

Committees of management

Code of conduct (including gifts) – model policy

Template (3) for small voluntary committees of management

This model policy is suitable for small voluntary (category 3) committees of management of crown land reserves. It is available from the Committees of Management support module on DELWP's governance website, On Board (www.delwp.vic.gov.au/committees)

Major agencies in the Department of Environment, Land, Water and Planning (DELWP) portfolio, including category 1 and 2 committees, have additional obligations and should use the standard model policy in the Code of Conduct support model on On Board (www.delwp.vic.gov.au/onboard).

Your committee should use the standard model policy instead of this one if it manages annual revenue of more than \$250,000 *or* has a cash balance of more than \$250,000 current for three consecutive years *or* manages crown land of regional or state-wide significance *or* manages coastal land *or* has otherwise been advised by DELWP that it is a category 1 or 2 committee (e.g. because it is managing a large development).

.....

[insert name of committee]

Code of Conduct (including gifts) – committee policy

1. Scope

This policy sets out the committee's code of conduct.

2. Standard of conduct

Committee members act in the **public interest** at all times (the best interests of managing the reserve). Each member is required 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 their appointment expires or otherwise terminates;
- avoid improperly using their position or any information acquired in their role as a committee member to gain advantage for themselves or another person or to cause detriment to the committee; and

- if standing for election to parliament or local council, formally notify the committee and avoid using any committee resources in connection with their candidature.¹

The above requirements are based on the 'duties of directors' in section 79 of the *Public Administration Act 2004* (PAA) and the [Directors' Code of Conduct](#), which mirrors these obligations and is legally binding on all committee members. For details, see Appendix 1.

3. Committee policies

Committee members are required to comply with the committee's policies, in particular, this policy and the policies on:

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

4. Gifts, benefits and hospitality

Unless good reason exists otherwise, committees members avoid accepting or giving gifts in their role as a 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 to accept or give it. When in doubt, committee members 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

A committee member must:

- never solicit gifts
- always refuse and report any attempt to bribe them
- never accept any gift that may cast doubt on their 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 a member directly or indirectly (e.g. grand final tickets offered to a member's spouse 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.²

¹ If standing for election, see DELWP's guidance note on this topic in the [Public Administration Act](#) support module on On Board.

² In accordance with s 15(8) of the *Crown Land (Reserves) Act*.

5. Collective accountabilities 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, for the benefit of the whole community. The committee:

- acts in accordance with its collective accountability to the Minister;³
- ensures that all of its actions and decisions are consistent with its functions and powers under the *Crown Land (Reserves) Act*;⁴
- informs the local DELWP regional office of any known major risks (existing or emerging) to the effective management of the reserve;⁵ and
- unless prohibited by law, provides the Minister and Secretary of DELWP with any information relating to the committee and its operations that he or she requests.⁶

6. Public sector employment principles

[Insert the following wording if the committee has employees.]

The committee treats all staff in accordance with the public sector employment principles.⁷ The committee also ensures that its staff comply with the [Code of Conduct for Victorian Public Sector Employees](#).

7. Review of this policy

The committee ensures that this policy is up to date with current laws, government policy, etc. The last review was completed on *[insert]*.

8. Further information

The Committees of Management support module on DELWP's governance website, On Board (www.delwp.vic.gov.au/committees) or contact the department's local regional office.

³ Consistent with section 85(1) of the PAA.

⁴ Consistent with section 81(1)(a) of the PAA.

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

⁶ Consistent with sections 13A and 81(1)(c) of the PAA.

⁷ The applicable principles in section 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

Appendix 1: Directors' Code of Conduct

The requirements of the [Directors' Code of Conduct](#) are:

- *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.
- *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.

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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