

Board and Committee Member

CODE OF CONDUCT | VERSION 2

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Code of Conduct | Version 2.0

CODE OF CONDUCT FOR ADELAIDE HILLS REGION WASTE MANAGEMENT AUTHORITY BOARD AND COMMITTEE MEMBERS

The Authority is established to facilitate, co-ordinate and undertake waste management including waste collection, treatment, disposal and recycling within the region.

Board and Committee Members must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Board and Committee Members to ensure that they are familiar with, and comply with, the standards in the Code always.

1. FIRST ORDER PRINCIPLES

Higher principles—Overarching Statement

This part does not constitute separate enforceable standards of conduct.

We, the Board and Committee Members, are committed to serve the best interests of the whole community and to discharge our duties conscientiously, to the best of our ability for public, not private, benefit at all times.

We, the Board and Committee Members, will work together constructively as the Board or Committee, and will uphold the values of honesty, integrity, accountability and transparency, and in turn, foster community confidence and trust in local government.

In the performance of our role as Board and Committee Members, we will take account of the diverse current and future needs of the whole community in decision-making, providing leadership and promoting the interests of the Authority.

As Board and Committee Members, we will make every endeavour to ensure that we have current knowledge of both statutory requirements and best practice relevant to our position.

As Board and Committee Members, we will comply with all legislative requirements of our role and abide by this Code of Conduct.

2. DEFINITIONS

AUTHORITY	Adelaide Hills Region Waste Management Authority
BOARD	The Board of the Adelaide Hills Region Waste Management Authority
BOARD MEMBERS	Authority Board Members, Deputy Board Members
COMMITTEE MEMBERS	Authority Committee Members including the Audit and Risk Committee

3. BEHAVIOURAL CODE

In line with 'Part 1—First Order Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance of the Authority.

This Part is for the management of the conduct of Board and Committee Members that does not meet the reasonable community expectation of the conduct of Board and Committee Members. It deals with conduct that does not, and is not likely to, constitute a breach of Part 4 - Misconduct or criminal matters such as those contained in Appendix A to this document.

Robust debate and difference of opinion within the Board or Committee that is conducted in a respectful manner is not a breach of this Part.

It is intended that the Board will adopt a process for the handling of alleged breaches of this Part.

This process will be reviewed every four years, within 12 months of Local Government elections (and typically a new Board commencing).

General Behaviour

- Show commitment and discharge duties conscientiously.
- Act in a way that generates community trust and confidence in the Authority.
- 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, on Authority Board or Committee decisions and other matters, clearly indicate that it is a private view, and not that of the Board or Committee.

Responsibilities as a Board or Committee Member

- Comply with the Authority's Charter, policies, codes and resolutions.
- Actively seek to advance the best interests of the Authority.
- Deal with information received in the capacity as Board and Committee Members in a responsible manner.
- Endeavour to provide accurate information to the Board, Committee, and to the public at all times.
- Act with a high level of integrity.
- Sign Appendix B: Commitment of Board and Committee Members.

Relationships

- Endeavour to establish and maintain a respectful relationship with all Board and Committee Members, regardless of differences of views and opinions.
- Do not bully or harass other Board or Committee Members.
- Do not bully or harass Authority staff/consultants/contractors.
- Direct all requests for information from the Board or Committee to the Chief Executive Officer or nominated delegate/s.
- Direct all requests for work or actions by Authority staff to the Chief Executive Officer or nominated delegate/s.
- Refrain from directing or influencing Authority staff with respect to the way in which these employees perform their duties.

Requirement to report breach of Part 4 (Misconduct)

- A Board or Committee Member who is of the opinion that a breach of Part 4 of this Code (Misconduct) has occurred, or is currently occurring, must report the breach in writing to the Chairperson or Chief Executive Officer.
- A failure to report an alleged or suspected breach of Part 4 of this Code (Misconduct) is in itself a breach under this Part (Behavioural Code).

Complaints

- Any person may make a complaint about a Board or Committee Member under the Behavioural Code.
- Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Chairperson or Chief Executive Officer.
- Complaints must be in writing.

- Complaints against the Chairperson are to be made to the Chief Executive Office who will determine the appropriate course of action.
- A complaint may be investigated and resolved in any manner which the Board deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.
- A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.
- A failure of a Board or Committee Member to cooperate with the Board's process for handling alleged breaches of this Part may be referred for investigation under Part 4.
- A failure of a Board or Committee Member to comply with a finding of an investigation under this Part, may be referred for investigation under Part 4 (Misconduct).
- Repeated or sustained breaches of this Part by the same Board or Committee Member may be referred, by resolution of the Board, to the relevant authority as a breach of Part 4 (Misconduct).
- A breach of the Behavioural Code must be the subject of a report to a public meeting of the Board.

Findings

If, following investigation under the Board's complaints handling process (AHR-PRO-H13), a breach of the Behavioural Code by a Board or Committee Member is found, the Board may, by resolution:

- Take no action.
- Pass a censure motion in respect of the Board or Committee Member.
- Request a public apology, whether written or verbal.
- Request the Board or Committee Member to attend training on the specific topic found to have been breached.
- Resolve to remove or suspend the Board or Committee Member from a position within the Board or Committee (not including the Member's elected position on the Board).
- Request the Board or Committee Member to repay monies to the Authority.

4. MISCONDUCT

Failure by a Board or Committee Member to comply with this Part constitutes misconduct. The provisions within this Part 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 Part to the Chairman, the Chief Executive Officer, the Ombudsman, the Electoral Commissioner (for alleged breaches of Code 3.8) or the Office for Public Integrity. Reported alleged breaches of this Part may be referred to the Ombudsman for investigation under *Section 263 of the Local Government Act 1999*, by the Chief Executive Officer or by the Independent Commissioner Against Corruption, where he or she so determines.

A report from the Ombudsman that finds a Board or Committee Member has breached this Part must be provided to a public meeting of the Board. The Board must pass resolutions, that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Board following the receipt of these recommendations.

An investigation under Part 4 of this Code does not preclude an investigation being launched, for Board Members, as a potential breach of the criminal matters listed in Appendix A to this document.

Member duties

Board and Committee Members must:

- Act honestly at all times in the performance and discharge of their official functions and duties.

- Perform and discharge their official functions and duties with reasonable care and diligence at all times.
- Not release or divulge information that the Board or Committee has ordered be kept confidential, or that a Board or Committee Member should reasonably know is information that is confidential, including information that is considered by the Board or Committee in confidence.
- Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform.
- Not attempt to improperly direct a member of Authority staff to act in their capacity as a local government employee for an unauthorised purpose.
- Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.

Gifts and benefit

Board and Committee Members must:

- Not seek gifts or benefits of any kind.
- Not accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty.
- Not accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Authority.
- Advise the Authority of any gift or benefit received in connection with their role that exceeds the amount Gazetted by the Minister, for recording in the Authority's Gifts and Benefits Register (maintained and updated by the Chief Executive Officer and available for inspection on request).

Notwithstanding the above, Board and Committee Members may 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:
- Board and Committee work related events such as training, education sessions workshops and conferences.
- Board and Committee functions or events.
- Social functions organised by groups such as Board committees and community organisations.
- Invitations to, and attendance at local social, cultural or sporting events.

Register of Interests

Board Members must lodge with the Chief Executive Officer a complete and accurate Primary Register of Interests Return within 60 days of their appointment, unless they have already lodged a primary return with a Constituent Council. Board Members must also lodge an Ordinary Register of Interests Return between 1 August and 30 September each year. In addition, a Supplementary Register of Interests Return must be lodged within 60 days of any new interest arising that is not included in their most recent return.

Conflict of Interest

Board and Committee 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*.

Misuse of Authority resources

- Board and Committee Members using Authority resources must do so effectively and prudently.
- Board and Committee Members must not use Authority resources, including services of Authority staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.

- Board and Committee Members must not use public funds or resources in a manner that is irregular or unauthorised.

Repeated or sustained breaches

- At the discretion of the Board, repeated or sustained inappropriate behaviour may be escalated to an allegation of misconduct.

A failure to comply with a finding of inappropriate behaviour (by the Board, independent investigator or Ombudsman) is also grounds for a complaint.

5. SITTING FEE AND REIMBURSEMENT OF EXPENSES

All Board and Committee Members will receive from the Authority reimbursement of expenses properly incurred in performing or discharging official functions and duties as determined by the Authority, under 3.5.1 of the AHRWMA Charter.

The Chairperson of the Board will be eligible for a sitting fee from the funds of the Authority as determined by the Constituent Councils.

Sitting fees for other independent Authority Board and Committee Members, shall be determined by the Authority Board.

Board Members appointed by Constituent Councils will not be entitled to a sitting fee from the funds of the Authority.

The policy to receive reimbursement for expenses is as follows:

- Board and Committee Members are required to request reimbursement in writing to the Chief Executive Officer.
- Receipts confirming the expenditure that has been incurred must be provided with any request made for reimbursement.
- For the purpose of administrative efficiency, Board and Committee Members are requested to submit the claim within two weeks of the Board or Committee sitting.

Register of Allowances and Benefits

Pursuant to *section 79(1) and (2) of the Local Government Act 1999*, the Chief Executive Officer must maintain a register in which he or she shall ensure that a record is kept of –

- the annual allowance payable to a Board or Committee Member (in the case of section 79 (1)(a); and
- any expenses reimbursed under section 77(1)(b) of the *Local Government Act* (in the case of section 79(1)(b); and
- other benefits paid or provided for the benefit of a Board or Committee Member (in the case of section 79(1)(c); or
- to make a record of the provision of a reimbursement or benefit not previously recorded in the register (in the case of section 79(2)(b)).

Review

A review of sitting fees and reimbursement of expenses to Board or Committee Members may be undertaken:

- at the request of the Board;
- as part of the Authority's annual financial audit.
- Formally, at least once every 4 years.

6. RELATED DOCUMENTATION

NOTICE under Clause 6.10 of the Code of Conduct for Council Members published by the Minister for Planning for the purpose of Section 63 (1) of the *Local Government Act 1999*.

AHR-PRO-H13 Board Member Complaints Handling Procedure

7. REVIEW HISTORY

This code of conduct will be reviewed by the Board every four years or more frequently if legislation or organisational changes require.

DOCUMENT HISTORY	VERSION NO	ISSUE DATE	DESCRIPTION OF CHANGE
NEW DOCUMENT	1.0	15 June 2023	New Document
REVIEW 1	1.1	20 Nov 2025	Template update. Changes to grammar. Updated wording and role titles.

APPENDIX A

CRIMINAL MATTERS

The matters within this Appendix are matters for which a criminal penalty attaches for Board Members only. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Board and Committee Members.

Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of Board and Members.

Alleged breaches of matters outlined in this Appendix should be reported to the Office for Public Integrity in the first instance.

Breaches of the Local Government Act 1999

Member duties

A Board Member must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a Board Member to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Board (Section 62 (3)).

A Board Member must not, whether within or outside the State, make improper use of his or her position as a Board or Member to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Board (Section 62 (4)).

Provision of false information

A Board Member who submits a return under Chapter 5 Part 4 (Register of Interest) and Schedule 3 of the *Local Government Act 1999*, that is to the knowledge of the Member, false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence (Section 69).

Restrictions on publication of information from Register of Interests

A Board Member must not publish information, or authorise publication of information, derived from a Register unless the information constitutes a fair and accurate summary of the information contained in the Register, and is published in the public interest, or comment on the facts set forth in a Register, unless the comment is fair and published in the public interest and without malice (Section 71).

Breaches of other Acts

Acting in his or her capacity as a public officer, a Board Member shall not engage in conduct, whether within or outside the State, that constitutes corruption in public administration as defined by Section 5 of the *Independent Commissioner Against Corruption Act 2012*, including:

An offence against Part 7 Division 4 (Offences relating to public officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:

- bribery or corruption of public officers
- threats or reprisals against public officers
- abuse of public office
- demanding or requiring benefit on basis of public office
- offences relating to appointment to public office

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935*, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- aiding, abetting, counselling or procuring the commission of the offence.
- inducing, whether by threats or promises or otherwise, the commission of the offence.
- being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence.
- conspiring with others to effect the commission of the offence.

APPENDIX B
COMMITMENT OF BOARD AND COMMITTEE MEMBERS

I, as a Board or Committee Member of the Adelaide Hills Region Waste Management Authority, have read and agree to the *Board Member Code of Conduct (AHR-POL-H12)* and commit to observe and abide by the document in its entirety.

Signature and date

Board or Committee Member name
(Please print your full name above the line.)