

PARLIMENTARY JOINT COMMITTEE ON THE AUSTRALIAN COMMISSION FOR LAW  
ENFORCEMENT INTEGRITY

EXPORT FINANCE AND INSURANCE CORPORATION

**The Committee asked the following written question on notice on 6 September 2012**

Question: Please provide a copy of your employee Code(s) of Conduct.

**The answer to the Committee's question is as follows:**



**Issued by: HR**

**Last reviewed: January 2012**

## Objectives

To outline the obligations and responsibilities of all employees employed by EFIC.

To ensure employees demonstrate a high standard of conduct and perform their duties in an efficient and prudent manner.

## General responsibility

In their employment, employees 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 officials<sup>1</sup> or accepting undisclosed benefits for or from any third party;
- Not pursue personal interests which may conflict with EFIC's interests; and
- Comply with applicable Australian laws and EFIC's policies, procedures and guidelines as amended from time to time.

## Financial and other private interests

### a. Official duty and private interest

Employees must make a declaration to EFIC if their private interests (financial or other) may, or may be perceived to, conflict with EFIC's interests.

Some examples of situations which must be declared are where an employee:

- Holds a position of influence in connection with a company or an organisation which is a supplier to EFIC or which has applied to EFIC for a financial facility;
- Holds shares in, or is a member of, a company or an organisation that is a supplier to EFIC or which has applied to EFIC for a financial facility.

In addition, any employee who has had a prior dealing or association (direct or indirect) with an organisation which could be seen to influence his or her impartiality, should offer, in writing, to exclude themselves from EFIC dealings with the relevant organisation in question.

All EFIC employees are expected to be familiar with the *Code of Conduct* as amended from time to time. In addition, the employee must inform EFIC of every actual or potential conflict of interest of which he or she becomes aware.

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

Declarations in connection with conflicts of interest must be given to Managing Director. In the case of the Managing Director, the obligation is to report to the EFIC Board.

The obligation extends to interests, of which the employee is aware, including the employee's immediate family.

#### **b. Acceptance of gifts and entertainment**

There is a general recognition within EFIC that the receipt of hospitality or entertainment, and to a limited extent gifts, is acceptable provided that proper disclosure is made and appropriate ethical and related policies and guidelines are followed.

EFIC employees should make a diary note of any gift, hospitality or entertainment received in connection with their employment and then notify their Manager that they have accepted the gift, hospitality or entertainment. For the purposes of this policy, gifts may include travel and or accommodation provided by a host in connection with a conference.

Employees are to seek approval from the Board Secretary of any gift, hospitality or entertainment received which exceeds **AUD \$300.00** in value. This amount may be increased at any time at the discretion of the Executive. The Executive will decide whether gifts will be kept by the employee, handed over to EFIC or returned to the giver.

In accepting any gift, hospitality or entertainment, the employee should consider the motivation for the offer and the value of the benefit being provided. Acceptance of gifts, hospitality or entertainment will **NOT** usually be appropriate if the company or person making the gift or offer of hospitality or entertainment are involved in a tender process with EFIC, either for the procurement of goods and services or sale of assets, or the subject of a decision within the discretionary power or substantial influence of the EFIC employee concerned. If the employee considers that the motivation could reasonably fall into any of the above categories, then that employee should have regard to EFIC's Anti-Corruption Policy and related anti-bribery procedures and should immediately seek advice from both their Manager and EFIC's legal department.

#### **c. Inducements**

Employees should not accept inducements that may, or may be seen to, influence them in the performance of their official duties. The Managing Director must be promptly advised of any attempt to improperly influence the employee.

#### **d. Outside employment**

An EFIC employee who wishes to engage in any outside employment or voluntary positions which may impact adversely upon his/her employment with EFIC, is required to obtain prior written approval from the Chief Operating Officer or General Manager. Appointments in this case include appointment as Non Executive Directors to Boards.

### **Fraud control program**

Employees have a responsibility to make themselves aware of, and comply with, EFIC's *Fraud Control Program* (the document to which is available on the EFIC Intranet) as in force from time to time.

### **Use of information**

#### **a. Confidential records**

Employees are required to respect the confidentiality of, and keep secret, any information or documentation concerning EFIC and EFIC's clients to which they have access as a result of their employment with EFIC.

Employees must not use information or records for any improper purpose, and should take all steps to safeguard the confidentiality of confidential information and documentation.

## EFIC Code of Conduct

Employees are obliged to observe the secrecy provisions of Section 87 of the *Export Finance and Insurance Corporation Act, 1991 Cth* as in force from time to time. If employees have difficulty interpreting the Act, they should contact the Legal Department.

Employees are also obliged to honour the confidentiality provisions of the EFIC Act even after they cease to be employed by EFIC.

Details of the confidentiality obligations of employees are set out in the *Confidentiality Policy*, which is available on the EFIC Intranet. Employees must familiarise themselves with the *Confidentiality Policy* as in force from time to time.

### b. Intellectual property

EFIC retains ownership of all specific knowledge, documentation, processes and technologies developed by an employee in the performance of his/her duties.

### c. Public comment

Unless an employee has been nominated by EFIC Management as a spokesperson, an employee should decline to make public comment on any issues relating to EFIC business, EFIC's clients, or employment with EFIC.

## Use of EFIC computers

Employees may use EFIC's computer equipment for EFIC business or limited personal use which is not in conflict with EFIC's interests.

Employees must abide by EFIC's *Corporate Information Security Policy* and the *Information Security Charter* (which are available on the Intranet) as in force from time to time.

## Political activity

### Comments on political matters

Employees should not make any comment on political matters in their capacity as EFIC employees.

## Personal behaviour

### a. Duty of care

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

### b. Performance of duties

Employees are required to perform his/her job diligently and to the best of the employee's ability, and accept reasonable direction from their manager.

Employees must exercise due care in the use of all EFIC property, in order to minimise potential risk of loss or damage.

### c. Use of facilities for private purposes

EFIC allows employees reasonable access to EFIC's facilities for private purposes provided this does not conflict with their job responsibilities or with EFIC's interests.

Employees are expected not to misuse this privilege and should obtain prior approval from their Manager for any extended or extraordinary use of EFIC facilities.

### d. Professional conduct

EFIC employees 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.

#### **EFIC Code of Conduct**

The Corporation's commitments to its clients are outlined in the Service Charter and all employees should contribute to the achievement of these commitments.

### **Sanction**

Failure to follow the Code of Conduct may result in disciplinary action and/or dismissal.