

Message from the Chief Executive

Landcom places paramount importance on integrity, probity and the promotion of a positive and responsive attitude. This Code of Conduct supports these values and is issued with the full support of the Landcom Board and the Chief Executive.

Introduction

The Code of Conduct provides an ethical framework for the way in which we conduct our business and contains a set of general business ethics. This Code also applies to contractors, consultants and agency staff engaged by Landcom. For convenience, the generic term “officers” is used throughout this Code. All groups to whom the Code applies are responsible for the maintenance of high ethical standards.

The Code of Conduct should be used as a guide for ethical decision making. It is important that the Code be understood and followed by all officers to preserve the reputation for ethical and principled behaviour that Landcom enjoys within the New South Wales Government and the broader community.

The Code of Conduct is to be applied in conjunction with the legal and regulatory requirements applicable to Landcom as well as Australia’s social values, laws and customs.

Honesty and Integrity

To uphold the trust and confidence in Landcom, our shareholders and the general public, officers should conduct themselves with honesty and integrity while pursuing their personal and business objectives.

Complying with Rules, Regulations and Legal Requirements

Officers are expected to familiarise themselves with and abide by this Code of Conduct and all applicable rules and policies which are published on Landcom’s Website.

Officers are required to comply at all times with all applicable legal and regulatory requirements.

Confidentiality and Privacy

The principle of confidentiality is fundamental to all functions of Landcom’s activities, and officers should treat the business affairs of Landcom and fellow officers, with confidentiality.

The only exceptions to this obligation will arise where an officer is compelled by law to deliver confidential information to a court, authority or agency or other third party or where disclosure is in the public interest as set out in the Public Interest Disclosures Act 1994.

This principle of confidentiality applies equally to ex-officers in relation to confidential information acquired during employment with or engagement by Landcom and its predecessor organisations.

In addition to confidential information, officers must not use or disclose personal information that relates to an identifiable person without having authority to do so for legitimate purposes.

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New South Wales and Commonwealth legislation covers the handling of personal information and further advice on this subject and Landcom's privacy policy are available from the Landcom's website.

Reporting Suspected Corrupt Conduct

Landcom has Fraud and Corruption Prevention Guidelines for the reporting of corrupt conduct, which is a widely defined concept. A copy of these guidelines may be obtained from the Landcom Representative.

When an officer suspects unethical, fraudulent or corrupt conduct, the officer should contact the Landcom Representative who has a duty to promptly report the matter to their manager, who in turn has a duty to report it to the Chief Executive. Allegations will be treated in strict confidence and investigated as appropriate.

Alternatively, officers who feel they may require protection from detrimental action should report the matter to the Landcom Disclosures Coordinator or a Disclosure Officer, in order to obtain this protection. Contact details for the Landcom Disclosures Coordinator or Disclosure Officers can be obtained from the Landcom Representative or Reception. Alternatively the officer could seek advice from the NSW Ombudsman's Public Interest Disclosures or PID Unit on 02 9286 1000 or by emailing pid@ombo.nsw.gov.au.

Officers can also report serious maladministration directly to the NSW Ombudsman; serious and substantial waste directly to the NSW Audit Office; and corrupt conduct directly to the NSW Independent Commission Against Corruption.

Reports can be made anonymously, verbally and in writing, if necessary.

The Public Interest Disclosures Act 1994 (NSW) (PID Act) offers protection for officers who make disclosures concerning the following categories of behaviours:-

- corrupt conduct,
- serious maladministration,
- serious or substantial waste of public money,
- a failure to comply with the Government Information (Public Access) Act 2009 or
- pecuniary interest contravention under the Local Government Act 1993.

Officers making allegations of malicious, mischievous or vexatious nature are not generally able to access the protection provisions contained in the PID Act. Such cases will be dealt with administratively and may result in disciplinary action.

Gifts, Favours, Entertainment

Officers are NOT permitted to give or accept gifts of any value or kind in connection with their engagement with Landcom, including, but not limited to, gifts (except token promotional items such as a pen, mug, mouse pad), gratuities or donations. Further details on the Landcom gifts policy can be obtained from the Landcom Representative.

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Preventing Fraud & Corruption

Landcom does not tolerate any act of fraud or corruption, and we are committed to maintaining an organisational culture that conducts business honestly and ethically, within our Code of Conduct and the law.

Officers must not engage in, solicit or facilitate any fraudulent or corrupt activity. Officers must not use or convert to their own benefit, the funds, information or property of Landcom, or assist others in such behaviour.

Waste

All Landcom's resources must be used effectively and to minimise waste so that these resources are used to meet its objectives. Officers are expected to be efficient and economical in their use of resources including their own work time.

Conflict of Interest

The term 'conflict of interests' refers to situations where a conflict arises between employment duties and private interest, which could influence the performance of official duties and responsibilities. Such conflict generally involves opposing principles or incompatible wishes or needs.

Conflicts of interest can involve pecuniary interests (ie financial or other material benefits or costs) or non-pecuniary interests. They can involve the interests of the officer, members of the officer's immediate family or relatives (where these interests are known), business partners or associates, or friends. Enmity as well as friendship can give rise to an actual or perceived conflict of interest.

Officers owe their primary business loyalty to Landcom, in the performance of the services, and should avoid participating in any decisions and activities which may conflict with the duties and responsibilities of their contract with Landcom. An individual officer may be the only person aware of the potential for conflict. However, the management of Landcom also has a responsibility to identify and resolve real or perceived conflicts of interest.

The management of conflicts of interest is important to help preserve the reputation for ethical and principled behaviour that Landcom enjoys within the New South Wales Government and the broader community.

The most likely examples of conflict of interest for Landcom officers would involve dealings in land or other businesses that relate in any way to the activities of Landcom.

If there is doubt whether a conflict of interest may exist, details should be disclosed to the Landcom Representative for consideration.

If a conflict of interest arises during involvement in a particular activity, officers should disclose details at the earliest opportunity to the Landcom Representative.

Officers must perform their duties with integrity, impartiality, honesty, conscientiousness, care, skill, diligence and loyalty to the public interest.

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Public Commitments

Landcom encourages involvement in community affairs through non-profit charitable, social or sporting bodies, where no real or apparent conflict of interest is involved.

Political Commitments

Officers wishing to engage in any political or semi-political activity do so at their sole discretion, in their own right, and without involving the authority of their position in Landcom or any of Landcom's assets or information.

Competitors/Outside Organisations

Officers of Landcom should not discuss with officers of competitive or industry institutions the prices, nature, and extent of Landcom's services, and any policies or practices, of which they are aware, unless specifically permitted by Landcom.

Media/Press Communication

Officers should not communicate to the media/press any information concerning Landcom's business activities.

Social Media

In using social media, whether in an official or personal capacity, officers must adhere to the following principles:

- Officers must not disclose or refer to any information through social media that relates to Landcom, customers or colleagues that is confidential, proprietary or privileged
- Officers must not, on social media:
 - Disparage or speak adversely about Landcom, our its stakeholders or colleagues or
 - Bully, harass or make discriminatory remarks about Landcom's employees or officers.
- Officers must not engage in use that is deemed "inappropriate use" (see Social Media Policy for definition)
- Subject to obtaining the necessary authorisation, officers must not speak on behalf of Landcom or imply that they are speaking on behalf of Landcom
- Officers must exercise caution when using social media, keeping in mind that once content is uploaded onto a social media site it becomes public information freely available to everyone and potentially permanent.

Inside Information

Officers shall not use inside information regarding the affairs of Landcom and its shareholders, or any information acquired in the course of the contract, for their own personal gain or for that of others such as friends, relatives or business associates.

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Disclosing and Dealing

Officers may not profit from, or disclose to others, any information acquired in the course of a contract with Landcom which is not publicly available, and which could reflect favourably or unfavourably upon the investment value or future market value of stock, shares, other securities and other investments (eg property) of a business enterprise.

Corporate Citizenship

Officers should uphold Landcom's commitment to good Corporate Citizenship while pursuing its business objectives. Officers shall provide relevant and responsive service to clients and customers meeting client needs and Landcom's performance standards.

Community Consciousness

Landcom's business decisions and actions affect all those involved in its daily operations: officers, shareholders and the general public.

Therefore officers, as part of their decision making process, should consider the social and economic implications of their actions as well as the commercial implications. Decisions shall be based on relevant facts and supported by appropriate documentation.

Impartiality and procedural fairness should be exercised by all officers, particularly when exercising delegated authority.

Non Discrimination and Appropriate Behaviour

Officers should honour Landcom's commitment to equal opportunity for employment and non-discrimination in the supply of services and products and, as an employer, regardless of race, colour, national origin, sex, marital status, religion, political conviction, physical impairment or sexual preferences.

It is important that all officers understand that acts of harassment, including against fellow officers:

- May include offensive behaviour
- Will generally be viewed from the position of the complainant
- Will be dealt with as a breach of this Code.

Consequences of Breaching the Code of Conduct

If the standards in this Code are breached, officers can face legal or disciplinary action (including but not limited to termination of the contract), and in some circumstances can be charged with a criminal offence.

Amending & Reaffirming the Code of Conduct

From time to time Landcom may revise or amend this Code.

From time to time officers may be asked to read and confirm their understanding of this Code.