

Responsible person	Executive Officer	Scheduled review date	June 2021
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Version Control

VERSION No.	DATE	PERSON RESPONSIBLE	DETAILS
2	21 Jun 2019	Kylie Holmes	Review completed, and final updated document adopted.

A. FOREWORD

Rural Financial Counselling Service (RFCS) - Gippsland has been engaged under a Deed of Grant by the Commonwealth and State Governments to provide rural financial counselling services (Services), as well as funding received from other bodies to provide professional rural services as contracted.

RFCS is required to perform the Services under the Deed of Grant. This Code of Conduct (Code) provides the minimum standards of conduct expected from all Board members, Executive Officers and Employees of RFCS.

B. DEFINITIONS

Unless specified otherwise, terms used in this Code that are capitalised have the same meaning as in the Deed of Grant between the Commonwealth and RFCS Gippsland.

In this Code, unless the context otherwise requires:

Associate	<p>means an associate of an RFCS Personnel and includes (but is not limited to) the following categories of relationships:</p> <ul style="list-style-type: none"> • business associates • spouse, including de-facto spouses • all direct and/or indirect relatives <p>A business associate of an RFCS Personnel refers to any formal commercial relationship which may exist, or will exist, between the RFCS Personnel and other third parties. It includes, but is not limited to, partners, directors of a private company or any other legal entity which is undertaking, or considering undertaking, a business or commercial activity.</p>
Board	means the board of directors established by this Rural Financial Counselling Service in accordance with section 3.6 of the Deed of Grant.
Client	means any person who is an Eligible Client within the meaning of the Deed of Grant and who seeks the Services from the Rural Financial Counselling Service Victoria.
Code	means this Code of Conduct.
Deed of Grant	means the current Deed of Grant for Rural Financial Counselling Services between the Commonwealth and the Rural Financial Counselling Service Victoria.
RFCS Personnel	means Board members, Executive Officers and employees (including rural financial counsellors) of the Rural Financial Counselling Service Victoria.

C. OBJECTIVES

This Code provides the rules of appropriate conduct applicable to RFCS Personnel in the performance of their duties. This Code should be read in conjunction, where applicable, with RFCS's Policies and Values as well as the APS Code of Conduct and Values where specified in Part 3 of the *Public Service Act 1999* (Cth).

This Code embodies the commitment of the RFCS Personnel to act honestly and exercise a high degree of care and diligence in the discharge of their responsibilities.

RFCS Personnel are to observe this Code when forming the Services, are required to acknowledge and comply with their obligation to undertake their activities in a manner which ensures public confidence in the administration of the RFCS Gippsland.

D. LAW AND THE DEED OF GRANT

Nothing in this Code overrides or diminishes any obligations under Federal or State laws.

In interpreting the Code, the fullest effect should be given to the spirit of the Deed of Grant(s). If any provisions of this Code are inconsistent the Deed of Grant(s) prevails.

E. VALUES

RFCS upholds the values of the Australian Public Service, as well as the expectation that all RFCS Personnel must conduct themselves within RFCS Values being:

Respect	Treat everyone with dignity; express genuine care and concern for others; and have an appreciation that all people and circumstances are different.
Integrity	Treat everyone with honest and fairness, in a professional and engaging manner, and we take responsibility for our actions.
Trust	Build trust by being open, honest, respectful and reliable with each other and with our clients.
Achievement	Are inclusive and recognise the contribution and achievements of everyone involved in our success.
Communication	Value the opinion of others and commit to fostering a culture of open and honest communication and transparent and fair decision making.

F. BEHAVIOUR

Lawful and Appropriate behaviour

When providing the Services or performing duties in connection with the Rural Financial Counselling Service, RFCS Personnel must:

- a) comply with all Australian laws;
- b) behave in a manner that is consistent with the Code of Conduct and Values;
- c) act in accordance with RFCS Policies & Procedures; and
- d) conduct themselves while representing RFCS in an appropriate manner.

For example, it is inappropriate for RFCS Personnel to:

- a) seek an improper inducement to act in a particular manner in relation to the Rural Financial Counselling Service's business activities (e.g. gifts);
- b) take advantage of their position to improperly influence others or RFCS Personnel in the performance of the Services for the purpose of securing a private benefit for themselves or third parties; and/or
- c) use their duties, status, power or authority, in order to gain, or seek to gain a benefit or advantage for themselves or any other person.

Duty to act in the public interest

RFCS Personnel must at all times ensure they act in the public interest. In discharging their responsibilities, RFCS Personnel must:

- a) take all relevant information into consideration

- b) not take any irrelevant information or opinions into consideration
- c) take all reasonable steps to ensure that the information upon which decisions or actions are based is factually correct and that all relevant information has been obtained
- d) treat each matter on its merits
- e) have full regard to the obligations of the Rural Financial Counselling Service Victoria – Gippsland, under the Deed of Grant, and the achievement of the outcomes specified in the Deed of Grant.

G. CONFLICTS OF INTEREST

RFCS Personnel must, at all times, ensure they put their responsibilities as providers of the Services under the Deed of Grant before any actual and/or perceived private interest (personal and associates of), taking reasonable steps to avoid any pecuniary or non-pecuniary, or perceived conflict of interest.

All RFCS Personnel must abide by RFCS's [Conflict of Interest Policy](#) including declaration of interests, handling conflicts, and offering of gifts or benefits and employment contracts.

Additionally, RFCS Personnel must not:

- Use RFCS resources for personal use unless part of employment contract, approved training, or is prior approved by the Executive Officer subject to suitable payment being made, nor convert RFCS property or resources to own use.
- Use information received through delivery of the Service (internal or external) to seek personal gain, profit, benefit or advantage for any person(s).
- Engage in secondary employment or contract work that relates to the provision of the Service or may conflict with duties performed for RFCS.
- **Any** form of secondary employment must, in writing, seek advice and permission from the Board before commencing (paid or voluntary). Permission will not be withheld if delivery of the Service will be not adversely affected or cause conflict (real or perceived).
Individual Directors must advise the Board of any primary form of employment, and to be aware of any real or perceived conflict of interest this employment creates, managing these in accordance with RFCS's [Conflict of Interest Policy](#).
- Take advantage of position for personal gain in dealing with a business interest of a Client (noting that a member of the Board is not to be placed in a position of disadvantage or restriction in pursuing their usual business interests or employment within the community by virtue of their directorship).
- Be disadvantaged in individual (or Associates) access to the Services if needed. To avoid potential conflict of interest, RFCS recommends receiving financial counselling from neighbouring service providers, otherwise a written declaration of this service relationship is to be provided to the Board and tabled at the following Board meeting. If a Director is utilising the services, the relationship must be declared at any meeting where an issue raised may affect this relationship, and therefore abstaining from any vote is appropriate.

Obligation to cooperate

The Board shall, by way of resolution, delegate to the Chair of the Board the responsibility to notify the current Governing Department (the Department) in writing of any conflict of interest that has arisen and of the proposed steps to take to resolve or otherwise deal with the conflict of interest. In informing the Department, the Chair shall make full disclosure and provide all relevant information relating to the conflict of interest.

RFCS Personnel are to cooperate to the fullest extent to enable the Chair of the Board to fully inform the Department of the circumstances of any conflict of interest. RFCS Employees shall not deliberately withhold or delay the forwarding of any information which would assist the Chair to comply with the resolution to notify the Department.

H. RELATIONSHIPS

Relationship with fellow Board Members

Members of the Board must acknowledge and respect the views of fellow Board members. Members of the Board must extend respect and courtesy to fellow members of the Board.

Relationship with employees

Members of the Board will ensure their relationship with employees is conducted in an appropriate manner and through the Executive Officer. Unless delegated to do so by the Board, such as in the absence of the Executive Officer, members of the Board must not direct individual employees in the discharge of their duties.

Employees' relationship with Board

Employees will adhere to the policies and procedures adopted by the Board and direct concerns and suggestions on the policies and procedures to the Board through the Executive Officer. Relationships with members of the Board and fellow employees will be conducted in an appropriate manner.

Equitable treatment of employees and potential employees

Members of the Board and Executive Officers must provide a workplace that is free from discrimination with established workplace relations that value communication, consultation, cooperation and input from employees on matters that affect their workplace.

Members of the Board and Executive Officers must make employment decisions based on merit and should ensure they provide a reasonable opportunity to all eligible members of the community to apply for employment with their Rural Financial Counselling Service.

Equitable treatment of Clients

RFCS Personnel must treat members of the community fairly and equitably and with respect and sensitivity in the discharge of their duties. They must refrain from any form of conduct in the performance of the Services which may give rise to the appearance of improper conduct or incomplete performance of their public duties.

I. INFORMATION

Protection of personal and confidential information

RFCS Personnel must protect personal, confidential and sensitive information in accordance with the obligations under the Federal *Privacy Act 1988* (Cth) and State *Privacy & Data Protection Act (2014)*, Deed of Grant, and abide by RFCS's [Information Privacy and Data Protection Policy](#) and the Federal Client Services agreement relating to collection, storage and use of private and sensitive client information (Client services agreement).

Confidential Information includes, but is not limited to, the following:

- Personal Information concerning particular clients, employees and members of the Board;
- information that would, if disclosed, confer a commercial advantage on a third party;
- information affecting the personal security of the clients, employees and members of the Board; and

- advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

J. MEDIA RELATIONS

RFCS Personnel must adhere to RFCS's [Communications Policy](#) and shall not issue any statements concerning the administration of RFCS to the media (including social media) unless authorised by the Board and identified in the [Authorised Delegations Policy](#).

Members of the Board and Executive Officer must, in the first instance, raise any issues regarding administration of the Deed of Grant, with the Governing Department of the Office of Rural Financial Counselling.

K. SAFE WORKPLACE

RFCS Personnel are obligated to maintain a safe workplace through a duty of care for all colleagues, clients, stakeholders and members of the public, and adhere to the Victorian *Occupational Health and Safety Act* (2004), the Occupational Health and Safety Regulations (2017) and RFCS's [WHS Policy and Procedure Manual](#).

Penalties

RFCS expects strict adherence to workplace health and safety, and any breach to the Laws, Policy and the Code may result in RFCS Personnel receiving counselling and/or disciplinary action, which may lead to dismissal of employment, or cessation of contract and volunteer services.

L. CHILD SAFETY

RFCS Personnel are required to observe child safe principles and expectations for appropriate behaviour towards, and in the company of, children, and are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

- adhering to RFCS's [Child Protection Policy](#) at all times;
- taking all reasonable steps to protect children from abuse;
- treating everyone with respect;
- listening and responding to the views and concerns of children, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another;
- promoting the cultural safety, participation and empowerment of Aboriginal children (for example, by never questioning an Aboriginal child's self-identification);
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination);
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities);
- ensuring, as far as practicable, that adults are not left alone with a child;
- reporting any allegations of child abuse to the RFCS's leadership, and ensure any allegation is reported to the police or child protection authorities; and/or
- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe.

RFCS's Personnel must not:

- develop any 'special' relationships with children that could be seen as favouritism (for example, the offering of gifts or special treatment for specific children);
- exhibit behaviours with children which may be construed as unnecessarily physical (for example inappropriate sitting on laps);
- put children at risk of abuse (for example, by locking doors);
- do things of a personal nature that a child can do for themselves, such as toileting or changing clothes;

- engage in open discussions of a mature or adult nature in the presence of children (for example, personal social activities);
- use inappropriate language in the presence of children;
- express personal views on cultures; race; or sexuality in the presence of children;
- discriminate against any child, including because of culture; race; ethnicity or disability;
- have contact with a child or their family outside of RFCS duties without RFCS's knowledge and/or consent (for example, no babysitting);
- have any online contact with a child or their family (unless necessary, for example providing families with e-newsletters); and/or
- ignore or disregard any suspected or disclosed child abuse.

By observing these standards, you acknowledge your responsibility to immediately report any breach of this Code to RFCS's leadership.

If you believe a child is at immediate risk of abuse contact 000.

M. BREACHES OF THE CODE

RFCS Personnel are presumed to be aware of, and familiar with, this Code and their individual obligations to act in accordance with this Code. Failure on the part of RFCS Personnel to act in accordance with this Code, or a failure to exercise due diligence in accordance with a provision of this Code, is a breach of this Code.

For the purpose of determining if a breach has occurred, it is not necessary to establish that there was an intention to act contrary to this Code.

The procedures for addressing breaches of the Code are in accordance with law; and consistent with the constitution; rules of association; employment contracts and/or workplace agreements; and terms of engagement.

Penalties

If a RFCS Personnel member is considered, after due consideration by the Board, to be in breach of a provision of this Code, the Board, by way of resolution may deal with the issue as a disciplinary matter in accordance with RFCS's [Dispute Resolution Policy](#) and corresponding grievance procedures. Provided it is consistent with the law; employment contract or workplace agreement, the Board, by way of resolution, may consider imposing disciplinary measures (employee) or impose penalties (Board member), such as:

- a written reprimand; and/or
- a written reprimand and an interview with the Chair, or other persons as delegated by the Board, to review the incident; and/or
- if a Board member, a motion of no confidence in the Board member(s) and a request to resign;
- if an employee, including the Executive Officer, termination of employment contract.

Before a penalty is imposed, the Personnel member(s) must have the allegations put to them in accordance with the grievance procedures and must be provided with the opportunity to respond to those allegations, including, if requested, a right to address the Board before the Board considers whether to impose any penalty. Accused Personnel member(s) is not to be present at the meeting when the motion to impose a penalty is before the meeting.

Protected Disclosures

Any serious breach of this code by RFCS personnel via improper conduct perceived as corrupt activity, that has not been properly dealt with and/or ceased, can be reported directly to the Independent Broad-based Anti-Corruption Commission (IBAC) for investigation and protection of informant(s) (refer [Protected Disclosure Policy](#)).