

**Standard 3 Child Protection and Child Safety**  
**Objective:** Children and young people are safe and protected from harm



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| <b>Title: Code of Conduct and Ethical Behaviour Policy (PSP specific)</b> |                               |                     |
| <b>Policy Area: Governance - Human Resource Management</b>                |                               |                     |
| <b>Policy Number:</b>   | <b>Version: 4</b>             | <b>Page 1 of 11</b> |
| <b>Final Author: Colleen Murray</b>                                       |                               |                     |
| <b>Approved by: Management Committee</b>                                  |                               |                     |
| <b>Date: March 2021</b>   | <b>For review: March 2024</b> |                     |

## 1. Purpose

This Code of Conduct and Ethical Behaviour Policy (Code of Conduct) outlines the standard of conduct that Woomera Aboriginal Corporation (WAC) personnel are expected to demonstrate. It provides clear information about the types of conduct that are not acceptable.

Complying with the Code of Conduct is an essential part of protecting the human rights, dignity, and well-being of all people with whom WAC has contact, especially children and young people who are especially vulnerable. Community trust and confidence in the integrity and professionalism of WAC will be earned and maintained when personnel consistently uphold a high standard of ethical conduct.

## 2. Scope

This Code of Conduct applies to all personnel, including members of the Management Board, all paid and unpaid employees, contractors and all individuals who enter relationships with WAC e.g. visiting representatives of other service providers.

Authorised carers are subject to the Code of Conduct for Approved Foster Carers and are required to enter into a Carer Agreement.

The Code of Conduct should be read alongside the following WAC documents:

- Child Protection and Child Safety Policy
- Reportable Conduct Procedure
- Rule Book of Woomera Aboriginal Corporation Albury
- Conflict of Interests Policy & Procedures
- Discrimination Harassment & Bullying Policy & Procedures
- Grievance Policy & Procedures
- Delegations Policy and Instrument.

In addition, all personnel are required to observe and comply with federal and state laws, rules, and regulations, including the *Corporations (Aboriginal and Torres Strait Islander) Act 2006 (CATSI Act)* and its regulations. The Code of Conduct does not exclude or replace the rights and obligations of personnel under general statutory or common law.

Individuals are expected to take responsibility for ensuring their own behaviour is consistent with the Code of Conduct at all times. They are also expected to encourage and support others to comply with the Code of Conduct and to report suspected breaches according to the procedures in this document (see section 13).

Before commencing any role, personnel must sign an acknowledgement that they have reviewed the Code of Conduct, agree to comply with it, and understand the consequences of breaching the Code. Personnel will then be required to review and sign the Code of Conduct on an annual basis.

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A person who is found to have breached this Code of Conduct may be subject to disciplinary action, up to and including dismissal.

#### **Key responsibilities**

- All personnel are responsible for complying with the Code of Conduct; encouraging and supporting others to comply with the Code; and reporting any suspected breaches of the Code to the Team Leader, Manager or Chairperson.
- The Manager is responsible for ensuring that personnel review and agree to comply with the Code and maintaining an appropriate record of this.
- The Chairperson, Manager and Team Leader are responsible for:
  - promoting awareness and application of the Code of Conduct, including via supervision
  - responding appropriately to suspected and proven breaches of the Code
  - maintaining fairness and confidentiality when conducting investigations into suspected breaches, grievance and disputes, and
  - complying with legislation, policies and procedures when responding to suspected and proven breaches of the Code.

### **3. Protecting children and young people from abuse, harm, or exploitation**

WAC is committed to upholding the [UN Convention on the Rights of the Child](#) and to providing an environment where the rights of all children and young people are promoted and respected. This includes the right of children and young people to be free from abuse, harm, or exploitation. WAC will act without hesitation to ensure the safety and wellbeing of children and young people.

Personnel are expected to:

- Protect children and young people from abuse, harm, and exploitation.
- Comply with the Child Protection and Child Safe Policy and related policies and procedures, exercising a duty of care at all times.
- Respond proactively, and in accordance with WAC's policies and procedures, to any allegations, reports of concern or complaints made by or on behalf of children and young people.
- Maintain clear boundaries in their professional interactions with children and young people.
- Engage in appropriate behaviour and act as a positive role model for children and young people.

Personnel must not engage in any concerning behaviour, misconduct or criminal conduct with, towards or in the presence of a child or young person.

Concerning behaviours include, but are not limited to:

- Disciplining or correcting a child or young person in an unreasonable manner.
- Speaking or referring to a child in a derogatory or threatening manner.
- Making excessive and/or degrading demands of a child or young person.
- Taking photos of a child or young person who is in the care of the organisation outside of official duties.
- Creating situations to be alone with a child or young person; repeatedly visiting a child/young person and/or their family at their home for no professional reason.
- Providing gifts or favours to a child/young person or their family.
- Wearing inappropriate clothing around children or young people (for example, clothing with sexually explicit images or messages or clothes that expose or accentuate the genitals or breasts).

Misconduct includes, but is not limited to:

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- Using sexual language or gestures.
- Making written or verbal sexual advances.
- Sharing sexual photos or videos or other photos of the child or young person.
- Sharing details of one's own sexual experiences with a child or young person.
- Taking a child or young person to one's house or elsewhere to be alone with them.
- Sharing phone numbers with a child or young person except as allowed by WAC's policies and procedures.
- Engaging with a child or young person via social media except as provided by the WAC's policies and procedures.
- Asking children or young people to keep a relationship secret.
- Showering or dressing or undressing with the door open (for example, on excursions and in residential situations).
- Not respecting the privacy of children/young people when they are using the bathroom or changing (for example, on excursions and in residential situations).

Conduct, which if proven, would be criminal (includes, but is not limited to):

- Intentionally or recklessly applying physical force against a child or young person.
- Obscene exposure.
- Having, attempting to have, or facilitating any kind of sexual contact with a child or young person.
- Possessing, creating, or exposing children to pornography.
- Giving goods, money, attention, or affection in exchange for sexual activities or images.
- Sexting.
- Grooming offences (as defined by law).
- Trafficking, possession, supply, or use of a prohibited drug.
- Manufacture or cultivation of a prohibited drug.

#### **4. Professional conduct**

Personnel are required to demonstrate professional conduct by performing their duties with efficiency, fairness, impartiality, integrity, and honesty and always behaving in an ethical and collegial manner.

In performing their duties, personnel must:

- Uphold professional standards of service delivery, administration and be accountable for their official conduct and decisions, including making decisions that are procedurally fair and maintaining adequate records to support decisions.
- Comply and cooperate with legislation, policy, procedures, and reasonable instructions. This obligation applies even though personnel have the right to institute grievance procedures when they believe a decision is improper or they seek decisions or policy changed through appropriate channels.
- Promote and uphold the rights of WAC clients and personnel.
- Maintain appropriate professional boundaries in relationships with clients, volunteers, and carers.
- Use supervision to discuss ethical dilemmas, practice, and safety issues.
- Use appropriate language.
- Maintain confidentiality and privacy, subject to statutory obligations to share information.
- Actively participate in building and maintaining a safe and harmonious work environment.
- Report behaviour which might reasonably be perceived as breaching this Code of Conduct.

In performing their duties, personnel must not:

- Act in ways that adversely affect their own health and safety or the health and safety of others.

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- Come to work or stay at work while affected by alcohol, any illegal substance, or any drug which impairs work performance or poses a safety risk to themselves or others.
- Consume any substance during working hours which would impair their ability to work safely and effectively and would be a risk to the safety of others.
- Engage in contact or any form of personal relationship with children, young people, their parents/carers or families outside of office hours unless approved by a Manager.
- Ignore work duties or waste time during working hours.
- Take or seek to take improper advantage of any information gained in the course of employment.
- Take improper advantage of their position to benefit themselves or others, including by accepting or soliciting bribes or inducements.
- Conduct any illegal activity on WAC premises.
- Engage in stealing or theft from WAC, another staff member, clients, or visitors.
- Allow personal political views/affiliations or other personal interests to influence the performance of duties or exercise of responsibilities.

#### **Duty of care**

All WAC personnel must take every precaution reasonable in the circumstances to protect the health, safety and welfare of clients and all those in the workplace. In particular, they must comply with *Work Health and Safety Act 2011*, the *Workers Compensation Act 1987* and the *Workplace Injury Management and Workers Compensation Act 1998* and relevant Codes of Practice, as well as WAC's work health and safety policies and procedures.

All personnel are expected to actively promote safe working practices and environments for everyone using WAC's facilities.

#### **Ethical decision making**

When making decisions during their work, all personnel must consider:

- Whether the decision is lawful.
- Whether the decision is consistent with WAC policy and in line with the objectives and Code of Conduct.
- The likely outcomes for all concerned parties.
- Whether the outcomes raise a conflict of interest or will lead to a private gain at WAC's expense.
- Whether the decision is justified in terms of the community interest and whether it would withstand public scrutiny.

All personnel undertaking or assisting with research must do so in a manner consistent with intellectual honesty and the public interest e.g. ethical clearances must be gained where appropriate.

#### **Privacy and confidentiality**

WAC regards the secure protection of personal information entrusted to it by or about individuals of paramount importance. WAC's practices have been designed to adhere to the National Privacy Principles. The Guidelines to the National Privacy Principles can be located at [www.oaic.gov.au](http://www.oaic.gov.au).

All personnel must take reasonable steps to ensure that any information marked confidential in any form (whether electronic or hard copy), cannot be accessed by unauthorised people and that sensitive information is only discussed with people who are authorised to have access to it. Unauthorised disclosure or use of confidential information may result in disciplinary proceedings.

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Official information must only be used for the work-related purpose intended and not for personal benefit. Personnel must ensure that they do not disclose, disseminate, or make use of any information marked confidential without prior authorisation or unless specifically authorised by legislation. All personnel have a duty to maintain the confidentiality, integrity, and security of information for which they are responsible. In addition, all personnel have an obligation to report to their supervisor, or the Manager actual or suspected misuse of information.

Personnel also have responsibilities to advise those using WAC services of their rights in relation to privacy and complaints.

WAC staff are encouraged to access the Privacy Act – see [www.comlaw.gov.au](http://www.comlaw.gov.au). Further advice can be sought from the NSW Information and Privacy Commission on 1800 472 679 or the Office of the Australian Information Commissioner on 1300 363 992

#### **5. Respect for individuals**

WAC is committed to promoting the rights and wellbeing of all people connected to the service, including personnel, clients, and members of the broader community. Personnel are expected to demonstrate respect for individuals at all times. Discrimination, bullying, harassment or victimisation in any form are unacceptable.

Personnel must at all times:

- Behave respectfully and courteously.
- Act fairly in supervising and dealing with staff and clients.
- Take a client-centered approach to service delivery.
- Respect and value diversity, particularly the knowledge and understanding of Aboriginal and/or Torres Strait islander children, young people, parents, carers, and families.
- Contribute to maintaining a fair, respectful, inclusive, and safe working environment, where diversity is valued.
- Carry out work in a safe manner and take precautions to protect the health, safety and welfare of oneself and others.
- Respect an individual's right to privacy and keep personal information in confidence except where there is a statutory obligation to share information.

Personnel must not engage in unacceptable behaviour towards others, including (but not limited to):

- Any form of bullying, harassment, or victimisation.
- Rude or insulting behaviour, such as screaming or persistent sarcasm.
- Using offensive or abusive language.
- Aggressive or abusive behaviour towards other personnel, volunteers, clients, carers, or visitors.
- Stalking, threatening or menacing behaviour.
- Violence in any form.
- Making decisions based on favoritism.
- Using information and communication technologies, such as email, mobile phones, text or instant messaging and websites to engage in behaviour that could reasonably be considered to have a negative impact on another person, cause them harm, or make them feel unsafe.
- Make unfounded complaints with malicious, frivolous, or vexatious intent against another member of personnel.

#### **Harassment and discrimination**

It is unacceptable to harass or discriminate against any person on the basis of cultural or linguistic diversity, disability, gender identity or sexuality, marital status, pregnancy, age, race or ethnicity, political or religious conviction, or any other aspect of their identity.

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Such behaviour may constitute an offence under several federal anti-discrimination laws including the *Commonwealth Racial Discrimination Act 1995*, *Commonwealth Sex Discrimination Act 2013*, and the *NSW Anti-Discrimination Act 1977*, and will be considered a breach of WAC's Code of Conduct.

Supervisors must ensure that the workplace is free from all forms of harassment and discrimination. They should understand and apply the principles of equal employment opportunity and ensure that the employees they supervise are informed of these principles.

*See also Discrimination Harassment & Bullying Policy & Procedures and Grievance Policy & Procedures.*

#### **6. Use of WAC resources**

Personnel are expected to be efficient and economical in their use and management of resources, including their own work time. WAC's resources should be used for the legitimate work purposes for which they are provided. The use of WAC resources for purposes other than work should be subject to appropriate arrangements approved by the relevant supervisor, Team Leader, or the WAC Manager.

Personnel should not remove WAC equipment from the site, except where this is necessary for WAC purposes, and only when appropriate permission has been given. Old or redundant WAC equipment must not be taken home but may be sold privately at the discretion of the Manager; all details of the sale are to be recorded accurately.

Electronic mail, access to the internet, computerised information systems and other electronic facilities are provided to support WAC's activities and should be used for these purposes in accordance with WAC's policies and procedures. It is expected that WAC's facilities and equipment will always be treated with care.

All intellectual property created during the employment of WAC remains the property of WAC unless a specified agreement has been made varying this principle; permission is required to use intellectual property outside of the organisation.

#### **7. Financial delegation**

The Instrument of Delegation will outline the financial limits which have been delegated to positions within the organisation and employees must strictly adhere to those limits.

No employee of WAC has the authority to incur debts on behalf of the organisation unless the position they hold has the delegated authority to do so by the Management Board. Employees should refer to the organisation's Delegation Policy & Procedures and the Instrument of Delegation before procuring any goods or services on behalf of the organisation.

Employees who exceed their delegated authority may be subject to disciplinary action up to and including dismissal and will be required to repay debts incurred by them without authority.

#### **8. Conflict of interests**

The potential for a conflict of interest arises when personnel have private interests that could influence or appear to influence judgements made during the course of their professional duties. They also arise when there is a reasonable expectation of a personal benefit, direct or indirect, that could influence the performance of personnel's duties. This benefit may be financial or non-financial.

Personnel must:

- Be objective, open, and honest, making recommendations or decisions with integrity and accountability and in a way that best serves the interests of WAC.
- Be sensitive to the potential for conflicts of interest to arise and avoid situations in which

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private interests, financial or otherwise, conflict with or might reasonably be thought to conflict with their duties, obligations, and responsibilities to WAC.

- Declare all private interests (including financial or non-financial) that conflict or may be perceived to conflict with the discharge of their responsibilities to the Chairperson (for Board members) or Manager (for employees).
- Ensure all decisions are free of bias or apparent bias.
- Behave with integrity and impartiality.
- Ensure all processes are transparent and documented.

Activities which automatically result in a conflict of interest and therefore must be avoided:

- Being a member of an interview panel where an immediate family member is an applicant i.e. parent, spouse, child, sibling.
- Selecting an applicant for housing or influencing a decision around housing matters e.g. rental arrears/amenities/maintenance etc. or any other service where a spouse, partner or near relative is an applicant, member, or client of the organisation.
- Providing paid services to WAC.

Activities which will result in an actual or perceived conflict, unless formal procedures are followed, for example:

- Being a member of an interview panel where a 'near relative' is an applicant. 'Kinship' in Aboriginal communities is acknowledged, and at times, it may not be possible to avoid a perceived conflict in such a situation, however the selection advisory committee (SAC) appointed, must contain a minimum of three members, two of whom have no relationship to the applicant. The SAC must prepare a written report with a recommendation to be forwarded to the incumbent in the position with the delegated authority to approve the appointment (refer to the Delegations Policy and Instrument).
- Accepting a discount on a personal purchase from a business you deal with in your professional capacity.
- Providing private paid services in your own time, for which you are already being paid for by the organisation.
- Accepting gifts, including hospitality, which may be linked to or be perceived as a link to the letting of a contract or tender.

Activities where a conflict of interest may occur or be perceived, depending on the circumstances, for example:

- Engaging in outside work, voluntary or unpaid activities which may conflict with your role and responsibilities at WAC.
- Engaging in party political or community activities.

Personnel are expected to seek advice from the WAC Chairperson (for Board members) or Manager (for employees) if they are unsure.

See also *Conflict of Interest Policy & Procedures*.

### **9. Giving and receiving gifts and benefits**

WAC personnel should not solicit or encourage gifts or benefits in relation to their professional duties. Receipts of gifts may be perceived by others as an inducement, creating a potential conflict of interest, and may be an offence under legislation. The offence extends to the offering or seeking of a gift or benefit.

Personnel are not permitted to accept gifts other than those of a minor value from clients to a value of less than \$15. Any gift with a valuation above \$15 must be declared to the direct line supervisor. Gifts with a substantial value estimated at more than \$50 or receipt of serial gifts from the same donor, must be declared in writing to the Manager.

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Any lottery or keno ticket of whatever value given to any personnel as a gift, because of their employment, must be surrendered to WAC.

The following information is required to be registered in relation to gifts with an estimated substantial value of \$50 or more:

- staff member's name and position
- date gift received and name of donor
- description and approximate value of gift
- current location of gift

A Gifts and Benefits Register will be maintained, and the Management Board will be made aware of gifts and benefits with a value of \$50 or more.

The members of the Management Board and employees may give or accept an occasional gift which is offered in accordance with social or cultural practice, for example, when an officer or employee retires or leaves WAC.

The use of WAC funds for gifts must be approved by the Manager.

#### **Bribes or inducements**

Personnel must not under any circumstances solicit or receive a bribe or other inducement.

The following procedure should be followed if a WAC employee believes or suspects they have been offered a bribe or an inducement:

- notes should be taken immediately after the conversation has occurred
- your Team Leader should be informed of the offer, and relevant details
- if the Team Leader is involved the incident, it should be reported to the Manager
- if the Manager is involved the incident, it should be reported to the Chairperson
- if a bribe has been offered, WAC management may decide to inform the Office of the Registrar of Aboriginal Corporations and the police through the office of the Manager or Chairperson.

The following procedure should be followed if a member of the Board believes or suspects they have been offered a bribe:

- notes should be taken immediately after the conversation has occurred
- the Chairperson should be informed of the offer, and all details
- if the Chairperson is involved, the incident should be reported to the Manager
- if a bribe has been offered WAC management may decide to inform the Office of the Registrar of Aboriginal Corporations and the police through the office of the Manager or Chairperson.

#### **10. Public comment**

Public comment is any comment which might be expected to be circulated or published outside WAC. The Manager is the only staff member with the delegated authority to make such comment in relation to WAC and its business. The Manager may delegate this responsibility where appropriate.

Other personnel may make public comment on any issue in their capacity as individual members of the community. However, when making public comment (including via electronic means) all personnel should take all reasonable steps to ensure that the opinions they express are not represented as an official view of WAC.

#### **11. Secondary employment**



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All salaried personnel are reminded that their employment obligations are to WAC in the first instance. Salaried employees wishing to engage in outside work, including private practice, must make application to the Manager who will approve or decline the application in consideration of the impact on organisational business.

All salaried employees, including those employed for less than full-time, must not accept outside work where it may cause a direct or indirect conflict with the employee's duties to WAC. If there is any doubt whatsoever, the potential direct or indirect conflict must be reported to the Manager immediately.

The Manager will approve or decline the salaried employees' engagement in outside work after considering the impact on the organisation's business.

## **12. Security**

All personnel must maintain adequate security of WAC's premises in which they are working and must maintain security of keys or swipe cards and passwords issued to them for the purposes of opening, accessing and using WAC's buildings, vehicles, equipment and other facilities.

## **13. Reporting breaches of the Code**

Employees must report suspected breaches of the Code to the Manager. Board members should report suspected breaches of the Code to the Chairperson.

In addition, complaints about the conduct of an Aboriginal corporation (including WAC) can be made to the Office of the Registrar for Aboriginal Corporations (ORIC). ORIC is responsible for regulating Aboriginal corporations and ensuring they comply with the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. The Act provides protection from victimisation for whistleblowers who make a complaint about wrongdoing such as (but not limited to) fraud, misappropriation of funds, or improper use of a position to gain a personal advantage or an advantage for another person.

ORIC

Freecall 1800 622 431 (not free from mobiles)

Email [info@oric.gov.au](mailto:info@oric.gov.au)

Website [www.oric.gov.au](http://www.oric.gov.au)

All personnel can also report suspected corrupt conduct, this includes any serious or substantial waste of public resources and/or maladministration by an individual, to the ICAC.<sup>1</sup>

In addition, complaints can also be made to the NSW Ombudsman in relation to the delivery of community services in accordance with the *Community Services (Complaints, Reviews and Monitoring) Act 1993*.

## **14. Relevant legislation (not exhaustive)**

- Corporations (Aboriginal and Torres Strait Islander) Act 2006
- NSW Anti-Discrimination Act 1977
- NSW Crimes Act 1900
- Disability Discrimination Act 1992 (Cth)
- Workplace Gender Equality Act 2012
- Privacy and Personal Information Protection Act 1998 and regulation 2014
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Privacy Act 1988 (Cth)
- Racial Discrimination Act 1975 (Cth)

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<sup>1</sup> While government-funded NGOs are generally not classified as public authorities for the purposes of the *Independent Commission Against Corruption Act 1988*, the ICAC has jurisdiction over individuals working for NGOs when they perform public official functions using public money provided for that purpose.

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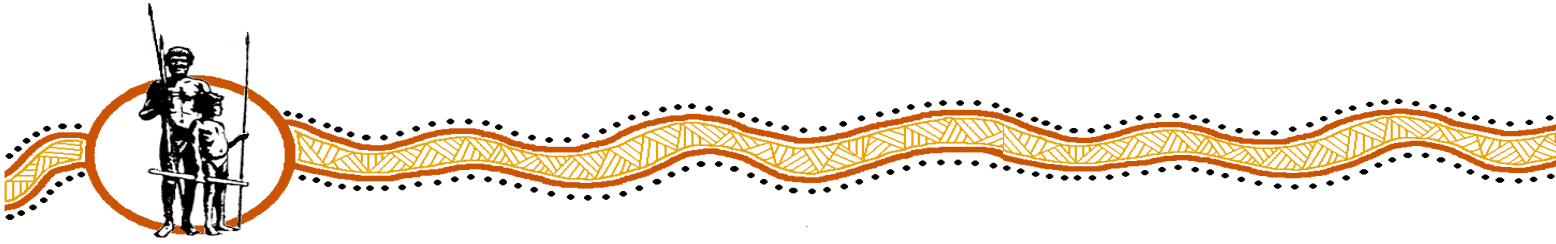
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- Sex Discrimination Act 1984 (Cth)
- Work Health and Safety (WHS) Act, 2011 and regulation 2017
- Workplace Relations Act 1996 (Cth)

#### **15. Related policies and procedures:**

- Child Protection and Child Safety Policy
- Rule Book of Woomera Aboriginal Corporation Albury
- Conflict of Interest Policy & Procedures
- Discrimination Harassment & Bullying Policy & Procedures
- Grievance Policy & Procedures
- Delegations Policy and Instrument

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**Code of Conduct & Ethical Behaviour  
Employee Agreement**

I, (*insert full name*) ..... hereby:

acknowledge that I have received, read and understood the Code of Conduct and Ethical Behaviour of Woomera Aboriginal Corporation.

I understand that an established breach of this agreement may result in disciplinary action and or termination of my employment and/or contract.

*Signed:* .....

*Date:* .....