



Otway Coast Committee

Code of Conduct

Committee of Management Policy

1. Scope

This policy sets out the Otway Coast Committee's code of conduct. It applies to all Committee members and the Executive Officer at all times in the performance of their duties.

2. Key principles

The key principles are:

- a) **Relevant obligations:** the Committee operates in accordance with all relevant obligations.
- b) **Public interest:** the Committee acts in the public interest at all times, collectively and individually.
- c) **Directors' Code of Conduct:** Committee members adhere to the governance principles in the *Public Administration Act 2004* ('PAA') and related codes, in particular, the Directors' Code of Conduct.
- d) **Consolidated statement:** the Committee's policy is a consolidated statement of the key standards of conduct and the key accountabilities and responsibilities that apply to all Committee members.

3. Relevant obligations

The Committee will act in accordance with all relevant obligations and with good public sector governance practice, including:

- the establishing Act, being Crown Lands (Reserves) Act 1978;

- the public sector values in section 7 of the PAA;¹
- the requirement in section 81(1)(e) of the PAA to ensure that a code of conduct is in place which is applicable to all Committee members;
- the Directors Code of Conduct² and similar requirements in section 79 of the PAA and in the common law (e.g. to act honestly and legally);
- the public sector employment principles in section 8 of the PAA and related Standards;
- any directions, guidelines and/or statements of obligation or expectation issued by the Minister;
- government policy; and
- all other laws and obligations that bind the agency.

4. Standards of conduct

Committee members will act in the public interest at all times, collectively and individually. This includes complying with the following standards of conduct:

4.1 Directors' Code of Conduct

The public sector values of integrity, impartiality, accountability, respect, leadership, responsiveness, and commitment to human rights are the over-arching standards of conduct for all Committee members. The Directors' Code of Conduct promotes adherence to these values. It sets out the fundamental conduct requirements that all Committee members will comply with, being:

- **Act with honesty and integrity.** Be open and transparent in your dealings; use power responsibly; do not place yourself in a position of conflict of interest; strive to earn and sustain public trust of a high level.
- **Act in good faith in the best interests of the public entity.** Demonstrate accountability for your actions; accept responsibility for your decisions; do not engage in activities that may bring you or the public entity into disrepute.
- **Act fairly and impartially.** Avoid bias, discrimination, caprice or self-interest; demonstrate respect for others by acting in a professional and courteous manner.
- **Use information appropriately.** Ensure information gained as a director is only applied to proper purposes and is kept confidential.
- **Use your position appropriately.** Do not use your position as a director to seek an undue advantage for yourself, family members or associates, or to cause detriment to the public entity; ensure that you decline gifts or favours that may cast doubt on your ability to apply independent judgement as a director of the public entity.

¹ The public sector values are: integrity, impartiality, accountability, respect, responsiveness, human rights, and leadership.

² Issued by Victoria's Public Sector Standards Commissioner pursuant to section 63 of the PAA.

- **Act in a financially responsible manner.** Understand financial reports, audit reports and other financial material that comes before the Committee; actively inquire into this material.
- **Exercise due care, diligence and skill.** Ascertain all relevant information; make reasonable enquiries; understand the financial, strategic and other implications of decisions.
- **Comply with the establishing legislation, or its equivalent, for your public entity.** Act within the powers and for the functions set out in your public entity's establishing legislation and/or ministerial charter.
- **Demonstrate leadership and stewardship.** Promote and support the application of the Victorian public sector values; act in accordance with the Directors' Code.

4.2 Section 79 of the PAA

Consistent with section 79 of the PAA, a Committee member who is standing for election to parliament (federal, state, or territory) or local council will notify the Committee and will avoid using any resources of the agency in connection with his/her candidature. The Committee member's candidature will be recorded in the Committee's minutes.

Committee members will also comply with the other conduct requirements in section 79 (which mirror the Directors' Code of Conduct).³

4.3 Conduct requirements in the establishing Act

Committee members will comply with any additional conduct requirements that are specified in the establishing Act (or in any related legal instrument or other establishing document).

4.4 Conduct requirements determined by the Committee ('own motion')

Committee members will comply with any additional conduct requirements imposed by the Committee of its own motion.

³ By complying with the Directors' Code of Conduct, Committee members will also comply with the duties in section 79 of the PAA to:

- act honestly, in good faith in the best interests of the agency, with integrity, in a financially responsible manner, with a reasonable degree of care, diligence and skill, and in compliance with the establishing Act (or **other** instrument or document under which the agency is established);
- maintain confidentiality, even after their appointment expires or otherwise terminates; and
- avoid using their position improperly (e.g. to gain an advantage or to cause detriment to the agency).

5. Collective accountabilities and responsibilities

The Committee will comply with its collective accountabilities and responsibilities, in particular:

- **Accountability to Minister:** the Committee will act in accordance with its collective accountability to the Minister.⁴
- **Act consistently with functions and objectives:** the Committee will ensure that all of its actions and decisions are consistent with the functions and objectives in the Crown Land (Reserves) Act and with the agency's strategic plans, business plans, and related documents.⁵
- **Inform the Minister and Secretary of major risks:** the Committee will inform the Minister and the Secretary of DEPI of all known major risks (existing and emerging) to the effective operation of the agency and of the management systems that are in place to address those risks.⁶
- **Provide information to the Minister:** unless prohibited by law, the Committee will provide any information relating to the agency or its operations that the Minister (or DEPI) requests.⁷

6. Public sector employment principles

The Committee will treat the Executive Officer in accordance with the public sector employment principles in section 8 of the PAA and the related Standards⁸ and will ensure that the EO has mechanisms in place to apply these principles throughout the organization. The applicable principles are:

- (a) employment decisions must be based on merit;
- (b) employees must be treated fairly and reasonably;
- (c) there must be equal opportunity employment;
- (d) Victoria's Charter of Human Rights and Responsibilities must be upheld; and
- (e) employees must have a reasonable avenue of redress against unfair or unreasonable treatment.

⁴ Consistent with section 85(1) of the PAA.

⁵ Consistent with section 81(1)(a) of the PAA.

⁶ Consistent with section 81(1)(b) of the PAA.

⁷ Consistent with section 81(1)(c) of the PAA.

⁸ The Standards are issued under section 63 of the PAA to promote adherence to the public sector employment principles.

7. Regular review of this policy

The Committee will review this policy on an annual basis. This policy takes effect on July 1 2013. This policy was last reviewed in November 2014.

8. Related policies

- Conflict of Interest
- Gifts, Benefits and Hospitality
- Meetings and Decision-making.

9. Further information

On Board (www.dse.vic.gov.au/onboard), in particular, the *Code of Conduct* support module, which has a range of resources, such as direct links to the topic on the State Services Authority website (www.ssa.vic.gov.au).