

Integrity framework

(Consolidated code of conduct)

Victorian Marine and Coastal Council Policy

1. Purpose and scope

This integrity framework consolidates the key standards of conduct and accountabilities that apply to council members, collectively and individually, into a single policy. The framework incorporates:

- integrity obligations and accountabilities in the *Public Administration Act 2004* (PAA);
- the [Code of Conduct for Directors of Victorian Public Entities](#) ('Directors' Code of Conduct'); and
- other public sector integrity obligations and good practice.

2. Key principles

- **Obligations:** the council acts in accordance with its obligations and good public sector governance practice.
- **Public interest:** the council acts in the public interest. Council members comply with the required standards of integrity. They place the public interest above their own interests when carrying out their official duties.
- **Culture of integrity:** the council models and fosters a culture of integrity. Council members, employees and external stakeholders are supported to raise integrity issues.

The council's policy is consistent with the *Integrity framework model policy* published by the Department of Environment, Land, Water and Planning ('DELWP').¹

3. Overview

The public sector values in section 8 of the PAA are the cornerstone of the council's integrity framework. Other integrity obligations in or issued under the PAA, such as the Directors' Code of Conduct, flow from these values.

The framework also includes integrity obligations in applicable laws and regulations, such as any specific integrity obligations in the *Marine and Coastal Act 2018* ('the establishing Act'); government policy; directions, guidelines and/or statements of expectation issued by the Minister or the Secretary of DELWP; the council's own policies; and any relevant policies and processes or other documentation of the agency.

A diagram of the council's integrity framework is set out in Appendix 2.

¹ The model policy is available from DELWP's governance website, On Board (www.delwp.vic.gov.au/onboard).

4. Public sector values

All council members have a fundamental obligation to comply with the public sector values in section 7 of the PAA and to incorporate these values into their decision-making. The values, which are responsiveness, integrity, impartiality, accountability, respect, leadership, and human rights, are set out in Appendix 1.

5. Directors' code of conduct

Council members must comply with the [Directors' Code of Conduct](#) issued under the PAA by the Victorian Public Sector Commission ('VPSC'). It includes integrity requirements that reinforce the public sector values and related obligations in the PAA, in particular:

- **individual** council members (s 79); and
- the council **collectively** (s 13A, 80, 81, 82, 85).

6. 'Duties of directors' (s 79)

Council members must act consistently with the 'duties of directors' (council members) in s 79 of the PAA. These duties expand on the public sector values, requiring council members to:

- **Performance of duties:** act honestly; in good faith in the best interests of the agency; with integrity; in a financially responsible manner; with a reasonable degree of care, diligence and skill; and in compliance with the establishing Act and any subordinate instrument;
- **Confidentiality:** maintain confidentiality, even after their appointment expires or otherwise terminates;
- **Use of information:** avoid improperly using their position or any information acquired in their role as a council member to gain advantage for themselves or another person or to cause detriment to the agency; and
- **Elections:** if standing for election to parliament (federal, state or territory) or local council:
 - formally notify the council, for recording in the minutes; and
 - avoid using any resources of the agency in connection with their candidature.²

7. Board's collective integrity

The council must comply with its collective integrity obligations, including:

- **Functions and powers:** the council must ensure that all its actions and decisions are consistent with:
 - the functions and powers in the establishing Act; and
 - the agency's strategic plans, business plans, and related documents.³
- **Accountability to the Minister:** the council must act in accordance with its collective accountability to the Minister.⁴
- **Major risks:** the council must inform the Minister and the Secretary of DELWP of all known major risks, existing and emerging, to the effective operation of the agency and of the management systems that are in place to address those risks.⁵

² If standing for election, see DELWP's guidance note on this topic in the [Terms and Conditions of Appointment](#) support module on On Board (www.delwp.vic.gov.au/onboard).

³ Consistent with s 81(1)(a) of the PAA.

⁴ Consistent with s 85(1) of the PAA.

⁵ Consistent with s 81(1)(b) of the PAA.

- **Information to the Minister and Secretary:** unless prohibited by law, the council must provide any information relating to the agency or its operations that the Minister or Secretary of DELWP requests.⁶
- **Loans:** the council must not make loans, directly or indirectly, to any council member or relative of a council member, or provide a loan guarantee or security for them.⁷

8. Establishing Act

Council members must comply with any integrity requirements specified in the establishing Act or any related regulations.

9. Council policies

Council members must comply with the council's policies and procedures. Of particular relevance are the council's integrity policies on:

- Conflict of interest;
- Gifts, benefits and hospitality⁸; and
- Board meetings and decisions.

The chair will ensure that up to date copies of all council policies (and other policies of the agency) are provided to, or readily accessible to, each council member.⁹ This includes ensuring that each new council member is aware of the council's policies and the importance of complying with them.

10. Culture of integrity

Integrity processes and reporting

The council must ensure that suitable processes are in place to meet the agency's integrity and related reporting obligations, including the obligation to report to the Independent Broad-based Anti-corruption Commission ('IBAC') any conduct that is suspected on reasonable grounds is corrupt.¹⁰

Speaking up

It is essential that council members, employees, and external stakeholders are supported to raise integrity issues, including queries and issues relating to their own conduct or that of others. The council will ensure that it has processes in place to support this occurring.¹¹

Decisive action will be taken against any person who discriminates against or victimises a person who speaks up in good faith about a possible breach of this policy.

⁶ Consistent with s 13A and s 81(1)(c) of the PAA.

⁷ Consistent with s 82 of the PAA.

⁸ Incorporates the *Minimum accountabilities for the management of gifts, benefits and hospitality* issued by the VPSC.

⁹ Consistent with s 80 of the PAA.

¹⁰ Consistent with s 57 of the Independent Broad-based Anti-corruption Commission Act 2011.

¹¹ If the matter involves corruption or serious misconduct, a person can choose to instead report the matter to IBAC as a protected disclosure. Making a 'complaint' to IBAC under the *Protected Disclosures Act 2012* gives legal protection to the person making it that their identity will remain confidential and they will be protected from reprisals.

11. Advice

A council member who is unsure of the application of this policy, or any integrity matter, should seek advice from the chair. The Secretary of DELWP can provide advice on integrity matters to the chair, or, if the chair's conduct is the subject of the query, to a council member.

12. Breach of this framework

A breach of a council member's integrity obligations may constitute misconduct and may result in the council member being removed from the council.¹²

13. Regular review of this framework

The council will review this integrity framework on an annual basis or more frequently, if required, to keep up-to-date with changes to laws, government policy, etc. The framework should be consistent with the most recent version of the DELWP model policy. This framework was **last reviewed on 19 November 2018**.

14. Further information

For further information see the [Integrity framework](#) support module on DELWP's governance website, **On Board** (www.delwp.vic.gov.au/onboard).

¹² Depending on the obligation breached and the nature and severity of the breach, it may also result in civil and/or criminal proceedings against the council member.

Appendix 1: Public sector values

The public sector values, as set out in s 7 of the Public Administration Act 2004, are:

- (a) **responsiveness** — public officials should demonstrate responsiveness by:
 - (i) providing frank, impartial and timely advice to the Government; and
 - (ii) providing high quality services to the Victorian community; and
 - (iii) identifying and promoting best practice;
- (b) **integrity** — public officials should demonstrate integrity by:
 - (i) being honest, open and transparent in their dealings; and
 - (ii) using powers responsibly; and
 - (iii) reporting improper conduct; and
 - (iv) avoiding any real or apparent conflicts of interest (see footnote);¹³ and
 - (v) striving to earn and sustain public trust of a high level;
- (c) **impartiality** — public officials should demonstrate impartiality by:
 - (i) making decisions and providing advice on merit and without bias, caprice, favouritism or self-interest; and
 - (ii) acting fairly by objectively considering all relevant facts and fair criteria; and
 - (iii) implementing Government policies and programs equitably;
- (d) **accountability** — public officials should demonstrate accountability by:
 - (i) working to clear objectives in a transparent manner; and
 - (ii) accepting responsibility for their decisions and actions; and
 - (iii) seeking to achieve best use of resources; and
 - (iv) submitting themselves to appropriate scrutiny;
- (e) **respect** — public officials should demonstrate respect for colleagues, other public officials and members of the Victorian community by:
 - (i) treating them fairly and objectively; and
 - (ii) ensuring freedom from discrimination, harassment and bullying; and
 - (iii) using their views to improve outcomes on an ongoing basis;
- (f) **leadership** — public officials should demonstrate leadership by actively implementing, promoting and supporting these values;
- (g) **human rights** — public officials should respect and promote the human rights set out in the Charter of Human Rights and Responsibilities by:
 - (i) making decisions and providing advice consistent with human rights; and
 - (ii) actively implementing, promoting and supporting human rights.

¹³ Where it is not possible to avoid a conflict of interest, it must be declared by the board member and managed by the board in accordance with its policy on Conflict of Interest.

Appendix 2: Diagram of the integrity framework

Integrity framework (consolidated code of conduct) for council members

