

Consultation Cover sheet: Appin FNRG Board and Committee Code of Conduct

Document Title:	Draft Appin FNRG Board and Committee Code of Conduct
Summary /Context:	<ul style="list-style-type: none"> • The Appin First Nations Reference Group Board and Committee Code of Conduct provides a summary of the professional practice and behaviour standards that will ensure trust and deliver the best possible outcomes for the Project. • The Code of Conduct sets out the responsibilities and the standards of behaviour expected, particularly in relation to: <ul style="list-style-type: none"> — <u>Establishing ethical standards</u> – outlining the expected professional behaviour and ethical standards for board and committee members, emphasising integrity, trust, service, and accountability. — <u>Promoting transparency and accountability</u> – detailing procedures for managing conflicts of interest, proper use of resources, and handling confidential information to ensure transparency and accountability in the conduct of board and committee members. <ul style="list-style-type: none"> — <u>Ensuring a safe and respectful environment</u> – addressing the importance of work health and safety, respect and inclusion, and provides guidelines for preventing harassment, discrimination, and ensuring a safe, inclusive workplace.
Links to key resources	nil
Feedback specifications:	Please review and provide comment on the Appin FNRG Board and Committee Code of Conduct directly on the PDF document. Please return your submission via Engagement Hub via the Document Submissions function located to the right side of the Appin Precinct page.
Due date:	Tuesday, 28 May 2024

Due date for feedback

Your feedback is important. We ask that all feedback be received via Engagement Hub by no later than **Tuesday, 28 May 2024**.

If you experience technical difficulties or concerns in meeting these timelines, please contact contact@gira.com.au or call Ashlee Wone on **0413 089 257**.



Appin (Part) Precinct: First Nations Reference Group Board and Committee Code of Conduct

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Introduction and application of the Code

Board and committee members are required to demonstrate standards of professional behaviour that will preserve public trust and deliver the best possible outcomes.

The Code of Conduct provides an easy-to-understand summary of these responsibilities and sets out the standards of behaviour expected.

Values

The core values are set out within in this Code of Conduct are:

- Integrity
- Trust
- Service
- Accountability

These values are the heart of how we work and, if applied consistently, they also help us to maintain the trust of the public.

Standards of Conduct

This Code outlines the standards of conduct expected of Board & Committee members in exercising their functions. It is the personal responsibility of each Board or Committee member to comply with this Code.

The Code has been developed to ensure members:

- commit to upholding a high degree of professional service and ethical leadership
- act in a way that promotes community confidence
- have a clear understanding of their duty and any legal responsibilities
- act for proper purposes without exceeding their powers
- exercise due diligence in all their functions.

General Conduct

A Board or Committee member must:

- act honestly and exercise a reasonable degree of care and diligence in carrying out their functions
- act for a proper purpose in conducting their role functions
- not use their membership for personal advantage
- not use their membership to the detriment of the board or committee



- disclose any interest (whether pecuniary or otherwise) that could conflict with the proper performance of their functions and avoid performing any function that could involve such a conflict of interest.

Work health and safety

Board and Committee members are considered ‘workers’ for the purposes of the Work Health and Safety (WHS) Act and Regulation 2011. GIRA Advisory are committed to eliminating and minimising work health and safety (WHS) risks as far as reasonably practicable. Board and committee members are responsible for:

- being aware of the safety systems and practices that help keep everyone safe and well
- looking for hazards and taking action if a safety risk is identified and it is safe to do so
- reporting all WHS incidents, including near misses, to the board and committee Secretariat.

Respect and inclusion

Respect and inclusion are fundamental to a harmonious, productive and psychologically safe workplace where people feel safe to speak up about concerns. GIRA Advisory is committed to ensuring a safe environment in which everyone feels they can achieve their potential.

There is no tolerance for harassment or victimisation.

Members are responsible for:

- treating people with dignity and respect, and contributing to a positive and productive space
- making sure people feel valued and are able to fully participate
- not discriminating against, harassing or victimising anyone on any grounds, including:
 - sex, gender identity or sexual orientation
 - marital status
 - pregnancy
 - age
 - race or ethnicity
 - physical or intellectual disability
 - political or religious conviction
- demonstrating inclusive behaviours and using inclusive language
- creating a workplace that is safe and offers protection from sexual, physical and psychological harassment and neglect
- preventing bullying.

Conflict of interests

A conflict of interest exists when a reasonable person might perceive that a committee member’s personal interest(s) could be favoured over their committee’s duties.



There are four elements to consider when determining whether a conflict of interest exist:

- Does the member have a personal interest?
- Does the member have a public duty?
- Is there a connection between the personal interest and the committee duty?
- Could a reasonable person perceive that the personal interest might be favoured?

Conflicts of interest do not, in themselves, usually constitute corrupt conduct. Corrupt conduct can, however, arise when a conflict of interest is concealed, understated, mismanaged or abused.

Examples of when conflicts of interest can arise include where a member has:

- other directorships or employment
- professional and business interests and associations
- investment interests or the investment interests of friends or relatives
- family relationships
- participation in party political activities
- personal beliefs or attitudes that affect impartiality related to the subject matter of their work with the board or committee.

The above list is indicative only and there may be other situations that can lead to a real or perceived conflict of interest.

A member has a duty to declare any private interest that may impinge on a board or committee decision. When an issue arises, the board or committee member must as soon as practicable disclose full and accurate details of the interest or issue to the Chair of the board or committee. A member must disclose interests to the board or committee (which include positions and pecuniary interests) in corporations, partnerships or other businesses or organisations that may be relevant to the activities of the board or committee. A member's interests include those of an associate or close relative.

General disclosures must be made at the beginning of a member's term. Member's must make specific disclosures as soon as possible after the relevant facts come to the member's knowledge, and they must be recorded by the board or committee in minutes of the meeting. A register of such interests must be maintained by the board or committee.

Gifts, benefits and hospitality

Members should be aware that it is illegal to seek, offer or receive money or gifts in order to obtain a benefit or favour. Members must also not accept gifts or benefits that could place them under an actual or perceived financial or moral obligation to another organisation or individual.

Offers (other than light refreshment) should be politely refused.

Members are required to report all offers of gifts, benefits or hospitality that are offered to them in their role as a board or committee member. A board or committee may establish a Register of Gifts to provide a high degree of transparency.



Appropriate use of resources

Allocated resources should only be used for appropriate purposes. Furniture, equipment, staff and other resources may be provided to a board or committee to perform its functions and should be used only in relation to those functions.

Public expenditure

In the case of any publicly funded monies, members must ensure the efficient and responsible expenditure of public monies in accordance with legislation and Government policies and guidelines including the following:

- Government Sector Finance Act 2018
- Public Finance and Audit Act 1983
- Public Works and Procurement Act 1912 and the associated Board Directions.

Members of committee boards must comply with government financial, asset management and procurement requirements.

Intellectual property and copyright

All new intellectual property created by members in the course of their role as members of a board or committee is the intellectual property of the committee - This is not applicable to any elements of Indigenous Cultural Intellectual Property (ICIP). Members cannot sell or give away intellectual property created during or in connection with their appointment to a board or committee.

Members should provide complete copies of any reports, documents or other materials created during the course of their appointment as a board or committee member.

Intellectual property includes rights relating to scientific discoveries, industrial designs, trademarks, service marks, commercial names and designations, inventions and activity in the industrial, scientific, literary or artistic fields.

Confidential and private information

During the course of their duties, members might have access to sensitive, personal and/or commercially confidential information. This information could relate to members of the community, the Government or government employees. Such information is varied in form including written information, stored information, e-documents and verbal information.

Such information may only be used for the purposes of the work of the board or committee. Members are expected to protect the integrity and security of information and documents for which you are responsible and to adhere to the principles of the Privacy and Personal Information Protection Act 1998 and the Departmental Privacy Management Plan.

Examples of misuse of official information or documents include:

- speculation in shares, commodities, or property on the basis of confidential information about the affairs of a business or of proposed Government actions
- seeking to take advantage of another person, for personal reasons, on the basis of information held in official records



- disclosing sensitive information to members of the public, political parties, clients, lobby groups, other public servants, other government organisations, or members of Parliament, without proper authority
- providing or trading confidential information for use by private investigators, banks and credit agencies.

Members must:

- not use information for any unofficial purpose outside the committee
- use confidential or official information only in relation to their committee role and consistent with their obligation to act impartially
- be cautious and use sound judgement when discussing sensitive information with others
- not use information gained in their capacity as a committee member for personal gain
- disclose information that is normally available to members of the public
- not improperly collect, use or disclose the personal information of individuals including community and staff members
- not use information gained in the course of their committee role to cause harm or detriment to government or any person or organisation
- safely and securely store any committee records, including emails and electronic information
- not remove official information from government premises unless needed for committee purposes
- treat email and electronic records as carefully as hard copy information.

Communicating with the media and third parties

Views that are publicly expressed by a member may be perceived or construed by the broader community as views of the board or committee.

Members should ensure that any public comments made in a private capacity are not attributed as official comments to the board or committee.

Members must not:

- initiate contact with the media on matters or issues that have been subject to discussion by the board or committee
- make public comment on behalf of the board or committee
- make public comment on (including to the media or on social media) any matter or issue that has been subject to discussion by the board or committee
- share any board or committee records with the media or on social media.

Speaking up and reporting

GIRA Advisory will support people who speak up by listening and providing feedback on the actions they have taken and the reasons for these actions. Speaking up is more likely to be effective if it takes place early and in a constructive, courteous way.



Reporting allegations of impropriety and corrupt conduct

It is important that the conduct of board and committee members reflects the principles and ethical requirements set out in this code at all times. If allegations about inappropriate conduct are made or aired in the public domain which, if true, would constitute a breach of this code, the member concerned may be removed from the board or committee.

Corrupt conduct is the dishonest or partial exercise of official functions by a public official including the including the improper use of power or position as a board or committee member for personal gain or the advantage of others.

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. It is more serious than a technical breach of policy or procedures.

Fraud is dishonestly obtaining a benefit, or causing a loss, by deception or other means including the unlawful use of information obtained as a board or committee member or equipment provided for personal use.

Breach of the Code

It is important to remember that members are representatives of the board or committee and are conducting work on behalf of the committee. If a member does not comply with the Code, the member may be directed to take a specified action to rectify his or her conduct or determine that further work not be allocated to the member until the breach is rectified.

If members of the board or committee do not adhere to the code of conduct or are seen to display inappropriate ethical standards of behaviour, the committee may take applicable action. Where suspected breaches are related to the conduct of a member or the entire board or committee, the board or committee must consult with the appropriate point of contact in a timely manner.