

Committees of management

Code of conduct (including gifts) – an overview

Guidance note (3) for small voluntary committees of management

This guidance note is for use by small voluntary (category 3) committees of management of crown land reserves.¹

Introduction

As a member of a committee of management you are performing a valuable service to your local community, and to the wider Victorian community. Your role is an important and trusted one with corresponding obligations in relation to integrity and accountability, which are described in this guidance note.

Code of Conduct policy

Your committee is expected to have a *Code of Conduct* policy. To assist, DELWP offers a model policy which your committee can simply insert its name into and adopt.

The model policy is available from DELWP's governance website, On Board (www.delwp.vic.gov.au/committees).

Your committee's policy should be consistent with DELWP's model policy.

Standard of conduct

Committee members act in the **public interest** at all times (the best interests of managing the reserve for the benefit of the community).

As a committee member, you have a duty to:

- act honestly, with integrity, in a financially responsible manner, with a reasonable degree of care, diligence and skill, in compliance with the *Crown Land (Reserves) Act 1978*, and in good faith in the best interests of managing the reserve;
- maintain confidentiality, even after your appointment ends;
- avoid improperly using your position, or any information acquired in your role, to gain advantage for yourself or another person or to cause detriment to the committee; and
- if standing for election to parliament/local council, notify the committee and avoid using committee resources in connection with your candidature.²

This is basic good governance practise that is required of all committee members.³

Committee policies

Always ensure that you comply with your committee's policies, in particular, its policies on:

- Code of Conduct
- Meetings and decisions
- Conflict of interest
- Dispute resolution.

¹ A separate guidance note is available for major DELWP agencies, including category 1 and 2 committees – that is, committees which manage annual revenue of more than \$250,000 *or* have a cash balance of more than \$250,000 current for three consecutive years *or* manage crown land of regional or state-wide significance *or* manage coastal land *or* have otherwise been advised by DELWP that they are a category 1 or 2 committee (e.g. because they are managing a large development). See the [Induction and education](#) support model (www.delwp.vic.gov.au/onboard).

² If standing for election, see the guidance note on this topic in the [Public Administration Act](#) support module on On Board.

³ See the 'duties of directors' in s 79 of the *Public Administration Act (PAA)* and the [Directors' Code of Conduct](#), which mirrors these obligations and is legally binding on committee members.

Gifts, benefits and hospitality

Unless good reason exists otherwise, avoid accepting or giving gifts in your role as a committee member.

- A 'gift' is a free or heavily discounted item or service (e.g. an offer to paint your fence at a reduced rate).
- The term 'gift' also includes a benefit or hospitality that exceeds common courtesy (e.g. an offer of a cup of coffee is a common courtesy, an offer of a \$100 glass of wine is a gift offer).

The more valuable or significant a gift, the less likely that it will be in the public interest for you to accept or give it. When in doubt, err on the side of caution. The local regional office of the department can be contacted for advice.

Any gift that is accepted or given must be recorded in the minutes of the next committee meeting.

The following requirements apply:

When a gift offer must be refused

You must:

- never solicit gifts
- always refuse and report any attempt to bribe you
- never accept any gift that may cast doubt on your integrity or impartiality or that of the committee.

Examples of gifts that must never be accepted include:

- gifts from a donor who is likely to be affected by a decision that the committee makes, now or in the future (e.g. from a person who is likely to apply for a contract or tender with the committee)
- money or other items that are easily converted into money.

The above restrictions apply to gifts offered to you directly or indirectly (e.g. grand final tickets offered to your family by someone who is seeking a licence from the committee).

Gift giving

The committee never purchases a gift from committee funds unless it can *clearly* be justified in the public interest, which is rare. This applies to gifts to committee members and to non-committee members. Any such expense is recorded in the committee's records, as required by section 15(8) of the *Crown Land (Reserves) Act 1978*.

Collective accountability and responsibilities

The overall role of the committee is to manage, improve, maintain and control the reserve for the purpose for which it is reserved. The committee:

- acts in accordance with its collective accountability to the Minister;⁴
- ensures that all of its actions and decisions are consistent with its functions and powers under the *Crown Land (Reserves) Act*;⁵
- informs the local DELWP regional office of any known major risks (existing or emerging) to the effective management of the reserve;⁶ and
- unless prohibited by law, provides the Minister and Secretary of DELWP with any information relating to the committee and its operations that is requested.⁷

Employment principles

If the committee employs staff it treats them in accordance with the public sector employment principles. It also ensures that they comply with the [Code of Conduct for Victorian Public Sector Employees](#).⁸

Further information

Information on this topic (e.g. model policy and this guidance note) is available from DELWP's governance website, On Board (www.delwp.vic.gov.au/committees).

Support is also available from:

- your local DELWP regional office
- DELWP's Customer Service Centre (phone 136 186).

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 sections 13A and 81(1)(c) of the PAA.

⁸ The applicable principles in s 8 of the PAA are:

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

This document is available from the internet at www.delwp.vic.gov.au/committees

For more information contact the DELWP Customer Service Centre 136 186

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