



# **POLICY**

## **Code of Conduct**

### **Scope and purpose**

The behaviour of members and employees of Marine Rescue NSW (MRNSW) must be above reproach and in keeping with MRNSW's principles of respect, integrity, honesty, and professionalism.

Conduct of a high standard creates a positive environment, develops confidence and trust within MRNSW and with the general public and attracts credibility from the Government and other emergency service agencies.

This Code of Conduct sets the standards of behaviour expected of all MRNSW members and employees.

The Code of Conduct does not replace, nor is a substitute for, the general law. All members and employees must comply with relevant State and Federal laws.

Employees should read this Code of Conduct in conjunction with their Employment Agreement/Contract. However, it does not form part of the terms and conditions of their employment.

### **Legislative and policy context**

This policy complies with, and is guided by the:

- Corporations Act 2001 (Cth)
- Sex Discrimination Act 1984 (Cth)
- Disability Discrimination Act 1992 (Cth)
- Age Discrimination Act 2004 (Cth)
- Racial Discrimination Act 1975 (Cth)
- Anti-Discrimination Act, 1977 (NSW)
- Work Health and Safety Act, 2011 (NSW)
- Privacy Act, 1998 (Cth)
- Fair Work Act 2009 (Cth)

### **Policy principles**

#### **1. Policy overview**

- 1.1. The overriding principles guiding the conduct of MRNSW members and employees are respect, integrity, honesty, and professionalism in how we operate and act when on duty or representing MRNSW.
- 1.2. Members and employees must at all times conduct themselves ethically, professionally and in a manner that maintains and promotes the reputation of MRNSW.
- 1.3. Members and employees must not behave in a way that could bring MRNSW into disrepute.

1.4. Members and employees must comply with the Code of Conduct when:

- 1.4.1. acting as a member of MRNSW, including undertaking duties
- 1.4.2. participating in any MRNSW activity
- 1.4.3. undertaking duties as an MRNSW employee
- 1.4.4. on MRNSW premises or onboard vessels or in MRNSW vehicles
- 1.4.5. dressed in uniform in public places, or
- 1.4.6. undertaking any activity that is, or could be, associated with MRNSW.

## **2. Principles of the Code of Conduct**

2.1. Members and employees must;

- 2.1.1. abide by this Code of Conduct
- 2.1.2. abide by the Standard Operating Procedures (SOP), Policies, and any other lawful instructions or directions issued by MRNSW
- 2.1.3. obey the lawful directions of Supervisors; adhere to MRNSW's values of Service, Teamwork, Professionalism and Respect
- 2.1.4. treat members, employees, the MRNSW Board, MRNSW Executive, and members of the public with respect and dignity, honesty, and courtesy at all times
- 2.1.5. always act ethically and professionally with honesty, diligence, consistency, and impartiality and in a manner that promotes and protects the image, reputation, and goodwill of MRNSW
- 2.1.6. dress professionally and appropriately relative to their position
- 2.1.7. always use courteous and respectful language when participating in MRNSW activities or undertaking duties as a member or employee
- 2.1.8. not discriminate against or harass, victimise, or vilify other members, employees or members of the public on the grounds of sex, race, religion, age, disability, marital status, sexual preference, or political opinion
- 2.1.9. not sexually harass anyone
- 2.1.10. report instances of bullying harassment, sexual harassment, discrimination, vilification, or victimisation to their superior
- 2.1.11. not access, view, circulate, download or otherwise have contact with offensive or obscene material of any description when participating in MRNSW activities or undertaking duties as a member or employee on MRNSW Premises or using MRNSW equipment
- 2.1.12. not engage in cyberbullying
- 2.1.13. ensure that their work environment is safe
- 2.1.14. not use their position for personal gain
- 2.1.15. not use their position to promote personal agendas

- 2.1.16. not act in conflict with MRNSW's interests
  - 2.1.17. promptly disclose real or perceived conflicts of interest that could influence the member or employee performing their duties
  - 2.1.18. not act in a manner that is disruptive to the wellbeing of their workplace or MRNSW generally
  - 2.1.19. not behave in a way that is likely to cause members, employees, the MRNSW Board, MRNSW Executive, or members of the public offence or embarrassment, this can include online and on social media
  - 2.1.20. put personal differences aside for the betterment of their work environment and MRNSW generally, and
  - 2.1.21. not have an intimate relationship with a Cadet Member.
- 2.2. Members must, in addition to the above;
- 2.2.1. abide by the MRNSW Constitution and MRNSW Rules
  - 2.2.2. obey the lawful directions of Senior Officers within the chain of command
  - 2.2.3. provide necessary and appropriate assistance to members of the public and MRNSW in line with the MRNSW Key Functions
  - 2.2.4. not act in a manner that is disruptive to the wellbeing of Units or MRNSW generally, including online and on social media
  - 2.2.5. accept the final determination of any complaint or grievance once any appeal rights under the relevant Policy or SOP are exhausted
  - 2.2.6. not wear their MRNSW-issued uniform with any other uniform or civilian attire
  - 2.2.7. not interfere with or alter their MRNSW-issued uniform, including epaulettes, and
  - 2.2.8. put personal differences aside for the betterment of their Unit.

### **3. Conflicts of interest**

- 3.1. Members and employees must avoid any interest, influence or relationship that might conflict or appear to conflict with the best interests of MRNSW. Members and employees must avoid any situation in which loyalty may be divided and promptly disclose any situation where an actual or potential conflict may exist.
- 3.2. Examples of potential conflict situations include:
  - 3.2.1. having a financial interest in any business transaction with MRNSW
  - 3.2.2. owning or having a significant financial interest in, or other relationship with, a service provider or supplier
  - 3.2.3. accepting gifts, entertainment or other benefits of more than a nominal value from a service provider or supplier.
- 3.3. If a member or employee has a conflict of interest, they must immediately disclose it to their Senior Officer, Supervisor, the Commissioner or a Deputy Commissioner.

### **4. Gifts and benefits**

- 4.1. Members and employees must exercise caution when accepting gifts to ensure that any gift they accept does not compromise their ability to undertake their duties.

- 4.2. Members and employees must not accept gifts or benefits from companies, that at the time, are involved in tendering and procurement processes with MRNSW.

## **5. Use of MRNSW resources**

- 5.1. Members and employees must ensure that MRNSW facilities, equipment, vehicles, and vessels are used safely, efficiently, and economically while performing their duties and for the purpose for which those resources were made available.
- 5.2. Members and employees must only use MRNSW facilities, equipment, vehicles, and vessels for private purposes if authorised in writing by the Commissioner, a Deputy Commissioner, a Unit Commander, or a Zone Commander.

## **6. Confidential information**

- 6.1. Members and employees must keep confidential all Confidential Information and may only:
- 6.1.1. use Confidential Information to perform your duties with MRNSW, and
  - 6.1.2. disclose Confidential Information only
    - to persons who are aware and agree that the Confidential Information must be kept confidential or have signed a confidentiality agreement required by MRNSW from time to time and either:
    - need to know (and only to the extent that each person needs to know), or
    - have been approved by MRNSW; or
    - are required by law
- 6.2. Members and employees must immediately notify MRNSW of any suspected or actual unauthorised use, copying or disclosure of Confidential Information by anyone.

## **7. Personal public comment and political activity**

- 7.1. Members and employees must not:
- 7.1.1. make public comments or enter a public debate including online and on social media, on matters relating to MRNSW unless authorised to do so by the MRNSW Board or the Commissioner or their Unit Commander or their delegates
  - 7.1.2. make public comments or enter a public debate on social or political issues while wearing the MRNSW uniform or any apparel with the MRNSW logo at any MRNSW premises or using MRNSW equipment unless authorised by the MRNSW Board or the Commissioner or their delegates
  - 7.1.3. make public comment on personal issues or matters while wearing the MRNSW uniform or any apparel with the MRNSW logo at any MRNSW premises or using MRNSW equipment unless authorised by the MRNSW Board or the Commissioner or their delegates
  - 7.1.4. undertake private political activities on MRNSW premises or while wearing the MRNSW uniform or any apparel with the MRNSW logo
  - 7.1.5. post any notices on MRNSW noticeboards or websites that suggest support or encouragement of a particular political viewpoint on a matter
  - 7.1.6. use MRNSW Confidential Information to assist political activities or to promote personal agendas.

## **8. Electronic Communication Devices**

- 8.1. The use of electronic forms of communication, including the internet, the intranet and email, are set out in the SOP ADM26 - IT Usage Policy.
- 8.2. Members and employees must comply with SOP ADM26 - IT Usage Policy.
- 8.3. Group emails or other digital communication to multiple MRNSW members must not be used to spread information, canvass information, gossip, complain, or share other material that may be detrimental to the interests of members, Units or MRNSW. All group emails should be forwarded through the chain of command and be distributed appropriately. Members and employees must respect the decision of other members not to receive group emails.

## **9. Alcohol and drugs**

- 9.1. Alcohol must not be consumed on MRNSW premises or while wearing an MRNSW uniform except for approved MRNSW functions or sanctioned events. Members and employees who attend such functions must take a responsible approach to the consumption of alcohol.
- 9.2. Members and employees must not attend an MRNSW workplace, including their Unit, while under the influence of alcohol or non-prescribed drugs.
- 9.3. Recreational drugs must not be consumed while on duty, in uniform on MRNSW premises, vessels or in MRNSW vehicles.

## **10. Complaints, grievances and disputes**

- 10.1. Members and employees who wish to complain about a breach of discipline, SOPs or Policies, including this Code of Conduct, or raise a grievance must abide by the relevant SOPs or Policies.
- 10.2. Members and employees must accept the final determination of any complaint or grievance once any appeal rights under the relevant Policy or SOP are exhausted. To avoid confusion, this means that members or employees who continue to pursue a complaint or grievance after it has been finally determined will be in breach of this *Code of Conduct*.
- 10.3. Clause 10.2 does not apply to external legal action commenced by employees regarding a workplace issue.

## **11. Breach of the Code of Conduct**

- 11.1. Breaches of this Code of Conduct by a member may result in a warning, reprimand, suspension or, in cases of serious misconduct, upon the recommendation of the Commissioner, the Board may expel a member.
- 11.2. Breaches of this Code of Conduct by an employee may result in a warning, reprimand, suspension or in cases of serious misconduct, their employment may be terminated.
- 11.3. If a suspected breach of the Code of Conduct also constitutes a breach of law, action may be taken under the Code of Conduct in addition to any legal proceedings.

## **Roles and responsibilities**

The Commissioner is the approver of this policy and is accountable for the broad implementation of this Policy; Zone Commanders are responsible for ensuring members are aware of this Policy; all members and employees are responsible for adhering to this Policy.

## Related documents

Documents that relate to the Code of Conduct can be found in the files section in OTTER and are listed below:

- Marine Rescue NSW Constitution
- Marine Rescue NSW Rules
- SOP ADM05: Discipline of members and employees
- SOP ADM06: Grievance
- SOP ADM09: Suspension
- SOP ADM26: IT Usage Policy
- Bullying and Harassment Prevention Policy
- Sexual Harassment Prevention Policy

## Support and advice

Further support, guidance, and advice in relation to the contents of this Policy should be sought from the Unit Commander or relevant Zone Commander or appropriate employee.

## Definitions

In this Policy, unless the context otherwise requires;

**Cadet Member** is a person aged 16 or 17 years who is admitted as a member of MRNSW in accordance with the MRNSW Constitution and rules.

### Code of Conduct

Refers to this document *Code of Conduct*

### Confidential Information

All confidential information, including the terms of this Policy, and any information regarding the business and affairs of MRNSW that are not in the public domain, whether known by a member before or after joining MRNSW. For the avoidance of doubt, this information includes, without limitation: any document, record, computer file, process, design, technical data, trade secret, know-how, and information concerning research, product plans, products, services, member's identities and contact details, equipment formulas, programs, systems, methods, compositions, budgets, plans, strategies, recommendations, pricing, formats, margins, service ideas, product ideas, shareholders, concepts, finances, markets, developments, inventions, processes, formulas, technology, and information regarding the skills and compensation of employees or other business information disclosed to MRNSW's affairs.

### Cyberbullying

The misuse of technology by sending or posting inappropriate and hurtful email messages, instant messages, text messages, phone messages, digital pictures or images or website postings (including social network sites e.g. Facebook or blogs) and is irrespective of whether the page could be viewed by the wider public.

### Employee

An employee of Volunteer Marine Rescue NSW.

### Member

A member of Volunteer Marine Rescue NSW.

### MRNSW

Refers to the organisation Volunteer Marine Rescue NSW.

**MRNSW Board**

The Directors of Volunteer Marine Rescue NSW.

**MRNSW Premises**

Includes any Unit Base and immediate surrounds, shared facilities, wharf, vessels, and vehicles.

**MRNSW Uniform**

Includes any item of clothing that includes the MRNSW logo or identifies the wearer as representing MRNSW.

**MRNSW Executive**

Includes the Commissioner and Deputy Commissioners.

**MRNSW Key Functions**

Means the key functions in clause 1 of the MRNSW Constitution.

**Public comment**

Includes oral and written statements in the media and other public forums, including online and on social media.

**Senior Officer**

Means a person holding a position of delegated and lawful authority over a member under the Constitution, Rules, SOPs, or Policies, including the Board, Commissioner, Deputy Commissioner, Unit Commander, and Zone Commander.

**SOP**

Refers to a MRNSW Standard Operating Procedure

**Supervisor**

Means a person who is authorised by their position to supervise or direct members and employees, including the Commissioner, Deputy Commissioners, Unit Commanders, and Zone Commanders.

**Approval and document control**

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