

The Sydney Olympic Park Authority Code of Conduct has been written to assist employees:

- understand the standards of conduct and behaviour expected by the Authority; and
- deal with ethical problems which might arise at work.

The Code applies to every employee engaged by the Authority, whether by way of permanent appointment or temporary employment.

While the Code of Conduct applies to all employees of the Sydney Olympic Park Authority, consultants and other service providers engaged by the Authority are required to undertake the tasks for which they are engaged in a manner which is consistent with the principles underpinning this Code of Conduct.

Principles

The Code of Conduct has three underlying principles:

1. The general public has a right to expect the highest integrity and competence from Sydney Olympic Park Authority employees and service providers engaged by the Authority.
2. The Government is entitled to impartial and accurate advice, and prompt implementation of its policies.
3. All staff have rights and obligations as employees of the Authority.

Sydney Olympic Park Authority employees are required to comply with all applicable Government legislation, public sector policies and the Authority's approved policies and procedures. The Code should be used as a guide to achieve the standards of excellence in conduct and ethics expected by the Authority.

The Code is also based on the principle that all individuals engaged by the Authority are accountable for their own acts and omissions. These principles underpin the following sections of the Code.

1. Personal and Professional Behaviour

The Authority expects its employees to:

- work conscientiously, honestly and efficiently and keep up to date with advances in their area of responsibility;
- be honest, reasonable, fair and sensitive in their dealings with members of the public and other employees and contract staff;
- give fair, unbiased and accurate advice to the Government, and implement its policies conscientiously;
- maintain the confidentiality of information received in the course of their duties;
- be aware of and follow all relevant legislative, industrial, Departmental and administrative policies, procedures and other requirements;
- adhere to Equal Employment Opportunity principles; and
- avoid real or apparent conflicts of interest.

2. Statement of Business Ethics

The principle of best value for money is at the core of all SOPA's business relationships with private sector suppliers of goods and services.

SOPA will ensure that all its policies, procedures and practices related to tendering, contracting and the purchase of goods or services are consistent with Government requirements, best practice and the highest standards of ethical conduct. SOPA is committed to ensuring that its business relationships with the private sector are fair, ethical, transparent and productive.

SOPA staff are expected to:

- use public resources effectively and efficiently
- deal fairly, honestly and ethically with all individuals and organizations
- avoid any conflicts of interest

SOPA expects its tenderers, contractors, suppliers and their employees and subcontractors to comply with SOPA's procurement principles.

3. Corrupt Conduct

“Corrupt conduct”, as defined by the Independent Commission Against Corruption Act 1988, is any conduct which adversely affects, or could adversely affect, the honest or impartial exercise of official functions by any public official or public authority. It includes any conduct of a public official that involves dishonest or impartial exercise of official functions, a breach of public trust or the misuse of information or material acquired in the course of official duties.

If any Sydney Olympic Park Authority employee knows of or has any good reason to suspect maladministration, fraud, corrupt, criminal or unethical conduct they are obligated to report it immediately to their manager. Failure to do so constitutes a breach of this Code.

If employees feel that they cannot report the matter to their supervisor, it can be reported to a more senior manager, an General Manager or the Chief Executive. A further option is to report the matter direct to the Independent Commission Against Corruption.

Any Sydney Olympic Park Authority employee who brings a suspicion of corrupt conduct to the Authority's attention is not required to draw a conclusion, make a value judgment or undertake any preliminary investigation into the circumstances of the cause. They should simply report the facts as known to them.

All reports of suspected corrupt conduct will be investigated and appropriate action taken.

The employee who makes a complaint or reports information will be treated fairly and without discrimination or prejudice. The Protected Disclosures Act 1994 protects public officials who make voluntary disclosures about corrupt conduct.

The Protected Disclosures Act aims to encourage and facilitate the disclosure of public offences (in the public interest) of corrupt conduct, maladministration, or serious and substantial waste in the public sector. Sydney Olympic Park Authority's Protected Disclosures Policy (January 2003) outlines rights and responsibilities of employees relating to the Act. The policy:

- establishes the Authority's internal reporting system;
- ensures disclosures are treated confidentially;
- ensures that staff making disclosures are not victimised; and
- ensures feedback on the outcome of the investigation.

The Protected Disclosures Policy is attached at APPENDIX 1.

4. Fraud Control

Sydney Olympic Park Authority's Corruption Prevention Strategy (APPENDIX 5) outlines its policy and procedures to control against internal and external fraud.

Fraud is a common form of corrupt conduct. It is any practice which involves the use of deceit to confer some form of financial benefit upon the perpetrator (either directly or indirectly) and which results in some form of material loss to the entity defrauded.

The responsibility for the prevention and detection of fraud lies with the Authority's management. However, in carrying out their duties, all Sydney Olympic Park Authority employees should be aware of possible irregularities as fraud prevention is an important part of fraud management.

5. Maladministration

Members of the public have a right to expect a high standard of ethical conduct from the Sydney Olympic Park Authority in dealing with cases where they have suffered detriment arising out of maladministration for which an official from SOPA is responsible.

The Authority will take appropriate steps to rectify a situation where an incident of maladministration has caused detriment to a person or organisation. At a minimum SOPA will explain what occurred and make an apology to the person or organisation who has suffered detriment, and/or where appropriate, negotiate a settlement that is fair and reasonable in the circumstances.

6. Standards

Within the Authority, it must be clearly understood that fraud and corruption will not be tolerated and that perpetrators will face disciplinary action which may include:

- *Caution and reprimand as a minimum*
- *Fine*
- *Reduction in salary*
- *Demotion to a lower graded position*
- *To be allowed to resign*
- *Direction to resign*
- *Dismissal, or in the case of an officer on probation – annulment*
- *Prosecution and or restitution*

7. Fairness and Equity

All work related decisions should be made consistently, impartially, fairly, in a timely manner with respect for privacy and confidentiality. The Authority is committed to procedural fairness and will make decisions in accordance with applicable NSW Government Policies.

All reasonable steps must be taken to ensure that the information upon which decisions or actions are based is factually correct.

8. Conflicts of Interest

A conflict arises when private or professional interests or duties conflict directly or indirectly with obligations to the Sydney Olympic Park Authority.

Some related interests which may give rise to a conflict of interest are:

- Serving as a member of a selection committee considering an application from a friend, relative or business partner;
- Providing advice in support of a decision that would have financial or other benefits for you, your friends, relatives or business partners;
- Exercising delegated powers to purchase goods, services or equipment from a supplier who then provides you with a hidden benefit, eg, purchase of a computer from a supplier who then provides you with a laptop computer for private use;
- Recommending a contract be issued to a supplier who provides you with a benefit, eg, access to sporting events or hospitality.

The Authority's employees should always act in the interest of the Government and the general public interest and not in their own interest. They should disclose in writing to the Authority any pecuniary or other personal interest held or activities undertaken which may cause a conflict of interest.

If the Authority's employees and service providers have a conflict, or think that they may have a conflict, it must immediately be reported to their manager or a General Manager who will discuss the matter and advice on a possible course of action. Where appropriate, the matter may be referred to the General Manager, Commercial & Corporate for further advice.

9. Duties that Conflict With the Personal Views or Beliefs of Employees

Employees of the Authority must always follow directions and requests given by authorised staff. There may be circumstances where employees conscientiously object to a particular course of action. They should discuss the matter with their supervisor or a senior officer.

10. Political Participation

Sydney Olympic Park Authority employees who are active in any political party, or a representative of a political party, cause or movement must be especially careful about the possibility of conflicts of interest with the duties of their position in the Authority. Employees must ensure that they are always able to serve the NSW Government in a politically neutral manner. If they are aware of a potential conflict they must immediately inform their senior manager.

11. Acceptance of Gifts and Benefits

Sydney Olympic Park Authority employees must never:

- accept for themselves, any family member, or other Authority officer any cash, reward, gratuity, gift, favour or concession including accommodation, meals, entertainment or free tickets to events of greater than nominal value;

- directly or indirectly seek any cash, reward, gratuity, gift, favour or concession for themselves or any family member, or any other officer of the Authority.

Any staff member who accepts or seeks such a gratuity or benefit can expect disciplinary action.

Gratuities do not include standard hospitality provided at official functions. Gifts in this context do not include items of a relatively inexpensive nature issued by firms for promotional purposes, for example, pens, coasters, pocket diaries, calendars, etc. If the items in question are given, or appear to be given, with the intention of making the Authority employees change the way in which they do their work, or if other people could reasonably conclude that they are intended for that purpose, they are not to be accepted. Any doubts in this regard should be referred to the relevant supervisor.

In every instance where Sydney Olympic Park Authority employees are offered or sent a gift or concession within the definition of this section, a written disclosure should be made to their supervisor using the Gifts and Benefits Register pro forma. The supervisor is to refer the matter to the General Manager, Commercial & Corporate. Gifts of cash must not be accepted under any circumstances.

The Gifts and Benefits Policy and the Staff Access to Events Policy are attached at APPENDIX 2 and APPENDIX 3.

12. Public Comment and the Use of Official Information

General:

Other than where authorised in the course of duty or when called to give evidence in court, employees should not comment on matters relating to official business or government policies.

This is particularly so where:

- i) a new Government policy is proposed or a policy is under Government review;
- ii) it might be inferred that a comment made is made by a person purporting to have specialised direct or official knowledge or authority in relation to the matter which is the subject of the comment.

Employees and service providers are, however, not prohibited from commenting on information which is either the subject of public knowledge or would be given to any member of the public seeking disclosure of that information.

Media enquiries should be referred to the officer responsible for media liaison within the Authority unless the employee's duties specifically include handling such enquiries.

Use of Official Information:

Sydney Olympic Park Authority's information may only be released when authorised in the normal course of business. Information of an administrative or personal nature (for example, the address or telephone number of a fellow worker) is likewise not to be released without authority.

Sydney Olympic Park Authority employees, service providers, consultants and their employees involved on sensitive Authority projects will be required to sign a confidentiality undertaking.

Use of Sydney Olympic Park Authority's Information Systems, including e-mail and the Internet, must be in accord with the Authority's policy on Use of Communication Devices. The SOPA Policy on Communication Devices is attached at APPENDIX 4.

Speaking Engagements:

Speaking engagements relating to the Authority's activities with professional, education and community groups may be accepted with the approval of the Authority.

Where a speaking engagement forms part of a commercial undertaking (that is, participants pay to attend), consideration should be given to charging a management fee, which should be deposited in the Authority's bank account.

The Minister should be advised of any speaking engagements approved for any conferences which are likely to gain a high profile.

13. Outside Employment

Employees of the Authority may engage in other paid employment outside their official duties, provided they meet certain conditions and have prior approval to do so.

Applications to undertake other paid employment, or significantly vary an existing approval, must be submitted in writing and placed on the applicant's personal file.

Approvals will generally be given where it is clear that:

- (a) the work does not arise from, or interfere with, the employee's work at the Authority;
- (b) the work will not cause a conflict of interest with the employees official duties; and
- (c) the work will be done outside working hours.

Employees' duties relating to their employment within the Authority must always come first.

14. Use of Official Facilities and Equipment

Employees of the Authority should ensure that resources, funds, staff or equipment are used effectively and economically in the course of their duties.

Employees are expected to:

- be efficient and economical in their use and management of the Department's resources;
- be careful in their use of public property and services and not permit misuse by others;
- obtain official permission before any use of the Department's facilities and equipment for personal purposes beyond what is authorised in the Department's published policies and practices;
- ensure that they have the necessary delegation before incurring or authorizing any expenditure on behalf of the Authority.

15. Personal Behaviour

The Authority will not tolerate any form of offensive behaviour.

Employees should refrain from any form of conduct, in relation to other employees or the public, likely to cause the Crown, the Authority or any person offence or embarrassment, or which intimidates, humiliates or threatens that person.

Employees are required to notify the Chief Executive Officer if they become bankrupt or are charged or convicted of a serious offence. A serious offence is where the Courts can impose a custodial sentence of 12 months or more.

16. Recordkeeping

Recordkeeping is an essential business function throughout the New South Wales Public Sector with responsibility at every level of decision making. Records are one of the principal assets of the Sydney Olympic Park Authority and are an invaluable and irreplaceable source of information which provides documentary evidence of day to day activities of the Authority.

Records are kept to meet business needs, accountability requirements and community expectations. SOPA's records must be managed in an effective and efficient manner to allow retrieval of complete information quickly to support decision making, business performance, accountability and legal obligations. SOPA is committed to meeting requirements under the State Records legislation and supporting policies and standards, which are to be implemented by all employees at all times. Managers in SOPA are to ensure that records are accounted for when staff leave the Authority.

Departmental records must never be destroyed or disposed of other than in a manner which is in accord with approved Disposal Schedules.

17. Leaving The Authority

When employees leave the Authority, they must return all property of the Authority that is in their possession.

After leaving, it is expected that they will not improperly use official or personal information gained as a result of their employment with the Authority.

18. Breaches of the Code-Sanctions

All employees are subject to the provisions set down in this Code. Failure to observe the principles and standards could lead to disciplinary action or possibly civil proceedings.

19. Privacy Policy

The Privacy and Personal Information Act establishes a system for public sector agencies to handle personal information. SOPA has obligations to deal with personal information in accordance with the Act and has its own Privacy Management Plan.

The Plan creates obligations and restrictions relating to the collection, retention, use and disclosure of personal information.

20. Enquiries

Any enquiries relating to the Code of Conduct should be referred to the Manager, Human Resources (Alan Hynes tel: 9714 7307).

Chief Executive Officer

PROTECTED DISCLOSURES POLICY

Introduction

This policy document advises employees of the Sydney Olympic Park Authority of their rights and responsibilities under the Protected Disclosures Act (1994) ("the Act") and explains the Authority's internal reporting system relating to that Act.

The Act aims to encourage and facilitate the disclosure of public offences (in the public interest) of corrupt conduct, maladministration or serious and substantial waste in the public sector.

The Act achieves this by:

- enhancing established procedures for making disclosures
- protecting public officials from reprisals that might otherwise be taken against them for making a disclosure; and
- providing for disclosures to be properly investigated and dealt with.

The Act

The Protected Disclosures Act 1994 offers protection to public officials who make disclosures, which concern corrupt conduct, maladministration and serious or substantial waste of public money.

Disclosures may be made to an investigating authority (Independent Commission Against Corruption, Ombudsman, Auditor General), to the Principal Officer of the Public Authority, the Chief Executive Officer Sydney Olympic Park Authority, nominated disclosure officers or to the Authority's Disclosure Co-ordinator where there exists a recognised internal reporting system. In certain limited circumstances disclosures can be made to a Journalist or Member of Parliament. Conditions applying to these disclosures are addressed later in this policy.

Sydney Olympic Park Authority Policy

The Sydney Olympic Park Authority is committed to the aims and objectives of the Act and will take all reasonable steps to provide protection and support to staff who make such disclosures from any detrimental action in reprisal for the making of the disclosure.

Definitions

Three key concepts in the internal reporting system are "corrupt conduct", "maladministration" and "serious and substantial waste of public money".

Corruption or corrupt conduct has many definitions. The key premise to corrupt conduct is misuse of public office involving a criminal offence, a disciplinary offence or reasonable grounds for terminating the services of a public official. It involves improper acts or omissions, improper use of influence or position and/or improper use of information. It involves the dishonest or biased use of power or position resulting in one person being advantaged over another.

More specific definitions and examples of corrupt conduct can be obtained from the Independent Commission against Corruption (ICAC) Act 1988.

Maladministration involves action or inaction of a serious nature that is contrary to law or unreasonable, unjust, oppressive or improperly discriminatory.

Serious and substantial waste refers to uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources.

What Disclosures are Protected?

Disclosures are protected under the law if they:

(a) are made:

- in accordance with this Internal Reporting Policy; or
- to the Chief Executive Officer of the Authority; or
- to one of the investigating authorities nominated in the Act; and

(b) show or tend to show corrupt conduct, maladministration, or serious and substantial waste of public money by the Authority or any of its staff; and

(c) are made voluntarily.

What Disclosures are Not Protected?

A disclosure is not protected under the Act if it is made by a public official in the exercise of a duty imposed by or under an Act.

Protection is also not available for disclosures which:

- are made frivolously or vexatiously;
- primarily question the merits of government policy; or
- are made solely or substantially with the motive of avoiding dismissal or other disciplinary action.

It is an offence to willfully make a false or misleading statement when making a disclosure.

What Protection is Available?

The protected Disclosures Act makes it a criminal offence to take "detrimental action" in reprisal against a person who makes a protected disclosure. Detrimental action means action causing, comprising or involving any of the following:

- injury damage or loss;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to employment;
- dismissal from, or prejudice in employment;
- disciplinary proceedings.

In the first instance, public officials who allege that they have been subjected to "detrimental action" should pursue this through the Authority's internal reporting procedures. Where complainants do not wish to pursue the matter internally, they can take the matter up with the investigating authority whose jurisdiction covers the subject of the complaint.

The Protected Disclosures Act also protects a person against liability for action which may otherwise be available against the person making the disclosure, e.g. defamation, breach of secrecy or confidentiality.

Confidentiality

The Act requires investigating authorities, public authorities and public officials to whom protected disclosures are made or referred, not to disclose information that might identify or tend to identify the person who made the disclosures. (Breach by a disclosure officer may also constitute a breach of discipline). The exceptions to the confidentiality requirements are where:

- the person consents in writing to the disclosure of the information; or
- it is essential, having regard to the principles of natural justice that the identifying information be disclosed to a person whom the information provided by the disclosure may concern; or
- the investigating authority, public authority, officer or public official is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively; or
- disclosure is otherwise in the public interest.

In all cases the person who made the disclosure will be consulted before such a decision is made.

THE INTERNAL REPORTING SYSTEM

Need for an Internal Reporting System

The Sydney Olympic Park Authority has established an internal reporting system to facilitate the making of disclosures by staff about corrupt conduct, maladministration and serious and substantial waste of money.

The reporting system:

- encourages staff to make disclosures internal to the authority, as an alternative to external disclosures to one of the investigating authorities nominated in the Act;
- provides an alternative reporting channel for internal disclosures which could otherwise only be made under the Act to the Chief Executive Officer;
- ensures that disclosures by staff are properly and appropriately assessed, dealt with and acted upon; and
- ensures that the protection of the Act is fully available to staff at all levels in the organisation;
- ensure support is provided to a disclosing officer via confidential treatment of the information and that no reprisal action is taken.

To Whom to make a Protected Disclosure

Protected disclosures should generally be made in writing to:

- the Chief Executive Officer;
- the Disclosures Co-Ordinator, General Manager, Commercial & Corporate, (Mr Nick Hubble, telephone 9714 7426);
- the officer's supervisor; or
- alternatively to an investigating authority, i.e. the Independent Commission Against Corruption, the Auditor General or the NSW Ombudsman.

The Disclosure Co-ordinator

The Disclosure Co-ordinator has a pivotal position in the internal reporting system and acts as a clearing house for disclosures as well as providing support to the person making the disclosure.

The Disclosure Co-ordinator provides an alternative internal reporting channel to the Chief Executive Officer and impartially assesses each disclosure to determine:

1. whether the disclosure appears to be a protected disclosure within the meaning of the Act; and
2. the appropriate confidential action to be taken in relation to the disclosure, for example:

- a) no action;
- b) the identification of an appropriate person to take responsibility for dealing with the disclosure;
- c) the need for preliminary or informal investigation;
- d) the commencement of a formal investigation;
- e) the arrangement of prosecution or disciplinary action;
- f) referral to an investigating authority for investigation or other appropriate action; or
- g) referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).

The Investigative Process in The Sydney Olympic Park Authority

Where a protected disclosure is made to a supervisor, or to the disclosure Co-ordinator, the following process will apply:

- 1) A written record of the disclosure will be agreed with the officer making the disclosure.
- 2) The person to whom the disclosure is made will report the details of it to the Disclosure Co-ordinator who will inform the Chief Executive Officer of the circumstances of the disclosure.
- 3) The Chief Executive Officer and Disclosure Co-ordinator will determine how the matter is to be investigated.
- 4) Except where it is impossible to otherwise, only the person to whom the disclosure is made, the disclosure Co-ordinator and the Chief Executive Officer will be aware of the identity of the person making the disclosure. Should this not be possible, full discussion will be held with the person making the disclosure.
- 5) A confidential report on the investigation into the matters revealed by the disclosure will be prepared by the person doing the investigation and submitted to the Chief Executive Officer as quickly as possible.
- 6) The Disclosure Co-ordinator will be responsible for keeping the person who made the disclosure informed as to the stage reached with the investigation.
- 7) The result of the investigation will be made known to the person who made the disclosure as quickly as possible and within the six months required by the Protected Disclosures Act.

Making Disclosures about other Agencies

Public officials who make disclosures about corruption, maladministration or serious and substantial waste of public money by an agency other than the one they work for will be able to receive the protections of the Act if they make that disclosure to:

- a) their own protected disclosures coordinator, or
- b) the nominated person in the agency to which the disclosure relates (this could be the CEO and/or another officer, depending on the internal reporting procedure established by that agency).

Receipt of Disclosures about other Agencies

If a protected disclosures coordinator receives a disclosure about another public authority, they must refer the disclosure to the CEO of the public authority that the disclosure is about, or to an investigating authority (i.e ICAC, Audit Office, PIC, Ombudsman or the Director-General of the Department of Local Government).

Precautions Concerning External Disclosures

If a person chooses to make a disclosure to an external investigating authority, it should be made in writing and declared as a disclosure made under the Protected Disclosures Act in order to obtain the protection of that Act.

A Disclosure to a Journalist or a Member of Parliament

A disclosure can be made to journalists or Members of Parliament if and only if the person has already made substantially the same disclosure to the Chief Executive Officer, Sydney Olympic Park Authority, the Independent Commission Against Corruption, the Ombudsman or the Auditor General and the body to whom the disclosure has been made decides:

- not to investigate the matter; or
- fails to notify the person within six (6) months of the disclosure being made as to whether or not the matter is to be investigated; or
- investigates the matter but does not complete the investigation within six (6) months; or
- investigates the matter but does not recommend the taking of any action in respect of the matter.

Standards

Within The Sydney Olympic Park Authority it must clearly be understood that fraud and corruption will not be tolerated and that perpetrators will face disciplinary action.

Our standards are set out in Sydney Olympic Park Authority documents:

- Code of Conduct
- Fraud and Corruption Prevention

Additional external documents:

- Independent Commission Against Corruption Act
- Guidelines for Reporting of Possible Corruption to ICAC
- Protected Disclosure Guidelines

Are each useful reference documents and are held by:

- Manager, Records & Corporate Information Services

who will make them available to you upon request.

Further Information

Further information may be obtained from:

- The Disclosures Co-ordinator, General Manager, Commercial & Corporate, telephone 9714 7426;
- The NSW Ombudsman; and
- The Independent Commission Against Corruption.

Chief Executive Officer

GIFTS AND BENEFITS POLICY

The Sydney Olympic Park Authority's Code of Conduct addresses the acceptance of gifts and benefits by employees. This policy should be read in conjunction with the Code of Conduct.

The offering and acceptance of gifts and benefits can sometimes pose a problem for public officials. This policy, which elaborates on requirements outlined in the Authority's Code of Conduct, has been developed to assist employees at the Sydney Olympic Park Authority to clearly understand the difference between proper and improper acceptance of gifts or benefits and to act in accord with public sector probity and accountability requirements and the Code of Conduct. The policy is based on the Independent Commission against Corruption (ICAC) document "***Gifts, Benefits or Just Plain Bribes? – Guidelines for Public Sector Agencies and Officials***" issued in June 1999.

Gifts:

Within this policy, the term "gift" refers to items offered to individuals in the course of business relationships. Such gifts are usually given for commercial purposes to create a feeling of obligation in the receiver, e.g. money, alcohol, clothing, products, and tickets to events.

Benefits:

The term "benefit" refers to something which is believed to be of value to the receiver, such as access to a private spectator box at a sporting venue, a new job or promotion, preferential treatment such as queue jumping, access to confidential information.

Bribery and the Law:

Corruptly receiving a gift or benefit is an offence under both the common law and NSW legislation. The offence extends to the offering or seeking of a gift or benefit.

The common law offence of bribery is defined as receiving or offering any undue reward by, or to, any person in public office in order to influence his or her behaviour in that office, and to incline that a person to act contrary to the known rules of honesty and integrity.

Section 249B(1) of the ***Crimes Act 1900 (NSW)*** creates an offence if any employee corruptly receives or solicits (or corruptly agrees to receive or solicit) from another person any benefit as an inducement to do, or not do, something in relation to their official duties. Similarly, it is an offence for an employee to corruptly receive or solicit (or corruptly agree to receive or solicit) any benefit that would in any way tend to influence that employee to show favour or disfavour to any person in relation to their official duties.

It is also an offence to give an employee any benefit that would in any way tend to influence that employee to show favour or disfavour to any person in relation to their official duties.

Section 249J of the Crimes Act also provides that custom is not a defence to the receiving, soliciting, giving or offering of any benefit. This means that a person cannot rely on the fact that it is customary to offer and receive gifts and benefits in his or her trade, business, profession or calling, as a defence.

Sydney Olympic Park Authority Policy & Procedures:

As a general rule, Sydney Olympic Park Authority employees must not solicit or accept gifts and benefits of more than nominal value. Offers of money must never be accepted.

Authority employees who are offered a gift or benefit, or who are given a gift or benefit against their will, are required to report the incident to their supervisor immediately and follow up with a written report, including:

- Date, time and place of the incident
- Name of person to whom gift or benefit was offered
- Name of person who offered the gift or benefit and contact details
- The response to the offer
- Any other relevant details of the offer
- The signature of the writer, and the date.

This document should be signed and dated by the supervisor and forwarded, immediately, to the General Manager, Commercial & Corporate, for referral to the Chief Executive Officer.

If an Authority employee reports an offer of a bribe, the matter is to be reported immediately by the Chief Executive Officer to the ICAC and the Police. Once the matter has been reported and it is apparent that an extended investigation is not likely, the following procedure will apply:

- The Chief Executive Officer will write to the person who offered the bribe making him/her aware that bribery is a serious offence and that such behaviour will not be tolerated by the agency.
- If further contact with the person who offered the bribe is required, a supervisor should accompany the employee who was the subject of the offer.
- If the Sydney Olympic Park Authority employee is the subject of threats, the matter is to be referred immediately to the Chief Executive Officer who will arrange all reasonable measures to ensure that the safety of the person concerned is protected and that the Police and ICAC are informed.

If the gift or benefit of more than nominal value cannot reasonably be refused or returned, it must be regarded as the property of Sydney Olympic Park Authority. It is to be referred to the General Manager, Commercial & Corporate, who will record its receipt in a register and arrange appropriate action in consultation with the Chief Executive Officer.

Gifts and benefits of nominal value may be accepted by Authority employees only when they do not create a sense of obligation in the receiver that will influence the proper conduct of official duties. Examples of this type of gift include inexpensive pens and pencils, note pads, key rings, coasters, pocket diaries, etc. If these items are given, or can be perceived to be given, with the intention of making Authority employees change the way in which they do their work, they are not to be accepted. Any doubts in this regard should be referred to the General Manager, Commercial & Corporate. It should be noted that the following gifts are regarded by Sydney Olympic Park Authority as having more than nominal value:

- Tickets to sporting events or other entertainment (refer to Authority policy “Staff Access to Events”)
- Sports team sponsorship by a supplier
- Discounted products for personal use*
- Use of facilities such as gym or holiday homes*
- Free or discounted travel
- Free “training excursions”.

*It should be noted that this includes only those discounts applied solely to an individual and not the broader community.

In some instances, a gift or benefit may be accepted if it is received in the course of official duties and relates to the work of the Sydney Olympic Park Authority or has a public benefit. All such items must become the property of the Authority. They are to be referred to the General, Manager, Commercial & Corporate who will record their receipt in a register and arrange appropriate action in consultation with the Chief Executive Officer.

Frequent Flyer and other loyalty schemes raise probity concerns. The overriding principle is that any benefit accrued as a result of the performance of official functions must accrue for the benefit of the public, not the individual. NSW Government policy states that public agencies and public officials, including other people travelling at Government expense, are not to seek or accept frequent flyer points from any airline in respect of official transport with effect from 1 July 2002. Further, the choice of airline, particularly for officers traveling overseas, must not be influenced by the availability of frequent flyer points (Sydney Olympic Park Authority Policy 01/23 – Official Travel).

Implementation in Sydney Olympic Park Authority:

Executive Directors are to ensure that all staff in their Groups are aware of this policy and have an understanding of its contents. Any training needs in this regard are to be met promptly.

Related Policies:

- Code of Conduct
- Staff Access to Events
- Code of Practice for NSW Government Procurement
- Code of Tendering for NSW Government Procurement
- Gifts, Benefits or Just Plain Bribes – Guidelines for Public Sector Agencies and Officials – Independent Commission against Corruption, June 1999

Authority Contact:

Mr Nick Hubble
General Manager, Commercial & Corporate
Tel: 9714 7426

Chief Executive Officer

STAFF ACCESS TO EVENTS

This policy has been developed to provide guidance to staff on attendance at events at Sydney Olympic Park both in circumstances where they represent the Authority and when tickets are made available to enable them to attend.

The policy must be read in conjunction with the Authority's Code of Conduct which, inter alia, addresses acceptance of gifts, benefits, rewards and concessions (Section 9 of Code of Conduct attached).

1. Commercial Responsibilities

The Authority has responsibilities which require liaison with Operators and Promoters in regard to operational requirements and the need for the presence of its staff at ticketed events. In these circumstances, the relevant Senior Officer in Marketing, Sales & Communications will, as part of the role of establishing standard operating plans for all events, determine in conjunction with the Operator, the number and classification of staff to attend. In some cases, the Chief Executive Officer will authorise staff to attend events as representatives of the Authority.

2. Special Invitation

From time to time, Operators and Promoters may wish to invite staff of the Authority to an official event or occasion. These will be referred to the relevant General Manager for determination as to whether it is appropriate for the invitee to attend. The guidelines as set out in the Authority's Code of Conduct will be the benchmark for acceptance.

3. Discount Tickets

Promoters sometimes make tickets available for organisations at discount prices as part of their "staff discounting" policy. When this occurs, staff may purchase these direct from the approved ticket agency. Every endeavour will be made to make staff aware of their availability via publicity through the Authority

4. Free Tickets

If free tickets are sent to the Authority for use of staff, the person to whom tickets are delivered will contact the General Manager, Commercial & Corporate who will determine the appropriateness of accepting the tickets and, if accepted, the method of equitable distribution through the Authority.

5. Events Organised by Sydney Olympic Park Authority

The Authority will, for its own purposes, conduct promotional events or, as Operators, be entitled to an allocation of tickets from the promoter.

In the case of :

- a) Promotional Events – the functional area which proposes and operates an event will, as part of its formal submission, outline the basis on which invitations will be issued. The initiating functional area will be accountable for compliance with the approval and the issue of invitations and passes.
- b) Ticket Allocation – agreement for event promotion may include an allocation of tickets for the Authority’s staff. The Chief Executive Officer will determine how and if the passes will be used, taking into account the benefits to staff.

In no circumstances will staff canvas Operators or Promoters for tickets or passes for their own use or other entities use.

6. Parking

The Authority is the Operator for the parking areas. Any proposals to provide free parking to suppliers or contractors to the Authority must be agreed in accord with the Authority’s parking policy or by the Chief Executive Officer where special circumstances are deemed to warrant it.

7. Fringe Benefits Tax

Advice has been obtained concerning Fringe Benefits Tax implications on the supply of various free event tickets to SOPA employees.

Employers subject to FBT are required to record on employee’s Payment Summaries, the taxable value of the employee’s “individual fringe benefits amount” **where that amount exceeds \$1,000.**

For FBT compliance purposes a register will be kept in Commercial & Corporate which documents the following information each time free tickets are received by a SOPA employee:

- Recipient Employee Name
- Date of receipt of tickets
- Description
- Quantity of tickets received
- The notional value of the tickets

This information will be provided to Commercial & Corporate at the conclusion of each FBT year (31 March) for appropriate action.

8. Enquiries

Any enquiries concerning staff access to events should be directed to the Manager, Human Resources (Alan Hynes) 9714 7307.

Nick Hubble
General Manager
Commercial & Corporate

SOPA POLICY ON COMMUNICATION DEVICES

1. Introduction

The Sydney Olympic Park Authority (SOPA) supports the wider use of advances in communications and information technology to improve the efficiency of its operations and the delivery of services to the public. At the same time, SOPA expects that its employees and contract staff are efficient, economical and ethical in their use and management of SOPA owned communication devices.

The policy on Communication Devices has been written to assist SOPA employees and contract staff to understand and meet their responsibilities when making use of SOPA owned communication devices. The policy is in accord with NSW Government policy and guidelines *Employer Communication Devices* (Premier's Department, January 1999).

2. Principles

This policy recognises that:

- communication devices in SOPA are provided for business use;
- SOPA employees and contract staff have a responsibility to be ethical and efficient in their official or private use of public property and services;
- SOPA employees and contract staff have a responsibility to be productive in the use of their work time;
- SOPA employees and contract staff may need to make use of communication devices for personal purposes; and
- there is a reasonable limit to which employer communication devices may be used for personal purposes.
- accredited trade union delegates should be provided with reasonable access for authorised union activities.

3. Communication Devices

This policy is concerned with the following devices:

- Telephones
- Facsimiles
- Internet
- Electronic Mail (E-mail)
- Pagers

The principles contained in this policy however, are equally applicable to any other communication device provided by SOPA for business use.

4. Chief Executive Officer's Electronic Signature

The signature of the Chief Executive Officer, in electronic form, is never to be applied without the explicit approval of the CEO.

All requests for the CEO's signature are to be referred to the Executive Officer, Commercial & Corporate, who will apply the electronic signature only after specific authorisation by the CEO. The Executive Officer, Commercial & Corporate holds a departmental register of approved uses of the electronic signature .

5. Access to the SOPA IT Network

In order to maintain required standards of security, access to the SOPA I.T Network is only available to the Executive and staff of the Authority. In certain approved circumstances, access is approved, on a case by case basis, for contractors.

All requests for access to the Network are to be submitted on the form "SOPA NETWORK USER APPLICATION". This form can be found on Shared Drive under "Templates".

In all cases, requests for access to the Network are to be endorsed by the relevant senior manager and approved by the Executive Director, Corporate Services.

6. Record Keeping

Business communications sent or received electronically become official records, subject to statutory record keeping requirements. Electronic records are subject to the same standards of record keeping that apply to paper records.

SOPA employees and contract staff should ensure that any electronic records (including electronic mail for text messages, voice mail and pager messages) which are required as evidence of business activity are printed or transcribed, with appropriate contextual detail, onto SOPA's paper based record keeping system as part of a registered subject file.

7. Security

SOPA employees and contract staff should be aware that messages conveyed through communication devices could be intercepted, traced or recorded. Although, such practices are normally illegal and uncommon, privacy is not guaranteed.

Password or personal identity number protection should be used on all mobile communication devices for example, laptop computers, pagers etc., which are all vulnerable to theft. Details such as serial numbers, make, model, date of purchase and any distinguishing marks should be recorded. The Executive Manager, Information & Administrative Services and the Manager, IT&T Strategy & Services should be contacted by holders of these items to enable activation of security devices on equipment.

SOPA employees and contract staff are not permitted to divulge confidential information regarding access to SOPA's computer and communications system such as dial-up telephone numbers, server names and E-mail address lists without authorisation.

SOPA employees and contract staff who have authorised Internet access should be aware that security risks increase significantly when a computer system is connected to the Internet. Users should:

- never leave their terminal unattended while logged in;
- never write their password down or leave it in a file; and
- never tell any unauthorised person their password, or allow a person to use their account while they are not present.

8. Economy Measures

SOPA employees and contract staff are encouraged to use, where appropriate and available, free call services and E-mail as they generally provide a more economical and efficient means of communication, especially in a one to many situation.

E-mail, where available, is generally a preferred means of communicating where the transfer of lengthy electronic documents (via the E-mail attachment facility), or short notes are involved. Care should be taken to ensure that documents sent by E-mail are "read only" where appropriate. Consideration should be given to converting documents to a format such as Adobe PDF to prevent alteration.

SOPA employees and contract staff should exercise their judgment when determining whether to send documentation by E-mail as it is important to consider the sensitivity of the information or material being transmitted. There will be instances where it will be preferable to use the facsimile or courier services when documents need to be distributed.

SOPA employees and contract staff should make every effort to ensure that calls to, or calls from, a mobile telephone are kept short as these calls are time charged. Calls involving mobile telephones should be avoided where standard office telephones are available.

9. Unlawful Use

It is not acceptable for SOPA employees and contract staff to intentionally create, send or access information, calls or messages that could damage SOPA's reputation, be misleading or deceptive, result in victimisation or harassment, lead to criminal penalty or civil liability, or be reasonably found to be offensive, obscene, threatening, abusive or defamatory.

In addition to breaching Federal and State anti-discrimination legislation including the:

- Racial Discrimination Act, 1975
- Sex Discrimination Act, 1984
- Human Rights and Equal Opportunity Act, 1986
- Disability Discrimination Act, 1992; and the
- Anti-Discrimination Act, 1977
- Independent Commission Against Corruption Act 1988
- Industrial Relations Act 1996
- Occupational Health and Safety Act 2000
- Privacy and Personal Information Protection Act (NSW) 1998
- Privacy Act (Commonwealth) 1988
- Public Finance and Audit Act 1983
- Public Sector Employment and Management Act 2002
- Telecommunications Act 1997
- Telecommunications (Interception) Act 1979,

the circulating of inappropriate material may involve the commission of criminal offences.

Relevant criminal legislation includes:

- Section 578B of the Crimes Act 1900 (NSW) – relating to the possession of child pornography
- Section 578C of the Crimes Act 1900 (NSW) – relating to the publishing of child pornography or indecent articles
- Section 85ZE(1) of the Crimes Act 1914 (Commonwealth) – relating to using a carriage service to menace or harass another person, or in such a way as would be regarded by reasonable persons as being, in all circumstances, offensive.

SOPA employees and contract staff are required to report any threatening, intimidating, *sexually explicit* or harassing telephone calls or electronic messages to their supervisor.

Any identified use of equipment or services which are inconsistent with SOPA policies will be investigated. Inappropriate use of communication devices may be subject to disciplinary action and a range of penalties including termination of employment and/or criminal prosecution.

10. Personal Use of Communications Devices

SOPA acknowledges that employees and contract staff may need to make use of communication devices for personal reasons. Such use should be infrequent and brief, and should not involve activities that might be questionable, controversial or offensive.

This includes gambling, accessing chat lines, transmitting inappropriate jokes, accessing pornographic or sexually explicit material and sending junk programs or mail. SOPA employer communication devices must not be used for the transmission of any non-business related material to political organisations.

Personal use of SOPA communication devices is not considered private and staff and contractors using these devices do not have the same personal privacy rights as they would have when using private or public communication devices.

SOPA employees and contract staff reasonably suspected of abusing personal use of employer communication devices will be asked to explain such use.

11. Electronic Mail (E-mail)

The provisions of the Guidelines for the Use of Electronic Mail (www.premiers.nsw.gov.au/pubs) will apply to all information communicated via mobile communication devices.

Electronic mail is a business communication and sending it is classified as a business transaction. Sending an E-mail is similar to sending a letter on SOPA letterhead. E-mail transactions should be handled with the normal courtesy, discretion and formality of all other SOPA communications. All E-mail messages remain the property of SOPA.

SOPA employees and contract staff have access to electronic mail and message facilities through the GroupWise system managed by the Information Technology Branch. This system is provided to optimise SOPA's administrative processes and as such constitutes a valuable corporate resource.

Legal responsibilities apply equally to electronic messages, including laws relating to defamation, copyright, confidentiality, misrepresentation, discrimination, Freedom of Information and records management.

All outgoing SOPA electronic mail contains the following disclaimer:

This message is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please delete it and notify the sender. Views expressed in this message are those of the individual sender, and are not necessarily the views of the Sydney Olympic Park Authority.

SOPA employees and contract staff should consider their audience when using E-mail. Care should be taken in selecting recipients to minimise the number of people on the network receiving unwanted messages. Similarly, electronic messages are also records and must be incorporated into SOPA's record keeping system where they provide evidence of business activities.

As business communications all E-mail transactions must cover the following basic requirements:

- They must clearly identify the person with management responsibility for the matter (name, position) and the Business Unit involved. The name of the person who enters the transaction into the system should also be included if required for contact/identification purposes.

- The message must be appropriately structured, with a heading or title and enough information to clearly state the matter and any action that is required. File reference numbers should be shown on all business records.
- The transaction should be directed only to the person(s) who need to receive it. "All SOPA - Staff" will not often be the appropriate address.
- Salutations, if required, should be businesslike. "Hi" and "cheers" are no more appropriate than they would be in a letter.

Attention to these basics should significantly improve the quality of E-mail transactions within SOPA. The principles also apply to E-mail to other agencies.

E-mail is not to be used for chain letters.

12. Telephones

Telephones and mobile telephones are provided for SOPA business use. However, SOPA acknowledges that family and community responsibilities impact on work. SOPA accepts that there are times when telephones and mobile telephones are required for personal reasons. These calls should be infrequent and brief.

Care should also be taken when using SOPA communication devices that attract rates other than local usage charges such as STD and ISD access for telephones and facsimiles.

Mobile telephones incur substantially higher call charges than ordinary telephone services and are not to be used where it is possible to use ordinary telephones. SOPA employees and contract staff who have been provided with a mobile telephone for business purposes are expected to keep all calls as short as possible. Private calls made on mobile telephones should be noted and the cost of these calls reimbursed to SOPA.

Where it is necessary to make a call to a mobile telephone from a standard telephone, SOPA employees and contract staff have a responsibility to keep the call as short as possible.

The use of a hand held mobile telephone while driving is an offence under the Motor Traffic Act and SOPA will not be responsible for the payment of any fines incurred.

SOPA's mobile telephones policies and procedures (Pol 01/16) should be referred to for more detailed information on these matters.

13. Facsimile machines

Facsimile machines are provided for SOPA business use. However, SOPA acknowledges that family and community responsibilities impact on work. SOPA accepts that there are times when facsimile machines are required for personal reasons. These instances should be infrequent and brief.

All outgoing SOPA facsimiles must contain the following disclaimer:

This facsimile is intended for the addressee named and may contain confidential information. If you are not the intended recipient, please notify the sender. Views expressed in this facsimile are those of the individual sender, and are not necessarily the views of the Sydney Olympic Park Authority.

Pro-forma facsimile forms are located with other SOPA template documents on the computer system.

14. Internet

SOPA employees and contract staff who require Internet access for work related activities must be properly authorised. This requirement is included on the Network User Application form.

The Internet cannot be used for any activities of an illegal or fraudulent nature. This includes, but is not limited to, activities prohibited under any applicable Australian State and/or Commonwealth Laws and any unauthorised use of copyright material.

Limited personal use of the Internet does not extend to intentionally downloading unauthorised software, lengthy files containing picture images, live pictures or graphics. This includes computer games, music files and the accessing of radio or television stations broadcasting via the Internet. Downloading of such files increases the load on the network and could degrade the service to other SOPA employees and contract staff with a genuine business need to use the Internet. These files should not be E-mailed to others.

SOPA uses a third party software package, which blocks access to prohibited sites on the Internet. Where a genuine business reason exists that requires SOPA employees and contract staff to access sites that would normally be regarded as inappropriate, the approval of the relevant supervisor should be sought.

15. Industrial Awards

Nothing in this policy over-rides the rights of accredited union delegates to use SOPA communication devices in accordance with the conditions contained in properly constituted industrial instruments or other legislation.

16. Breaches of this Policy

The failure of SOPA employees and contract staff to observe this policy could lead to disciplinary action or possible civil proceedings.

Source of Policy – Policy and Guidelines for the use by Staff of Employer
Communication Devices (Premier’s Department - January 1999)
Protocol for Acceptable Use of the Internet and Electronic Mail
(Premier’s Department – March 1999)
Police and Improper Use of E-mail (NSW Ombudsman – December
2000)

Related SOPA Policies –

- Code of Conduct
- Corruption Prevention Strategy
- Protected Disclosures Policy
- Security Policy

SOPA Contact -

Mr Dave Ottley
Executive Manager, Information & Administrative Services
Telephone: 9714 7833
Facsimile: 9714 7818
E-mail – dave.ottley@sopa.nsw.gov.au

CORRUPTION PREVENTION STRATEGY

Purpose:

The purpose of the Corruption Prevention Strategy is to foster within the Sydney Olympic Park Authority (SOPA) an ethical climate that permeates all of its activities. This entails integrating a corruption prevention focus within a framework that:

- Increases awareness of the high ethical standards of accuracy, honesty and accountability expected of every SOPA employee.
- Minimises corrupt conduct through the promotion, development and implementation of appropriate policies, procedures mechanisms and controls.
- Facilitates the detection, reporting and investigation of corrupt activities.

Background:

In keeping with its high standards of probity and accountability, the NSW Government requires all Government agencies to implement and maintain a strategy for the prevention of internal and external corruption.

SOPA's Corruption Prevention Strategy includes:

- An integrated macro policy for fraud control
- Responsibility structures
- Fraud risk assessment
- Employee awareness
- Consumer and community awareness
- Fraud reporting systems
 - Protected disclosures
 - External notification
 - Investigating standards
- Conduct and disciplinary standards

This approach is consistent with Premier's Department, NSW Audit Office and Independent Commission Against Corruption (ICAC) Guidelines.

SOPA Policy:

SOPA is committed to the management of its resources, including its reputation, in the most effective and economical manner possible and acknowledges its associated accountabilities. To this end, SOPA maintains a strong ethical culture and an effective internal control environment to minimise the likelihood of corruption. It also implements all necessary measures to effectively manage the risk of corrupt conduct.

Management of corruption prevention within SOPA is holistic and complementary. SOPA's employees, along with its management practices, systems, policies and procedures, are key factors in preventing and detecting corrupt conduct.

Fraud and Corrupt Conduct:

There are many types of corrupt conduct, fraud being one of them. The terms **corruption** and **corrupt conduct** are used throughout this document as they are inclusive of fraud and all other forms of corrupt conduct.

Fraud is a common form of corrupt conduct. It is any practice which involves the use of deceit to confer some form of benefit upon the perpetrator, either directly or indirectly, and results in some form of material loss to the entity defrauded. Fraud is not restricted to monetary or material benefits.

Corrupt conduct is misuse of public office and occurs when a public official is dishonest or partial in the exercise of official functions. It could also include a public official breaching public trust and/or misusing information or material for personal gain or to the benefit of any person. It is corrupt conduct for any person to adversely affect the honest and impartial exercise of official functions.

Corruption can be committed by persons inside or outside SOPA, either alone or in collusion with other employees or people outside the organisation.

Sections 7, 8 & 9 of the **Independent Commission Against Corruption Act, 1988** give a more detailed description of the nature of corrupt conduct. (**Attachment A**). For practical examples of corrupt conduct, see **Attachment B**.

Responsibility Structures:

The key groups who have responsibility within SOPA's corruption prevention framework are:

The Board:

As part of its fiduciary duties, the Board is ultimately responsible for ensuring that SOPA meets all legislative and regulatory requirements. Unethical conduct poses a real risk that the Board must mitigate in order to maintain a successful business. The Board is accountable for ensuring that an ethical business environment is maintained and that a system to effectively minimise corruption is established and maintained within SOPA.

The Chief Executive Officer:

The Chief Executive Officer is responsible for the effective and economical use of SOPA's resources and for determining appropriate controls against corrupt conduct. This responsibility is appropriately delegated to General Managers and senior staff as detailed in SOPA's Authorities Manual.

Under Section 11 of the Independent Commission Against Corruption Act 1988, the Chief Executive Officer is required to report to ICAC any matter that he suspects, on reasonable grounds, concerns or may concern corrupt conduct.

The Audit and Compliance Committee:

The Audit and Compliance Committee is the focal point for communication between the Board, the external auditors, the internal auditors and management, as their duties relate to the financial accounting, reporting and internal controls and compliance.

The Audit and Compliance Committee assists the Board in fulfilling its responsibilities as to accounting policies and reporting practices of SOPA. It is the Board's principal agent in assuring the independence of SOPA auditors, the integrity of management and the adequacy of disclosures to the public.

The Committee does not take over the responsibilities that the Chief Executive Officer has under the Public Finance and Audit Act

The right of the external auditors to meet with the full Board of Directors is, however, not restricted. The delegation of various functions to the Audit and Compliance Committee does not relieve the Board of Directors of its duties and responsibilities, but merely assists it in carrying out these responsibilities.

The Internal Audit Committee:

The Internal Audit Committee comprises the General Manager, Commercial & Corporate, the General Manager, Operations & Sustainability, the General Manager, Marketing, Sales & Communications and the Financial Controller.

The principal role of this Committee is to oversight SOPA's corruption prevention function by:

- ensuring the development and implementation of policies and procedures for corruption prevention,
- monitoring the effectiveness of corruption prevention measures and processes to report instances of suspected corruption within SOPA,
- co-ordinating implementation of SOPA's Internal Audit Program, including integration of audit findings into SOPA's corruption prevention strategies and
- reporting to the Board and the Executive in this regard.

Line Management:

Line managers are required to take a leadership role in promoting ethical behaviour within SOPA. They are responsible for:

- identifying all factors in their workplaces that may contribute to unethical conduct and for implementing measures to address them,
- creating and maintaining a work environment that supports ethical conduct and accountability for risk management,
- ensuring that staff are aware of and implement SOPA's Policies and Procedures to prevent corruption,
- maintaining appropriate internal controls to minimise risk and
- monitoring the effectiveness of internal controls.

All Employees:

All SOPA employees, including the Chief Executive Officer, General Managers, managers and staff, are required to promote an ethical work culture by:

- understanding the responsibilities of their positions,
- familiarising themselves with all approved SOPA Policies and Procedures and adhere to them at all times,
- being open with their colleagues,
- leading others by example,
- understanding the risk factors that can lead to corrupt conduct,
- demonstrating by actions and statements that SOPA does not condone or tolerate corrupt conduct,
- encouraging ethical conduct and
- taking corrective action before a situation escalates.

They are also expected to act in a professional manner at all times by:-

- complying with all legislative requirement and SOPA Policies and Procedures, including the Code of Conduct,
- performing their duties with skill, care, diligence, honesty, integrity and impartiality at all times,
- avoiding misuse or waste of SOPA resources,
- planning the use of SOPA information, money, property, goods or services, so that use is efficient and economical,
- taking proper care of SOPA property,
- using official SOPA information for authorised and official purposes only,
- dealing with the public, colleagues and other stakeholders in an ethical manner that fosters positive perceptions of SOPA and
- reporting any corrupt activity, even if it is based only on a suspicion

FRAUD RISK ASSESSMENT:

SOPA is committed to ensuring that high standards of corporate governance apply, and are seen to apply, to the management of its business. Strategic initiatives in this regard include:

- Ongoing monitoring of and reporting to the Board on the effectiveness of its Corporate Plan and associated Operational Plans.
- Implementation of an Internal Audit program and immediate implementation of audit recommendations
- Implementation and monitoring the effectiveness of a wide range of Policies and Procedures developed to satisfy statutory requirements, Government policies and the organisational fulfilment of all probity and accountability requirements

SOPA is also committed to the development of a “Risk Management” approach to business which is aligned with the business imperatives, mitigates risks within SOPA’s Corporate Governance framework and creates an environment where managers are accountable for risk management. Strategic initiatives in this regard include:

- Monitoring the effectiveness of risk management in the implementation of key strategies and project based proposals
- Development and monitoring the effectiveness of a framework of key policies and procedures to guide the risk management process.
- Development of a risk management planning that links corporate risks to risk mitigation actions and performance indicators in the Operational Plans of business units throughout SOPA as part of the corporate planning process. framework

In this context, SOPA is able to readily identify areas of potential or actual corruption risk and promptly develop policies and procedures which are conveyed to all employees and monitored carefully.

To date, the following policies and procedures have been implemented to assist corruption prevention in SOPA:

- Code of Conduct
- Authorities Manual
- Performance Management System
- Commercial Concessions Guidelines
- Use of electronic and communication devices
- Corporate Hospitality Policy
- Disclosure of Contract Information
- Engagement of Service Contractors and Consultants
- Financial policies and procedures
- Gifts and Benefits

- Grievance and Harassment
- Procurement of Legal Services
- Use of Mobile Telephones
- Personal Effects and Tools of Trade
- Procurement policy and procedures
- Protected Disclosures policy
- Sponsorship Guidelines
- Motor Vehicle policy
- Use of the Official Seal
- Total Asset Management policy
- Working hours, Attendance and Leave Arrangements

SOPA will monitor the effectiveness of its Corruption Prevention Strategy in the context of its Internal Audit Program and in accord with the NSW Audit Office's "Self-Audit Guide and ICAC's "Fighting Fraud Checklists".

EMPLOYEE AWARENESS:

All SOPA employees will be required to attend training programs on the Corruption Prevention Strategy and appropriate 'refresher courses' provided by management.

SOPA's Policies and Procedures are readily available to all SOPA staff via the Information Technology Network. When a new policy is promulgated, Executive Directors are advised immediately and asked to ensure that all staff in their respective business units are aware of and implement the policy. At the same time, all staff are advised of the new policy and requirements associated with it. In addition, Corporate Services provide all staff with a list of current policies and procedures and the associated requirements and arrange appropriate staff training.

New employees to SOPA, as part of their induction, are advised of the existence of SOPA's Policies and Procedures and where they can be accessed. They are given a copy of the Code of Conduct and the Corruption Prevention Strategy and are required to sign a document verifying that they have received the documents and will implement all requirements contained therein.

CUSTOMER AND COMMUNITY AWARENESS:

SOPA's standards regarding ethical behaviour are principally conveyed to customers, stakeholders and the community through the manner in which its employees conduct business with them. This is the strongest and most effective means of demonstrating our ethical standards.

Probity auditors will continue to be deployed in SOPA's business negotiations with the private sector. All external parties assisting SOPA in these negotiations are required to sign a Confidentiality Agreement and adhere to all probity arrangements put in place by SOPA.

FRAUD REPORTING SYSTEMS:

The rights and responsibilities of SOPA employees under the Protected Disclosures Act 1994, along with SOPA internal reporting system relating to the Act, are outlined in SOPA's Protected Disclosures Policy. This Policy is an essential 'companion document' to the Corruption Prevention Strategy. And is attached at Attachment C.

SOPA has an obligation to inform the police when a fraud is identified. There is no discretion in this matter.

The Chief Executive Officer has a statutory obligation to report to ICAC any matter that he suspects, on reasonable grounds, concerns or may concern corrupt conduct.

Where appropriate, SOPA may also report fraudulent acts to the Crown Solicitors, the Director of Public Prosecutions, the Auditor-General and the Ombudsman.

It is therefore a requirement within SOPA that any matter which falls within the description of corrupt conduct be reported immediately to the Chief Executive Officer.

The report should include:

- a complete description of the allegations;
- the name and position of any public official/s alleged to be involved;
- the name and role of any other person/s relevant to the matter;
- the dates and/or the time-frames in which the alleged conduct occurred,
- an indication as to whether the conduct appears to be a one-off event or part of a wider pattern or scheme;
- the date the allegation was made or the date on which the reporting officer became aware of the conduct;
- what the agency has done about the suspected conduct, including notification to any other agency (police, Ombudsman);
- what further action is proposed by the agency;
- approximate amount of money, if any, involved;
- any other indicators of seriousness; and
- any other information deemed relevant to the matter.

CONDUCT AND DISCIPLINARY STANDARDS:

Corrupt conduct, in any of its forms, would impact heavily on SOPA's reputation, operating efficiency, finances and service obligations. Therefore, SOPA will not tolerate corrupt conduct in any of its forms and requires that, if it should occur, it be detected, reported and dealt with expeditiously. Perpetrators of corrupt conduct will face disciplinary action.

Any questions as to whether a particular action might constitute corrupt conduct or the reasonableness of grounds for suspecting corrupt conduct should be referred immediately to either the General Manager, Commercial & Corporate, the General

Manager, Operations & Sustainability or the General Manager, Marketing, Sales & Communications.

FURTHER INFORMATION:

Fraud Control - Developing an Effective Strategy
Volumes 1 – 3
Audit Office of NSW and Premier's Department
www.audit.nsw.gov.au (Reports. Guides. Publications)

Fighting Fraud – Guidelines for State and Local Government
Independent Commission Against Corruption
www.icac.nsw.gov.au (Publications)

Good Conduct and Administrative Practice
NSW Ombudsman
www.nswombudsman.nsw.gov.au (Publications. Guidelines)

Statement of Best Practice – Internal Control and Internal Audit
NSW Treasury, June 1995
www.treasury.nsw.gov.au/pubs/tpp95a/tpp95a.htm

Internal Control Assessment
NSW Treasury, July 1995
www.treasury.nsw.gov.au/pubs/tpp95b/icasses.htm

Inquiries:
General Manager, Commercial & Corporate
(Nick Hubble 9714.7426 0419.609.254)

General Manager, Operations & Sustainability
(David Young 9714.7250 0409.585.027)

A/General Manager, Marketing, Sales & Communications
(Fiona Wilson-Jones 9714 7979 0418 493 459)

Chief Executive Officer

INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 1988 NO. 35

Section 7 Corrupt conduct

- (1) For the purposes of this Act, corrupt conduct is any conduct which falls within the description of corrupt conduct in either or both of subsections (1) and (2) of section 8, but which is not excluded by section 9.
- (2) Conduct comprising a conspiracy or attempt to commit or engage in conduct that would be corrupt conduct under section 8 (1) or (2) shall itself be regarded as corrupt conduct under section 8 (1) or (2).
- (3) Conduct comprising such a conspiracy or attempt is not excluded by section 9 if, had the conspiracy or attempt been brought to fruition in further conduct, the further conduct could constitute or involve an offence or grounds referred to in that section.

Section 8 General nature of corrupt conduct

- (1) Corrupt conduct is:
 - (a) any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or
 - (b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or
 - (c) any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
 - (d) any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.
- (2) Corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve any of the following matters:
 - (a) official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition);
 - (b) bribery;
 - (c) blackmail;
 - (d) obtaining or offering secret commissions;

- (e) fraud;
 - (f) theft;
 - (g) perverting the course of justice;
 - (h) embezzlement;
 - (i) election bribery;
 - (j) election funding offences;
 - (k) election fraud;
 - (l) treating;
 - (m) tax evasion;
 - (n) revenue evasion;
 - (o) currency violations;
 - (p) illegal drug dealings;
 - (q) illegal gambling;
 - (r) obtaining financial benefit by vice engaged in by others;
 - (s) bankruptcy and company violations;
 - (t) harbouring criminals;
 - (u) forgery;
 - (v) treason or other offences against the Sovereign;
 - (w) homicide or violence;
 - (x) matters of the same or a similar nature to any listed above;
 - (y) any conspiracy or attempt in relation to any of the above.
- (3) Conduct may amount to corrupt conduct under this section even though it occurred before the commencement of this subsection, and it does not matter that some or all of the effects or other ingredients necessary to establish such corrupt conduct occurred before that commencement and that any person or persons involved are no longer public officials.
- (4) Conduct committed by or in relation to a person who was not or is not a public official may amount to corrupt conduct under this section with respect to the exercise of his or her official functions after becoming a public official.
- (5) Conduct may amount to corrupt conduct under this section even though it occurred outside the State or outside Australia, and matters listed in subsection (2) refer to:
- (a) matters arising in the State or matters arising under the law of the State, or
 - (b) matters arising outside the State or outside Australia or matters arising under the law of the Commonwealth or under any other law.
- (6) The specific mention of a kind of conduct in a provision of this section shall not be regarded as limiting the scope of any other provision of this section.

Section 9 Limitation on nature of corrupt conduct

- (1) Despite section 8, conduct does not amount to corrupt conduct unless it could constitute or involve:

- (a) a criminal offence, or
 - (b) a disciplinary offence, or
 - (c) reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official, or
 - (d) in the case of conduct of a Minister of the Crown or a member of a House of Parliament – a substantial breach of an applicable code of conduct.
- (1) It does not matter that proceedings or action for such an offence can no longer be brought or continued, or that action for such dismissal, dispensing or other termination can no longer be taken.

(2) For the purposes of this section:

applicable code of conduct means, in relation to:

- (a) a Minister of the Crown – a ministerial code of conduct prescribed or adopted for the purposes of this section by the regulations, or
- (b) a member of the Legislative Council or of the Legislative Assembly (including a Minister of the Crown) – a code of conduct adopted for the purposes of this section by resolution of the House concerned.

criminal offence means a criminal offence under the law of the State or under any other law relevant to the conduct in question.

disciplinary offence includes any misconduct, irregularity, neglect of duty, breach of discipline or other matter that constitutes or may constitute grounds for disciplinary action under any law.

- (3) Subject to subsection (5), conduct of a Minister of the Crown or a member of a House of Parliament which falls within the description of corrupt conduct in section 8 is not excluded by this section if it is conduct that would cause a reasonable person to believe that it would bring the integrity of the office concerned or of Parliament into serious disrepute.
- (5) Without otherwise limiting the matters that it can under section 74A (1) include in a report under section 74, the Commission is not authorised to include a finding or opinion that a specified person has, by engaging in conduct of a kind referred to in subsection (4), engaged in corrupt conduct, unless the Commission is satisfied that the conduct could also constitute a breach of a law (apart from this Act) and the Commission identifies that law in the report.

Examples of Corrupt Conduct:

Computer Fraud:

The main areas of computer fraud include:

- Unauthorised alteration of input data
- Misappropriation, destruction or suppression of output data
- Alteration of computerised data
- Alteration or misuse of software programs
- Unauthorised and/or deceptive transfers of funds

Provision of false or incomplete information:

Provision of submissions, briefs etc to Management, the Board, the Minister and to the public which are not objective, reflect personal agenda and are not in the best interests of the agency. Persons claiming to be someone else in order to obtain confidential information.

Abuse of official position for public gain:

Examples include acceptance of secret commissions, bribery, blackmail, improper use of confidential information, bias to suppliers or contractors or bias in staff promotions or appointments.

Theft:

The most common types of property stolen include consumables, supplies, computers, software, equipment, cash and intellectual property. Theft also includes the unauthorised use of resources such as corporate credit cards, motor vehicles, Cabcharge vouchers etc.

Abuse of SOPA resources:

Reasonable and infrequent authorised personal use of SOPA resources is permitted but it must not interfere with business operations or work responsibilities. SOPA resources include motor vehicles, computers, photocopiers, telephones, facsimile machines, e-mail, Internet, administrative support and information.

Unauthorised or inappropriate sales, tendering practices and write offs:

Examples include selling information or services without authority, disposing of assets or inventory items for less than open market value or retail price, corrupt tendering practices and the unauthorised write-off of assets and bad debts.

Forgery or falsification of records to originate or conceal fraud:

Falsifying records and processing false statements is fraud. Examples include falsifying data or receipts, invoices, time-sheets, leave forms, or forging a signature on a purchase order or other document or forging certificates of competency or qualifications.