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John Hacking  
NSW Rural Fire Service  
VIA EMAIL: [John.Hacking@rfs.nsw.gov.au](mailto:John.Hacking@rfs.nsw.gov.au)

Your ref:  
Our ref: 25/09/13

Dear John

Thank you for your participation in the Conduct & Ethics Workshop (the Workshop) delivered on 25 September 2013, by the Professional Standards Unit, as part of mandatory organisational training in the *Service Standard 1.1.7 Code of Conduct & Ethics* (the Code).

**Congratulations you have passed the Workshop.**

Your participation during the Workshop combined with the responses in your workbook demonstrate that you can apply the Code to resolve ethical matters should they arise in your workplace.

Further review of the Code is advised, particularly:

- Chapter 1 – Our Values
- Chapter 2 - Our Responsibilities
- Chapter 4 – Conflicts of Interest
- Chapter 10 – Public Comment

If you have any questions about your assessment you may contact me directly on 8741 4920 or by e-mail to [Christine.Lloyd@rfs.nsw.gov.au](mailto:Christine.Lloyd@rfs.nsw.gov.au).

Kindest Regards

A handwritten signature in cursive script that reads 'Christine Lloyd'.

Christine Lloyd  
Senior Project Officer, Education  
Professional Standards Unit

25/11/13

Name  
Location

John Hocking  
Hornebush

Induction Program  
Participant Workbook  
25/09/13

# Conduct & Ethics Workshop

Workshop

- Attended  
 Not attended

Workbook

- Module 1 - review
- Module 2 - review
- Module 3
- Module 4 - review
- Module 5
- Module 6
- Module 7
- Module 8
- Module 9
- Module 10 - review

- Satisfactory  
 Unsatisfactory

ASSESSMENT

- Competent  
 Not yet competent



NSW RURAL FIRE SERVICE



## Conduct & Ethics Workshop

This workshop is designed to give you training on the components of the NSW RFS *Service Standard 1.1.7 Code of Conduct & Ethics* (the Code).

The Workbook contains:

**Information about the content in each module**

**Key learning points, questions and practice activities for completion**

NB All activities must be completed to a satisfactory standard to pass and demonstrate your own work even where group activities are completed

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**Agenda**

<b>Approx Times</b>	<b>Module</b>	<b>Reference to the Code</b>
20 mins	Workshop Registration – background of PSU	
40 mins	Module 1 Values	Chapter 1,
40 mins	Module 2 Our Responsibilities	Chapter 3
<i>Break (10 mins)</i>		
40 mins	Module 3 Ethical Decision Making Breaches & Sanctions	Chapter 2, 11 & 12
40 mins	Module 4 Conflicts of Interest	Chapter 4
<i>Break (30 mins)</i>		
40 mins	Module 5 Gifts and Benefits - When is a gift a Trojan horse?	Chapter 5
30 mins	Module 6 Corporate and Personal Information	Chapter 6
30 mins	Module 7 Use of RFS Resources	Chapter 7
<i>Break (10 mins)</i>		
20 mins	Module 8 Secondary Employment	Chapter 8
30 mins	Module 9 Use of Alcohol and Other Drugs	Chapter 9
30 mins	Module 10 Public Comment	Chapter 10
Evaluation		

## Workshop Registration & Introduction to the PSU

**Workshop Registration and pre-assessment task**

- a. Register
- b. Receive CEW workbook and supporting materials and discuss structure, content and assessment strategies:

**Answer all activities in the workbook**

- c. Participate in an Introductory activity and discuss and write down expectations of the workshop. Review answers at the end of the training session to see if needs were met
- d. discuss appropriate behaviour during discussions/activities
- e. Discuss the roles and responsibilities of the PSU

**Key learning points, questions and activities to be completed**

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### Module 1 Our Values

**Learning Outcomes:**

By the end of Module 1 participants will:

- Distinguish between values, morals and ethics
- Apply RFS values to their duties in the workplace

**Our Values Chapter 1 of the Code**

- a. What is the role of the RFS?
- b. Who are RFS Members?
- c. Discuss the purpose of the Code in relation to the role of the RFS? Write answers in the space provided in your workbook
- d. What do participants understand by
  - Values?
  - Morals?
  - RFS Values
  - Professional Ethics?
- e. Complete all activities

**Key learning points, questions and activities to be completed**

What is the role of the NSW RFS? (Hint Refer to s9 of the *Rural Fires Act 1997*)

To protect people and property from the threat of fire and returning things to normality as quickly as possible  
assist other emergency services  
provide mutual assistance  
provide advice and issue public warnings.

Before becoming president of the United States, Abraham Lincoln (1809-1865) was a respected lawyer in Illinois. One day a criminal came to him. 'I would like to ask you to defend me', said the man. Lincoln, who had a sneaking suspicion of the kind of person he was dealing with, replied with the question: 'Are you guilty?' 'Of course I'm guilty. That's why I want to hire you; to get me free.' 'If you admit guilt to me', Lincoln explained, 'then I can't defend you'. The man

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reacted with amazement: 'But you don't understand. I'm offering you a thousand dollars for your services!' Although a thousand dollars was a large sum of money at the time, Lincoln resolutely refused. The criminal replied, 'Mr Lincoln, I'll offer you two thousand dollars if you defend me!' Again Lincoln refused. In desperation, the criminal played his trump card: 'Mr Lincoln, you're the best lawyer in the area. I can't have travelled all this way for nothing. I'll give you four thousand dollars.' At that moment Lincoln flew from his seat, grabbed the man by his collar, dragged him out of the office and threw him into the street. When the man had stood up and pulled his clothes straight, he asked Lincoln: 'Why did you throw me out when I offered four thousand dollars? Why not for one or two thousand, or when I admitted guilt in the first place?' Lincoln replied: 'You were nearing my price!'

Apparently Lincoln's integrity had a price: he was 'for sale'. For a certain price he was prepared to throw his principles overboard. The question is whether everyone has a price. It is not so much whether people are honest, as how long and under what conditions, what temptations they can resist, and at what point they relinquish their integrity. As William Shakespeare put it, 'For who so firm that cannot be seduced?' Do you think everybody has a price; the question is what that price is. Lincoln knew his price. Do you know yours? How much can you be bought for? And what is the price of people you depend on, or for whom you are responsible? How 'price-elastic' are they?

In order to answer this question, we should perhaps start by exploring our innate qualities and values.

From *Why do Good People sometimes do bad things* by Muel Kaptein

Why do we have a Code of Conduct?

Is the central guide and reference for all NSWRFs members in your day to day decision making and behaviour and is the standard by which you will be assessed should your behaviour or conduct come into question.

What are the values of the RFS?

It is important that the decisions we make and the actions we take for the RFS reflect the values of the RFS.

Our values define how we evaluate our decisions and actions, and how we conduct our business.

integrity & trust. One team. Mutual Respect. Many Players. Adapability Resourcefulness

others?

How do you demonstrate that you value young people in the RFS?

include them in the cadets program  
be example to them as a positive role  
model  
Cadet program  
Newer learning styles.

Choose two of the RFS Values and discuss how do you uphold them in your workplace? (Hint address all the dot points related to the Values you choose)

Value 1 Integrity & trust

Communicate clearly what we expect from  
each other.  
Respectful and open with each other  
Encouraging all views in meetings ✓  
personal responsibility for matters

Value 2 Mutual Respect.

Respecting each other and respecting  
the codes ~~for~~ ~~each~~ the service standards.  
Workshopping  
Brainstorming  
Debriefing ✓  
avoid blaming culture  
dignity

Module 1 Learning Outcomes	
<input checked="" type="checkbox"/> Satisfactory	<input type="checkbox"/> Unsatisfactory



## Module 2 Our Responsibilities

### Learning Outcomes:

By the end of Module 2 participants will:

- know their ethical responsibilities as an RFS Member
- give examples of how they implement RFS responsibilities in their workplace

### Our Responsibilities Chapter 3 of the Code

- a. Review Chapter 3 of the Code and discuss how 'RFS Members fit within the RFS role? Discuss your role and the professional expectations and professional responsibilities in accordance with this chapter?
- b. Complete all activities

### Key learning points, questions and practice activities for completion

*People don't get along because they fear each other. People fear each other because they don't know each other. They don't know each other because they have not properly communicated with each other. Dr Martin Luther King, 1929-68*

### Personal Conflicts

We are all unique. We come to the workplace with different views and opinions based on our experiences, upbringing, education, cultural and religious beliefs etc

In Our Values and Our Responsibilities from the Code the RFS emphasises 'respectful and professional conduct' to each other in a strong team environment that welcomes diversity.

However, it is inevitable that personal conflicts, disputes and disagreements can occur at times. We should always be mindful that differing views may lead to friendly banter, bickering and teasing which can start to have a hurtful edge. While active interaction is encouraged in the workplace it is important that all RFS members should try to develop sensitivity to a situation going too far. To sustain a healthy professional work environment it is important to negotiate with each other to resolve small personal conflicts.

What do you understand by the term personal conflict? Give some examples

When you have a differing views on Personal Values / Goals with the values of the RFS.

There are circumstances where personal conflicts are unacceptable to the RFS. These conflicts relate to discrimination, harassment and bullying.

### What is discrimination?

In NSW *direct discrimination* is unfair or unequal treatment based on the grounds of:

- Sex (including sexual harassment, pregnancy and breastfeeding)
- Race (including colour, nationality, descent and ethno-religious or national origin)\*
- Marital or domestic status
- Homosexuality (male, female actual or presumed)\*
- Disability (past, present, future, actual or presumed)
- Age
- Transgender (transsexuality) \*
- Carer's responsibilities (in employment only)
- Infectious diseases (HIV/ Aids)\*
- Association to above

Causing different treatment in comparison to others.

\*NB Also incorporates vilification

- *Indirect discrimination* is when there is a requirement or rule that is the same for everyone but in effect disadvantages people from one of the groups above more than people from other groups — unless the requirement is *reasonable in all the circumstances* eg an employer says that they need a person over 180cm tall to do a certain job, which could indirectly discriminate against women and some ethnic groups (sex or race discrimination).

Reasonableness in all the circumstances might be where:

- the employee cannot perform inherent requirements of the job,
- reasonable adjustments would cause unjustifiable hardship to employer
- all reasonable steps taken by the employer to prevent discrimination which actively demonstrates implementation eg policy development and training

Under the *Australian Human Rights Commission Act 1986 (Cth)* breaches of human rights by any Commonwealth body or agency and discrimination in employment may be alleged on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, age, medical record, criminal record, marital status, impairment, disability, nationality, sexual preference, trade union activity.

### What is unlawful harassment?

Harassment is any form of unwanted/unwelcome behaviour which humiliates, intimidates or offends based on identified characteristics or attributes. The action may range from an unintentional/intentional one off mildly unpleasant remark graduating to intentional physical violence and the law of assault may be appropriate. If the harassment comprises regular following, watching, repeated unsolicited contact or gifts, etc, the term *stalking* may be appropriate.

Combined legislation of NSW and Commonwealth recognises harassment based on sex, race, disability or age.

### **What is bullying?**

Bullying is described (by Workcover) as repeated, unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. Bullying can occur wherever people work together. Under certain conditions, most people are capable of bullying. Whether it is intended or not, bullying is a WHS hazard.

In the workplace bullying can happen in many different ways, for example face-to-face, over the telephone, online (e.g. via social networking forums), via email or during daily work activities. It is often associated with a power disparity where the person bullied lacks the power to defend themselves. Bullying targets personal characteristics in which the bully feels insecure. Bullying is wide ranging and can be direct or indirect as illustrated by the following examples:

abusive, insulting or offensive language, spreading misinformation or malicious rumours, displaying offensive material, behaviour or language that frightens, humiliates, belittles or degrades, undermining—persistent and baseless criticism and/or criticism delivered with yelling and screaming, tone of voice, sarcasm and insults, whether face-to-face or via other forms of communication, inappropriate comments about a person's appearance, lifestyle, or their family, teasing, ridiculing, taunting or regularly making someone the brunt of pranks or practical jokes, interfering with a person's personal effects or work equipment, harmful or offensive initiation practices, physical assault or threats, unreasonably overloading a person with work, not providing a person with enough work consistent with their position, setting timelines that are difficult to achieve or constantly changing, setting tasks beyond a person's skill level, setting meaningless tasks, or unfairly assigning unpleasant tasks, deliberately denying access to information, consultation or resources, unfair treatment in relation to accessing entitlements such as leave or training, ostracism—physical or social isolation; exclusion from work-related activities; not acknowledging or responding to an individual's presence or comments; leaving the room when a person enters; unwarranted removal of responsibility; spreading gossip and rumours; sending and/ or copying inappropriate remarks about a person to others; belittling or derogatory remarks or actions that diminish a person's dignity (such as eye-rolling responses).

### **Discrimination, Harassment or Bullying is not ...**

- legitimate comment or advice about conduct and performance, including negative comment or feedback or counselling as part of providing reasonable performance management. Performance management cannot always be free from stress. Managers should approach these matters with sensitivity but should undertake their responsibility to provide full and frank feedback to staff
- disciplinary action
- managing an illness or injury
- management and business prerogative such as restructuring and retrenchment even if it is perceived as poorly executed
- allocation of work in compliance with systems

**What is the difference between harassment and bullying?**

Bullying is different from harassment, which disadvantages victims on the basis of their status or beliefs, and does not necessarily put their health or safety at risk.

Harassment	Workplace bullying
May include a physical component, eg contact and touch in all its forms, intrusion into personal space and possessions	Usually psychological (eg criticism), may become physical, especially with male bullies and sometimes with female bullies
Harasser tends to have fixed ideas about certain characteristics (eg race gender) and has a clear focus on the individual because of what they are	Although bullies may be deeply prejudiced, it's usually discrimination on the basis of a personal attribute such as competence (envy), popularity (jealousy) and/or vulnerability (power) related to the bully's inadequacies in areas of interpersonal and behaviour skills
Harassment may consist of a single incident or a few incidents or many incidents. The person who is being harassed knows almost straight away they are being harassed and especially when its assault, indecent assault or sexual assault	Bullying is rarely a single incident but tends to be an accumulation of many small incidents, each of which, when taken in isolation and out of context, seems trivial. Thus, the person being bullied may not realise they are being bullied for weeks or months - until there's a moment of enlightenment. Co-workers may not recognise the bullying which may lead to lack of support
Harassment often reveals itself through use of recognised offensive vocabulary, eg particularly in relation to gender or race	Workplace bullying tends to fixate on criticisms about underperformance so offensive words may not appear, although swear words may be used when there are no witnesses
Often the harassment is for peer approval, bravado, macho image etc	Tends to be secret behind closed doors with no witnesses and there may be compliance from other workers who may be intimidated not to speak out in support
Harassment takes place both in and out of work	Workplace bullying takes place mostly at work but social media is changing this status
The harasser often perceives their target as easy, albeit sometimes a challenge and there may also be an element of possession eg stalking or domination for superiority related to race or gender	Bullying is for control of threat (of exposure of the bully's own inadequacy)The target is seen as a threat who must first be controlled and subjugated, and if that doesn't work, eliminated

**What should you do about Discrimination, Harassment or Bullying (DHB) ?**

The RFS takes all DHB matters seriously. Unmanaged, DHB incidents may significantly impact on staff morale, cause stress, illness, absenteeism and ultimately impact on productivity. Such behaviour is counter to the Values of the RFS. If you believe that you are being bullied, harassed or discriminated against or you know of someone who is, you should seek the support of your manager or a more senior person, if appropriate. There are internal Grievance procedures (SS 1.1.3). You may also seek support and advice through EAPS, the chaplain, HR or the PSU. If there is an impact to work, health and safety contact the Health, Safety and Welfare Unit.



Should a matter not be resolved internally there are also legal avenues in both criminal and civil jurisdictions at the Federal and State related to DHB.

Below is an example of bullying in the workplace (OHS77 BULLYING CASE STUDY – COMCARE). The case illustrates that bullying can occur upwards, as well as downwards, or between people at the same level in the workplace.

**The circumstances**  
The worker was appointed to a new position as a team leader during management restructuring. She obtained the position in competition with a previous manager. The worker encountered resistance to change in her new team, along with a lack of cooperation and loyalty. Some members of the team maintained their loyalty to their previous manager and resented her promotion. The worker received no management training before commencing her new role.

**The behaviour**  
Several team members engaged in a range of increasingly hostile behaviours towards the worker including:

- > failing to accord common courtesies
- > failing to provide assistance during busy periods
- > constantly whispering and making vindictive comments about her
- > disobeying requests
- > making offensive comments and behaving rudely.

Ultimately, one of the team members convened a team meeting to which the worker was not invited and drew up a list of complaints about the worker which they presented to her manager. The worker's manager approved this meeting and accepted the document. The apparent objective of the bullies in the team was to get rid of the worker, whom they considered to have gained the team leader position at the expense of their former manager.

**The impact on the worker**  
The worker experienced this behaviour as harassing and undermining. She felt humiliated and belittled. In the face of bullying behaviour she frequently became very emotional and withdrew from the immediate situation. As the behaviour escalated she became agitated, anxious, depressed and withdrawn. Finally she was unable to continue working for the organisation due to the development of a psychiatric condition.

**Appeals for help**  
The worker appealed firstly to her immediate manager and then to his manager for assistance and support on a number of occasions. She reported the insubordinate conduct of members of her team and clearly described the adverse effect the behaviour was having upon her.

**Management's response**  
The worker's immediate manager had an open and easy-going management style and was anxious to ensure that he was seen by all staff as their friend. He was reluctant to interfere in the situation and denied and downplayed behaviour and events. The manager believed that most of the worker's complaints were petty and that she should deal with the situation herself. He provided no effective support to the worker, even speaking offensively to her on occasions as a result of his frustration with the situation. The manager ultimately condoned the behaviour of the team by supporting the team meeting which the worker was not invited to. The more senior manager—who was also appealed to by the worker—directed the worker's immediate manager to respond appropriately. They did not follow-up this directive. After the worker ceased work due to stress, formal grievance, investigation and dispute resolution procedures were instituted.

**Recommendations included:**

- > intensive leadership/people management skills training for the worker
- > counselling for team members about workplace ethics, code of conduct
- > outlining appropriate demeanour and behaviour all staff should demonstrate towards clients, contractors, management and each other
- > counselling for the worker's manager about his responsibility to implement the code of conduct and enforce

standards of behaviour, as well as his role in the crisis

> using the performance management program to identify shortcomings in the manager's management style with a view to developing an agreed plan of action for improvement.

**Legal action**

The worker did not return to work due to a continuing psychiatric condition. Following legal action by the worker, a Judge determined that the employer was held to be negligent. The Judge stated that the employer's representative (the worker's former manager) failed in his duty of care to the worker by failing to take action that would have been reasonable and practicable to prevent what in the circumstances was a foreseeable risk of injury. The worker received compensation of \$339,722.00 for the psychological injury she developed as a result of workplace negligence. The employer's appeal to the NSW Supreme Court of Appeal was unsuccessful.

### How can DHB be managed in the workplace?

Some tips for Managers/supervisors to proactively manage risk ('red flags'):

- Know all relevant legislation Services Standards and policies and related to DHB including WHS and have clear understanding of expected behaviours commencing with the Code
- Understand the nature of the RFS and where the risks could lie in your areas and ensure processes are in place to manage risk ie encourage early reporting
- Develop good communication skills with staff
- Provide guidance about how to obtain confidential assistance to deal with DHB
- Clear complaint procedures and contact people
- Ask for training for your staff and participate in management training
- Be conversant with investigation procedures and procedural fairness
- Encourage effective feedback to improve systems ie learn from mistakes

### What can RFS Members do to prevent/mitigate DHB?

- Be conversant with the definitions and examples of DHB behaviours
- Comply with all service standards and policies related to DHB and WHS commencing with the Code
- Respect difference and different levels of tolerance
- Respect the right of others at work to dignity and a safe work environment
- Report incidents and understand the benefits of early intervention or 'red flags'
- Do not institute or be an accessory to reprisals if a complaint has been made
- Aspire to the RFS Values by fostering a safe and friendly workplace environment
- Recognise and not accept disrespectful behaviour and seek assistance when required to prevent or stop DHB in the workplace

Some useful references include:

- Anti Discrimination Board - [www.lawlink.nsw.gov.au/adb](http://www.lawlink.nsw.gov.au/adb)
- Australian Human Rights Commission - [www.hreoc.gov.au/complaints\\_information/index.html](http://www.hreoc.gov.au/complaints_information/index.html)
- Work Cover - [www.workcover.nsw.gov.au/Pages/default.aspx](http://www.workcover.nsw.gov.au/Pages/default.aspx)

In the column write the letter D, H, B or MAP to describe the situation and discuss appropriate course of action

	Examples of Personal Conflicts (P), Discrimination (D), Bullying (B), Harassment (H), Management Action/Prerogative (MAP)	Put P, D, H, B, or MAP	Draw a line from the scenario to the correct action below
1	Staff member makes lots of mistakes, doesn't complete work on time and does not comply with the manager's instructions. Although offered training and mentoring unsatisfactory behaviour continues. The staff member is counselled and placed on a performance plan, some duties are changed but unsatisfactory behaviour continues	MAP	Rosie needs to negotiate with Tania - explain politely that while she understands that her children are the centre of her life she would appreciate it she can also talk about other topics and wash up her lunch items. Rosie may need to seek the advice of the manager prior to approaching Tania.
2	A manager ignores and is dismissive of staff who are a lower grade, expects them to work excessive hours otherwise tells staff they are non 'team players' and criticises their work in front of other staff	B H	Make it clear to staff member that their behaviour is offensive and harassment. Take notes of time, date, place, witnesses and seek assistance from manager/HR. Ask for training to educate on appropriate conduct
3	Manager makes changes to rostering without consulting staff which affects the pre-school and school obligations of some staff.	D & MAP	Manager is following procedures correctly and proactively managing staff member. Manager may have to escalate the matter to HR/PSU for advice
4	Staff member jokes about the work abilities of other cultures at work and is derogatory about 'greenies'	H D	Ask manager to liaise with staff about workplace changes and ask for a review of time frames so they can adjust their after work commitments. - may be counter to Family/carer provisions
5	Male staff member who makes reference to female staff members as 'his girls' and stares lewdly at them	H MAP	Request manager's behaviour to stop. Take notes of incidents to demonstrate pattern and report to senior manager and/or lodge a grievance
6	A long serving staff member takes a personal dislike to a new staff member and begins a campaign of criticism and exclusion against a staff member such not inviting them to staff lunches. The other staff don't want to 'get involved' and stay away from the new staff member	B & MAP	Tell staff member comments about other cultures are discriminatory and against the Code. Other comments may also be discriminatory and/or bullying. Ask the member stop making remarks. If it continues document and report to manager.
7	Tania and Rosie work next to each other. Tania is fond of talking about herself and her children. Tania doesn't wash up her dishes at lunch because she says she does enough washing up at home. Rosie has no children and is not interested in constantly listening to Tania who she feels is dominating about her opinions. She is also very fastidious in about hygiene and often washes Tania's dishes	H MAP	Against values of the RFS - if you are witnessing the bullying tell long term staff member you will not participate in bullying of new staff member. If it continues seek the support of the manager
8	Personal example Manager makes changes to rostering and no consultation took place	D MAP	Manager to speak and communicate to staff and ensure everyone is aware of the change.

Module 2 Learning Outcomes

Satisfactory       Unsatisfactory

### Module 3 Ethical Decision Making/ Breaches & Sanctions

**Learning Outcomes:**

By the end of Module 3 participants will:

- Formulate an ethical decision making framework for resolving conflicts of interest and apply them to scenarios
- Ensure the ethical decision making framework incorporate appropriate behaviour and relations with the public, suppliers and business contacts
- Know the broad framework for reporting misconduct and corruption.

**Ethical Decision Making/Sanctions for Breaches Chapters 2, 11 & 12 of the Code**

- a. What questions do we ask to make ethical decisions?
- b. Who is a public official?
- c. What happens when unethical decision making is undertaken? Using the flow charts follow the basic outline of misconduct and corruption including sections from the ICAC Act
- d. Complete all activities

**Key learning points, questions and practice activities for completion**

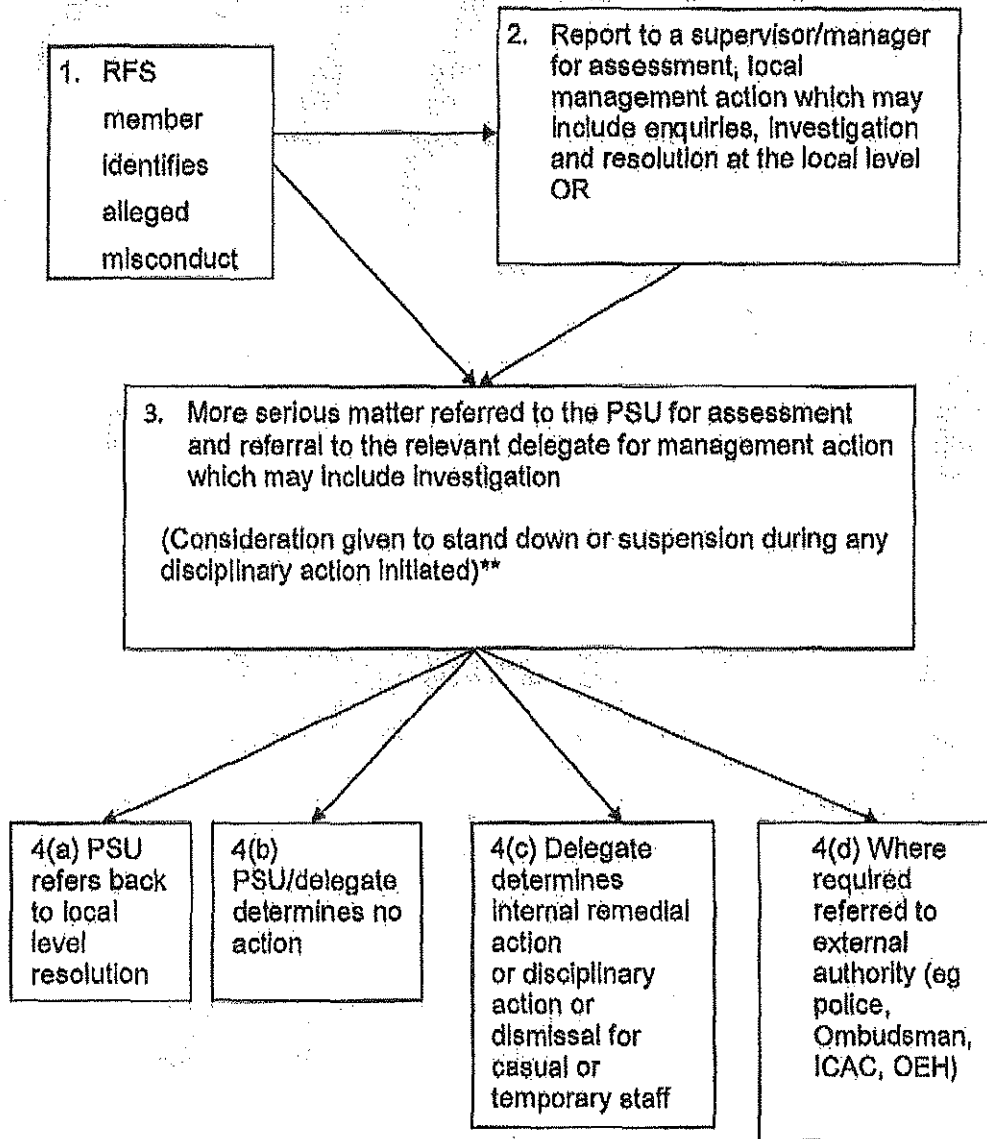
What questions might you ask yourself when making ethical decisions? (Refer to Chapter 2 of the Code)

Is it lawful  
constant with government policies.  
What will the outcomes be?  
Do these outcomes raise a conflict.  
Can the decision of conduct be justify ✓  
Can it be justified and withstand  
public scrutiny



**What happens when an unethical decision results in misconduct or corruption?  
Follow the flow charts for misconduct and corruption**

Overview of Procedures for Reporting Misconduct /Breaches of Discipline\*



\*Refer to SS1.1.2 Discipline for volunteers & PSEMA Act 2002 (also refer to GEB 2013) for staff members

\*\*SS 1.1.21 Stand down/Removal and Notification of Criminal Charges relates to volunteers, Clause 27 of PSEMR 2009 for staff members.

**Extract from the *Public Sector and Employment & Management Act 2002***

Below is an overview of disciplinary action and remedial action

**42 Definitions**

(1) In this Part:

"disciplinary action", in relation to an officer, means any one or more of the following:

- (a) dismissal from the Public Service,
- (b) directing the officer to resign, or to be allowed to resign, from the Public Service within a specified time,
- (c) if the officer is on probation-annulment of the officer's appointment,
- (d) except in the case of a senior executive officer-reduction of the officer's salary or demotion to a lower position in the Public Service,
- (e) the imposition of a fine,
- (f) a caution or reprimand.

"misconduct" -see section 43.

"procedural guidelines" means the guidelines in force from time to time under section 44.

"remedial action", in relation to an officer, means any one or more of the following:

- (a) counselling,
- (b) training and development,
- (c) monitoring the officer's conduct or performance,
- (d) implementing a performance improvement plan,
- (e) the issuing of a warning to the officer that certain conduct is unacceptable or that the officer's performance is not satisfactory,
- (f) transferring the officer to another position in the Public Service that does not involve a reduction of salary or demotion to a lower position,
- (g) any other action of a similar nature.

(2) In this Part, a reference to an allegation that an officer may have engaged in misconduct includes a reference to the appropriate Department Head being made aware, or becoming aware, by any means that the officer may have engaged in misconduct

Below is an overview of unsatisfactory performance and misconduct extracted from the *Government Sector Employment Bill 2013*

**68 Unsatisfactory performance of government sector employees**

- (1) The government sector employment rules may deal with the procedural requirements for dealing with unsatisfactory performance (consistently with procedural fairness).
- (2) If the performance of an employee of a government sector agency is determined to be unsatisfactory in accordance with those rules, the head of the agency may (without limitation on relevant action) take any of the following actions:
- (a) terminate the employment of the employee (after giving the employee an opportunity to resign),
  - (b) reduce the remuneration payable to the employee,
  - (c) reduce the classification or grade of the employee,
  - (d) assign the employee to a different role.

**69 Misconduct—Public Service and other prescribed government sector employees**

(1) In this section:

*government sector agency* means:

- (a) a Public Service agency, and
- (b) any other government sector agency prescribed by the regulations for the purposes of this section.

*misconduct* extends to the following:

- (a) a contravention of this Act or an instrument made under this Act,
- (b) taking any detrimental action (within the meaning of the *Public Interest Disclosures Act 1994*) against a person that is substantially in reprisal for the person making a public interest disclosure within the meaning of that Act,
- (c) taking any action against another employee of a government sector agency that is substantially in reprisal for a disclosure made by that employee of the alleged misconduct of the employee taking that action. The subject matter of any misconduct by an employee may relate to an incident or conduct that happened while the employee was not on duty or before his or her employment.

*serious offence* means an offence punishable by imprisonment for 12 months or more.

(2) The head of a government sector agency is responsible for dealing with any misconduct by employees of the agency (or any conviction for a serious offence by any such employee) in accordance with this section.

(3) The government sector employment rules may deal with the following:

- (a) misconduct by employees of government sector agencies or the conviction of any such employees for a serious offence,

(b) the procedural requirements for dealing with allegations of misconduct by employees of government sector agencies (consistently with procedural fairness).

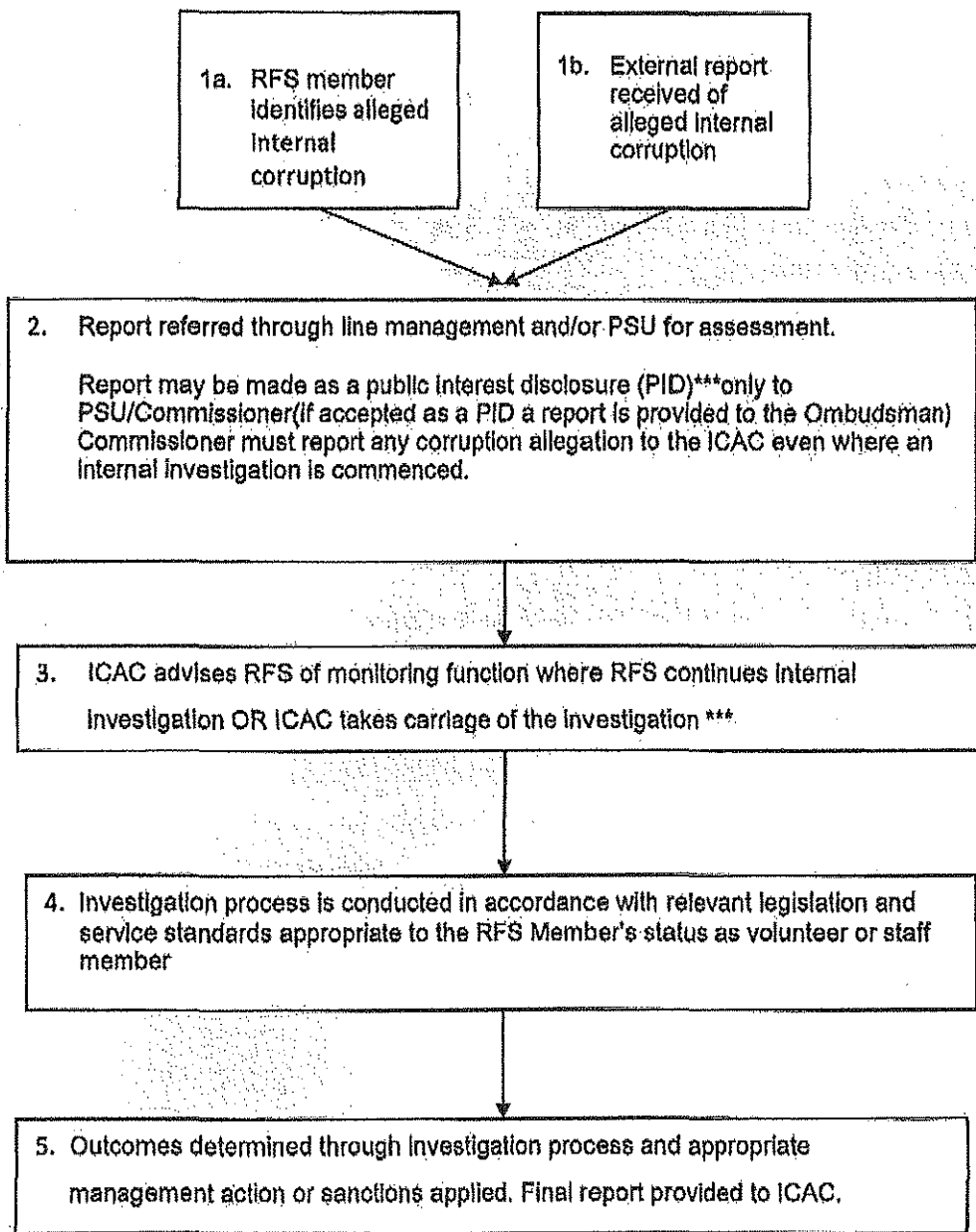
(4) If, in accordance with those rules, there is a finding of misconduct by an employee of a government sector agency or any such employee is found to have been convicted of a serious offence, the head of the agency may take any of the following actions:

- (a) terminate the employment of the employee (without giving the employee an opportunity to resign),
- (b) terminate the employment of the employee (after giving the employee an opportunity to resign),
- (c) impose a fine on the employee (which may be deducted from the remuneration payable to the employee),
- (d) reduce the remuneration payable to the employee,
- (e) reduce the classification or grade of the employee,
- (f) assign the employee to a different role,
- (g) caution or reprimand the employee.

(5) Proceedings and actions under this section may be taken or continued despite the employee resigning or otherwise ceasing to be an employee of the agency concerned. Any such action may be expressed to be a termination of employment even if the person has ceased to be an employee.

(6) This section does not apply to any employees of a government sector agency who are excluded by the regulations.

Overview of Procedures for Reporting Corruption\*



\* ICAC Act 1988

\*\* PID ACT1994 for all RFS members - request for confidentiality when reporting an allegation of significant corruption, maladministration etc

\*\*\*Refer to SS1.1.2 Discipline for volunteers & PSEMA 2002 (GEB 2013) for staff members & SS 1.1.21 Stand down/Removal and Notification of Criminal Charges relates to volunteers, Clause 27 of PSEMR 2009 for staff members



Extracts from *The Independent Commission Against Corruption Act 1988, NSW*

Below are some definitions of Public Officials under the ICAC Act? Can you see where you might fit in the definitions?

**S3 Definitions**

"public official" means an individual having public official functions or acting in a public official capacity, and includes any of the following:

- (a) the Governor (whether or not acting with the advice of the Executive Council),
- (b) a person appointed to an office by the Governor,
- (c) a Minister of the Crown, a member of the Executive Council or a Parliamentary Secretary,
- (d) a member of the Legislative Council or of the Legislative Assembly,
- (e) a person employed by the President of the Legislative Council or the Speaker of the Legislative Assembly or both,
- (f) a judge, a magistrate or the holder of any other judicial office (whether exercising judicial, ministerial or other functions),
- (g) an officer or temporary employee of the Public Service or the Teaching Service,
- (h) an individual who constitutes or is a member of a public authority,
- (i) a person in the service of the Crown or of a public authority,
- (j) an individual entitled to be reimbursed expenses, from a fund of which an account mentioned in paragraph (d) of the definition of "public authority" is kept, of attending meetings or carrying out the business of any body constituted by an Act,
- (k) a member of the NSW Police Force,
- (k1) an accredited certifier within the meaning of the Environmental Planning and Assessment Act 1979
- (l) the holder of an office declared by the regulations to be an office within this definition,
- (m) an employee of or any person otherwise engaged by or acting for or on behalf of, or in the place of, or as deputy or delegate of, a public authority or any person or body described in any of the foregoing paragraphs.

S8 of the ICAC Act provides guidance on the types of conduct that constitutes corruption.

**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.

\*\*\*

S9 of the ICAC Act offers some guidance in determining the limitations of corrupt conduct

**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.

ICAC has many examples of corruption involving conflicts of interest . They can be found on the their website <http://www.icac.nsw.gov.au/investigations/past-investigations>

1. Name two RFS positions you might initially report a breach of the Code/corruption.

~~Commissioner~~ PSU / Manager ✓

2. What is a public interest disclosure?

Seek name suppression / Confidential  
when report significant maladministration  
or corruption. ✓

3. Who in the RFS would you make a public interest disclosure to?

PSU Commissioner ✓

4. What are five questions you might ask yourself to determine if something is unlawful/corrupt?

Is there a conflict of interest.  
" " " breach " the code  
" " dishonesty.  
" " breach of public trust ✓  
" " criminality  
" " intent.

5. What do you understand by 'early intervention' in relation to unsatisfactory performance/misconduct/corruption?

Training / Workshops / Discussions to increase  
awareness and understanding of expectations  
of members so that decision making is informed.  
and actions increasingly likely to comply  
with Policies / Laws

Module 3 Learning Outcomes	
<input checked="" type="checkbox"/> Satisfactory	<input type="checkbox"/> Unsatisfactory

## Module 4 Conflicts of Interest

### Learning Outcomes:

By the end of Module 4 participants will:

- Identify the broad categories of conflicts of interest
- Recognise the factors which cause conflicts of interest to occur
- Formulate an ethical decision making framework for resolving conflicts of interest and apply them to scenarios

### Conflicts of Interest Chapter 4 of the Code

- a. In upholding values and responsibilities at work we may come across situations where we need to make an ethical decision making. One of largest areas of ethical decision making in the workplace is around conflicts of interest. Discuss
- the meaning of a conflict of interest and define it in your own words
  - identify and consolidate understanding of different types of conflicts of interest (actual, perceived, potential, and pecuniary/non pecuniary)
  - Describe the types of conflicts of interest which you have or may encounter in your workplace?
  - Is a conflict of interest bad? Why or why not?
  - Complete a *Conflicts of Interest Declaration Form*
- b. Complete the ethical decision making scenario

### Key learning points, questions and practice activities for completion

In your own words what do you think a *conflict of interest* means?

A personal interest could conflict, or be reasonably seen to conflict with the impartial performance of our official duties.

Conflicts of interest may be either *pecuniary* or *non pecuniary*. They may occur in the following circumstances:

Actual	Perceived	Potential
Where a personal interest is happening <i>now</i> and influences the way you carry out your official duties	Where a personal interest is <i>perceived by someone else</i> to influence the way you carry out your official duties	Where a personal interest in your personal life has the <i>potential in the future</i> to influence the way you carry out your official duties



Tick the correct boxes in each scenario related to the character in bold and capitals to demonstrate you can identify the conflict of interest.

1. **BRUNO** works in Infrastructure procurement. Bruno is in a position to allocate resources for incidents in districts. Julius owns a motel in a district location managed by Trevor, Bruno's brother. Although very reasonably priced Julius is not given any work even during the last S44 when staff and volunteers were required to travel considerable distances each day from accommodation in other towns. Bruno and Trevor claim Julius does not provide good client service. Julius's son punched Trevor's child at school and knocked out his tooth. Julius refused to pay the dentist bills.

- Actual conflict of interest      AND       Pecuniary Interest  
 Potential conflict of interest       Non-Pecuniary Interest  
 Perceived conflict of interest

2. Dan works for SMSS. **RAJ** is working in Infrastructure fleet services. While chatting to Dan one day, Raj mentions he is looking for some casual work. Dan says that he owns a lawn mowing business. Dan offers Raj bit of work on weekends. Raj agrees. A few months go by and everything is working out OK and business is booming. Raj rings Dan and says he cannot do mowing every weekend because his wife may need the car to take the kids to sport. Dan suggests Raj could 'borrow' a work vehicle sometimes.

- Actual conflict of interest      AND       Pecuniary Interest  
 Potential conflict of interest       Non-Pecuniary Interest  
 Perceived conflict of interest

3. **ORLANDO** works in Infrastructure. He has a lot to do with tendering processes for new machinery. He is very good friends with Frodo, an employee of one of the companies tendering for a RFS contract. He often enjoys a quiet meal and drink with Frodo on a Friday night. They take turns in paying for the night out. A rival bidder has seen Orlando and Frodo on several occasions and it looks as though Frodo is paying for the meals. The company Frodo works for wins the tender.

- Actual conflict of interest      AND       Pecuniary Interest  
 Potential conflict of interest       Non-Pecuniary Interest  
 Perceived conflict of interest

4. Sierra works with Leone in Infrastructure. They are also volunteers. Leone has confided in Sierra that she has taken out an AVO against Greg, her partner who is in the same brigade. The AVO includes their children. Greg was also charged with assault against Donna and looking at child pornography on the Internet. Sierra tells Leone that **IVAN**, the manager has to be told. Leone says 'I don't have to ... Greg and Ivan are mates ... Ivan probably already knows and nothing will be happen!'

- Actual conflict of interest      AND       Pecuniary Interest  
 Potential conflict of interest       Non-Pecuniary Interest  
 Perceived conflict of interest





Complete the Conflict of Interest Declaration for your conflict of interest example or one of the examples provided on pp24 - 25

### NSW RFS Conflict of Interest Declaration Form

To be completed by all Salaried Staff Members, Contractors and Temporary Employees and their supervisor/manager with a copy retained on the personal file.

Surname: JOE Given Name: OBIE

Position: IT

Serial Number: \_\_\_\_\_ District/Region/HQ Section: \_\_\_\_\_

Details of the Identified Conflict of Interest, the actual or potential impact on RFS role/duties and proposed action to manage the conflict of interest:

I have a conflict with the software I'm working on as I have notice gaps and I'm thinking about developing additional software to fill those gaps and starting my own company.  
*how would you manage it*

The conflict of interest is identified as a:

(Please tick the appropriate boxes)

- |  |     |  |
|--|-----|--|
| <input type="checkbox"/> Actual conflict of interest               | AND | <input checked="" type="checkbox"/> Pecuniary interest |
| <input checked="" type="checkbox"/> Potential conflict of interest |     | <input type="checkbox"/> Non-Pecuniary interest        |
| <input type="checkbox"/> Perceived conflict of interest            |     |  |

I hereby declare that the above details are correct to the best of my knowledge and I make this Conflicts of Interest Declaration in good faith.

I understand that I have a responsibility to disclose and manage this declared conflict of interest as outlined above in consultation with my supervisor/manager and appropriately self manage situations or events that may arise in the course of my duties.

I understand I must advise my supervisor/manager immediately where any aspect above alters or changes, or where the conflict escalates.

Signature: [Signature] Date: \_\_\_\_\_

Forward this form to your Supervisor/Manager within five working days.



**CONFLICTS OF INTEREST DECLARATION  
& MANAGEMENT STRATEGY  
REVIEW ACTION TO BE COMPLETED BY MANAGER**  
Assessment of Declared Conflict of Interest:

Have all aspects of the conflict of interest and role/duty been adequately assessed?

Yes  No

If No detail additional issues:

Discussed issue with the manager ~~and~~ Creditors  
not solved as ~~the~~ existing creditors are in place  
for the goods & services

*Note all Declarations and/or Conflicts of Interests must be registered and retained at the local level and a copy of the Declaration placed on the Staff Member's personal file.*

Strategies for Consideration:

These following six (6) management strategy options should be considered by Supervisor/Managers in view of the declared conflict of interest and in consultation with the Staff Member involved.

1. **Register the Private Interest/Conflict & Monitor Only** - When an actual, perceived or potential conflict of interest is declared and upon declaration it is assessed as having no immediate or direct impact on RFS duty, it must be registered and assessed at the local level. Further monitoring should be undertaken on an annual basis or where any circumstances alter within the private interest or the RFS duty. **NB: All declarations must be registered.**
2. **Restrict** - When restrictions are placed on the NSW RFS member's involvement in the private interest creating the conflict of interest issues or where restrictions are placed on RFS duties that interact with the private interest. This may involve limited or substantial restrictions being implemented as deemed appropriate, where there is an adverse impact on the Staff Member's RFS duties/functionality. Suitable for when the conflict of interest is not likely to arise frequently and where the member can effectively be separated from the relevant parts of the private/RFS activity or process.
3. **Recruit** - When an impartial third party is used to oversee part or all of the processes (whether RFS duty or private interests) that deals with the matter. Suitable for when it is not feasible or desirable for the NSW RFS member to remove themselves from RFS functionality and/or decision-making process, for example in small or isolated communities where their particular expertise cannot be easily replaced.
4. **Remove** - When the NSW RFS member chooses to remove themselves completely from any RFS duty/matter that directly conflicts (or could be reasonably be seen to conflict) with the private interest. Suitable for ongoing and/or significant conflicts of interest, where restriction or additional recruitment of others does not negate/protect the interests of the RFS and Staff member.





**REVIEW ACTION TO BE COMPLETED BY MANAGER**  
Strategies Continued:

- 5. **Relinquish** – When the Staff member relinquishes the private interest that is creating the conflict. This is suitable where the member's commitment to public duty outweighs the attachment to the private interest.
- 6. **Resign** – Where the conflict of interest is extreme and cannot be reasonably managed in any capacity whilst a staff member remains in RFS employment. Suitable only where no other management strategies/options are viable, where the NSW RFS member cannot or will not relinquish conflicting private interests or where they prefer this course as a matter of personal principle.

Where Managers consider the registering of the conflict of interest alone is not sufficient to appropriately minimise the risks involved due to the complexity and/or seriousness of the issue, one of the additional options must be applied:

**DETAILS OF PROPOSED STRATEGY TO MANAGE THE CONFLICT OF INTEREST:**

All Declared and Identified Conflicts of Interest must be registered, retained, managed and reviewed at the local Management level.

- |  |  |
|--|--|
| <input type="checkbox"/> Register Only         | <input checked="" type="checkbox"/> Restrict |
| <input type="checkbox"/> Recruit               | <input checked="" type="checkbox"/> Remove   |
| <input checked="" type="checkbox"/> Relinquish | <input type="checkbox"/> Resign              |

Details of the proposed strategy and/or remedial options to be applied: (attach additional pages if required)

Removed email from having any influence  
in the process ✓

- Copy of form given to NSW RFS member
- Copy of form retained at local level and a copy placed on personal file
- Entered into Conflict of Interest Register
- Review Date: \_\_\_\_\_

Signature (Manager) \_\_\_\_\_

Print Name: \_\_\_\_\_ Date \_\_\_\_\_

A report should be provided to the line Director of all registered Conflicts of Interest within any management area on a six (6) monthly basis

The ethical decision making framework may assist you to resolve ethical problems in your workplace

<p><b>1. Can you identify a conflict?</b>  <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Describe the conflict in the scenario provided</b></p> <p>Ensure you identify the conflict from the scenario</p> <p>You should also identify whether it is an actual/perceived/potential financial/non financial conflict of interest.</p>	<p><b>2. Is/Could the decision or conduct be a breach of the Code and/or unlawful/corrupt? Tick the boxes you think apply and give reasons for your decision.</b></p> <p>Can you identify:</p> <p><input type="checkbox"/> A breach of the Code sufficient to warrant disciplinary action/dismissal? Write the relevant sections of the Code</p> <p><input type="checkbox"/> Dishonesty?</p> <p><input type="checkbox"/> A breach of public trust in the RFS and would the conduct withstand public scrutiny? (ie misuse of resources, information, decision making etc)</p> <p><input type="checkbox"/> A criminal offence? Or other legislative breach?</p> <p>Is/could there be:  <input type="checkbox"/> intent <input type="checkbox"/> a mistake, <input type="checkbox"/> negligence?</p> <p>Don't forget where you tick a box to give reasons</p>
<p><b>3. What will be the outcomes be for the RFS member; work colleagues and other parties if the RFS member continues?</b></p> <p>The outcomes depend on answers to sections (2) which will determine whether the matter is</p> <p><input type="checkbox"/> referred for local enquiries, remedial action investigation and resolution</p> <p><input type="checkbox"/> referred to PSU for investigation (resulting in remedial or disciplinary action)  AND</p> <p><input type="checkbox"/> referred to an external agency eg <input type="checkbox"/> ICAC, <input type="checkbox"/> OEH, <input type="checkbox"/> WHS, <input type="checkbox"/> police, <input type="checkbox"/> other</p>	<p><b>4. What decision or course of action should the RFS member/manager take or have taken?</b></p> <p>By working through the ethical framework you should come to a solution that may avoid a breach. If you are a manager you should identify procedures and/or 'systems' to prevent it happening at the time, or in the future</p> <p>Action by Member</p> <p>Action by Manager</p>

Apply the ethical decision making framework to the following scenario about Jed

Jed works for the RFS. He has the use of an RFS car for work purposes. He is returning from a meeting when he receives a call from his wife saying she can't collect the kids from school. He diverts the car to pick his kids up from school and drops them home, collecting some groceries on the way. He drives back to work.

<p><b>1. Can you identify a conflict? <input checked="" type="checkbox"/> Yes Provide details</b></p> <p>The request by Jed's wife that Jed pick their kids up from school which requires him to take time from work and use the RFS vehicle.</p>	<p><b>2. Is/Could the decision or conduct be a breach of the Code and/or unlawful/corrupt? Tick the boxes you think apply and give reasons for your decision.</b></p> <ul style="list-style-type: none"> <li>• Chs 1, 2, 3, 4 &amp; 7 SS 1.1.7 and P 1.1.3 Conflict of interest related to misuse of RFS resources being paid to work, claiming work while attending to personal matters and not declaring it</li> </ul> <p><input checked="" type="checkbox"/> Dishonest – Jed didn't tell his supervisor his conflict and subsequent movements</p> <p><input checked="" type="checkbox"/> Breach of public trust in the RFS– Use of time, (vehicle?, fuel?) for purposes other than work.</p> <p><input checked="" type="checkbox"/> Criminal – theft of resources but minor employment matter under the Code</p> <p><input checked="" type="checkbox"/> Question whether it is a mistake rather than intentional</p>
<p><b>3. What will be the outcomes be for the RFS member; work colleagues and other parties if the RFS member continues?</b></p> <p><input checked="" type="checkbox"/> referred for local enquiries, remedial action investigation and resolution</p> <p><input checked="" type="checkbox"/> referred to PSU for advice, investigation, remedial action or disciplinary action The matters are serious enough to warrant advice from PSU as it ticks enough boxes for corruption if it is considered intentional action</p>	<p><b>4. What decision or course of action should the RFS member/manager take or have taken?</b></p> <p>Action by member: Jed should contact his supervisor and seek support to manage the conflict – Think about permission use the vehicle declaration/payment? Use of the kilometres and petrol should he go shopping? Why should Jed do this? Think of the 'what if? What if Jed had an accident with the children in the car and he didn't have permission? Workers comp, WHS etc?</p> <p>Action by manager: Ensure staff are aware of obligations around use of vehicles and RFS resources in general. Discuss at staff meetings and document minutes</p>

OBIE.

Apply the ethical decision making framework to a conflict of interest you previously described (p25) or choose an example from pp24-25

<p>1. Can you identify a conflict of interest?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                  Provide details</p> <p><i>Use of car without managers approval.</i></p>	<p>2. Is/Could the decision or conduct be a breach of the Code and/or unlawful/corrupt? Tick the boxes you think apply and give reasons for your decision.</p> <p>Can you identify:</p> <p><input checked="" type="checkbox"/> A breach of the Code sufficient to warrant disciplinary action/dismissal? Write the relevant sections of the Code  <i>Corporate information</i></p> <p><input checked="" type="checkbox"/> Dishonesty? <i>not discussed with manager</i></p> <p><input checked="" type="checkbox"/> A breach of public trust in the RFS and would the conduct withstand public scrutiny? (ie misuse of resources, information, decision making etc)  <i>Misuse of information and its availability in a fair &amp; equitable way</i></p> <p><input type="checkbox"/> A criminal offence? Or other legislative breach?</p> <p>Is/could there be:  <input checked="" type="checkbox"/> intent <input checked="" type="checkbox"/> a mistake. <input type="checkbox"/> negligence? <i>encouraged to submit tender</i></p> <p>Don't forget where you tick a box to give reasons</p>
<p>3. What will be the outcomes be for the RFS member and work colleagues and other parties if the RFS member continues?</p> <p><input checked="" type="checkbox"/> referred for local enquiries, remedial action investigation and resolution</p> <p><input type="checkbox"/> referred to PSU for investigation (resulting in remedial or disciplinary action)                  AND</p> <p><input type="checkbox"/> referred to an external agency eg <input checked="" type="checkbox"/> ICAC, <input type="checkbox"/> OEH, <input type="checkbox"/> WHS, <input type="checkbox"/> police, , <input type="checkbox"/> other</p>	<p>4. What decision or course of action should the RFS member/manager take or have taken?</p> <p>Action by member <i>Not disclosed / information</i></p> <p><i>John Hacking</i></p> <p>Action by manager <i>investigate and reported to DSI</i></p>

Module 4 Learning Outcomes

Satisfactory  Unsatisfactory



**Module 5 Gifts & Benefits or When is a gift a Trojan horse?**

**Learning Outcomes:**

By the end of Module 5 participants will:

- Recognise the difference between a token, non token gifts & benefits and bribes
- Apply the ethical decision making process to resolving gifts and benefits scenarios
- Recognise, know where to locate and how to complete a gifts and benefits declaration form

**Gifts & Benefits or When is a gift a Trojan horse? (for staff members only unless otherwise requested) Chapter 5 of the Code and P1.1.4 Gifts and Benefits**

- a. Discuss the meaning of a gift, types of gifts and distinguish them from a bribe?
- b. Complete all activities 1 – 4
- c. Complete the Gifts & Benefits Declaration

**Key learning points, questions and practice activities for completion**

In your own words write what you understand the term 'gift' to mean?

A gift is something given with no financial return.

In groups refer to the Code and relevant policies to answer the four activities below

1. Complete the table below by placing ✓ Accept not declare; ✓✓ Accept and declare; ✗ Not accept and declare; Other? Below:

	Type of Gift	Token	Ceremonial	Thanks Gratitude	Non token	Influence	Bribe
a	Presentation of a plaque from a Bhutanese delegation						
b	Baseball cap from a contractor with company logo	✓ NP	✓ NP				✓ NP
c	Coffee, tea, scones and a key ring when attending a sponsorship function			NP ✓			✓ NP
d	Lunch with client to discuss a tender process	✓ NP					✓ NP

- 2. Stan has submitted an application to be a supplier for the RFS. He deals with SOPHIE during the application process. For Xmas Stan invites Sophie to a Xmas lunch with other stakeholders and gives her a box of chocolate and a bottle of champagne which she shares with everyone in the office.

Which sections of the Code (and other policies) should Sophie consider?

5.3 & 5.4 - 5.6  
3.5

- 3. OMAR is employed in Infrastructure Services. He is sent to a seminar to report back about a new emergency services program. Lunch is provided and there is also a lucky door prize - an iPad, which Omar wins. Omar makes a positive report about the program.

Which sections of the Code and other policies should Omar think about?

5.3 should have been declared.  
3.5

- 4. POLLY works in Infrastructure. Polly is about to do the office lunch run using one of the fleet cars and suggests 'Fast Fowl Food'. Amos says 'Go to Chicken on the Run instead. If they see you in uniform they'll give you a meal at half price.'

Which sections of the Code should Polly consider?

Section 7.  
5.2 - Conflict of Interest  
5.11 - Motor Vehicle Policy  
3.5

ICAC has many examples of corruption involving gifts and benefits . They can be found on the their website <http://www.icac.nsw.gov.au/investigations/past-investigations>



Complete the Gifts & Benefits Register for Omar  
Gifts and Benefits Register Declaration Form

BOB OMAR

I, BOB OMAR, declare that I was offered a gift or benefit as set out below.

Description of the gift or benefit:

Lunch and iPad

Approximate value of gift: \$500.00

1. Did you accept the gift or benefit? Yes/No

*If you answered yes, go to question 2. If you answered no, go to question 3.*

2. Please state the reason why you accepted the gift or benefit.

- Refusal would have caused offence or embarrassment.
- The gift or benefit was received in the course of duty AND relates to the work of the NSW Rural Fire Service, (refer to Policy P1.1.4 Gifts and Benefits).
- The gift or benefit is a token gift or benefit (refer to Policy P1.1.4 Gifts and Benefits).

**Please note:**

*If the gift or benefit was a token gift or benefit, you may retain the item however you must still complete this form. If the gift or benefit was more than a token gift or benefit, the item is the property of The NSW Rural Fire Service and must be handed over to your manager together with this completed form.*

3. Please state the following details of the person who offered the gift or benefit:

Name of Donator: CHOB BTL

Organisation CHOB B

Contact details [REDACTED]

Date & Time Offered: 27/9/18

Place: HOMEBUSH.

Signature: [Signature] Date 27/9/18

Print Name: BOB OMAR

TO BE COMPLETED BY MANAGER

Action taken

- Non token gift or benefit approved to be kept by recipient
- Used for the ultimate benefit of the NSW RFS
- Donated to \_\_\_\_\_
- Auctioned and proceeds donated to \_\_\_\_\_
- Non token gift or benefit returned to the Donator
- Other - details Item returned

Please provide relevant details of your decision here:

Clear details of your decision  
"IMAR ~~is~~ item removed & returned to  
the company with a nice letter"

- Copy of form given to NSW RFS member
- Copy of form placed on file
- Copy of form given to Regional Manager (District Manager's use only)

Signature (Manager) \_\_\_\_\_  
Print Name: B. VE Date 27/9/13

TO BE COMPLETED BY DIRECTOR

Action taken

- Entered into Gifts and Benefits Register

Signature (Director) \_\_\_\_\_  
Print Name: Roger Date 28/9/13

Module 5 Learning Outcomes	
<input checked="" type="checkbox"/> Satisfactory	<input type="checkbox"/> Unsatisfactory



### Module 6 Corporate and Personal Information

**Learning Outcomes:**  
By the end of Module 6 participants will:

- Be familiar with the meaning of confidential information
- Be aware of the value of making some information confidential
- Know how to apply the ethical decision making process to resolving scenarios about confidentiality
- Know obligations about confidentiality even when no longer working for the RFS
- Have knowledge of the related policies around confidential information

**Corporate and Personal Information Chapter 6 of the Code**

- What sort of confidential information is stored by RFS?
- Why is it important to keep certain information confidential?
- Apart from the SOP 1.1.7 what other SSs, policies or legislation might apply to confidential records?
- What are the limits of confidentiality?
- Who should you contact if you have concerns about handling confidential matter?
- What are your obligations about confidential information once you have left employment with the RFS?
- Apply the ethical decision making framework to complete the scenario

**Key learning points, questions and practice activities for completion**

List 4 reasons why confidentiality is important.

- Embarrassment
- Personal Risk
- Job Security
- Trust

What are the limits of confidentiality?

Are Court matters, GIPPA Applications  
Policy 1.1.14, SS 1.1.26

What are your obligations about confidential information once you have left employment with the RFS?

AS ABOVE } Not to release any information  
obtained during your time within  
RFS }  
Must report any corruption

Apply the ethical decision making framework to the following scenario

**The best gossip ever**

Fabio and Jennifer work together in the RFS. They were an item for a while but Jennifer unceremoniously dropped Fabio because she wanted to pursue her career. Jennifer applied for a prestigious overseas government position and was successful. She will be leaving the RFS in one month.

What might do you have when that person left the Service

NEV works in Infrastructure and is a friend of Fabio. They are also volunteers together. Nev hears from his friend Grayling in Operations, who heard from Paris, a reliable source in Records, about a serious misconduct matter involving Jennifer when she was a junior officer. The investigation resulted in a senior executive officer being dismissed.

Nev knows Fabio is angry with Jennifer. Nev tells Fabio about the misconduct matter to cheer him up. Fabio puts the information on his Facebook page as well as personal information about his relationship with Jennifer.

Fabio's Facebook comments go viral and end up in a daily newspaper. The Government has had some unsavoury press recently related to corrupt conduct of some of its Ministers and public servants. This information adds support to a campaign against the Government's integrity to hold office.

Although the RFS has briefed the government agency about the matter during their recruitment process, after the newspaper article, Jennifer is contacted and told she no longer has the position.

Apply the ethical decision making framework to the following scenario for Nev

<p><b>1. Can you identify a conflict of interest?</b>  <input type="checkbox"/> Yes <input type="checkbox"/> No <b>Provide details</b></p> <p><i>Support of friend          duty of Confidentiality          Personal Info          Breach of Code</i></p>	<p><b>2. Is/Could the decision or conduct be a breach of the Code and/or unlawful/corrupt? Tick the boxes you think apply and give reasons for your decision.</b></p> <p>Can you identify:</p> <p><input checked="" type="checkbox"/> Breach of the Code sufficient to warrant disciplinary action/dismissal? Write the relevant sections of the Code  <i>CP6 Conflict of interest</i></p> <p><input type="checkbox"/> Dishonesty? <i>not disclosed/discussed with manager</i></p> <p><input checked="" type="checkbox"/> A breach of public trust in the RFS and would the conduct withstand public scrutiny? (ie misuse of resources, information, decision making etc)  <i>PIPA Breach in trust of the org</i></p> <p><input checked="" type="checkbox"/> A criminal offence? Or other legislative breach?  <i>Privacy Act</i></p> <p>Is/could there be <input type="checkbox"/> intent <input type="checkbox"/> a mistake, <input checked="" type="checkbox"/> negligence?</p> <p>Don't forget where you tick a box to give reasons</p>
<p><b>3. What will be the outcomes be for the RFS member and work colleagues and other parties if the RFS member continues?</b></p> <p><input checked="" type="checkbox"/> referred for local enquiries, remedial action investigation and resolution</p> <p><input type="checkbox"/> referred to PSU for advice, investigation (resulting in remedial or disciplinary action) AND</p> <p><input type="checkbox"/> referred to an external agency eg <input type="checkbox"/> ICAC, <input type="checkbox"/> OEH, <input type="checkbox"/> WHS, <input type="checkbox"/> police. . <input type="checkbox"/> other</p>	<p><b>4. What decision or course of action should the RFS member/manager take or have taken?</b></p> <p>Action by member  <i>declare the information with manager</i></p> <p>Action by manager  <i>approve concealing and deplatforming</i></p>

**Module 6 Learning Outcomes**

Satisfactory  Unsatisfactory

### Module 7 Use of RFS Resources

**Learning Outcomes:**

By the end of Module 7 participants will:

- Understand their responsibilities when using RFS resources
- Know some of the related policies regarding NSW resources
- Apply the ethical decision making framework to resolve scenarios about RFS resources

**Use of NSW RFS Resources Chapter 7 of SS 1.1.7**

a. What are public resources of the RFS?

b. Complete the activities

**Key learning points, questions and practice activities for completion**

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Discuss in groups and write answers when it is appropriate to use the following RFS resources

	Activity	Identify Type of resource(s)	Is it appropriate to use the resource(s) for the activities? Give reasons for your 'Yes' or 'No' response
1	Alan is retiring soon. He is taking a sick leave day every week. When at work he takes regular, long smoko breaks.	TIME	Compling with award. ✓
2	Polly uses the pool car and goes in her uniform to Chickens on the Run to order lunch	CAR	No Against Policy.
3	Eric uses his corporate credit card to pay for his mobile phone account and buy some groceries which he offers to pay back during the monthly return	CARD	No " "
4	Davo does internet research in his lunch hour for his upcoming 40 <sup>th</sup> and prints out venues, invitations and catering	COMPUTER	No " "
5	Todd has casual employment and gives his work number and e-mail address for contact purposes	SECOND EMPLOYMENT	YES ONLY IF APPROVED
6	Lucille often has her tea at her desk before she goes to her evening Spanish course	TIME	YES/NO IS SHE WORKING ✓
7	Bart from SAP Services offers his friend Margot personal e-mail addresses of staff so Margot can distribute promotional materials to them about her new business	C.I.	No Confidential Information ✓
8	½ price tickets offered to you for a football match by showing your RFS ID	RFS	No Using RFS in the wrong way!
9	Please provide your own example PSU Staff asking Procurement if its ok to use a hire vehicle for personal use	RFS	No. The vehicle is provided to Staff member for work. if used could be a precieved Conflict of Interest. PSU member should have known!

Module 7 Learning Outcomes

Satisfactory       Unsatisfactory



## Module 8 Other Employment or Business

**Learning Outcomes:**

By the end of Module 8 participants will:

- Be familiar with the procedures required to be declared when requesting secondary employment
- Know the requirements for completing an application requesting secondary employment

**Other Employment or Business (for staff members only unless otherwise requested) Chapter 8 of SS1.1.7**

- a. What procedures do you think that the RFS requires of staff members requesting to do secondary employment? Refer to Chapter 8 of the Code
- b. Complete the secondary employment form

**Key learning points, questions and practice activities for completion**

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To            **Manager**

From         **Oble**

Subject      **Request for Other Employment**

Date

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**Request to undertake other employment working in my IT business**

I am currently employed full time with the NSW RFS. I am working in Infrastructure. My work hours are 9 am – 5 pm.

**Details of Secondary employment**

I am applying to do some work after hours.

Thank you  
Oble

*Your application is incomplete - refer to the Chapter 8 of the Code and ensure you address all criteria required in the Code and resubmit  
A Manager*

To Manager  
 From Oble  
 Subject Request for Other Employment  
 Date \_\_\_\_\_

ISSUE: Request for approval to undertake other (secondary) employment

BACKGROUND

I am currently employed as a full/part time with the RFS. I am working in Infrastructure. My work hours are 9-5 and I am located at Homebush.

I am seeking approval to engage in other employment as a cleaner at Company/Business name etc ABC Cleaning.

COMMENT

Details of Secondary employment

1. The work does not arise from, interfere with or involve a conflict of interest with my RFS official duties (Provide the location of employer/business, times you will be undertaking employment/work, and type of work/activities you will be doing )

The work is only conducted during Saturdays and will not affect my main employment.

2. I also agree that:

- a. No RFS resources including Intellectual Property will be used in undertaking the other employment
- b. Arrangements will not be varied without further application.

I confirm the above information is true and accurate and now seek your approval.

[Signature]  
Signature

15/9/11  
Date

JOHN HACKING  
Print Name

Send onto your supervisor/manager for approval

Module 8 Learning Outcomes	
<input checked="" type="checkbox"/> Satisfactory	<input type="checkbox"/> Unsatisfactory

## Module 9 Alcohol and Other Drugs

### Learning Outcomes:

By the end of Module 9 participants will:

- Know obligations and procedures related to the sale and consumption of alcohol on RFS premises
- Answer a series of questions demonstrating knowledge of their obligations and responsibilities around the sale, service and consumption of alcohol on RFS premises

### Alcohol and other drugs Chapter 9 of SS 1.1.7

- a. Read through Chapter 9 of the Code and discuss understanding of the obligations related to sale and consumption of alcohol on RFS buildings
- b. Complete the ethical decision making model
- c. Complete the short quiz
- d. Complete all activities

### Key learning points, questions and practice activities for completion

Apply the ethical decision making framework to the following scenario

*Sally, an inspector supervises Dean and Sam. Sally liaised with Bob their manager, to be the responsible person for a sponsorship function. Towards the end of the night Sally leaves the function to celebrate Sam's 40<sup>th</sup> being held at the local brigade. They have a big night.*

*On the way to work the next morning Dean is driving the RFS vehicle and is pulled over for a breath test. He registers Mid Range PCA. He is taken to the police station for further testing where the Mid Range reading is confirmed.*

*Dean contacts Sam to pick him. They both arrive at work bleary eyed. Sally is sitting at her desk with her head in her hands and when they walk in she says "My head is pounding – I told Bob I was coming down with a cold". Dean tells Sally about the MRPCA*

*Sam starts to work but suddenly feels dizzy. Sally asks him if he is OK. Sam responds that he is a bit tired. For lunch they go and have a few 'reviver' drinks. After lunch Sam returns to work but again feels dizzy. He stumbles falls backwards and hits his head on a sharp object. He is bleeding badly. Sally and Dean rush Sam to the nearest hospital. They have to wait for a long time in the emergency ward. Bob drives over to the hospital in time to hear Sam being asked if he had any alcohol or drugs in the past 24 hours. This question is necessary for the purposes of administering medication. Sam says 'Yes' to both and also prescription drugs for diabetes. Sam is given a blood test. It reveals he is just below Low Range PCA but he has a reading for an illegal substance. Dean then tells Bob he received a MRPCA.*

Apply the ethical decision making framework to the following scenario for Sally

<p>1. Can you identify a conflict of interest?  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Provide details</p> <p><i>drinking on duty of an RFS premises driving RFS vehicle use of a vehicle in private life affecting your duties.</i></p>	<p>2. Is/Could the decision or conduct be a breach of the Code and/or unlawful/corrupt? Tick the boxes you think apply and give reasons for your decision.</p> <p>Can you identify:</p> <p><input checked="" type="checkbox"/> A breach of the Code sufficient to warrant disciplinary action/dismissal? Write the relevant sections of the Code  <i>CH 9.3. 9.6 9.7. 9.8</i></p> <p><input checked="" type="checkbox"/> Dishonesty? <i>left early drinks diabetes didn't mention Sally</i></p> <p><input checked="" type="checkbox"/> A breach of public trust in the RFS and would the conduct withstand public scrutiny? (ie misuse of resources, information, decision making etc)  <i>Time (use of vehicle) ✓</i></p> <p><input type="checkbox"/> A criminal offence? Or other legislative breach?  <i>WHS Act - Duty of Care.</i></p> <p>is/could there be <input type="checkbox"/> intent <input type="checkbox"/> a mistake, <input checked="" type="checkbox"/> negligence?</p> <p>Don't forget where you tick a box to give reasons</p>
<p>3. What will be the outcomes be for the RFS member and work colleagues and other parties if the RFS member continues?</p> <p><input checked="" type="checkbox"/> referred for local enquiries, remedial action investigation and resolution</p> <p><input type="checkbox"/> referred to PSU for investigation (resulting in remedial or disciplinary action) AND</p> <p><input type="checkbox"/> referred to an external agency eg <input type="checkbox"/> ICAC, <input type="checkbox"/> OEH, <input checked="" type="checkbox"/> WHS, <input type="checkbox"/> police, <input type="checkbox"/> other</p> <p><i>WORK COVER</i></p>	<p>4. What decision or course of action should the RFS member/manager take or have taken?</p> <p>Action by member  <i>conciliation / rehab. Encouraging</i></p> <p>Action by manager  <i>Performance Manage Planning / disciplinary action.</i></p>

Module 9 Learning Outcomes

Satisfactory  Unsatisfactory

### Module 10 Public Comment on the work of the NSW RFS

**Learning Outcomes:**

By the end of Module 10 participants will:

- Understand the meaning of public comment
- Understand when it is appropriate to make public comment
- Know the mediums for making public comment

**Public Comment Chapter 10 of SS1.1.7**

- a. What does the term 'public comment' mean?
- b. What forms can public comment take?
- c. *Is it ever OK to make public comment about the RFS?* Using the example and reference to Chapter 10 complete the answer
- d. Is it OK to make public comment after you leave the RFS?
- e. Tick OK or not OK in the correct box in the list of public comments

**Key learning points, questions and practice activities for completion**

What does the term 'public comment' mean?

disclosure of Public Information (RFS) into the public spaces.

What forms can public comment take?

Public Speaking      letters  
Radio                      Newspapers  
Television  
Internet websites

Is it OK to make public comment about the RFS after you leave the RFS employment?

No, if you do you should make reference as a private individual.



The following cases highlight the importance of RFS members applying restraint when using social media:

Courts recognise that an employer has the right to discipline employees for conduct outside of working hours, if such misconduct:

- is likely to cause serious damage to the relationship between the employer and employee;
- damages the employer's business interests; or
- is incompatible with the employee's duty as an employee.

This general principle has been referred to in cases involving employees, after having been incensed by their employer's actions, venting their anguish through social media.

Cases include:

- *Dover-Ray v Real Insurance Pty Ltd*: Employee posted a particularly scornful blog entry on her MySpace page after the conclusion of a workplace investigation into her allegations of sexual harassment. She labelled her employer "witch hunters" and accused it of "chasing dollars over safety". The failure to remove the blog entry after a request by the employer was found by FWA to be a valid reason for termination.
- *O'Keefe v Williams Muir's Pty Limited*: Employee posted a Facebook status littered with profanities directed at his employer's payroll staff for paying him an incorrect sum of wages. FWA found that "while it is accepted that the applicant was frustrated by his unresolved pay issues, the manner in which he ultimately dealt with the issue warranted his dismissal for misconduct." i.e. O'Keefe failed to utilise all internal avenues or seek assistance from the Fairwork Ombudsman before resorting to Facebook. FWA noted the separation between home and work is less pronounced than it once was and employees should take note of this when using social media

Social media has also been adopted by employers as a rich source of evidence gathering to be used against employees for allegations of misconduct.

For example:

- *Dekort v Johns River Tavern*[7]: Employee applied for sick leave early in the new year of 2010. The employee was dismissed after his boss found a photograph from a Facebook page showing the employee participating in New Year's Eve Celebrations when he had claimed he was on sick leave. FWA dismissed the employee's unfair dismissal application on the basis that the application had no prospect of success.

#### Do privacy settings protect the employee?

Courts have held that social media interaction is not private interaction and that privacy settings do not provide users legal protection against employer action.

In *Fitzgerald v Smith*, Commissioner Blissett stated:

*"What might previously have been a grumble about their employer over a coffee or drinks with friends has turned into a posting on a website that, in some cases, may be seen by an unlimited number of people. Posting comments about an employer on a website (Facebook) that can be seen by an uncontrollable number of people is no longer a private matter but a public comment."*

#### What constitutes misconduct through Social Media misuse?

Based on Court decisions to date and outlined in examples above, the question of misconduct and whether dismissal is unfair depends entirely on the specific facts of the case. It is a question of degree as to whether an employee's misuse of social media gives

rise to a valid reason for dismissal.

Additional factors, not relating to the actual social media misuse, may affect the outcome of a dispute, such as:

- the employer's actions subsequent to discovering the misconduct
- the employee's record of service
- the nature of the employee's complaint
- whether the disciplinary measure taken by the employer is proportionate to the misconduct and
- whether the employer has communicated its social media policy to the employee.

**Related issues**

As further food for thought apart from dismissal around harsh, unjust or unreasonable, the following areas of laws may be directly relevant to social media use:

- WHS laws bullying by employer (failing to investigate cyber bullying) or adverse treatment of an employee because the employee has made a complaint over a social media platform regarding a workplace right
- Equal employment opportunity and anti-discrimination laws (employer discriminating against potential employee or existing employees based on social media content);
- Defamation laws (current or ex-employees defaming the employer through social media publications) and
- Providing adequate training in codes of conduct and practices and monitoring of workplace social media sites.

When is it appropriate to make public comment as RFS staff member?

Only you should only make comment  
about RFS within your area of expertise  
only if outside that development  
control area

When authority has been given.  
evidence in court . ✓  
• delegated  
• court  
• legal

In the following table ✓ when it is 'OK' or 'Not OK' to make public comment

	Incident	OK	Not OK
1	Commissioner speaks to the media about a fire hazard reduction burning	✓	
2	Discuss with friends at a busy restaurant where savings could be made in the RFS such as sacking some of senior management		✓
3	Updates your Facebook page <i>RFS Community Strong</i> with official information about the RFS and include personal opinions and photos about elderly drivers being dangerous drivers		✓
4	Explain your role as an Infrastructure officer to your in laws	✓	
5	Attend court in full uniform to give character support to a friend charged with child pornography matters and answer questions about the RFS policy on child related activities within the RFS		✓
6	Ring up a talk back radio program and discuss where the RFS could do a better job in bushfires		✓
7	During discussions with a contractor about a tender process give your opinion about the RFS policy on Alcohol & Other Drugs in the workplace		✓
8	Write a letter to the local newspaper asserting that the cost of aviation services is excessive and there should be more recruitment of local volunteers		✓
9	Criticising on twitter the performance of other government sector agencies involved in S44s on twitter		✓
10	Your example All of the above 2, 3, 5, 6, 7, 8, 9 ✓ or if you are unsure of the answer refer to someone that knows.		

Module 10 Learning Outcomes	
<input type="checkbox"/> Satisfactory	<input type="checkbox"/> Unsatisfactory