



**UPPER MURRAY
REGIONAL LIBRARY**

ABN 39 077 371 530

**CODE OF CONDUCT
FOR DIRECTORS AND STAFF**

February 2008

Upper Murray Regional Library

Code of Conduct for Directors and Staff

A. INTRODUCTION

The Company was established to form and administer a Regional Library to serve the municipal districts of members of the Company in southern New South Wales and north-eastern Victoria.

Directors, members of staff of the Company must comply with the applicable provisions of the Company's Code of Conduct. It is the personal responsibility of the Company's officials to comply with the standards of the Code and regularly review their personal circumstances with these standards in mind.

Failure by a Director to comply with an applicable requirement of the Company's Code of Conduct constitutes misbehaviour.

Failure by a member of staff to comply with the Company's Code of Conduct may give rise to disciplinary action.

The Code does not override or affect the legislation applicable to Companies

B. PURPOSE OF THE CODE OF CONDUCT

The Code of Conduct sets the minimum requirements of behaviour for the Company's officials when carrying out their functions.

The Code of Conduct has been developed to assist the Company's officials (Directors and Staff) to:

- Understand the standards of conduct that are expected of them.
- Enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence.
- Act in a way that enhances public confidence in the integrity of the Company.

C. KEY PRINCIPLES

The Code of Conduct is based on the following key principles:

1. Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties

2. Leadership

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the Company's. This means promoting public duty to others in the Company's and outside, by your own ethical behaviour.

3. Selflessness

You have a duty to make decisions solely in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. This means making decisions because they benefit the public, not because they benefit the decision maker.

4. Objectivity

You must make decisions solely on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of the Company's resources; considering only relevant matters.

5. Accountability

You are accountable to the public for your decisions and actions and must consider issues on their merits, taking into account the views of others. This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.

6. Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. This means recording; giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.

7. Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflicts of interest and exercising any conferred power strictly for the purpose for which the power was conferred.

8. Respect

You must treat others with respect at all times. This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision making.

Further Information

Any questions or comments in relation to the Code of Conduct should be directed the CEO and/or a Director.

The Code of Conduct is subject to ongoing review and amendment.

D. *ROLE OF CHIEF EXECUTIVE OFFICER, CHAIR OF THE BOARD AND DIRECTORS*

1 Chief Executive Officer

The CEO has the following particular functions

- the day to day management of the Company within the Limitations Policies of the Governance Policies
- appointment of staff in accordance with the organisational structure and resources approved by the Company
- to direct and dismiss staff
- to implement the Company's Corporate Plan

2 Chair of the Board

The role of the Chair is:

- to preside at meetings of the Company

3 Directors

Directors must:

- Refrain from directing Company staff other than by giving appropriate direction to the CEO in the performance of Company functions under the provisions of the Carver Model of Governance as adopted by the Board.
- Refrain from, in any public or private forum, directing or improperly influencing, or attempting to direct or improperly influence, any other member of the staff of the Company or the functions of the member or delegate
- Only contact a member of the staff of the Company in accordance with procedures governing the interaction of Directors and Company staff that have been authorised by the CEO.

E. CORPORATE OBLIGATIONS

1. Communication with Community

Directors and staff shall ensure that UMRL strives to communicate effectively with, and promote participation by all sections of the community, in order to achieve proper accountability and responsibility.

2. Health, Well-Being and Safety

Members and staff shall ensure that Company premises are adequate to ensure the health, safety and well being of staff and members of the public.

3. Professional Advice

Directors shall ensure that no restrictions are placed on the ability of staff to give professional advice to the Board

F. PERSONAL BEHAVIOUR OF DIRECTORS AND STAFF

1 Conduct of Staff

Members of UMRL staff have an obligation to:

- Give their attention to the business of UMRL while on duty
- Ensure that their work is carried out efficiently, economically and effectively
- Carry out lawful directions given by any person having authority to give such directions
- Give effect to the lawful policies, decisions and practices of UMRL, whether or not the staff member agrees with or approves of them.

2 Directors and staff shall:

- I. Act properly and in accordance with the requirements of the law and the terms of this Code
- II. Act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out UMRL functions
- III. Act in good faith (ie honestly, for the proper purpose, and without exceeding their powers) in the interests of UMRL and the community
- IV. Refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment
- V. Observe the highest standards of honesty and integrity, and avoid conduct which might suggest any departure from these standards
- VI. Bring to the notice of the CEO and/or Chair person any dishonesty on the part of any other Directors or staff
- VII. Be frank and honest in official dealings with each other and treat all community members and other staff with courtesy and respect at all times
- VIII. Respect the Chairperson, Directors, UMRL staff and any members of the public present during UMRL meetings, or other formal proceedings of UMRL
- IX. Avoid behaviour that could be deemed to be an act of disorder or misbehaviour. This includes conduct that:
 - Is detrimental to the pursuit of the charter of UMRL
 - Is improper or unethical
 - Is an abuse of power or otherwise amounts to misconduct

- Causes, comprises or involves intimidation, harassment or verbal abuse
- Causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
- Causes, comprises or involves prejudice in the provision of a service to the community
- Causes, comprises or involves improperly directing or influencing, or attempting to direct or influence a member of staff, or delegate of UMRL

The following interactions are inappropriate:

- Directors being overbearing or threatening to UMRL staff
- Members of staff approaching Directors directly on individual staffing matters
- Directors approaching staff outside any library building or outside hours of work to discuss Company business
- Staff refusing to give information that is available to other Directors to a particular Director because of the staff member's or Directors' political views
- Directors directing or pressuring staff in the performance of their work

F OTHER WORK

- I. The CEO must not engage, for remuneration, in private employment or contract work outside the service of UMRL without the approval of Board members.
- II. Staff shall not knowingly engage in private work with or for any person or body with an interest in a proposed or current dealing with UMRL, without first making disclosure to and obtaining approval from the CEO. In this respect, it does not matter whether advantage is in fact obtained, as any appearance that private dealings could conflict with performance of public duties must be scrupulously avoided.
- III. Before a staff member engages in outside employment or business, they must ensure that it will not:
 - Conflict with UMRL duties
 - Interfere with UMRL work
 - Involve using confidential information or UMRL resources obtained through working with UMRL
 - Require the staff member to work while on UMRL duty
 - Discredit or disadvantage UMRL.

G HARASSMENT & DISCRIMINATION

Directors and staff must not harass, discriminate or support others who harass and discriminate against colleagues or members of the public on the grounds of sex, pregnancy, age, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, homosexuality or transgende

H. *GUIDE TO ETHICAL DECISION MAKING*

If unsure about the ethical issues around an action or decision, consideration should be given to:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with UMRL's policy and with UMRL objectives and the Code of Conduct?
- What will the outcome be for the employee or Directors, work colleagues, UMRL and any other parties?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

Everyone has the right to question any instruction or direction given which they think may be unethical or unlawful. If uncertain about an action or decision, seek advice from other people. This includes supervisors or senior officers, the Ombudsman's Office and the Independent Commission Against Corruption.

I. *USE OF COMPANY INFORMATION*

Members and staff shall not use confidential UMRL information:

- to gain advantage for themselves or for any other person or body
- in that which is inconsistent with their obligation to act impartially
- improperly to cause harm or detriment to any person, body, or UMRL.

Members and staff must

- Protect confidential information
- Only access information needed for UMRL business
- Not use confidential information for any non-official purpose
- Only release confidential information if they have authority to do so
- Only use confidential information for the purpose it is intended to be used
- Only release other information in accordance with established UMRL policies and procedures and in compliance with relevant legislation
- Not use UMRL information for personal purposes
- Not disclose any information discussed during a confidential session of a UMRL Meeting
- Maintain the integrity and security of confidential documents and information
- Comply with UMRL's Privacy Management Plan when dealing with personal information as well as the provisions of the Privacy and Personal Information Protection Act 1998, Information Protection Principles and the Privacy Code of Practice for Local Government. Personal information is information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.
- Carry out duties in a manner that allows UMRL officials and the public to remain informed about UMRL's activity and practices.

J. CONFLICT AND DISCLOSURE OF INTEREST

1. Conflict of Interest

- Directors and staff should ensure that there is no actual (or perceived) conflict of their public or professional duties.
- Conflict of interest exists where a member or staff member could be influenced, or could reasonably be perceived to be influenced, by a personal interest when carrying out public duty.
- Members and staff shall ensure that there is no conflict or incompatibility between their personal interests and the impartial fulfilment of their public or professional duties.
- Any conflict between a Director's or staff member's interests and those of UMRL must be resolved to the satisfaction of UMRL. When considering whether or not a conflict of interest exists, it is always important to think about how others would view the situation.

2. Pecuniary Interest

- a) Directors who have a direct or indirect financial interest in a matter to be considered by the UMRL (ie one in which there is a reasonable likelihood or expectation of an appreciable loss or gain) shall abide by Rule 38 of the Upper Murray Regional Library Constitution and Replaceable Rules.
- b) The onus is on Directors and staff to identify possible conflicts of interest or pecuniary interest, and to determine whether such interest, to which no statutory exemption applies, exist.

3. Disclosure of Interest

- a) Directors and staff must disclose, at the relevant meeting, the interest which might be in conflict with their public or professional duties.
- b) Whenever disclosure is required by the law, recommended in this Code, or otherwise seems appropriate, it should be made promptly, fully and in writing, or in cases of urgency made orally and confirmed in writing.

K. PERSONAL BENEFIT

a. Use of Confidential Information

Directors or staff shall not use confidential information to gain improper advantage for themselves for any other person or body; in ways which are

inconsistent with their obligation to act impartially; or to improperly cause harm or detriment to any person, body or the UMRL.

b. Improper or Undue Influence

Directors or staff shall not take advantage of their position to improperly influence other Directors or staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

c. Gifts and Bribery

- a. Directors or staff shall not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit for themselves or for any other person or body, relating to their status with the UMRL or their performance of any duty or work which touches or concerns the UMRL.
- b. If any gift, reward or benefit is offered (other than gifts of a token kind, or moderate acts of hospitality) disclosure must be made in prompt and full manner to the Chief Executive Officer.

L. DEALING WITH UMRL PROPERTY & RESOURCES

1. Use of UMRL Facilities, Funds, Staff & Equipment

Directors and staff shall:

- a. Use UMRL resources ethically, effectively, efficiently and carefully in the course of duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- b. Be scrupulous in the use of UMRL property, including intellectual property, official services and facilities, and should not permit their misuse by any other person or body.
- c. Avoid any action or situation which could create the impression that UMRL property, official services or public facilities are being improperly used for personal or any other person or body's private benefit or gain.
- d. Not use UMRL's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.
- e. Not display material of a sexist, racist, sexually-denigrating, racially-denigrating or otherwise. Offensive material is banned from UMRL premises, workplaces and vehicles.

- f. Union delegates and consultative committee members may have reasonable access to UMRL resources for the purposes of carrying out their industrial responsibilities, including but not limited to:
- The representation of members with respect to disciplinary matters
 - The representation of employees with respect to grievances and disputes
 - Functions associated with the role of the local consultative committee

M. CUSTOMER SERVICE - DRESS CODE

First impressions are extremely important. Every day residents of the UMRL region and visitors to our libraries develop impressions of our organisation based on our appearance and manner. The following dress code is the minimum standard required of UMRL staff to enhance the image of UMRL within the community.

1. Uniform

- 1) The UMRL Uniform is not compulsory. The uniform is registered with AUZ Industry to allow staff to claim tax deductions. (More details in Human Resource Manual).
- 2) Shoes must be kept clean, polished and re-heeled when necessary. Classic style is preferable and colour in keeping with uniform tones.

Joggers/hiking boots are **not** acceptable, unless otherwise approved by the CEO..
- 3) Clothing should be laundered or dry cleaned and neatly pressed regularly. If ties are worn they must be tied in an appropriate manner. Dry cleaning and laundering of the corporate uniform may be claimed on your tax return.
- 4) Leggings and bike pants are **not** to be worn, unless otherwise approved by the CEO..
- 5) Stockings and socks should be in colours that complement the corporate wardrobe.

2. Grooming Standards

- 1) Staff should present themselves in a neat and clean manner at all times.
- 2) Jewellery should be kept to a minimum, being conservative and tasteful, and not interfere with job performance.
- 3) Visible body piercing is to be tasteful and not interfere with job performance.

3. Name Badges

Name badges are to be worn during working hours when dealing with the public or representing UMRL at official functions or meeting with representatives of external organisations.

N. REPORTING BREACHES, INVESTIGATION PROCEDURES AND SANCTIONS

1 Corrupt Conduct, Maladministration and Waste of Company Resources

- a Directors and staff have an obligation to act honestly and to report any instances of suspected corrupt conduct, maladministration and serious and substantial waste or company resources.
- b The Protected Disclosures Act 1994 provides certain protections against reprisals for UMRL officials who report such matters. It is an offence to take detrimental action against people who make such reports.

2 Reporting Breaches of the Code of Conduct

- a Members and staff have an obligation to report suspected breaches of the Code of Conduct to the CEO, in writing
- b Where a Director or staff member believe that the CEO has failed to comply with this code, you should report the matter to the Chairperson of the UMRL Board, in writing

3 Investigation Procedures

- a Where appropriate, the CEO will make enquiries, or cause enquiries to be made, into breaches of the Code of Conduct regarding UMRL staff, and others engaged by UMRL, and will determine the matter.
- b Where the CEO has determined not to enquire into the matter, the CEO will give the complainant the reason/s in writing.
- c Enquiries made into staff conduct which might give rise to disciplinary action must occur in accordance with the relevant UMRL Enterprise Agreement and Local Authority Award and make provision for procedural fairness including the right of an employee to be represented by their union.

4 Complaint Handling Procedures

UMRL will establish a Conduct Committee that will consist of the Chairperson, the CEO and at least one person independent of Council. The independent representative/s should comprise UMRL's nominated legal adviser and other independent person/s of appropriate standing. In the instance of a complaint being made by or against the Chairperson or CEO, the Deputy Chairperson, or another

Director who has been designated by the Board, will take the place of the Chairperson or CEO on the Committee.

- a Directors and staff must report suspected breaches of the Code of Conduct to the CEO, in writing.
- b The reporting of suspected breaches of the Code of Conduct shall:
 - i specify that it is a complaint of a breach of the Code of Conduct.
 - ii Identify the person against whom the complaint is made
 - iii State the date, time and place of the conduct
 - iv Specify the element in the Code of Conduct alleged to have been breached
 - v Contain only material relevant to the complaint specified
 - vi Not contain abusive, extraneous or irrelevant material.

Council's Conduct Committee will be responsible for the investigation of allegations of breaches of the Code of Conduct by Councillors and must either:

- Determine not to make enquiries into the allegation and give the reason/s in writing
- Make enquiries into the alleged breach to determine the factual matters, or
- Engage an independent person to make enquiries into the allegation to determine the particular factual matters.

- c Enquiries made by the General Manager, an independent person or the Conduct Committee will follow the rules of procedural fairness. The enquirer must:
 - Inform the person/s against whose interests a decision may be made of any allegations against them and the substance of any adverse comment in respect of them
 - Provide the person/s with a reasonable opportunity to put their case
 - Hear all parties to a matter and consider submissions
 - Make reasonable enquiries before making a decision
 - Ensure that no person is involved in enquiries in which they have a direct interest
 - Act fairly and without bias, and
 - Conduct the enquiries without undue delay.
- d UMRL's Conduct Committee must decide whether a matter reported to it discloses a prima facie breach of this Code. The Conduct Committee will report its findings, and the reasons for these findings, in writing to the Board, the complainant and the person subject of the complaint.
- e The Conduct Committee may recommend that the Board takes any action provided for in this Code of Conduct that the committee considers reasonable in the circumstances