

Code of Conduct Board and Committee Members Policy

Creation Date and Authority Resolution	29 April 2016 / FRACA00003		
Version	3.0	Review Frequency	Triennial
Review Date	28 April 2023	Next Review Due	April 2026
Related Documents	Nil		
Applicable Legislation	ICAC Act 2012 Work Health and Safety Act 2012		

1. Purpose

Section 62 of the *Local Government Act 1999* and this Code of Conduct are to be observed by all Fleurieu Regional Aquatic Centre (FRAC) Authority (the 'Authority') Board Members and Audit and Risk Management Committee Members.

Authority Board and Committee Members must comply with the provisions of the Act and this Code in the performance of public office. It is the personal responsibility of Board Members, as public officers, to ensure that they are familiar with, and comply with, the standards in this Code of Conduct at all times.

2. Principles

Authority Board and Committee Members will:

- Commit to serve the best interests of the Authority and to discharge their duties conscientiously, to the best of their abilities
- Work together constructively and uphold the values of honesty, integrity, accountability and transparency
- Make every endeavour to ensure that they have current knowledge of statutory, legislative and governance requirements of their role, and abide by this code of conduct.

Part 1 - Behavioural Code

General Behaviour

- Show commitment, respect for others and discharge of duties conscientiously
- Act in a reasonable, just, respectful and non-discriminatory way when dealing with people
- Robust debate, conducted in a respectful manner, is not breach of the Behavioural Code.

Responsibilities as an Authority Board and Committee Member

- Comply with all FRAC policies, codes and resolutions
- Deal with information received in their capacity as Board Members and Committee Members in a responsible manner.

Relationships with fellow Authority Board and Committee Members

- Endeavour to establish and maintain a respectful relationship with all Board and Committee Members, regardless of differences of views and opinions

- Not bully or harass other Board or Committee Members.

Relationship with Authority Management staff

- Not bully or harass Authority Management staff
- Direct all requests for information to the Executive Officer, unless otherwise directed by the Executive Officer
- Direct all requests for work or actions to the Executive Officer, unless otherwise directed by the Executive Officer

Complaints

- Any person may make a complaint about a Board or Committee Member under the Behavioural Code
- Complaints about alleged breaches to the Behavioural Code should be brought to the attention of the constituent councils
- A complaint may be investigated and resolved in any manner the Board deems appropriate to this code. This can include, but is not limited to:
 - a mediator or conciliator
 - with the assistance of officer/s of the constituent councils
 - an independent investigator.
- Some complaints may be considered to be trivial, vexatious or frivolous, and accordingly, may not be investigated
- A failure of a Board or Committee Member to cooperate with the process for handling alleged breaches of this Part may be referred for investigation under Part 2 of this Policy
- A failure of a Board or Committee Member to comply with a finding of an investigation under this Part, may be referred for investigation under Part 2 of this Policy
- Repeated or sustained breaches of this Part by the same Board or Committee Member may be referred, by resolution of the Authority, to the relevant authority as a breach of Part 2 of this Policy
- A breach of the Behavioural Code must be the subject of a report to a meeting of the Authority.

Findings

If, following investigation under the complaints handling process, a breach of the Behavioural Code by a Board or Committee Member is found, the Authority may, by resolution:

- Take no action, or
- Pass a censure motion in respect to the Board or Committee Member, and/or
- Request the Board or Committee Member to attend training on the specific topic found to have been breached, and/or
- Resolve to recommend to the constituent councils to remove or suspend the Board or Committee Member from a position within Authority (clause 3.7.5 of the Charter).

Part 2 - Misconduct

Failure by a Board or Committee Member to comply with this Part constitutes misconduct. The provisions within this Part may refer to statutory matters under the *Local Government Act 1999*. Any breach of these provisions will be investigated under that legislation.

Any person may report an alleged breach of this Part to the Constituent Councils, the Ombudsman, or the Office for Public Integrity. Alleged breaches of this Part made to the Constituent Councils or to the Office for Public Integrity may be referred to the Ombudsman for investigation by the Constituent Councils or the Office for Public Integrity.

Projects are either inaccurately recorded or not recorded at all

Appropriate approvals are not received for the establishment and changes in project scope or costs by the Constituent Councils.

A report from the Ombudsman that finds a Board or Committee member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Constituent Councils. The Council must pass resolution that gives effect to any recommendations received from the Ombudsman, following the receipt of these recommendations.

An investigation under Part 3 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the Appendix to this document.

Member Duties

Board and Committee Members must act with reasonable care, diligence and honestly at all times in the performance and discharge of their official duties.

Gifts and Benefits

Board and Committee Members must not:

- Seek gifts or benefits of any kind
- Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Authority.

Board and Committee Members may, however, accept hospitality provided in the context of performing their duties, including:

- Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
 - Authority related events such as training sessions, workshops and conferences
 - Authority functions or events.

Conflict of Interest

Board and Committee Members must be committed to making decisions without bias and in the best interests of the Authority, the constituent councils and the community, and must declare any conflict of interest (financial, material or perceived) prior to any Meeting of the Authority.

Misuse of Resources

Board and Committee Members must use available resources effectively and prudently, and must not use resources, including services of Authority staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate. Board and Committee Members must not use public funds or resources in a manner that is irregular or unauthorised.

3. Delegations

The Authority Executive Officer has the authority to implement this policy.

4. Availability of Policy

This Code of Conduct Board and Committee Members Policy will be available on the Fleurieu Aquatic Centre website.

5. Review

This policy shall be reviewed by the Authority triennially.

Document History

VERSION	DOCUMENT	ACTION	DATE
1.0	Approved version	FRAC Authority endorsement	29 April 2016
2.0	Revised version	FRAC Authority endorsement	18 May 2018
3.0	Revised version	FRAC Authority endorsement	28 April 2023