



Australian Government



Northern Australia Infrastructure Facility

Code of Conduct

February 2020

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Document Review and Approval

VERSION	AUTHOR/REVIEWER	REVISION	APPROVAL	DATE OF APPROVAL	NEXT REVIEW DATE
1.0	NAIF Management	Original	Board	10 August 2016	August 2017
2.0	NAIF Management	Annual Review	Board	20 June 2017	June 2018
3.0	Manager, Governance, Compliance and Risk	Annual Review	Board	23 August 2018	August 2019
4.0	A/Head of Human Resources	Annual Review	Board	13 February 2020	February 2021

Document Purpose

This policy sets out NAIF's Code of Conduct. The Code of Conduct outlines the obligations and responsibilities of all Staff employed by NAIF. NAIF Staff are required to comply with the Code of Conduct.

For obligations and responsibilities of Directors refer to the Board Charter.

1. Definitions

CEO means NAIF's Chief Executive Officer or his or her delegate from time to time.

Conflict of Interest means a circumstance where a Staff member's private interest is inconsistent with, or diverges from one or more of the interests of another person to whom the Staff member owes a duty including Actual, Apparent or Potential Conflicts of Interest. Refer to the Conflict of Interest Policy.

Actual Conflict of Interest means a circumstance where an analysis of the interests of the parties reveals that there are inconsistent or divergent interests between the parties, in the situation where one owes a duty to the other. Refer to the Conflict of Interest Policy.

Apparent Conflict of Interest means a circumstance where a situation or relationship exists that could appear to involve a Conflict of Interest. This situation may or may not involve actually divergent or inconsistent interests. Careful analysis of the interests of the parties may be required to determine whether there is an actual Conflict of Interest. Refer to the Conflict of Interest Policy.

Potential Conflict of Interest means a situation which does not involve an actual or apparent Conflict of Interest at the present time, but where there is a reasonable possibility of such a Conflict of Interest arising. Refer to the Conflict of Interest Policy.

Gift or Benefit includes hospitality(such as meals and beverages), entertainment(such as invitations to sporting events, cinema, theatre and the like), travel, accommodation and discounts(including free or discounted airline lounge membership). The expression includes Gifts or Benefits to the Immediate Family of a Staff member as a consequence of that Staff member's employment or duties at NAIF.

Immediate Family means a spouse or former spouse, de facto partner or former de facto partner, child, parent, grandparent, grandchild or sibling of a staff member, or a child, parent, grandparent, grandchild or sibling of a Staff member's spouse or de facto partner. It includes step-relations (e.g. step-parents and step-children) as well as adoptive relations.

Staff means persons employed by, or operating under an employment or similar contract with NAIF, including full time or part time employees, agents, consultants, contractors and Export Finance Australia personnel working on NAIF matters under the Service Level Agreement.

Export Finance Australia Service Level Agreement means the service agreement between NAIF and Export Finance Australia dated 5 April 2017 (as amended or replaced from time to time).

Supervisor means the person to whom the relevant Staff member immediately reports.

2. Policy Statement

The Code of Conduct is a core governance policy that applies to all Northern Australia Infrastructure Facility (NAIF) Staff and management, including the executive and CEO.

3. Review and Approval

This Policy will be reviewed annually, or more frequently if required, by and on behalf of the Policy owner to ensure it remains aligned with governing legislation and best practice. The NAIF Board approves material changes and reviews the Policy at least every two years.

The Manager, Risk & Compliance will ensure material changes to the Policy are communicated to Staff in a timely manner.

4. General Responsibility

In their employment, Staff have a responsibility to:

- be impartial and objective;
- consider matters on their merits;
- perform to the best of their ability, with honesty and integrity;
- treat everyone with courtesy and respect, without coercion or harassment of any kind;

- not participate in corrupt practices, including bribing foreign officials¹ or accepting undisclosed Gifts or Benefits for or from any third party;
- not pursue personal interests which may conflict with NAIF's interests; and
- comply with applicable Australian laws and NAIF's policies, procedures and guidelines as amended from time to time.

5. Financial and Other Private Interests

5.1 Official duty and private interest

From time to time NAIF's Staff may be involved in a situation where their private interest is in conflict with, or could reasonably be perceived to be in conflict with, the proper performance of their duties and responsibilities and their duty to NAIF as their employer. NAIF's Conflict of Interest Policy provides guidance for identifying Actual, Apparent or Potential Conflicts of Interest and a process for managing conflicts.

The integrity of NAIF's Conflicts of Interest framework is fundamental to the reputation of NAIF. Staff should be aware of, and ensure that they comply with, their obligations under the Conflicts of Interest Policy.

5.2 Gifts and Benefits

Staff may be offered Gifts or Benefits during their employment with NAIF. The NAIF Gifts and Benefits Policy aims to ensure Staff are meeting public expectations of integrity, accountability, independence, transparency and professionalism in relation to Gifts and Benefits and should be read in conjunction with the Code of Conduct.

5.3 Inducements

In accordance with NAIF's Anti-Corruption Policy, Staff should not accept inducements that may, or may be seen to, influence them in the performance of their official duties. The CEO must be promptly advised of any attempt to improperly influence Staff. Staff must comply with all of their obligations under the Anti-Corruption Policy.

5.4 Outside employment

Staff who wish to engage in any outside employment or voluntary positions are required to obtain prior written approval from the CEO. Appointments in this case include appointments as Non-Executive Directors to Boards.

6. Use of Information

6.1 Confidential records

Staff are required to respect the confidentiality of, any information or documentation concerning NAIF and third parties with whom NAIFs has dealings, to which they have access as a result of their employment with NAIF.

Staff must not use information or records for any improper purpose, and should take all steps to safeguard the confidentiality of confidential information and documentation. Staff are also obliged to comply with these confidentiality provisions even after they cease to be employed by NAIF.

Details of the confidentiality obligations of Staff are set out in the Confidentiality Policy. Staff must familiarise themselves with the Confidentiality Policy as in force from time to time.

6.2 Intellectual property

NAIF retains ownership of all specific knowledge, documentation, processes and technologies developed by Staff in the performance of their duties.

¹ This is a reference to the Crimes Act 1914 (Cth) and the Criminal Code Amendment (Bribery of Foreign Public Officials) Act 1999 (Cth)

6.3 Public Comment

Unless a Staff member has been nominated by the CEO as a spokesperson, Staff must decline to make public comment on any issues relating to political matters (in their capacity as Staff), NAIF's business, NAIF's proponents, or employment with NAIF. Refer to the NAIF Social Media Policy for further guidance on expectations regarding public comment, including on social media.

7. Use of NAIF Computers

Staff may use NAIF's information technology equipment for NAIF business or limited personal use which is not in conflict with NAIF's interests.

Staff must comply with NAIF's information technology security policies and guidelines and familiarise themselves with the NAIF Corporate Information Security Policy.

8. Personal Behaviour

8.1 Duty of care

Staff have a duty of care in the performance of their role. Staff should ensure to the best of their ability that all information distributed is accurate, complete and balanced.

8.2 Performance of duties

Staff are required to perform their job diligently and to the best of their ability, and accept reasonable direction from their Supervisor.

Staff must exercise due care in the use of all NAIF property, in order to minimise the risk of loss or damage.

8.3 Use of facilities for private purposes

NAIF allows Staff reasonable access to its facilities for private purposes provided this does not conflict with their job responsibilities or with NAIF's interests. Refer to the NAIF Corporate Information Security Policy.

Staff are expected not to misuse this privilege and should obtain prior approval from their manager for any extended or extraordinary use of NAIF facilities.

8.4 Professional conduct

Staff should be courteous and professional in their dealings with their colleagues and all representatives of the public, government and business with whom they have contact.

It is a requirement that Staff do not undertake covert recordings of other people in the building or outside the building when undertaking work activities.

NAIF does not tolerate any form of bullying, harassment or unwelcome behaviour that is based on an attribute such as sex, race, disability, age, religion, pregnancy, marital status or sexuality and that offends, humiliates or intimidates.

Workplace bullying is repeated unreasonable behaviour directed towards an individual Staff member or group of employees that creates a risk to health and safety. Bullying can take different forms including psychological, physical or indirect behaviour, such as deliberately excluding someone from work-related activities.

Examples of workplace bullying include:

- abusive or offensive language or comments;
- aggressive and intimidating behaviour;
- belittling or humiliating comments;
- practical jokes or initiation; or
- unjustified criticism or complaints.

Not all behaviour that makes a Staff member feel upset or undervalued is workplace bullying. For example, reasonable management action taken in a reasonable way is not workplace bullying. Differences of opinion and disagreements are generally not workplace bullying. However, in some cases, conflict that is not well managed may escalate to the point where it becomes workplace bullying.

Some forms of bullying may also be considered harassment. Harassment entails offensive, belittling or threatening behaviour directed at a Staff member or group of Staff. As with bullying, reasonable management action carried out in a reasonable way is not workplace harassment.

8.5 Child protection

As a Commonwealth government agency, NAIF is part of a whole of government approach to implement a child safe framework to protect children and young people from abuse. Staff must immediately report suspected or alleged cases of child exploitation or abuse by anyone connected with NAIF. This includes all Staff, directors and persons with whom NAIF has a business relationship. Reports can be made to the CEO under the Public Interest Disclosure Policy or the Incident Reporting Policy.

9. Consequences of non-compliance

Failure to comply with the Code of Conduct may have serious consequences which could result in disciplinary action and/or termination of employment or other engagement with NAIF. Incidents of non-compliance should be advised in accordance with the NAIF Incident Reporting Policy or Public Interest Disclosure Policy.

NAIF provides training to Staff on the application of this Policy including the consequences of non-compliance.