



Code of Conduct

Kow Swamp Reservoir Land and On-Water Management Plan
Implementation Group

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Introduction

The **Kow Swamp Land & On Water Management Plan Implementation Group** is an essential to the execution of the Land and On Water Management Plan (L&OWMP).

The group responsible for a range of activities including planning and sourcing external funding for initiatives addressing a range of land and on-water issues such as:

- increasing community awareness and involvement
- community safety
- recreation and tourism
- maintaining healthy ecosystems
- cultural heritage

Goulburn-Murray Water (GMW) highly values the generous contribution that members make to support this process and have developed this Code of Conduct to ensure that they can continue to contribute in an independent, constructive way.

The Code sets out expectations for the behaviour of Implementation Group members and reflects GMW's commitment to high standards of conduct and ethics. It applies to all Implementation Group members and is supplied to them upon their commencement.

1. Expectations

It is expected that:

- a) the Implementation Group will assist GMW and partner Agencies to make better policy choices and decisions regarding the management of **Kow Swamp** and in the implementation of actions within the Land and On-Water Management Plan, by providing it with information from an independent perspective
- b) an honest, frank and open relationship will be developed between the Implementation Group and GMW, based on mutual trust
- c) GMW personal and collective standards to be observed by each Implementation Group member.

2. Eligibility

2.1. For appointment

To be eligible for appointment, a potential Implementation Group member:

- a) must not:
 - i. be an undischarged bankrupt;
 - ii. have been convicted of any indictable offence within the last five years; or
- b) must have signed a declaration that, upon appointment, the potential Implementation Group member will comply with:
 - iii. the charter of the Implementation Group; and
 - iv. this Code of Conduct.

2.2. To remain an Implementation Group member

An Implementation Group member must, while a member:

- a) continue to comply with item 2.1 a) and b);
- b) attend at least the minimum 50% of meetings prescribed by the Implementation Group in any year;
- c) comply with this Code of Conduct; and
- d) comply with relevant Victorian and government policies and legislation concerning:
 - i. Occupational Health and Safety; and
 - ii. Equal Opportunity; and
 - iii. Environmental management.

3. Duties of the Implementation Group

An Implementation Group exercises the functions prescribed by the charter for that implementation Group.

4. Conduct of Implementation Group Members

4.1. General Duties

An Implementation Group member in the course of their duties must:

- a) act in good faith;
- b) perform the duties of an Implementation Group member impartially and in the best interests of the community;
- c) act honestly;
- d) exercise care and diligence in preparing for, and participating in, meetings of the Implementation Group;
- e) maintain cordial relations with GMW and other government agency representatives and other Implementation Group members;
- f) refrain from inappropriate conduct; and
- g) comply with this Code.

4.2. Environmental Responsibility

An Implementation Group member who becomes aware of any event or circumstance relevant to the environmental objectives of the management of **Kow Swamp** should promptly report the event or circumstance to their GMW representative.

4.3. Communication with Employees

An Implementation Group member must obtain the prior consent of the chairperson and GMW representative before contacting or requesting information from a GMW employee.

4.4. Communication with the Public

- a) Subject to paragraph (d), an Implementation Group member is expected to discuss in general terms the work of the Implementation Group with community members and to be a means of communication between the community and GMW about matters set out in the Charter.
- b) The chairperson (or deputy chairperson) of the Implementation Group may, with the prior approval of GMW:
 - i. make public statements; and
 - ii. issue media releases,

relevant to the business of the Reference Group.

- c) Except as provided in paragraph (a) and (b), an Implementation Group member may not make any public communication about the affairs of the Implementation Group or GMW.
- d) An Implementation Group member must:

- i. not give information about matters not within the Charter, which is acquired in the course of, or incidental to, a member's appointment to the Implementation Group, to any person who is not an Implementation Group member or an employee of GMW; and
- ii. refer any enquiries about the policies, plans or operations of GMW not within the Charter of the Implementation Group, to GMW.

4.5. Communication with Members of Parliament

The protocols for communications with Members of Parliament as they apply to GMW also apply to the Implementation Group.

Briefings for, or, by Members of Parliament are to be advised in accordance with the protocols established by the state government.

This normally requires the Member of Parliament to clear the briefing with the Minister's office, with the clearance being communicated to GMW before proceeding or committing to proceed.

5. Conflicts of Interest

5.1. General Obligations

- a) An Implementation Group member must ensure that there is no actual or perceived conflict or incompatibility between the member's activities as an Implementation Group member and the member's personal interests.
- b) An Implementation Group member must obtain the prior approval of both the chairperson of the Implementation Group and GMW before entering into any business arrangement with GMW or its contractors:
 - i. about capital works which may benefit land owned or occupied by the member; or
 - ii. under which the member or a commercial organisation in which the member has a significant interest, may provide goods or services of any description to GMW or its contractor.
- c) An Implementation Group member must exercise discretion in entering and performing any business arrangement referred to in paragraph (b).

5.2. Declaring a Conflict of Interest

- a) An Implementation Group member who has a conflict of interest in any matter in which the Implementation Group is concerned must:
 - i. if the member is present at a meeting of the Implementation Group at which the matter is to be considered, disclose the nature of the conflict and the interest, immediately before the consideration; or
 - ii. if the member is aware that the matter is to be considered at a meeting of the Implementation Group at which the member does not intend to be present, disclose the nature of the conflict and the interest to the chairperson.
- b) The Implementation Group member:
 - iii. may stay in the meeting during any consideration of the matter;

- iv. may take part in the discussion;
 - v. must not move or second a motion on a question relating to the matter;
- c) If an Implementation Group member discloses an interest under paragraph (b), a statement must be included in the minutes of the meeting, showing:
- vi. that the disclosure was made;
 - vii. the nature of the matter and the nature of the disclosed conflict and interest;
 - viii. whether the member left the meeting at any time during consideration of the matter and, if so, at what stage the member left.

5.3. Power to Exempt

The Implementation Group may apply in writing to GMW to remove any disability imposed by paragraph 5.2 c), for the purpose of transacting an item of business specified in the application.

6. Improper Activities

6.1. Misuse of Information

- a) An Implementation Group member or former member must not make improper use of information acquired by virtue of that person's position as a member:
- i. to gain directly or indirectly any pecuniary or other advantage for the member or any other person or body; or
 - ii. to improperly cause harm or detriment to any person or body, or to GMW.

6.2. Improper Influence

An Implementation Group member or former member must not take advantage of the member's position to improperly influence another member or GMW employee in performing that person's functions, in order to gain any undue or improper advantage either for the member or any other person or body.

6.3. Improper Actions

- a) An Implementation Group member must not do anything that:
- i. might reasonably be construed as threatening any GMW employee or contractor; or
 - ii. could affect either the occupational health and safety or the equality of opportunity of any current or prospective employee of GMW or of its contractor.

6.4. Inappropriate Conduct

An Implementation Group member must not, in that person's capacity as a member, do anything for which the member might be prosecuted for an offence or sued for a civil wrong.

7. Information Provided

GMW will provide each person nominated for membership of the Implementation Group with a copy of:

- a) the Code of Conduct for the relevant Implementation Group;
- b) the Charter for the relevant Implementation Group;
- c) information about the area of operation of the Implementation Group.

8. Performance Review

8.1. Review of the Implementation Group

- a) Depending on the period of operation of the Implementation Group it is suggested that, at the Implementation Group's option, the Implementation Group reviews its performance in carrying out its charter in the preceding year and adopts a written report on that review.
- b) In reviewing its performance, it is suggested that the Implementation Group considers the matters set out in Schedule 2.

8.2. Review of the Chairperson

- a) It is also suggested, depending on the period of operation of the Implementation Group, and at the Implementation Group's option, that each member be asked to annually review and report in writing on the performance of the chairperson of the Implementation Group in the preceding year.
- b) In reviewing the performance of the chairperson of the Implementation Group, a Implementation Group member should consider the matters set out in Schedule 3.

8.3. Review of Members

- a) It is suggested, depending on the period of operation of the Implementation Group and again at the Implementation Group's option, that the chairperson of each Implementation Group annually review the performance of each member in the preceding year, in discussion with that member.
- b) In reviewing the performance of a member, the chairperson of the Implementation Group and the member should consider the matters set out in Schedule 3.
- c) The chairperson of the Implementation Group and the Implementation Group member should agree on, and sign, a written report on the results of the review.

8.4. Safekeeping of Reports

Each report prepared under this clause must be kept in the secure custody of the GMW representative.

8.5. Access to Reports

No person other than:

- a) the GMW representative; and
- b) the chairperson of the Implementation Group;

may have access to a report prepared under this clause.

9. Implementation of Code

- a) A person who considers that an Implementation Group member has breached a provision of this Code may inform the chairperson of the Implementation Group of the alleged breach.
- b) The chairperson of the Implementation Group must inform the member of the allegation, as soon as possible after it has been made.
- c) The chairperson of the Implementation Group must decide whether or not to refer the allegation to a panel.
- d) Subject to paragraph (e), a panel comprises:
 - i. the chairperson of the Implementation Group; and
 - ii. an Implementation Group member nominated by the chairperson =

- e) The person against whom the relevant allegation has been made cannot be a member of the panel.
- f) The panel must:
 - i. invite the Implementation Group member against whom the allegation has been made to make either or both of written and oral submissions to the panel;
 - ii. consider the allegations and any written or oral submissions made to the panel;
 - iii. determine whether the member has or has not breached any provision of this Code, beyond any reasonable doubt; and
 - iv. determine whether any breach was a significant breach.
- g) If the panel determines that a significant breach of this Code has occurred, it:
 - v. must report its conclusion to the chairperson of the Implementation Group in writing; and
 - vi. may recommend either that the member be suspended or removed from office.

Schedule Two: Review of Implementation Group

The Implementation Group may review its performance at a meeting at which all members are present, by considering the following questions:

1. Has the Implementation Group taken action on each of its functions under the Implementation Group's Charter in the past year?
2. Has the action taken been effective?
3. Are there functions to which more time or effort should have been devoted by the Implementation Group?
4. How should the Implementation Group adjust its activities in the coming year to discharge any functions which it may have neglected?
5. What activities should the Implementation Group be undertaking in the coming year?
6. What priority should the Implementation Group establish among its potential activities in the coming year?
7. Can the Implementation Group improve its allocation of time in the coming year?
8. Does the Implementation Group routinely receive all the information it needs from GMW to allow it to discharge its functions effectively and efficiently?
9. Can Implementation Group agendas be improved:
 - a. by including additional matters on a regular basis; or
 - b. by considering some matters less frequently; or
 - c. by changing the order in which items are considered; or
 - d. in any other way?
10. Can the conduct of meetings be improved?
11. Can papers for Implementation Group meetings be improved:
 - a. by providing additional information in any area; or
 - b. being shorter or more detailed; or
 - c. in any other way?
12. Should there be more oral briefings from GMW employees?
13. Can oral briefings received from GMW employees be improved?
14. Can meeting arrangements for the Implementation Group be improved:
 - a. by holding longer or shorter meetings; or
 - b. by holding meetings at different times; or
 - c. in any other way?
15. Should the Implementation Group endeavour to improve relations between members:
 - a. by making sure that members know one another better; or
 - b. by holding more constructive and harmonious discussions; or
 - c. in any other way?
16. Are there other ways in which the Implementation Group could increase its effectiveness?

Schedule Three: Review of Implementation Group Members

The performance of an Implementation Group member, including the Chairperson, should be reviewed by considering the following questions:

1. Does the Implementation Group member attend meetings regularly?
2. Does the Implementation Group member devote sufficient time and attention to Implementation Group responsibilities?
3. Is the Implementation Group member always sufficiently informed about matters being considered by the Implementation Group?
4. Does the Implementation Group member bring relevant experience to the Implementation Group and use that experience effectively?
5. Are the Implementation Group member's contributions to Implementation Group meetings succinct and to the point?
6. Does the Implementation Group member's contributions to Reference Group discussions carry weight with other Implementation Group members?
7. Does the Implementation Group member take a fair share of the Implementation Group's work and are the member's contributions valuable?
8. Does the Implementation Group member maintain good personal relations with other members and with GMW employees? Is the member co-operative and helpful?
9. Does the Implementation Group member have any actual or potential conflict of interest as a member?
10. Are there other issues which need to be discussed?