

New South Wales Aboriginal Education Consultative Group Incorporated



MEMBERS CODE OF CONDUCT

NSW AECG Inc. Members Code of Conduct - Endorsed at NSW AECG Inc
2nd State Committee Meeting 2009 (Coomealla)

CONTENTS

Code of Conduct	3
General Principles	4
Personal and Professional Conduct	5
Security and Confidentiality of Official Information	6
Public Comment and the use of Official Information	6
Conflict of Interest	7
Gifts and Benefits	7
Disputes and Dicipinary Action	8
Reporting Corrupt Conduct	10
Concluding Statement	10

CODE OF CONDUCT

The New South Wales Aboriginal Education Consultative Group Incorporated (NSW AECG Inc) is an Aboriginal community-based organisation made up of volunteer members who are involved in Local and Regional AECGs throughout NSW. The NSW AECG Inc. is recognised as the principal source of advice on behalf of Aboriginal communities on issues relating to education and training.

This Code of Conduct establishes standards of professional behaviour expected of members of the NSW AECG Inc. This code has been developed to support Regional and Local committees in clarifying our professional and ethical responsibilities in executing our duties. This will encourage public confidence in the work of the NSW AECG Inc.

An important purpose of this code is to foster among the members of the NSW AECG Inc a spirit of cooperation and collaboration that promotes integrity and contributes to the efficiency and effectiveness of the organisation. The code seeks to promote the highest standards and a commitment to equity in carrying out the NSW AECG Inc's responsibilities.

The code is intended to be read not as a series of rules but as a clear statement of the standards of appropriate and ethical behaviour required of all NSW AECG Inc Members.

Members of the NSW AECG Inc must familiarise themselves with this **Code of Conduct** as this will outline how members of the NSW AECG Inc should operate when representing this organisation.

GENERAL PRINCIPLES

In performing their duties, members of the NSW AECG Inc **must** be conscious of:

- The importance of their personal and professional conduct;
- The importance of fairness and equity;
- The importance of providing accurate and unbiased advice;
- The dangers of conflict of interest;
- Whether public comment is appropriate;
- The need to respect the confidentiality of official information.

PERSONEL AND PROFESSIONAL CONDUCT

In carrying out their duties, members of the NSW AECG Inc. must be conscious of:

- Complying with any legislative, industrial or administrative requirements;
- Dealing with issues and cases in a prompt, consistent and fair manner. Matters must be handled in accordance with NSW AECG Inc procedures and guidelines. (*Principles of natural justice are observed*)
- Treating members of the public with courtesy and sensitivity to their rights; and
- Carrying out work efficiently and effectively and ensuring that the standard of work reflects favourably at all levels of the association

To maintain appropriate standards within the Association, members must:

- Co-operate with colleagues to facilitate the effective performance of responsibilities;
- Observe the rights of other members;
- Not unlawfully discriminate against a colleague or any member of the public on the grounds of their sex, marital status, pregnancy, age, race, colour, ethnic or national origin, physical or intellectual impairment, sexual preference or religious or political conviction;
- Use NSW AECG Inc resources responsibly and economically.

SECURITY AND CONFIDENTIALITY OF OFFICIAL INFORMATION

Security of information is critical for the success and integrity of the NSW AECG Inc.

The Freedom of Information Act provides a formal mechanism for the disclosure of certain official information and documents. Therefore, under the provisions of that legislation and in accordance with NSW AECG Inc *'Rules of the Association'*, appropriately delegated staffs, acting as agents of the NSW AECG INC. and not as individuals, are able to disclose information related to official business.

PUBLIC COMMENT AND USE OF OFFICIAL INFORMATION

Effective communication is a key objective of the NSW AECG Inc and the community in general is to be kept fully informed of matters relating to the role, function and operation of the Association.

'Public comment' includes speaking engagements, such as comments on radio and television, and expressing ideas in letters or in books or notices where it is reasonably foreseeable that publication or circulation of the comments will flow to the community at large.

.

CONFLICT OF INTEREST

A conflict of interest may occur where there is likelihood that a member possessing a particular interest could be influenced or might appear to be influenced in the performance of his/her duties on a particular matter.

If a conflict of interest occurs the member must declare their interest.

The forum, appropriate to the NSW AECG Inc, will then decide suitable action.

Some examples:

- A member interviewing a relative or close friend for any position;
- A member is representing their Local or Regional AECG on a committee or panel, which their supervisor is convening e.g. A Principal has asked an Aboriginal worker at the school to be the AECG rep on a teachers panel
- A member calling or evaluating tenders or organising the purchase of supplies when they have a financial or other interest, such as when a personal friend or relative is one of the tenderers.

Local/Regional Presidents must actively resolve any conflicts of interests that occur, or could occur, within their boundaries. If no resolution, the conflict is then referred to the President of the Association for mediation.

GIFTS AND BENEFITS

Members of the NSW AECG Inc must never seek, demand, accept, receive or solicit in any way gifts, monies or benefits, which might, either directly or indirectly, compromise or influence them in the performance or non-performance of their official duties.

If a member of the NSW AECG Inc is offered a gift, money or benefit that is intended to improperly influence his/her decision making, then the member must not accept it. The member should promptly report the incident to the NSW AECG Inc Secretariat.

DISPUTES AND DISCIPLINARY ACTION

The NSW AECG Inc will assist Local and Regional AECGs with mediating and coordinating disciplinary action and resolution of disputes.

The Associations Incorporation Act 1984 is aimed at non-commercial organisations, with the intention being to facilitate their operation rather than to control their behaviour.

The Management Committee of an Association is responsible for the administration of the affairs of the Association, including the handling of internal disputes, in accordance with the Act and the Rules of the Association.

Member vs Member disputes

The NSW AECG Inc understands the importance of the Local and Regional AECG's resolving any disputes that may arise at their respective levels. It is imperative that the Executive positions eg President, Secretary etc are utilised when resolving any dispute.

If a dispute cannot be resolved at the respective level between members of the Association then it must be referred immediately to the Region or State AECG respectively

For example:

If an unresolved dispute exists at a local level the Regional AECG must be contacted to coordinate the resolution of the dispute. If the matter remains unresolved after this process the matter is then to be referred to the President of the Association in writing by the President of that Region.

If a dispute arises between members of the Association at a regional level the President of the Association must be contacted to coordinate the resolution of the dispute.

Member vs Association dispute

If a dispute arises between a member or members and the Association, attempts must be made to resolve the dispute directly between the parties. For the resolution of dispute between member or members and the Association, information or advice on the concerns surrounding the dispute must be received by the President of the Association in writing.

If the member or members in dispute hold Executive position/s at a Local, Regional or State level, such member or members must stand down until the dispute is satisfactorily resolved.

If any party involved in a dispute is not satisfied with the outcome following the internal process the following action can be taken as stated in the *Model Rules for Associations Incorporated under the Associations Incorporation Act, 1984*:

Part 2, 10

- 1) Disputes between members (in their capacity as members) of the Association, and disputes between members and the Association, are to be referred to a Community Justice Centre for mediation in accordance with the *Community Justice Centres Act 1983*.

Procedures for disciplining a Member

If a member of the Association operates in a manner that breaches the Code of Conduct and which is deemed detrimental to the interest of the association then Section 2, Part 8 of the '*Rules of the Association*' should be implemented.

Please note: Section 2, Part 8 of the '*Rules of the Association*' can only be implemented if endorsed in writing by the President of the Association.

Right of appeal of disciplined Member

A disciplined member of the Association has a right to appeal as highlighted in Section 2, Part 9 of the '*Rules of the Association*'.

If a member is not satisfied with the outcome of the appeal process the member should contact a Community Justice Centre as stated in Section 2, Part 9 of the '*Rules of the Association*'

9.5) If the disciplined member wishes to appeal the resolution they should refer to a Community Justice Centre for mediation in accordance with the *Community Justice Centres Act 1983*.

If the matter remains unresolved after the disputes resolution provision in the rules has been utilised, members may wish to seek independent legal advice or to use professional mediation (Alternate Dispute Resolution).

REPORTING CORRUPT CONDUCT

Members of the NSW AECG Inc have a duty to report any instance of corrupt conduct they observe in the course of their performance as members.

Procedures for reporting internally involve informing the President of the Association or the appropriate supervisor.

Protected disclosures may also be made direct to an external investigating authority including the Independent Commission Against Corruption (ICAC) if it involves a public servant in NSW.

CONCLUDING STATEMENT

The NSW AECG Inc Members Code of Conduct is consistent with the aims and objectives of the Association. It also promotes the integrity of our members to the wider community.

To ensure its currency and validity, the code will be reviewed and amended regularly to take account of new or changed circumstances.

If you are in doubt as to the appropriate course of action to be adopted on any circumstance or situation, the matter must be discussed with staff at the Secretariat or the President of the Association.