



POLICY

Policy Name	<i>Code of Conduct for Board Members</i>
Policy/File Number	ED4.12.012
Review Frequency	Every Three Years
Attachments	<i>nil</i>

1. Purpose

The purpose of this policy is to set out the commitment from the Victor Harbor Horse Tram Authority (VHHTA) Board Members.

2. Scope

The VHHTA Board Members must comply with the provisions of the *Local Government Act 1999* and this Code in the performance of public office. It is the personal responsibility of Board Members, as public officer's to ensure that they are familiar with, and comply with, the standards in this Code of Conduct at all times.

3. Policy Statement (Summary)

The VHHTA Board Members will:

- Commit to serve the best interests of the VHHTA and to discharge their duties conscientiously, to the best of their ability.
- Work together constructively and uphold the values of honesty, integrity, accountability and transparency.
- Make every endeavour to ensure that they have current knowledge of statutory, legislative and governance requirements of their role and abide by this Code of Conduct.

4. Legislation and Compliance

Section 62 of the Local Government Act 1999

5. Definitions

Board Member means at any time a member of the Board appointed in accordance with Subclause 2.9 of the VHHTA Charter.

6. Policy Content

6.1 Behavioural Code

The VHHTA Board Members must:

6.1.1 General Behaviour

- Show commitment and discharge duties conscientiously.

- Act in a way that generates community trust and confidence in the VHHTA.
- Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- Show respect for others if making comments publicly.
- Ensure that personal comments to the media or other public comments, relating to decisions of the VHHTA, City of Victor Harbor and/or related matters, clearly indicate that it is a private view, and not that of the VHHTA.

6.1.2 Responsibilities as an Authority Board Member

- Comply with all VHHTA policies, codes and resolutions.
- Deal with information received in their capacity as Board Members in a responsible manner.
- Endeavour to provide accurate information to the VHHTA and to the public at all times.

6.1.3 Relationship with fellow VHHTA Board Members

- Endeavour to establish and maintain a respectful relationship with all Board Members, regardless of differences of views and opinions.
- Not bully or harass other Board Members.

6.1.4 Relationship with VHHTA Management Staff

- Not bully or harass VHHTA Management staff.
- Direct all requests for information to the General Manager
- Direct all requests for work or actions to the General Manager

6.1.5 Complaints

- Any person may make a complaint about a Board Member under the Behavioural Code.
- Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the General Manager of the VHHTA.
- A complaint may be investigated and resolved in any manner the Board deems appropriate to this Part. This can include, but is not limited to:
 - A mediator or conciliator
 - With the assistance of officer/s of the City of Victor Harbor
 - An independent investigator
- Some complaints may be considered to be trivial, vexatious or frivolous, and accordingly, may not be investigated.
- A failure of a Board Member to cooperate with the process for handling alleged breaches of this Part may be referred for investigation under Misconduct.
- Repeated or sustained breaches of Clause 6.2 by the same Board Member may be referred, by resolution of the VHHTA, to the relevant authority as a breach of Clause 6.2 (misconduct)
- A breach of Clause 6.1 must be the subject of a report to a meeting of the VHHTA.

6.1.6 Findings

If, following investigation under the complaints handling process, a breach of the Behavioural Code by a Board Member is found, the VHHTA may, by resolution:

- Take no action;
- Pass a censure motion in respect to the Board Member; and/or
- Request a public apology, whether written or verbal;
- Request the Board Member to attend training on the specific topic found to have been breached; and/or
- Resolve to remove or suspend the Board Member from a position within the VHHTA (Clause 3.1.5 of the VHHTA Charter)

6.2 Misconduct

Failure by a Board Member to comply with this Clause constitutes misconduct. The provisions within this Clause may refer to statutory matters under the *Local Government Act 1999*. Any breach of these provisions will be investigated under that legislation.

Any person may report an alleged breach of this Clause to the City of Victor Harbor, the Ombudsman, or the Office for Public Integrity. Alleged breaches of this Clause made to the City of Victor Harbor or to the Office for Public Integrity may be referred to the Ombudsman for investigation under *Section 263 of the Local Government Act 1999*, by the City of Victor Harbor's Chief Executive Officer or by the Independent Commissioner Against Corruption.

A report from the Ombudsman that finds a Board Member has breached this Clause (Misconduct) of the Code of Conduct must be provided to a public meeting of the City of Victor Harbor. The City of Victor Harbor must pass resolutions that gives effect to any recommendations received from the Ombudsman, within two ordinary meetings of the VHHTA following the receipt of these recommendations.

An investigation under Part 3 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the Appendix to this document.

6.3.1 Members Duties

Board Members must act with reasonable care, diligence and honestly at all times in the performance and discharge of their official duties.

6.3.2 Gifts and Benefits

Board Members must not:

- Seek gifts or benefits of any kind;
- Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the VHHTA.
- Board Members may, however, accept hospitality provided in the context of performing their duties including:
 - Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:

- VHHTA related events such as training sessions, workshops and conferences
- VHHTA functions or events

6.3.3 Conflict of Interest

Board Members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the Local Government Act 1999.

6.3.4 Misuse of Resources

Board Members must use available resources effectively and prudently, and not use resources, including services of VHHTA staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate. Board Members must not use public funds or resources in a manner that is irregular or unauthorised.

7. Risk Management

This Policy endeavours to promote high ethical standards and professional behaviour by the VHHTA Board Members and fulfils the VHHTA Charter.

8. Implementation/Delegations

The General Manager of the VHHTA is provided with the delegated authority to implement this Policy

9. Related Documents

Criminal Matters
Local Government Act
VHHTA Charter

10. Availability of Policy

This policy is available on Victor Harbor Horse Tram website at www.horsedrawntram.com.au.

Document History

Version	Document	Action	Date
1.0	Approved version	Victor Harbor Horse Tram Authority endorsement VHHTA06	3 Dec 18
1.1	Approved version	Victor Harbor Horse Tram Authority endorsement VHHTA393	12 Sept 23