

Policy Statement on Code of Conduct

May 2014





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Professional Standards Council Code of Conduct for New South Wales, Victoria, Northern Territory, Western Australia, South Australia, Tasmania, Queensland and Australian Capital Territory

1. Introduction

The Professional Standards Councils (the Councils) consider it good practice to have a Code of Conduct defining the standards of behaviour expected of its members and guidance about ethical conduct.

This Code of Conduct is based on various codes of conduct (or otherwise named standards, policies and legislation) in each jurisdiction.

In addition to this general code of conduct for all Councils, there may be specific Codes of Conduct policy or legislation further governing the conduct of members of the Councils. Members of the Councils should familiarise themselves with the relevant documentation relating to each particular jurisdiction.

Information regarding each jurisdiction will be provided to each member of the Councils.

2. Definitions

Councils mean the Professional Standards Councils of New South Wales, Victoria, Western Australia, Northern Territory, South Australia, Queensland, Australian Capital Territory and Tasmania.

Member of the Councils means a member or deputy member of the Professional Standards Councils.

Principles

Members of the Councils are appointed to the Professional Standards Councils by the Minister. As such, Members assume a position of public trust. This means they must act ethically to support the continuance of public trust and to observe the highest standards of behaviour and accountability.

The following principles will assist members of the Councils to perform their duties:

1. Responsibility

- a. Members of the Councils should recognise that as a member, their primary responsibility is to the Professional Standards Councils.

2. Honesty, Integrity and Public Interest

- a. Members of the Councils should act honestly, in good faith in the public interest and in the best interests of the Professional Standards Councils.



Regulatory Regime

Members of the Councils should:

Gain a clear understanding of the role and purpose of the Professional Standards Councils as well as their statutory and regulatory requirements.

Accountability

1. Accountability

- a. Members of the Councils should:
- b. Maintain confidentiality
- c. Ensure compliance with statutory and legal requirements

2. Meetings

- a. Members of the Councils should use their best endeavours to attend all meetings.

3. Allowances, Accommodation and travel expenses

- a. Professional Standards Councils members:
 - i. Will be reimbursed travel, accommodation and allowances in accordance with the Members Handbook.

Use of Official Information and Confidentiality of Professional Standards Councils Business

1. Members of the Councils should ensure that all information and documentation obtained in their work for the Councils is kept confidential.
2. Members of the Councils should not disclose official information or documents acquired as a consequence of membership of the Councils other than as is required by law or when the member has been given proper authority to do so.
3. Members of the Councils should respect the confidentiality of material presented to the Councils, including discussions with members of the Secretariat. Councils business should not to be released to, nor discussed with any person external to the Councils or the Secretariat without prior approval of the Councils.

Gifts and Benefits

1. Members of the Councils are public officials and should perform their functions with integrity, impartiality and honesty. During a term of appointment a member of the Councils may be offered certain gifts and benefits.
2. Members of the Councils must not accept gifts or benefits that could place them under an actual or perceived financial or moral obligation to other organisations or to individuals.
3. To avoid the possibility of being compromised, only gifts of hospitality of token or nominal value should be accepted in some circumstances.



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4. All gifts and benefits received by members should be notified to the Secretariat. The Secretariat maintains a Register of Gifts. The information provided to the Secretariat should include:
 - a. Who made the offer
 - b. Who received the gift or benefit
 - c. Date received
 - d. Value of the gift or benefit
 - e. Decision made on its allocation.

Conflicts of Interest

1. Members of the Councils are to declare any conflict of interest that may arise from any matter before the Councils, and may elect not to be present for that matter.
2. If a member of the Councils is unsure about a conflict of interest, the member should err on the side of caution and declare a conflict of interest to the Councils.
3. The Councils may, when considering the conflict of interest and the matter of business, determine that the member:
 - a. Not be present
 - b. Be present but abstain from the discussion and voting
 - c. Participate in the discussion but abstain from voting
 - d. Participate fully.
4. Notifications of conflicts of interest are to be recorded in the minutes.
5. Members of the Councils must declare any standing conflicts of interest via a declaration form and as they arise during business from time to time. A declaration form must be completed periodically, or as new conflicts of interest may arise. The completed form will form part of the Conflict of Interest Register as maintained by the Secretariat.
6. A copy of the Register will be made available at all meetings of the Councils.
7. The Council's Conflict of Interest Guidelines provide further detail as to identifying conflicts of interest:
 - a. Members of the Councils must provide a Notice of Disclosure of pecuniary and non-pecuniary interest. A further Notice of Disclosure is required when there is a relevant change to a Member's pecuniary and non-pecuniary interests.



Pecuniary Interest

Members of the Councils should submit a completed Notice of Disclosure where the member has (or is likely to have) an interest in matters being considered by the Councils because of a reasonable likelihood or expectation of appreciable financial gain or loss to the member or another person with whom the member is associated. A member of the Councils may have a pecuniary interest where the member's spouse, de facto partner or a relative of the person, or a partner or employer of the member, or a member of another body has a pecuniary interest in the matter.

For the purpose of these guidelines, a member of the Councils may not have a pecuniary interest if the member is unaware of the relevant pecuniary interest of the spouse or other person.

A member may not have a pecuniary interest in a matter where the interest is so remote or insignificant that it could reasonably be regarded as not likely to influence any discussion or vote of the member in relation to the matter.

A pecuniary interest may arise where the member of the Councils (or another person):

1. Practices a profession or occupation of a kind that may be eligible to be subject to a scheme, including where an association for another profession or occupation has (or has applied for) a scheme and the members of the association may provide to clients services similar to the services of the member or another person.
2. Is a member of an association that has (or has applied for) or may be eligible to apply for a scheme, including where the member or another person is not an office holder, member of the executive or a committee of the association, or is a member of an association where another association of the profession or occupation has or may apply for a scheme.
3. Have shares or other interests in an insurance industry provider, or is a director or employee of a broker, underwriter or reinsurer.
4. Is a director, partner or employee of an entity that provides advice to the Councils such as consultants, actuaries or other providers, or that make submissions to the Councils and comments on proposed schemes, policies, guidelines, standards or other matters of the Councils.
5. Other similar interest.

Non-pecuniary Interest

A member should disclose a non-pecuniary interest that is a private or personal interest, for example a friendship, membership of an association, society, or trade union, or involvement or interest in an activity that could influence, or a reasonable person would perceive could influence the member when carrying out his or her public duty.



Some questions that may help decide whether a conflict of interest may exist or be perceived to exist, include

6. Do I, a relative, friend or associate stand to gain or lose financially or through reputation from the decision of the Councils or action on the matter? Have I contributed in a private capacity in any way to the matter before the Councils?
7. Have I made any promises or commitments in relation to the matter?
8. Have I received a benefit or hospitality from someone who stands to gain or lose from Councils decision or action?
9. Am I a member of an association, club or professional organisation, or do I have particular ties and affiliations with organisation or individuals, who stand to gain or lose an interest from the Councils consideration of the matter?
10. Could there be benefits for me in the future that could cast doubt on my objectivity?
11. If I do participate in discussion or decision-making would I be happy if my colleagues and the public become aware of my association or connection?
12. Would a fair and reasonable person perceive that I was influenced by personal interest in performing my public duty?
13. Do I need to seek advice or discuss the matter with an objective party? Am I confident of my ability to act impartially and in the public interest?

(Source: ICAC)

Reporting Suspected Corrupt Conduct

Corrupt conduct can generally be understood as the dishonest or partial exercise of public official functions. For conduct to be considered corrupt it generally has to be serious enough to involve a criminal offence, a disciplinary offence or be grounds for dismissal.

The Chairman is required to report corrupt conduct or suspected corruption to:

- a. WA – Corruption and Crime Commission
- b. QLD – Crime and Misconduct Commission
- c. NSW – Independent Commission Against Corruption
- d. VIC, NT, SA, ACT, TAS – State or Territory Ombudsmen

Failure to comply with this Code of Conduct

1. Members of the Councils will receive copies of relevant legislation and Codes of Conduct governing the conduct of members. Members are expected to read and abide by them.
2. Members of the Councils should read and abide by the Professional Standards Councils Code of conduct.



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3. A breach of any principles outlined in the Code of Conduct will be referred to the relevant Minister of the state or territory that appointed the member, either by the Chairperson, or in the case of the Chairperson, by any other member of the Councils.

Adopted by the Professional Standards Councils:

New South Wales	16 February 2007
Western Australia	16 February 2007
Victoria	16 February 2007
Northern Territory	16 February 2007
Tasmania	16 February 2007
South Australia	16 February 2007