



General Statement of Business Ethics

Engineering Building & Infrastructure (EBNI) PTY LTD
(ABN 21 669 776 845)

**Subject to the applicable Terms and Conditions of
Engineering Building & Infrastructure (EBNI) PTY LTD**

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Statement of Business Ethics

Engineering Building & Infrastructure PTY LTD (EBNI) has the highest expectations of ethical, professional and transparent behaviour by clients, government and council officials, employees, private sector individuals, and businesses with which EBNI's engages in business. This Statement of Business Ethics sets out the core values of EBNI's and aims to increase the private sector's awareness of these values. Public and private sector individuals and businesses are expected to comply with the Statement of Business Ethics at all times in their dealings with EBNI. We look forward to engaging with you in a fruitful, honest and fair relationship.

What to Expect from Us

In doing business with EBNI, you can expect us to:

- Conduct tenders, consultation and procurement activities in a manner which is transparent, accountable and fair;
- Provide value for money and good customer service;
- Avoid and declare any perceived or actual conflicts of interest;
- Comply with EBNI's and government entities such as Council relevant policies and procedures, particularly where it relates to non acceptance of gifts and/or benefits;
- Protect information which is sensitive to the operation of your business, to the extent possible under relevant legislation;
- Treat all potential and actual contractors and suppliers equally and fairly; and
- Provide policies and procedures relevant to contractors and suppliers, including but not limited to Code of Conduct, Gifts and Benefits Policy, Public Interest Disclosures and relevant Workplace Health and Safety guidelines.
- Provide engineering services that aligns with industry standards to serve durable outcome and defectless handovers.

What We Expect from You

In doing business with EBNI, we require you to:

- Provide your services and products in a manner which is legal, ethical, honest and fair, including adherence to [Modern Slavery Act 2018 \(NSW\)](#).
- Provide value for money and good customer service;
- Abide by EBNI's values accordingly to the terms and conditions
- Avoid and report any actual or perceived conflicts of interest as soon as you become aware of them;
- Comply with all policies and procedures relevant to contractors and suppliers, including but not limited to Council's Code of Conduct, Gifts and Benefits Policy and relevant Workplace Health and Safety requirements and guidelines;
- Treat all information received through your work with EBNI as confidential and to otherwise comply with EBNI's Privacy Management Plan and related legislation; Not be affected by alcohol, drugs, or other substances while working with EBNI and or any government entity;
- Refrain from discussing EBNI or your work with Council and government entities in the media

(including social media) without authorisation from EBNI;

- Refrain from publishing, transferring or otherwise making use of EBNI's intellectual property without appropriate authorisation or licence from EBNI;
- Report any suspected wrongdoing in accordance with the Public Interest Disclosures Policy and related legislation;
- Assist Council, government entities and clients with any formal investigation or information access which relates to EBNI's relationship with you and/or your employees, contractors and other representatives; and
- Ensure that your employees, contractors and other representatives are aware of this Statement of Business Ethics and understand that they must act in compliance with it.

Consequences of Non-Compliance

If a client or government official fails to comply with this Statement of Business Ethics, possible consequences may include:

- Formal investigation;
- Disciplinary action, which may include dismissal;
- Referral to the ICAC and/or NSW Police;
- Potential criminal charges, especially in relation to bribery

If a client and/or government entity (ie: council), supplier, contractor or other individual or organisation doing business with EBNI fails to comply with this Statement of Business Ethics, and terms & conditions possible consequences may include:

- Formal investigation;
- Termination of contracts and rejection of future tenders;
- Reputational loss;
- Referral to the ICAC and/or NSW Police; and
- Potential criminal charges, especially in relation to bribery.

Practical Notes and Other Information

- **Gifts and benefits:** EBNI's officials/employees are generally obliged to refuse or return gifts and benefits (including offers of hospitality) which they are offered in connection with their work. As a council, supplier or contractor, please do not give gifts to EBNI's officials/employees. This will prevent perceptions of bias and any offence or embarrassment which might be caused by refusal or return of a gift or benefit.
- **Tender communication:** There is to be no canvassing of EBNI's officials/employees. All communication is to be direct, accountable, and through approved channels. Such interactions must be reported to the EBNI's Chief Executive Officer.
- **Instructions:** All instructions to tenderers, suppliers and contractors will come from EBNI's officials/employees.
- **Definition of "public official":** The definition of "public official" under the ICAC Act includes "a person in the service of a public authority". Tenderers, contractors and suppliers should be aware that they will be held to different standards of behaviour while working with Council than when working entirely in the private sector.

Our Vision

Our vision is to be trusted by government and clients as its primary source of financial and economic advice. Government has a great many sources of advice, inside and outside the public sector. We seek to be trusted as its primary source of advice on public finances and the economy because of the quality, relevance and impartiality of our engineering and outstanding

construction work. We do this by:

- leading innovative policy design
- providing rigorous, impartial and evidence-based advice
- implementing government decisions
- executing strategic programs and projects
- providing transparency to the public on the use of public resources.

We work in collaboration with our partners and in consultation with stakeholders and the community.

Our Purpose

Our purpose is to shape a thriving, resilient, and prosperous economy for NSW. A strong economy raises living standards, creates meaningful job opportunities, and allows the government to fund excellent public services and promote equal opportunities for everyone in NSW.

Our Objectives

- **Enabling economic prosperity and wellbeing:** We provide policy guidance and advice to boost economic prosperity and promote equal opportunities for people in NSW. We achieve this by:
- Shaping policies to enhance public sector performance, improve wellbeing, and grow the economy.
- Driving economic reforms that increase productivity, raise living standards, and protect the environment.
- Delivering value and creating economic and social impact through effective public sector procurement practices.
- **Maintaining fiscal sustainability:** We support the government in maintaining strong and sustainable public finances to fund high-quality public services, both now and in the future. We achieve this by:
- Supporting effective resource allocation through analysis, forecasts, and advice to inform the State Budget process.
- Advising on and supporting the implementation of decisions to achieve sustainable operating and debt positions.
- Optimizing public sector resource allocation and asset management by managing risk and applying commercial principles for social benefit.
- **Ensuring rigorous accountability:** We maintain the community's trust by managing public spending with the highest standards of accountability and transparency. We achieve this by:
- Providing clear communication, explanations, and evidence for fiscal decisions.
- Delivering robust financial management and performance reporting.
- Ensuring high standards of integrity and public accountability in decision-making.

Our Enablers

- **Our People:** We celebrate, listen to, support, challenge, and develop each other to continuously improve.
- **Our Processes:** We continually refine our processes to balance rigor, efficiency, and simplicity.
- **Our Systems:** We develop and use robust systems and tools to support analysis, budgeting, and reporting.

Our Values

EBNI values are built on the core Australian public service values of integrity, trust, service and accountability, and EBNI's cultural pillars of collaboration, inclusivity and flexibility. The following construction values and behaviours are central to our operations:

- We work collaboratively and support each other to achieve success;
- We keep ourselves, our workmates and our community safe every day;
- We deliver our service standards to all customers internal and external;
- We always look for quality and innovative solutions;
- We treat all people fairly, with sensitivity and respect; and
- We work in partnership with, and advocate for, our community and environment

EBNI core values are bonded to:

- **Integrity:** consider people equally without prejudice or favour; act professionally with honesty, consistency and impartiality; take responsibility for situations, showing leadership and courage; place the public interest over personal interest.
- **Trust:** appreciate difference and welcome learning from others; build relationships based on mutual respect; uphold the law, institutions of government and democratic principles; communicate intentions clearly and invite teamwork and collaboration; provide apolitical and non-partisan advice.
- **Service:** provide services fairly with a focus on customer needs; be flexible, innovative and reliable in service delivery; engage with the not-for-profit and business sectors to develop and implement service solutions; focus on quality while maximising service delivery.
- **Accountability:** recruit and promote staff on merit; take responsibility for decisions and actions; provide transparency to enable public scrutiny; observe standards of safety; be fiscally responsible and focus on efficient, effective and prudent use of resources.

Through Collaboration We Aim To:

- gather ideas and input from our colleagues to solve problems
- tell people when they're doing a good job
- think and act together with a focus on the people of NSW and Australia
- apply excellence in developing solutions together

We Strive to Foster a More Accessible and Inclusive EBNI Community:

- communicate early and regularly beyond our local team
- treat each other with kindness, respect and honesty
- welcome other points of view and capabilities
- consider all opinions and place ourselves in the shoes of others

Being Flexible and Agile Allows Us To:

- adapt to change and respond quickly to stay ahead
- balance work and life so we can be our best at both
- review priorities based on required results
- remain curious and agile in our thinking and approach

1. Introduction

When you work in EBNI's sector, you have an important role to play in maintaining confidence in our systems. As EBNI's sector employees, the work we do makes a difference in the lives of millions of people across NSW and Australia.

The communities we serve both expect and need us to act ethically, fairly and comply with the law. We must spend public money wisely and maintain trust in our systems and institutions now and into the future. The Code of Ethics and Conduct for Government Sector Employees (the Code) sets out the minimum expected standards of behaviour that we must meet. The Code provides a framework to guide our decisions and behaviour, no matter our level or our job.

2. Application

This Code is adopted under section 8A of the Government Sector Employment Act 2013 (NSW) (GSE Act) and applies to all NSW government sector employees.

1. The Code identifies mandatory requirements for all government sector employees that are consistent with [Part 2 of the GSE Act \(the Ethical Framework for the government sector\)](#). This Code applies at all times when government sector employees are acting in the course of, or in connection with, government sector employment. The Code also extends to conduct outside of work hours where that conduct may affect your employment. This includes conduct that is undertaken in a private capacity, but is inconsistent with your ability (or could reasonably be perceived to be inconsistent with your ability) to fulfil your duties in your government sector role. This Code does apply to all individuals who are NSW government sector employees.
2. Departments and agencies may supplement this Code – but not alter or subtract from it – with requirements specific to their organisation's operating environment and business risks. This material may be incorporated into this Code to form a single consolidated document or published separately.

2.1 Commencement Date

The Code applies from 27 July 2025. Conduct that occurred prior to that date while the code set out in section 2.2 of the document entitled *Behaving Ethically: A Guide for government sectors employees* was taken to have been adopted for the purposes of [section 8A of GSE Act](#), remains in effect as if it had not been revoked and replaced.

2.2 Review

The Code may be amended from time to time by the Secretary and as directed by the Public Service Commissioner.

4. Roles and Responsibilities

All Engineering Blding & Infrastructure PTY LTD employees must act in a way that is consistent with the Ethical Framework and must comply with this Code. Each of us has a responsibility to conduct ourselves in a manner that reflects our core values in action. This includes the responsibility to speak up when we see any behaviour that we believe does not live up to the Ethical Framework and the general principles and requirements in this Code. You should follow EBNI's policies for reporting wrongdoing where you believe this has occurred.

Managerial behaviour sets the tone for the conduct of all employees. Managers (including senior executives, senior managers, supervisors and others holding senior positions) play a critical role in promoting a culture that values high ethical standards and ethical behaviour. In addition to their responsibilities as government sector employees, all managers are required to model and promote this Code, and ensure that workplace culture, practices and systems operate consistently with the Ethical Framework.

In addition to having the responsibilities of managers, Departmental Secretaries, heads of agencies and senior executives are required to oversee implementation of this Code and the Ethical Framework.

5. Minimum Expected Standards of Behaviour

All sector employees are expected to know and act in accordance with the Ethical Framework for the government sector and the general principles and requirements set out in this Code. The minimum expected standards of behaviour outlined below are not an exhaustive list of what to do in every aspect of your work. Rather, they are general principles and requirements to apply when carrying out your work and should be applied to decide on an appropriate course of action when faced with an ethical issue or professional decision. If in doubt, you should talk to your manager, internal ethics advisor (where available), human resources team, the relevant member of executive, or team responsible for advising on Code compliance.

5.1 Acting in the Public Interest

EBNI should treat all people you interact with in the course of your work:

- equally without prejudice or favour
- with honesty, consistency, impartiality and respect.

You should always:

- place the public interest, clients interest over personal interest
- uphold the law, institutions of government and democratic principles
- provide apolitical and non-partisan advice
- provide transparency to enable public scrutiny
- be fiscally responsible and use resources efficiently, effectively and prudently.

Acting in the public interest requires leadership, courage and innovation to develop practical recommendations and actions that are consistent with the core values. For those departments and other agencies that are subject to Ministerial direction and control, acting in the public interest requires you to help your agency to deliver the policies, programs and stated outcomes of the Government of the day. However, acting in ways which are expedient or convenient, but which are inconsistent with the government sector core values, is not in the public interest.

5.2 Act Lawfully

You must always act lawfully and uphold the law. You must comply with this Code as well as any department or agency code of conduct which applies to you, any relevant legislative, industrial and administrative requirements and any lawful direction made by a person with the authority to give such a direction.

5.3 Bullying, Unlawful Discrimination and Harassment in the Workplace

Everyone is entitled to be treated fairly and with courtesy and to feel safe and respected. Bullying, unlawful discrimination, and all forms of harassment (including sexual harassment) are not

acceptable under any circumstances and not tolerated in our workplaces. EBNI employees must not bully, unlawfully discriminate against or harass anyone in your dealings with them.

[Public Service Commissioner Direction 1 of 2023](#) requires departments and agencies to have in place a policy in relation to workplace sexual harassment. EBNI should ensure you understand and adhere to your legal obligations and policies in relation to workplace sexual harassment, as well as additional policies (if any) relating to bullying, unlawful discrimination and other forms of harassment.

Managers play a critical role in actively preventing and responding to bullying, unlawful discrimination and other forms of harassment (including sexual harassment), and should familiarise themselves with these obligations.

5.4 Confidentiality, Privacy and Records Management

5.4.1 Confidentiality

Government sector agencies hold and manage large amounts of information. This information needs to be managed in accordance with relevant legislative obligations and EBNI's policies. Unless otherwise authorised, you must maintain the confidentiality of all official information (including confidential, personal and other sensitive information or documents) held by your agency that is not publicly available, that has not been published or that EBNI are not authorised to disclose. EBNI may only disclose official confidential information when authorised to do so, including when permitted or required by law or legal process to do so. EBNI does not disclose, access or use official information in an unauthorised way, including for anyone else's personal benefit or advantage. Misuse of information acquired in the course of your employment may amount to misconduct, an offence under applicable criminal, privacy, information access, or State Records legislation and/or serious wrongdoing.

5.4.2 Privacy

EBNI must protect personal information and health information, and comply with applicable privacy obligations and privacy and data breach policies. [The Privacy and Personal Information Protection Act 1998 \(NSW\) \(PPIP Act\)](#) outlines how NSW public sector agencies are required to manage personal information. [The Health Records and Information Privacy Act 2002 \(NSW\) \(HRIP Act\)](#) outlines how NSW public sector agencies are required to manage health information. Employees must not use or disclose personal information, for a purpose other than that for which it was collected, without obtaining consent from the person to whom the information relates. The Privacy and Personal Information Protection Act 1998 also contains criminal sanctions for the unauthorised use and disclosure of personal information by employees. Employees must not reveal personal information such as home addresses or telephone numbers to enquirers, even when they claim to be a relative or friend. Employees should offer to take the enquirer's details and pass them on to the person concerned.

5.4.3 Records Management

You must comply with record-keeping obligations that apply to your role and EBNI's records management policy. EBNI does not destroy records without proper authority.

5.5 Conflicts of Interest

A conflict of interest exists when a reasonable person might perceive that your personal interest(s) could be favoured over your public duties. A conflict may arise from a range of factors, including:

- personal relationships
- secondary employment
- membership of special interest groups
- EBNI's ownership of, or financial interest, in property, shares or companies.

Conflicts of interest may also arise due to your personal beliefs or attitudes that could influence, or be perceived to influence, your impartiality or decision-making. It is our responsibility to identify and declare conflicts of interest. To determine if a conflict of interest exists, ask yourself:

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

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

- always disclose the conflict of interest as soon as you become aware of the conflict
- work with the appropriate person with responsibility for managing the conflict to resolve any conflicts in the public interest, rather than your own or another person's personal interest.

Managers or those responsible for managing a conflict of interest should:

- ensure the conflict is appropriately documented
- consider whether the circumstances warrant removing the employee from the duties that are in conflict with their private interests
- approve a management plan to eliminate or manage the conflict in the public interest
- monitor the situation to ensure compliance with the agreed management plan

5.6 Gifts, Benefits and Hospitality

In the course of our work, occasionally, our family, relations, friends or associates – might be offered gifts, benefits and/or hospitality by customers, clients, applicants, suppliers, or other persons or organisations. Where a gift, benefit or hospitality of token value is offered simply as a memento or a small token of appreciation, accepting it is unlikely to be inconsistent with your obligations under the Ethical Framework for the government sector (unless your agency policy prohibits you from accepting any form of gift or benefit). However, we should always be aware that gifts, benefits and/or hospitality might be offered to influence us when making a decision, or to provide a favour which will advance the interests of the giver, either now or in the future. We should never:

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

You must refuse bribes or inducements and report them in line with our policy.

5.7 Lobbying NSW public sector

NSW public sector officials are required to act impartially in the public interest when carrying out their public duties, including when being lobbied, or making decisions after being lobbied, by lobbyists. We must comply with the values, principles and requirements in this Code and [Premier's Memorandum M2019-02 NSW Lobbyists Code of Conduct](#). The Lobbying for Government Officials Act 2011 (NSW) restricts lobbying of Government officials by lobbyists, and requires lobbyists to comply with ethical standards of conduct and other requirements set out in the Lobbyists Code of Conduct. It is important for public confidence in the integrity of government that lobbying is carried out with appropriate probity and transparency.

5.8 Making public comment

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

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

EBNI must not make any public comment on behalf of your agency or in the course of your work unless authorised to do so. When making an authorised public comment for official duties, we should:

- only state the facts
- avoid expressing opinions on government policies or government decisions, unless you are authorised to do so or this is part of your agency's role
- only disclose information that is publicly available or has been published or is information that you are authorised to disclose.

We are able to participate in public debate on political and social issues in a private capacity, including on social media. In making public comments in a private capacity you should ensure your comments:

- are clearly identified and understood to be your personal views
- do not discuss or disclose information concerning your work or workplace that is not publicly available
- are lawful – do not post material that is defamatory, bullying, harassing, breaches privacy, is in contempt of court, breaches intellectual property rights or is otherwise unlawful.

EBNI and its employee must not act in a way that casts doubt on your ability, or the ability of other agencies, to act impartially, apolitically and professionally.

5.9 Recruitment

If EBNI is involved in any recruitment, EBNI must comply with the Ethical Framework requirement to recruit and promote employees on merit, and comply with applicable legislative requirements concerning the recruitment process. We must also promptly declare any conflict of interest as required by conflicts of interest policy. Where applicable, EBNI and its employees must work with the appropriate person with responsibility for managing the conflict to resolve any conflicts in the public interest, rather than your own or another person's personal interest.

5.10 Risk Management

When carrying out our work or contributing to the making of decisions, you have a duty to objectively identify any risks and report them to your manager or the relevant decision maker, so they can be assessed and appropriately managed in a lawful way. Risks must be managed in accordance with EBNI's risk management policy.

5.11 Secondary Employment

EBNI may for various reasons wish to undertake paid work in addition to our role within the government sector. We are required to comply with applicable legislative requirements and follow EBNI's conflicts of interest policy concerning secondary employment. For Public Service employees, see [clause 7 of the Government Sector Employment Regulation 2014 \(NSW\)](#). Clause 7 states that unless approved by the appropriate delegate under Conflict of Interest policy, a public service employee is not to undertake any other paid work. Taking on additional work may give rise to a conflict of interest, or reasonably perceived conflict, between our primary and secondary employment. If this occurs EBNI's employee should declare the conflict in accordance with this Code and resolve any conflicts in the public interest, rather than your own or another person's personal interest.

5.12 Use of Public Resources

EBNI must use public resources in an efficient, effective and prudent way. EBNI employee must not use public resources – including such things as money, property, equipment or consumables – for an unauthorised purpose. EBNI and its employees must not use our position, or access to government resources and information, for personal gain or the gain of another person. When procuring goods and services for your employer, you must ensure you:

- declare any conflicts of interest
- work with the appropriate person with responsibility for managing any conflict to resolve any conflicts in the public interest, rather than our own or another person's personal interest
- comply with applicable Procurement Board policies and directions as well as our agency's procurement policies ([Modern Slavery Policy](#))
- comply with the principles of probity and fairness
- take reasonable steps to ensure the goods and services are not the product of [modern slavery](#)
- obtain value for money.

5.13 Workplace health and safety

- We all have a role to play in ensuring the safety of ourselves and others in the workplace.
- EBNI does take reasonable care for your own health and safety and not do anything that adversely affects the health and safety of others.
- EBNI does report risks to health and safety in accordance with your duties under the [Work Health and Safety Act 2011 \(NSW\)](#), and familiarise ourself with the work, health and safety arrangements in your workplace.
- Managers may have more substantial obligations involving the safety of those under their supervision or attending work locations, and should familiarise themselves with these obligations.
- We do refer to EBNI's [workers care policy](#) and [\(WHS Policy\)](#).
- Any real or perceived hazard must be reported to EBNI's manager or member of the extended leadership team and be reported to the Protecht Hazard/Incident/Near Miss Register.

6. Behaviour Contrary to the Code

Behaviour contrary to this Code or to the Ethical Framework for the government sector can create an unsafe workspace, bring individuals into disrepute, undermine productive relationships with colleagues and the public, and damage public trust in EBNI or the broader government sector. A contravention of this Code may be misconduct for the purposes of [section 69 of the GSE Act](#), or other legislation governing the conduct of EBNI sector employees in the Teaching Service, Police Force, Health Service, Transport Service and other services of the Crown. If you are unsure of what is appropriate conduct in a particular situation, you can discuss the matter with your manager, internal ethics advisor (where available), human resources team, the relevant member of your agency's executive, or your agency's team responsible for advising on Code compliance. EBNI have additional options available to discuss any concerns you have. Heads of private sector agencies may also contact the Public Service Commissioner.

6.1 How to report serious wrongdoing

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

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

If you become aware of serious wrongdoing, you can report your concerns. You can also contact the relevant integrity agency body (such as the Ombudsman, Independent Commission Against Corruption, Auditor General, or Law Enforcement Conduct Commission). If you believe conduct may be illegal or constitute a criminal offence, you should follow EBNI's policies for reporting wrongdoing or, if appropriate, report the matter to NSW Police Force. Under the PID Act, it is both a criminal offence and misconduct to take detrimental action against a person who makes, or is suspected of making, a public interest disclosure. [The PID Act](#) provides a range of additional protections against detrimental action. When a public official (as defined in the PID Act) reports suspected or possible wrongdoing in the public sector, their report will be a public interest disclosure (PID) if it has certain features which are set out in the PID Act. PIDs must be managed in accordance with the PID Act. Further information about public interest disclosures is available on the NSW Ombudsman's website.

6.2 Actions when allegations of misconduct are made

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

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

Government sector agencies that are not part of the Public Service (that is, the Teaching Service, Police Force, Health Service, Transport Service and other services of the Crown) are not bound by

the misconduct provisions in the GSE Act and GSE Rules unless so prescribed. Non-Public Service agencies have their own legislative, policy and/or industrial instrument requirements for dealing with misconduct. When an employee of Non-Public Service agencies is transferred to or is seconded into EBNI, the employee will be required to adhere to this Code.

7. Declaring private interests as a senior executive

A senior executive (including an acting senior executive) must make a written declaration of private financial, business, personal or other interests or relationships that have the potential to influence, or could reasonably be perceived to influence, the senior executive's duties, including decisions made, or advice given by the senior executive. Where a senior executive has no such private interests to declare, they must declare a 'nil return'. After a senior executive makes an initial declaration, a fresh declaration must be made:

- as soon as practicable, following any relevant change in the senior executive's private interests
- as soon as practicable, following the senior executive's assignment to a new role or responsibility
- at least annually.

A template form for making a private interests declaration is available on the PSC's website. The form may be used 'as is', or augmented by a department/agency to reflect the operating environment and/or business risks which are specific to the department/agency. EBNI completes a private interest declaration via Private Interests Declaration form in its risk system.

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

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

A senior executive must provide their declaration to:

- in a department, the Secretary
- in an executive agency related to a department, the agency head
- in a separate Public Service agency, the agency head
- in the Teaching Service, NSW Police Force, NSW Health Service, Transport Service of NSW and any other service of the Crown, the head of the service.

A Department Secretary, Director must provide their declaration to the Secretary of the Premier's Department. The Secretary of the Premier's Department must provide their declaration to the Public Service Commissioner.

A head of an executive agency related to a department must provide their declaration to the Department Secretary.

A head of a transport-related service must provide their declaration to the Secretary of the Department of Transport.

A head of any other service of the Crown must provide their declaration to the Secretary of the Premier's Department.

7.1 Responsibilities of person receiving declaration

Government and private sector agency heads are responsible for ensuring that procedures are in place to require that:

- senior executives complete declarations

- handling and storage of declarations comply with the requirements of the PPIP Act
- declared conflicts of interest are managed and monitored

8. Drugs, alcohol and tobacco

Employees are not permitted to be in the workplace or conduct business on behalf of EBNI if under the influence of alcohol or other drugs that are likely to adversely affect their ability to do their job or may pose a risk to themselves, their colleagues or members of the public. 'Workplace' includes off-site areas where work is performed and government vehicles. Smoking in any construction site building, or enclosed area, is not permitted ([section 6A of the Smoke free Environment Act 2000](#) bans smoking within 4 meters of a pedestrian access point to a public building). While at work employees must not be in possession of a drug or substance that is illegal to possess or distribute. Employee must disclose any form of medication consumption as it is classified as a drug for their own safety performance.

9. Disclosure of criminal charges, convictions and bankruptcy

All EBNI's employees are required by law to immediately notify the Director in writing via Human Resources if you have been charged with an offence with a possible penalty of imprisonment for 12 months or more, or if you have been convicted of any such criminal offence. Failure to do so may result in formal action. If you are facing charges where the penalty is less than 12 months imprisonment, the charge should only be reported if it is possibly connected to, or has a bearing on, your employment with EBNI. Employees are to immediately notify the director in writing via Human Resources if they:

- become bankrupt; or
- make a composition, arrangement or assignment for the benefit of creditors.

Action taken by EBNI, if any, will depend on the nature/circumstances of the situation, its relevance to your work and any mitigating factors. If unsure, employees are advised to contact Human Resources to discuss the matter in confidence.