

Integrity policy

For consultation only: Proposed amended policy

Policy statement

The Government, the sectors we regulate and the NSW communities we serve have a legitimate expectation that Hospitality and Racing employees meet necessary standards of personal integrity.

This Integrity Policy details how we strive to ensure our people meet the integrity standards required by the legislation we administer.

Purpose and principles

The key requirements of this policy apply to all employees and future employees (and contractors engaged for greater than three months), assigned to positions within the Hospitality and Racing establishment, who are inspectors¹ or designated Public Service employees under the *Gaming and Liquor Administration Act 2007* (GALA Act). The Deputy Secretary may elect to apply this policy to a consultant.

However, as NSW public servants, **all employees** are required to always behave ethically and in the public interest, and to comply with the Department of Creative Industries, Tourism, Hospitality and Sport (DCITHS) [Code of Ethics and Conduct for NSW Government Sector Employees](#) (the Code) and its [related documents](#), irrespective of whether they are an inspector or designated Public Service employee.

Importantly, **all employees** must immediately report to the Secretary if they have been charged with, or convicted of, a serious offence (clause 9 of the *Government Sector Employment Regulation 2014* (GSE Regulation)) or any offence which may impact their ability to undertake part or all of the inherent requirements of their role (clause 5.2 of the Code), or become bankrupt or made a composition, arrangement or assignment for the benefit of their creditors (clause 10 of the GSE Regulation).

In practice, such reports should be made directly to the employee's manager and the Associate Director Business Partnering & Advisory (People & Capability), who will escalate the report appropriately.

The purpose of this policy is to set:

- controls which address identified integrity risks particular to Hospitality and Racing;

¹ Being a person appointed under section 20 of the *Gaming and Liquor Administration Act 2007*; a person may be appointed under that Act but assigned to a Department position that is not titled 'inspector'.

- the requirement for certain employees to hold and maintain a positive probity clearance;
- rules for the methods and use of probity screening results;
- the responsibilities and rights of persons to which this policy applies, and to those administering it; and
- governance arrangements that protect privacy and procedural fairness.

This policy is underpinned by the following principles:

- probity determinations are to be conducted with transparency, procedural fairness and in an equitable manner, with minimal intrusion and in the absence of bias or assumptions.
- we recognise different positions attract different degrees of integrity risk, which is reflected in the identification of positions to which the policy applies.
- privacy and protection of personal information are critical – the strictest controls in accordance with the Government’s privacy obligations concerning the dissemination, use, retention and disposal of personal information apply.

Key terms in this policy are defined at Appendix 2.

This policy must be read in conjunction with the Department’s Employment Screening Policy.

Integrity risks for Hospitality and Racing

Hospitality and Racing’s core purpose is to enable and support industry to reduce harms while developing responsibly in step with community expectations.

In addition to integrity risks common to all public sector agencies, and to regulatory bodies in particular, Hospitality and Racing attracts specific risks due to the influence and economic importance of the sectors we regulate (which employ close to 500,000 people).

This heightened risk profile is compounded by the cycling of employees between Hospitality and Racing and the sectors we regulate.

The two primary integrity risks which arise from these factors are regulatory capture and unmitigated (or insufficiently mitigated) conflicts of interests.

Figure 1 illustrates the sectors regulated by or related to the work of Hospitality and Racing.

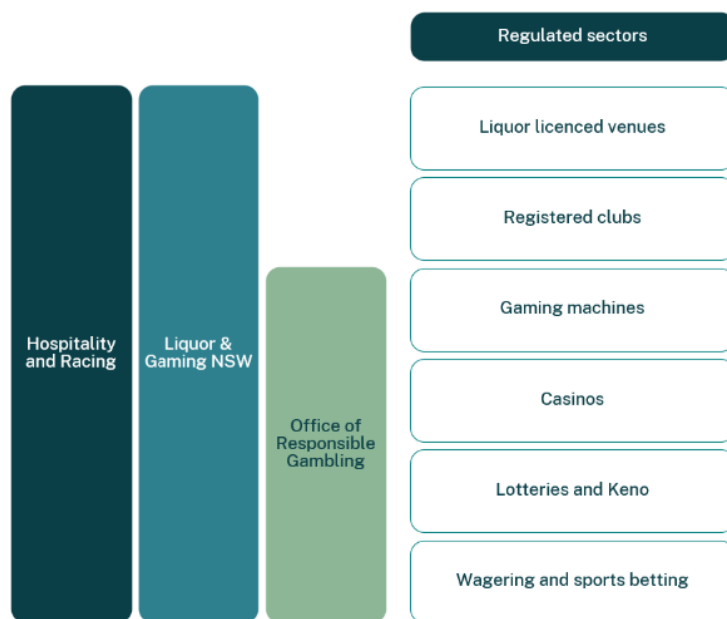


Figure 1: Mapping the regulated sectors

Key requirements

Legislation

The legislative basis for this policy is set out at Appendix 1. Key legislative provisions, coupled with delegation of the Secretary's authority to the Deputy Secretary, empower the Deputy Secretary to:

- designate Public Service employees, and the subsequent requirement that they possess the highest standard of integrity;
- determine whether a person possesses the highest standard of integrity;
- cause any probity screening activities to be carried out that the Deputy Secretary considers necessary, and obtain and consider a report from the Commissioner of Police; and
- establish guidelines that deal with the conduct of probity screening activities.

Other key legislative provisions relevant to this policy include:

- Certain persons (see clause 2(ii)) are not eligible to be appointed to, or to hold, an affected position unless they possess the highest standard of integrity.
- If a subject person fails to co-operate with probity screening activities or intentionally fails to disclose relevant information, they are not eligible to be appointed (for recruitment candidates) or are liable to be removed from an affected position (for employees).
- Failure to cooperate includes refusing or failing to comply with a request for information or consent from the Commissioner of Police or a request for information from the person conducting probity screening activities.

Policy

1. Guidelines on the conduct of probity investigations

- (i) In satisfaction of section 14(5) of the GALA Act, this policy and the DCITHS Employment Screening Policy are the guidelines for the conduct of investigations or inquiries (probity inquiry) to determine whether persons subject to the integrity requirements of that Act possess the highest standard of integrity.

2. Requirement to possess the highest standard of integrity

Legislative requirement

- LR01. Certain persons engaged in the administration of gaming and liquor legislation are required to possess the highest standard of integrity under section 14(2) of the GALA Act.
- LR02. The question of whether certain persons possess the highest standard of integrity is determined by the Deputy Secretary under section 14(3)(c) of the GALA Act and delegation of the Secretary.
- LR03. Persons appointed as **inspectors** under the GALA Act, and **designated Public Service employees**, are subject to the requirements under section 14(2) of the GALA Act.

- (i) For the purposes of this policy and the Department's Employment Screening Policy, persons covered by clauses 2.1 and 2.2 are collectively referred to as 'designated employees'.

Consultation note: Instruments will be developed after the policy amendments are approved, post-consultation. In the meantime, click [here](#) to peruse Registers 1, 2 and 3 – if the position you are currently assigned to is listed in **Schedule 1** of any register, it is proposed that the position will be captured by the relevant instrument once the policy amendments are approved; if the position is listed in **Schedule 2** of any register, it indicates that the position is captured by a current instrument, but is proposed to **not** be once the policy amendments are approved.

2.1. Inspectors

- (i) Inspectors appointed under section 20 of the GALA Act are subject to the requirement to possess the highest standard of integrity under section 14(2) of the GALA Act.
- (ii) See Instrument 1 for the Order appointing all persons assigned to a position listed in Schedule 1 of that Instrument as inspectors under section 20 of the GALA Act.
- (iii) Register 1 (Inspectors Register) is the single source for the current list of persons appointed as inspectors under section 20 of the GALA Act.

2.2. Designation of Public Service employees

- (i) Section 14 of the GALA Act also provides for other Public Service employees to be designated as subject to the requirement to possess the highest standard of integrity under section 14(2). Designation of Public Service employees for the purposes of section 14(1)(b) of the GALA Act is aligned to the selection of positions with:
 - a high level of direct contact with regulated entities and/or access to sensitive information;
 - significant decision-making responsibilities or influence over decision making (internal or Government);
 - fewer levels of approval above the position;
 - supervisory responsibilities for positions with significant decision-making responsibilities or access to sensitive information; and/or
 - responsibility for controls (including financial controls and delegations generally).
- (ii) See Instrument 2 Part A for the written designation by the Deputy Secretary under section 14(1)(b) of the GALA Act and delegation of the Secretary, of all persons assigned to a position listed in Schedule 1 of Instrument 2 Part A
- (iii) See Instrument 2 Part B for the written designation by the Secretary under s14(1)(b) of the GALA Act of the person assigned to the Deputy Secretary position.
 - (a) Register 2 (Designated Public Service Employees Register) is the single source for the current list of designated persons under section 14(1)(b) of the GALA Act.
 - (b) All persons designated by Instrument 2 receive notification of same and Schedule 1 of Instrument 2 Part A is published on the Hospitality and Racing intranet site.
 - (c) Where a position is added or removed from Schedule 1 of Instrument 2 Part A, any person assigned to that position will be notified.

- (d) All persons designated by Instrument 2 are subject to the requirement to possess the highest standard of integrity under section 14(2) of the GALA Act.
- (e) Designation applies for the duration of a person's assignment to any position (and any subsequent assignment to another position) listed in Schedule 1 of Instrument 2 Part A, including temporary assignments for an anticipated period of six months or greater.
- (f) All references to recruitment candidates and employees in this policy hereafter is a reference only to a person so designated by Instrument 1 or 2 ('designated employee').
- (iv) The Department's People & Capability team is responsible for determining whether employees are to be assigned (temporarily, or subsequently) to a position listed in Schedule 1 of Instrument 2 Part A and subsequently giving those employees notice of same and initiating probity screening in accordance with clause 5.

2.2.2. Withdrawal of prior designation of Public Service employees

- (i) All prior designations made under section 14(1)(b) of the GALA Act are withdrawn on the commencement date of version 5.0 of this policy.

3. Key officials

Legislative requirement

- LR04. The GALA Act restricts key officials from certain employment activities (including paid or unpaid positions) or other business interests within the gaming and liquor sectors. The same restrictions apply to former key officials for two years (for Public Service senior executive) or six months (for Public Service employees) after ceasing to be a key official.
- LR05. In addition, the *Casino Control Act 1992* prohibits key officials from gambling in a casino, including for 12 months upon ceasing to be a key official. For full details see Appendix 3.

3.1. Appointment of key officials

Legislative requirement

- LR06. Under the GALA Act the Deputy Secretary (under delegation of the Secretary) may appoint a Public Service employee as a key official by written Order.

- (i) See Instrument 3 Part A for the Deputy Secretary's Order made under section 3(1)(d1) of the GALA Act, appointing the employees assigned to the positions listed in Schedule 1 of that instrument as key officials.
- (ii) See Instrument 3 Part B for the Secretary's Order made under section 3(1)(d1) of the GALA Act, appointing the person assigned to the Deputy Secretary position as a key official.
- (iii) Schedule 1 to Register 3 (Key Officials Register) lists the positions to which assignees should be appointed key officials. The Key Officials Register is the single source of reference to current and former key officials.

- (iv) Where a position is added or removed from Schedule 1 to Instrument 3, any person assigned to that position will be notified.
- (v) Future employees who are assigned to positions listed at Schedule 1 to Register 3 will be served written notice of an Order once a positive probity determination is made.
- (vi) For the purposes of clause 3.1, assignment to a position means ongoing or temporary for a period greater than six months (continuous or cumulative within a two year period).
- (vii) The Deputy Secretary's approval is required to engage a contractor in any position designated a key official position; where granted, engagement must not exceed six months.

3.2. Offences

Legislative requirement

- LR07. Under section 16(1)(c) of the GALA Act, a key official or former key official must not, without approval, solicit employment (in any capacity) from, or be an employee (in any capacity) of, a gaming or liquor licensee, a person known by the former key official to be a close associate of such a licensee, or a gaming or liquor industry peak body.
- LR08. A key official or former key official may request approval to carry out the activities set out in LR07 in writing to the Deputy Secretary.
- LR09. The Deputy Secretary may grant an approval under section 16(2B) of the GALA Act and delegation of the Secretary if the Deputy Secretary is satisfied that the carrying out of the activity does not (or is unlikely to) involve any undue risk that is inconsistent with the objects of the GALA Act.
- LR10. Approvals granted must be recorded and made available for public inspection under section 16(3) of the GALA Act (see Register 2: Key Officials Approvals Register).

4. Requirement to have and maintain a positive probity clearance

- (i) Persons designated as subject to the integrity requirements of section 14 of the GALA Act (by Instrument 1) – 'designated employees' – are required to have and maintain a positive probity clearance at any given time those persons are current employees.

4.1. Condition of engagement

- (i) Pursuant to section 54 of the *Government Sector Employment Act 2013* (GSE Act) and rule 8 of the *Government Sector Employment (General) Rules 2014*, from the commencement date of version 5.0 of this policy it is a condition of engagement for future employees that are assigned to positions listed in Schedule A to Instrument 1 to have and maintain a positive probity clearance.

4.2. Non-cooperation with probity screening

Legislative requirement

In accordance with section 14(7) of the GALA Act –

- LR11. If a recruitment candidate fails to cooperate with probity screening activities, they are not eligible to be appointed to the position.
- LR12. If an employee fails to cooperate with probity screening activities, they are liable to be removed from their position.

In accordance with section 14(8) and 14(9) of the GALA Act –

- LR13. No compensation is payable as a consequence of a recruitment candidate becoming ineligible to be appointed to a position or an employee being removed from their position under section 14(7) of the GALA Act, if the recruitment candidate or employee refuses or fails to comply with a request for:
- information from the person conducting probity screening (including a probity screening service provider);
 - information from the Commissioner of Police in relation to the preparation of a report on disclosable criminal history; or
 - consent.

5. Determining whether a person possesses the highest standard of integrity

- (i) The Deputy Secretary determines whether an employee or recruitment candidate possesses the highest standard of integrity (a probity determination) under section 14(3)(c) of the GALA Act and delegation of the Secretary.
- (ii) The following sub-clauses set out how probity determinations are made under this policy.

5.1. New positions and changes to position scope and dimension

- (i) The policy owner's determination of whether a position should be added to, retained within, or removed from Schedule 1 or Schedule 2 must be sought:
 - (a) where material changes are made to any position within the Hospitality and Racing establishment (whether vacant or otherwise); or
 - (b) where a new role is created within the Hospitality and Racing establishment.
- (ii) It is the responsibility of the manager of the new or amended position to seek the policy owner's determination.
- (iii) The manager of the new or amended position is responsible for coordinating implementation of the policy owner's determination with People & Capability.

5.2. Prospective inspectors

- (i) Prospective inspectors will not be given the statutory designation of inspector until the Deputy Secretary has made a final probity determination that results in a positive probity clearance.

5.3. Employee probity screening

Legislative requirement

- LR14. Clause 9 of the *Government Sector Employment Regulation 2014* (GSE Regulation) requires an employee who is charged with, or convicted of, a serious offence to immediately report that fact in writing to the Secretary.
- LR15. Clause 9 of the GSE Regulation also requires the manager of an employee who has reason to believe that the employee has been charged with, or convicted of, a serious offence, and has not reported the matter to the Secretary, to immediately report that fact in writing to the Secretary.
- LR16. Clause 10 of the GSE Regulation requires an employee who becomes bankrupt or who makes a composition, arrangement or assignment for the benefit of the employee's creditors, to immediately notify the Secretary in writing of the bankruptcy, composition, arrangement or assignment.
- LR17. Section 69(1) of the GSE Act defines misconduct, which includes a conviction or finding of guilt for a serious offence.

Additional requirements

The Department's [Code of Ethics and Conduct](#) requires an employee to report to the Department the fact of being charged, convicted or found guilty of a serious offence or *any offence which may impact an employee's ability to undertake part or all of the inherent requirements of their role* (italicised to emphasise additional requirements to the GSE Regulation).

In practice, that report should be made directly to the person's manager and Associate Director Business Partnering & Advisory (People & Capability), who will escalate the report appropriately in satisfaction of the Code of Ethics and Conduct.

- (i) Administration and management of probity screening (including the provision of probity reports to the Integrity Panel and implementing actions arising, such as notification of outcomes and maintenance of Register 1, 2 and 3) for Hospitality and Racing employees and recruitment candidates is the responsibility of the Talent Partnering team (People & Capability).

5.3.1. Periodic re-screening

- (i) Results from probity screening activities are only valid at the point in time they are conducted. It is necessary to routinely re-screen designated employees at appropriate intervals to mitigate the risks of undisclosed personal integrity concerns between initial screening and re-screening.
- (ii) Employees who are appointed as inspectors will undergo probity re-screening every two years and those designated under section 14(1)(b) of the GALA Act will undergo re-screening no less than every three years.
- (iii) Re-screening only applies to dynamic probity screening activities; that is, those where results may change over time. Static probity screening activities, such as where the bona fides of a qualification have already been determined, will not be subject to re-screening.

5.3.2. Triggered re-determination

- (i) Except in circumstances described at clause 5.3.2(ii) and (iii), where a designated employee experiences any significant change in personal circumstances that could reasonably

change their most recent probity determination in ordinary circumstances, the question of whether the employee possesses the highest standard of integrity under section 14(3)(c) of the GALA Act must be re-determined.

- (a) Employees are to notify their manager and Associate Director Business Partnering & Advisory (People & Capability) at the time of occurrence.
- (b) Where the change in circumstance is identified or observed by a person other than the relevant employee, that person must notify the manager of the relevant employee and Associate Director Business Partnering & Advisory (People & Capability) at the time of occurrence.
- (c) The Integrity Panel will determine whether re-screening is necessary and appropriate and will in any event re-determine the employee's probity.
- (ii) Where a designated employee is charged with a serious offence (or any offence which may impact an employee's ability to undertake part or all of the inherent requirements of their role), the Integrity Panel and the Department's Ethics & Integrity team (People & Capability) must be notified by the employee's manager and the Associate Director Business Partnering & Advisory (People & Capability).
 - (a) The employee's integrity is not re-determined based on a charge alone.
 - (b) If the employee is convicted or found guilty of the serious offence, they will be investigated for misconduct by virtue of section 69(1)(d) of the GSE Act.
 - (c) The procedures for alleged misconduct are managed by the Department's Ethics & Integrity team (People & Capability), under the direction of the Secretary.
- (iii) Where the Secretary or their delegate makes a misconduct finding against a designated employee, the question of whether the employee possesses the highest standard of integrity under section 14(3)(c) of the GALA Act must be re-determined following that decision.
 - (a) Clause 5.3.2 applies to ongoing subsequent assignment, and temporary assignment where the period of assignment is expected to be greater than six months.
 - (b) In circumstances where the Secretary proposes to make a finding of misconduct against an employee and subsequently issues a 'show cause' notice, that notice will also deal with the question of whether the employee possesses the highest standard of integrity under section 14(3)(c) of the GALA Act.
 - (c) When the Secretary or their delegate makes a final decision on a proposed misconduct finding, they will also decide whether the employee possesses the highest standard of integrity under section 14(3)(c) of the GALA Act.
 - (d) For the avoidance of doubt, where clause 5.3.2(iii) applies, clause 5.4 does not apply to the determination of the employee's integrity.

5.4. Probity determinations

- (i) The Integrity Panel will consider evidence arising from probity screening to assess whether a recruitment candidate or designated employee meets the standard of integrity required under section 14(3)(c) of the GALA Act, and subsequently make a recommendation to the Deputy Secretary to issue a positive probity clearance or propose not to (a 'negative probity clearance').
- (ii) The Deputy Secretary will consider the Integrity Panel's recommendation and make a probity determination resulting in either a positive probity clearance or a proposed negative probity clearance.
- (iii) The Talent Partnering team (People & Capability) will give written notice to a recruitment candidate or designated employee (copied to their supervisor) if the Deputy Secretary's

probity determination is a positive probity clearance, setting out any conditions and validity period (see clause 5.5 where the Deputy Secretary's probity determination is a negative probity clearance).

5.5. Procedural fairness

- (i) In the event the Deputy Secretary's proposed probity determination is a negative probity clearance for a recruitment candidate or designated employee, that person is to be notified in writing, including reasons for the proposed decision.
- (ii) The recruitment candidate or designated employee is to be given an opportunity to review the information the Integrity Panel and Deputy Secretary relied upon in forming a view about their integrity, and to show cause (within seven days of being so notified) why a positive probity clearance should instead be issued.
- (iii) The Integrity Panel will review any representations made under clause 5.5(ii) and make a subsequent recommendation to the Deputy Secretary to issue a positive probity clearance or not to.
- (iv) The Deputy Secretary will consider the Integrity Panel's recommendation and any representations made under clause 5.5(ii), and make a probity determination resulting in either a positive probity clearance or a confirmed negative probity clearance.

5.6. Review of a decision – employees

- (i) Where clauses 5.5(i) and (ii) apply to a designated employee and the Deputy Secretary decides not to issue a positive probity clearance, the employee is to be notified in writing, including reasons for the decision, and informed about their right to request a review of that decision.
- (ii) Only the Secretary may review the Deputy Secretary's decision not to endorse a positive probity clearance where clause 5.6(i) applies and the employee exercises their right to request a review (by written notice to the Talent Partnering team (People & Capability)).
- (iii) If a designated employee exercises their right to request a review of the Deputy Secretary's decision, the Secretary may determine that a positive probity clearance is to be issued or affirm the Deputy Secretary's decision, having considered:
 - (a) the information the Integrity Panel relied upon in forming a view about the employee's integrity and the Integrity Panel's reasons for forming that view;
 - (b) any representations made by the employee in response to the proposed decision not to issue a positive probity clearance;
 - (c) the reasons for the Deputy Secretary's final decision; and
 - (d) any representations made by the employee in requesting a review of the Deputy Secretary's final decision.
- (iv) The designated employee, Deputy Secretary and Integrity Panel are to be notified of the Secretary's decision in writing, including reasons for the decision
 - (a) The Talent Partnering team (People & Capability) must cause the Secretary's decision to be implemented immediately upon being notified of that decision.

5.7. Consequences of a negative probity clearance

- (i) In the event the Deputy Secretary's final probity determination is a negative probity clearance for a recruitment candidate, the recruitment candidate must not commence in their assigned position in accordance with section 14(2) of the GALA Act.

- (a) The recruitment candidate is to be notified in writing, including reasons for the decision, and informed of the consequences of the decision.
- (ii) In the event a positive probity clearance is not issued for a designated employee and where the employee either did not seek a review of the Deputy Secretary's decision or where a review was requested and the Secretary affirmed the Deputy Secretary's decision, the employee is not eligible to hold the position the associated probity screening applied to in accordance with section 14(2) of the GALA Act.
- (iii) Where clause 5.7(ii) applies and where appropriate, all reasonable steps will be taken, in consultation with the employee and the Department's Chief People Officer, to subsequently assign the designated employee to a position where clause 2(i) of this policy does not apply.

6. Training and awareness initiatives

- (i) The Hospitality and Racing Regulatory Capability team will coordinate ongoing training and awareness initiatives to ensure employees remain aware of their obligations under the GALA Act and this policy.

Training and awareness initiatives include:

- A regulatory capture session in all Hospitality and Racing onboarding programs.
- Development and deployment of an e-learning module on regulatory capture and employee obligations under the GALA Act and this policy.
- Mandatory integrity-related online courses in [myCareer](#).

7. Reporting

- (i) De-identified probity determinations, including any conditions imposed, will be reported by People & Capability at least quarterly to the Hospitality and Racing Executive Leadership Team for monitoring of trends and associated implementation of education or other remedial activities to address trends.

8. Privacy and personal information

- (i) The creation, dissemination, use, retention and disposal of probity screening personal information will be managed in accordance with the:
 - GALA Act
 - *Privacy and Personal Information Protection Act 1998* (PIPP Act)
 - NSW Government information classification, labelling and handling guidelines
 - General retention and disposal authority: Administrative records (GA28) (the 'General Retention Authority').

8.1. Creation of, and access to, personal information

- (i) All personal information relating to probity screening will be created and disseminated digitally and secured in probity screening files in the prescribed records repository for People & Capability.

- (ii) See the DCITHS Employee Screening Policy for further information about the creation of, and access to, personal information.

9. Exceptions

- (i) Integrity Panel members and the Deputy Secretary Hospitality and Racing must fully and completely recuse themselves of any process or decision associated with their own probity screening.
- (ii) The above parties must not access their own probity screening file.
- (iii) Only the Secretary may make a probity determination about the Deputy Secretary Hospitality and Racing.

10. Breaches of the policy

- (i) Intentional failure to comply with the key requirements of this policy is a breach of the policy, which will be managed in accordance with section 69 of the GSE Act.

Further information

For more information about this policy, contact the Probity unit:
probity@liquorandgaming.nsw.gov.au.

Document governance

Final approver	Secretary		
Approved on	First approved and issued 6 March 2015. Current version approved on xxx and issued on xxx.		
Status	Under review		
Document owner	Executive Director – Data, Strategy & Performance		
Responsible branch	Data, Strategy & Performance		
Location	CM10 DF2024/003550		
Review date	xxx 2026		
Versioning	1.0	6/03/2015	Original policy implemented by the former Office of Liquor, Gaming and Racing (OLGR), former Department of Justice. Approved by the then-Executive Director, OLGR.
	2.0	14/02/2019	First update implemented by the former Liquor, Gaming and Racing division (LG&R), Department of Industry. Approved by the then-Deputy Secretary, LG&R.
	3.0	15/09/2020	Second update implemented by the Better Regulation Division (BRD), Department of Customer Service. Approved by the then-Deputy Secretary, BRD.
	4.0	01/11/2023	Third update drafted by the Hospitality and Racing Group (H&R), Department Enterprise, Investment and Trade. Approved by the Deputy Secretary, H&R.
	4.1	8/02/2024	An internal audit recommended the insertion of certain references. This update of the policy includes those references, which don't substantively change version 4.0.
	4.2	19/02/2024	All references to 'CEO' replaced by 'Deputy Secretary' in accordance with the official change to that position's title. No substantive changes to version 4.0
	5.0	xx/xx/xxxx	Changes made following advice by the Department's Legal team to the People & Capability team on 17 November 2025 – see Appendix 9: Update register.

Table 1: Document governance

Instruments and registers

Ref	Description	Location
Instrument 1	Order appointing inspectors	
Register 1	Inspectors Register	
Instrument 2	Designation of Public Service employees	
Register 2	Designated Public Service Employees Register	
Instrument 3	Order appointing key officials	
Register 3	Key Officials Register	
Register 4	Key Officials Approvals Register	

Table 2: Schedules

Appendix 1: Relevant legislation

Requirement	Instrument	Detail
Highest standard of integrity	Section 14 of the <i>Gaming and Liquor Administration Act 2007</i> (GALA Act)	Designated persons engaged in the administration of gaming and liquor legislation are to be of the highest integrity.
	Section 14(1) of the GALA Act	Positions the section applies to.
	Section 14(2) of the GALA Act	A person is not eligible to be appointed to, or to hold, a position to which this section applies unless the person possesses the highest standard of integrity.
	Section 14(3) of the GALA Act	Positions which can determine whether persons subject to this section possess the highest standards of integrity.
	Section 14(4) of the GALA Act	How the determination of whether persons subject to this section possess the highest standards of integrity is made.
	Section 14(5) of the GALA Act	This policy and any associated integrity related documents are the Secretary's guidelines.
	Section 14(7) of the GALA Act	If a recruitment candidate fails to cooperate with probity inquiries they cannot be appointed to a position; if an employee fails to cooperate, they are liable to be removed from their position.
	Section 14(10) of the GALA Act	A person is not eligible to be appointed to, or to hold, a position if they were an employee or close associate of, or had any business or financial (direct or indirect) dealings with, a casino licence holder
Key officials	Section 16 of the GALA Act	Restrictions on key officials and former key officials. See Appendix 3 .
	Section 86 of the <i>Casino Control Act 1992</i>	
Conditions of engagement	Section 54 of the <i>Government Sector Employment Act 2013</i> (GSE Act)	Engagement subject to conditions which may include (without limitation) security and other clearances.
	Rule 8 of the <i>Government Sector Employment (General) Rules 2014</i>	Person is required to hold and maintain the particular clearance.
Reporting charges and convictions for serious offences	Clause 9 of the <i>Government Sector Employment Regulation 2014</i> (GSE Regulation)	Person charged or convicted of a serious offence to report that fact in writing to the Secretary.
Reporting bankruptcy	Clause 10 of the GSE Regulation	Employees who have become bankrupt or made a composition, arrangement, or assignment for the benefit of creditors, to report that fact in writing to the Secretary.

Table 3: Relevant legislation

Appendix 2: Definitions

Term	Definition
assigned / assignment	Means assignment of an employee to a position within their classification of work, made under section 38 or 46 of the <i>Government Sector Employment Act 2013</i> , within the Hospitality and Racing establishment .
Audit & Risk Committee	Provides independent advice, assistance and support through the monitoring and review of the Department's risk management practises and processes in accordance with the Audit & Risk Committee Charter.
Deputy Secretary	Is the Deputy Secretary of Hospitality and Racing .
Chief People Officer	Is the Chief People Officer of the Department .
Chief Risk Officer	Is the Chief Risk Officer of the Department , being the Director Governance, Audit, Risk & WPS in the Corporate Services division.
commencement date	Is the date the most recent version of this policy is approved.
condition of engagement	Has the same meaning as section 54 of the <i>Government Sector Employment Act 2013</i> . Of relevance to this policy, sections 54(1) and 54(2)(d) of the Act provide for engagement of a Public Service employee to be made subject to conditions notified to the employee on their engagement, including (without limitation) security and other clearances. Further, rule 8 of the <i>Government Sector Employment (General) Rules 2014</i> necessitates that a person who is required to have any such security or other clearances must ensure that those clearances are maintained.
consultant	A person or company engaged to deliver consultancy or technical services for a discrete project or program.
contractor	A person engaged via a third-party labour-hire provider to fill a temporarily vacant position.
delegation	Is the vesting of certain authority from the Secretary to the Deputy Secretary in accordance with the Liquor and Gaming NSW Legislation Instrument of Delegation.
Department	Is the NSW Department Creative Industries, Tourism, Hospitality and Sport.
Deputy Secretary	Is the Deputy Secretary, Hospitality and Racing division.
designated employee	Is a person covered by clauses 2.1 and 2.2 of this policy.
designated Public Service employee	Is a Public Service employee designated under section 14(1)(b) of the <i>Gaming and Liquor Administration Act 2007</i> as being subject to the requirements under section 14(2) of that Act.

Term	Definition
disclosable criminal history	Is a recorded criminal conviction except where the 'spent conviction' regime applies. Note: Findings or orders of a court (such as where an offence has been proved, or that a person is guilty of an offence, without proceeding to a conviction) are treated as convictions for the purposes of the <i>Criminal Records Act 1991</i>. Spent convictions See Part 2 'Spent convictions' of the Criminal Records Act. Summary in relation to traffic and drink-driving offences: These offences can generally become spent convictions under the <i>Criminal Records Act 1991</i> ("CR Act"), except where the conviction results in a prison sentence of 6 months or more (s. 7(1)). The time at which a conviction becomes spent depends on the court outcome. Convictions either become spent on the completion of a specified crime-free period (10 years for adults and 3 years for children) or as otherwise provided by the CR Act (s. 8). For a traffic or drink-driving offence which is proved, or where a person is found guilty, without proceeding to a conviction, and where a good behaviour bond is imposed for a specified period, the conviction is spent on the satisfactory completion of the period, which requires the absence of further offences (s. 8(4)(a)).
employee	Has the same meaning as section 3(1) ' Public Service employee ' and ' Public Service senior executive ' of the <i>Government Sector Employment Act 2013</i> , and having been assigned to a position within the Hospitality and Racing establishment (whether ongoing, term, temporary or casual) or a contractor .
former key official	Has the same meaning as section 16(4) ' former key official ' of the <i>Gaming and Liquor Administration Act 2007</i> .
future employee	Is an employee who commences their assignment to a position within the Hospitality and Racing establishment on or after the commencement date of this policy.
gaming and liquor legislation	Has the same meaning as section 4 of the <i>Gaming and Liquor Administration Act 2007</i> .
gaming or liquor licensee	Has the same meaning as section 3(1) ' gaming or liquor licence ' and ' gaming and liquor licensee ' of the <i>Government Sector Employment Act 2013</i> .
Hospitality and Racing	Is the Hospitality and Racing Group within the Department , which comprises Liquor & Gaming NSW, the Office of Responsible Gambling and the Office of Racing.
Hospitality and Racing establishment	Is the approved schedule of positions assigned to Hospitality and Racing .
inspector	Has the same meaning as section 3(1) ' inspector ' of the <i>Government Sector Employment Act 2013</i> .
Integrity Panel	Is the body responsible for reviewing the results of probity screening activities and making subsequent probity determination

Term	Definition
	recommendations to the Deputy Secretary . See Appendix 7
key official	Has the same meaning as section 3(1) ' key official ' of the <i>Gaming and Liquor Administration Act 2007</i> .
negative probity clearance	Is the result of the Deputy Secretary (or Secretary , where a review is requested under clause 5.6 of this policy) determining, at any given time permitted under this policy, that a designated Public Service employee does not possess the highest standard of integrity.
peak body	Has the same meaning as section 16(4) ' gaming or liquor industry peak body '. See Appendix 5 for the designation of gaming or liquor industry peak bodies made under section 16(3A) of the <i>Gaming and Liquor Administration Act 2007</i> .
personal information	Has the same meaning as section 4 of the <i>Privacy and Personal Information Protection Act 1998</i> .
positive probity clearance	Is the result of the Deputy Secretary (or Secretary , where a review is requested under clause 5.6 of this policy) determining, at any given time permitted under this policy, that a designated Public Service employee possesses the highest standard of integrity.
probity determination	Is the determination of whether a designated Public Service employee possesses the highest standard of integrity.
probity inquiry	Is the specific inquiries set out at Appendix 6 .
probity screening	Is a suite of probity inquiry to ascertain whether a person meets certain integrity standards at a point in time.
probity screening activities	Is the component probity inquiry of probity screening
probity screening file	Is the secured electronic file that contains all information and electronic records associated with a subject person's probity screening s and probity determinations .
probity screening personal information	Means all personal information about a recruitment candidate or employee that is created, disseminated, used, retained or destroyed in association with this policy, including personal information recorded on any of the probity screening forms or templates appended to this policy.
probity screening service provider	A third-party provider that performs probity screening on behalf of the Department .
Public Service employee	Has the same meaning as section 3(1) ' Public Service employee ' of the <i>Government Sector Employment Act 2013</i> .
Public Service senior executive	Has the same meaning as section 3(1) ' Public Service senior executive ' of the <i>Government Sector Employment Act 2013</i> .
recruitment candidate	Is a person who has applied for a position (whether ongoing, term, temporary or casual) within the Hospitality and Racing establishment

Term	Definition
	and has verbally accepted an offer to be assigned to that position.
regulatory capture	Is a form of corruption of authority that occurs when a regulator is co-opted to serve the commercial, ideological, or political interests of a minor constituency, such as a particular industry, peak body or regulated venue.
Secretary	Is the Secretary of the NSW Department of Enterprise, Investment and Trade.
serious offence	Has the same meaning as section 69(1) ' serious offence ' of the <i>Government Sector Employment Act 2013</i> .
subject recruitment candidate	Is a recruitment candidate subject to clause 2.2 of this policy.
subsequent assignment	Means: assignment of an employee to a different position within their classification of work, made under section 38 or 46 of the <i>Government Sector Employment Act 2013</i> ; or assignment of an employee to a different position (irrespective of their previous classification of work or band), made under rule 20(1)(b) of the <i>Government Sector Employment (General) Rules 2014</i> , within the Hospitality and Racing establishment .

Table 4: Definitions

Appendix 3: Restrictions relating to key officials and former key officials

Section 16 of the *Gaming and Liquor Administration Act 2007*: Restrictions relating to key officials and former key officials.

Subsection	Restrictions
(1)	A key official or former key official must not without the approval of the appropriate authority carry out any of the following activities—
(1)(a)	hold any type of gaming or liquor licence,
(1)(b)	hold office as a member of the governing body of a registered club,
(1)(c)	solicit employment, in any capacity, from a gaming or liquor licensee, a person known by the official to be a close associate of such a licensee or from a gaming or liquor industry peak body,
(1)(d)	be an employee in any capacity of—
(1)(d)(i)	a gaming or liquor licensee, or
(1)(d)(ii)	a person known by the official to be a close associate of a gaming or liquor licensee, or
(1)(d)(iii)	a casino contractor, or
(1)(d)(iv)	a gaming or liquor industry peak body,
(1)(e)	knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a gaming or liquor licensee or a person known by the official to be a close associate of such a licensee,
(1)(f)	be a close associate of a person known by the official to be an applicant for, or the holder of, a gaming or liquor licence.
(2)	A gaming or liquor licensee or a close associate of such a licensee must not without the approval of the appropriate authority carry out any of the following activities—
(2)(a)	employ, in any capacity, a person known by the licensee or close associate to be a key official or former key official,
(2)(b)	knowingly have, directly or indirectly, any business or financial association with, or any business or financial interest in any matter in conjunction with, a person known by the licensee or close associate to be a key official or former key official.
(2A)	A key official, former key official, gaming or liquor licensee or close associate may apply in writing to the appropriate authority for an approval under this section.
(2B)	The appropriate authority may grant an approval under this section if the appropriate authority is satisfied that the carrying out of the activity does not involve, or is unlikely to involve, any undue risk that is inconsistent with the objects of this Act.
(2C)	The regulations may make provision for and with respect to the criteria to be used by the appropriate authority in determining whether to grant an approval under this section.
(3)	Approvals granted by the appropriate authority under this section are to be recorded and available for public inspection.
(3A)	The Minister may, by order in writing published in the Gazette, determine that an association, organisation or other body representing the interests of gaming or liquor licensees is a gaming or liquor industry peak body for the purposes of this section.

Subsection	Restrictions
(4)	In this section —
	appropriate authority , in relation to a key official or former key official, means —
(a)	in the case of a designated Public Service employee or other Public Service employee, or former designated Public Service employee or other former Public Service employee — the Secretary, or
(a1)	for a member of staff of the NICC — the NICC, or
(b)	in the case of a consultant to the Authority or former consultant to the Authority — the Authority, or
(b1)	for a consultant to the NICC or former consultant to the NICC — the NICC, or
(c)	in the case of a member of the NSW Police Force or former member of the NSW Police Force — the Commissioner of Police, or
(d)	in any other case — the Minister.
	casino contractor means a person who is a party to a controlled contract with a casino operator or with a person who is the subject of a notice under section 38 of the Casino Control Act 1992
	former key official means —
(a)	a person who was a key official (other than a person referred to in paragraph (b) or (c)) at any time during the previous 2 years but who is no longer a key official, or
(b)	a person who was engaged in the administration of the gaming and liquor legislation and was a designated Public Service employee other than a Public Service senior executive at any time during the previous 6 months but who is no longer a key official, or
(c)	a person who was at any time General Counsel of the Authority but who is no longer a key official.
	gaming or liquor industry peak body means an association, organisation or other body determined to be a gaming or liquor industry peak body by order under subsection (3A).

Table 5: Restrictions relating to key officials and former key officials: Gaming and Liquor Administration Act 2007

Section 86 of the *Casino Control Act 1992*: Gambling in casino by certain persons prohibited.

Subsection	Restrictions
(1)	A key official must not gamble in a casino except to the extent that it may be necessary to do so in the exercise of his or her functions in the course of the administration of this Act.
(3)	If a key official ceases to be a key official, he or she must not gamble in a casino during the period of 12 months following the date on which he or she ceased to be a key official.

Appendix 4: Appointing key officials

Position to be appointed	Method of appointment		
	Automatic	By written order	Position that can make order
Secretary	✓		
Staff engaged in the administration of the gaming and liquor legislation (H&R)		✓	Secretary (delegated to H&R Deputy Secretary)
Member of the ILGA	✓		
General Counsel of the ILGA	✓		
Consultant to the ILGA		✓	ILGA Chair
Office of the ILGA staff		✓	Secretary (delegated to H&R Deputy Secretary)
Member of the NICC	✓		
Consultant to the NICC	✓		
Office of the NICC staff	✓		
Commissioner of Police	✓		
Commanders of the NSW Police Force	✓		
Member of the NSW Police Force		✓	Commissioner of Police

Appendix 5: Designated gaming or liquor industry peak bodies

In accordance with section 16(3A) of the *Gaming and Liquor Administration Act 2007* and as published in the Government Gazette of the State of New South Wales ([Number 260 – Other](#)) on Friday 9 October 2020, the following are designated gaming or liquor industry peak bodies for the purposes of section 16 of that Act:

- The Australasian Gaming Council Limited
- Australian Hotels Association NSW
- The Club Manager's Association of Australia
- Registered Clubs Association of NSW (ClubsNSW)
- Gaming Technologies Association Limited
- The Independent Bars Association of NSW Incorporated
- Leagues Clubs Australia Limited
- Retail Drinks Australia Limited

- Golf NSW Limited
- RSL and Services Clubs Association Limited
- New South Wales Wine Industry Association Incorporated

Appendix 7: Terms of Reference – Integrity Panel

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Appendix 9: Update register

Date	Version	Clause	Update
14/02/2019	2.0	Various	Version 1 (Department of Trade & Investment), dated 6/03/2015, was updated by the Department of Industry to: - clarify that that the policy applies to all Liquor, Gaming and Racing (LG&R) staff within the division; - change the frequency for re-screening of LG&R employees from two years to five years; - clarify the ongoing responsibility of staff to report material changes in circumstances; - require high risk positions to declare any changes every three years; and - update the Probity Procedures to require a bankruptcy check for positions with a level 3 risk profile, recognising the financial delegations or functions and decision making authority of such positions and associated risk.
15/09/2020	3.0	Various	Version 2.0 (Department of Industry) was updated by the Department of Customer Service* to: - limit the requirements of the policy to persons appointed as Inspectors under the GALA Act and Senior Executives and persons assigned to clerk grade 11/12 positions within units which dealt with the following functions – - Compliance - Investigations - Licensing - Policy - Responsible gambling – and Senior Executives in the community engagement function, and the Executive Officer and Deputy Secretary; and - introduce legislative provisions for Key Officials into the policy, and declare certain persons Key Officials. *The former LG&R was split into its component parts and assigned across various divisions of the Department of Customer Service, which is why LG&R positions that were not assigned within the Better Regulation Divisions were excluded from the policy's requirements. The Department of Customer Service also deemed the risk profile for positions below clerk grade 11/12 insufficient to be bound by the policy.
1/11/2023	4.0	Various	Version 3.0 (Department of Customer Service*) was updated by the Department of Enterprise, Investment and Trade to: - return the scope of the policy to cover all Hospitality and Racing employees; - designation of all Hospitality and Racing employees as Public Service employees for the purposes of section 14 of the GALA Act; - introduce controls for the security of official identification of Inspectors; - introduce a requirement for future employees to hold a positive probity clearance as a condition of their engagement under the GSE Rules; - introduce an Integrity Panel to enhance governance over probity decisions; - remove the application of risk profiles to the number and type of probity inquiries performed, and instead apply risk profiling to the frequency of re-screening. * In April 2022, all former LG&R functions were transferred out of the Department of Customer Service and re-amalgamated under the Hospitality and Racing Group.
14/02/2024	4.1	All	Replace position title 'CEO' with 'Deputy Secretary' per official change to position title.

Date	Version	Clause	Update
16/02/2024	4.2		KPMG preformed an internal audit, as directed by the Department's Audit and Risk Committee, of the Department's compliance with integrity provisions of the GALA Act. Phase 1a of that audit was a review of this policy and its controls. Recommendations were made arising, all of which were accepted and implemented per below:
		5.3	(iii) Insert reference to no compensation for recruitment candidates or employees who refuse or fail to cooperate with probity screening (sections 14(8) and 14(9) of the GALA Act).
		6.2.1	(i) insert after <i>conflicts of interest declaration</i> "or Senior Executive declaration of private interests".
		6.3	(ii) Insert reference to the requirement to update conflicts of interest declarations and senior executive private interests declarations every six months and when material changes to interests occur, per Hospitality and Racing's <i>Declaring and mitigating conflicts of interest guidance</i> .
		6.3.2	(i), (i)(a), (i)(b) Insert reference to clause 9 and 10 of the GSE Regulation (mandatory self-reporting charges or convictions for serious and offence and bankruptcy events). (ii) Insert additional requirements in relation to reporting charges, convictions or findings of guilty from the Department's Code of Ethics and Conduct.
		7	(i) Insert a new section 'Training and awareness initiatives' to specifically address employees' obligations under, and the general consequences of, the probity provisions of the GALA Act.
		Appendix 7	Insert references to the Department's Conflict of Interest policy and Privacy Management Plan in the Integrity Panel Terms of Reference.
xx/xx/xxxx	5.0		