



# STANDARD OPERATING PROCEDURE

## Members' Code of Conduct

SOP ADM08

---

## 1 PURPOSE

It is important that the behaviour of all members of Marine Rescue NSW ("MRNSW or Company") be above reproach and incorporates the principles of integrity and honesty. Conduct of a high standard develops a sense of confidence and trust within the community and attracts credibility from other emergency services as well as respect for and from other members. Such support is vital if MRNSW is to have a long-term future and grow in strength.

## 2 POLICY

### 2. Code of Conduct

This Code of Conduct ("the Code") establishes the standards of behaviour expected of all members of MRNSW:

- 2.1 The overriding principle or priority guiding the conduct of members of MRNSW is professionalism in the way we operate and the manner in which we act when on duty.
- 2.2 Members must conduct themselves professionally, and in a manner that maintains and promotes the reputation of, and enhances public confidence in, MRNSW. They must not behave in a manner that could bring MRNSW into disrepute.
- 2.3 Members must not use their position to promote personal agendas. All recommendations should be accompanied with a disclosure of personal interest, where one exists.
- 2.4 The Code is not intended to be read as a set of rules. Rather it is intended to convey to members the standards expected. However breaches of the Code may lead to disciplinary measures under the Discipline or Suspension SOPs
- 2.5 The Code does not replace, nor is a substitute for, the general law. All members of MRNSW must comply with all relevant State and Federal laws in common with other members of the community.
- 2.6 The Constitution under Clause 16 Responsibilities of Members states:

All Members must:

- a) abide by the Constitution, Rules, policies, procedures and any other instructions issued by Marine Rescue NSW;
- b) obey the lawful instruction of their superiors;
- c) undertake required training to become and remain competent in their assigned duties;
- d) maintain active membership of their Unit, except when undertaking a period of approved leave; and
- e) abide by Marine Rescue NSW Members' Code of Conduct.

- 2.7 “Superiors” (above) is to be taken as meaning superior officers in the chain of command by virtue of their rank or position.
- 2.8 All members of MRNSW must comply with the *Code* when:
- acting as a member of MRNSW;
  - participating in any MRNSW activity;
  - on MRNSW premises or vessels.
  - dressed in uniform in public places
- 2.9 The Constitution under Clause 21 Termination of membership states:  
Membership of the Company terminates if the Member:
- a) dies; or
  - b) resigns; or
  - c) does not renew his or her membership in accordance with this Constitution and Rules approved by the Board; or
  - d) does not maintain active membership and is not on approved leave and does not show cause why his or her membership should not be terminated; or
  - e) is, in accordance with procedures contained in the Rules, expelled as a Member of Marine Rescue NSW.
- 2.10 MRNSW will not require members to take a Pledge.

### 3. Principles of the Code

Members must:

- 3.1 In accordance with the Rules:
- 3.1.1 adhere to MRNSW’s values of Honour, Unity, Respect, Leadership and Professionalism.
  - 3.1.2 act with the highest levels of personal and professional behaviour
- 3.2 perform the duties associated with their positions diligently, impartially, efficiently and conscientiously;
- 3.3 provide necessary and appropriate assistance to members of the public and MRNSW in line with the mission of MRNSW;
- 3.4 act fairly and equitably when dealing with the public and other members or employees of MRNSW;
- 3.5 dress professionally and appropriately, relative to their positions;
- 3.6 ensure that the work environment is safe;
- 3.7 acknowledge and respect the rights of and treat with respect and courtesy other members and employees of MRNSW and the public;
- 3.8 not use their positions for personal gain;
- 3.9 not discriminate against or harass any other member of MRNSW or members of the public on the ground of sex, race, religion, age, disability, marital status, sexual preference or political opinion;
- 3.10 not behave in a manner that is likely to cause other members, employees or the public, offence or embarrassment, and not be disruptive to the wellbeing of the Unit or the Company;
- 3.11 ensure that their behaviour does not constitute any form of bullying or harassment; and
- 3.12 be able to put personal differences aside for the betterment of the Unit and the Company.

### 4. Resignations

- 4.1 Members are encouraged to discuss any intention to resign with their respective UC or DUC.
- 4.2 Members should be aware that resignation is from Marine Rescue NSW (the Company) not from the Unit.
- 4.3 The Constitution is very clear that a resignation terminates membership of the Company. This includes Life Members of the Company. A resignation cannot be just from the Unit.

- 4.4 A resignation can be verbal or written (including by email) and should be made to the respective UC, DUC, ROM or to HQ. A resignation cannot be withdrawn once communicated to HQ.
- 4.5 If an ex-member wishes to re-join the Company the application process as a new member must be followed. In the case of a Member re-joining the Company the application must also be approved by the Board.
- 4.6 The member may be issued with a new membership number.
- 4.7 The member should be aware that this means joining as a provisional member and voting rights will be affected. If re-joining within a six month period the CrimTrac process may be waived at the discretion of the Commissioner.
- 4.8 Members should be aware that continuity of service will be affected but the member's prior service may be recognised at the discretion of the Commissioner.

## **5. Gifts and Benefits**

- 5.1 Members may only accept personal gifts and benefits that are token in nature, and up to a maximum value of \$20.
- 5.2 Any gifts in excess of \$20 offered or received should be returned politely, along with advice that it is against MRNSW policy for members and employees to accept gifts.
- 5.3 Any offer of money could constitute a bribe. Such offers must be reported immediately to the next appropriate officer in the chain of command.

## **6. Tendering and Procurement**

- 6.1 MRNSW expects that tendering and procurement processes will be used to obtain goods and services that can be demonstrated to represent best value for money and are for the exclusive use of MRNSW.
- 6.2 Where MRNSW is involved in tendering, the companies which are bidding may want to demonstrate their product or service at their corporate offices or other location. In this situation, it is not appropriate to accept any offer of hospitality, beyond simple refreshments.
- 6.3 Procurement incentives, for example, buy 10, get 1 free offers, or the offers of a personal benefit, such as lunches from suppliers, must also be declined.

Further guidance on gifts is also available in the publication, *Gifts, benefits or just plain bribes? Guidelines for public sector agencies and officials*, on the Independent Commission Against Corruption (ICAC) web site at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

## **7. Use of MRNSW resources**

- 7.1 All members must ensure that MRNSW facilities, equipment, vehicles and vessels are used safely, efficiently and economically in the course of performing their duties and for the purpose for which those resources were made available.
- 7.2 Unless authorised by the Commissioner, UC or ROM as appropriate no member or employee may use MRNSW facilities, equipment, vehicles and vessels for private purposes.

## **8. Use of information**

- 8.1 Information includes written information, stored information, information on a computer or something that a member or employee has overheard or been told at work.
- 8.2 Members and employees must ensure that they treat as confidential all information gained in the course of their involvement with MRNSW. This means that information relating to MRNSW activities must not be disclosed to other people.
- 8.3 Information relating to other members personal information is subject to the Privacy Act and the MRNSW IT Usage SOP.

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

Public comment includes oral and written statements in the media as well as in other public forums. Unit Commanders or their delegates may make comment and reports to local media on Unit activities and related matters. Such comment must be made within the framework of MRNSW policies and guidelines (refer inter alia to the Media SOP).

Members of MRNSW may not:

- 9.1 make public comment and enter into public debate on social and political issues, unless it is clear that such views do not represent the views of MRNSW or could not be construed as representing MRNSW;
- 9.2 make public comment on personal matters while wearing MRNSW uniform or any apparel with the MRNSW logo or on any MRNSW site, unless authorised to do so by the Board or the Commissioner;
- 9.3 make an official comment on matters relating to MRNSW unless authorised to do so by the Unit Commander;
- 9.4 make comment that casts doubt on their willingness to implement MRNSW policies and guidelines objectively;
- 9.5 undertake private political activities in a MRNSW workplace;
- 9.6 post any notices on MRNSW notice-boards that suggest support or encouragement of a particular political viewpoint on a matter in the public domain;
- 9.7 use any information obtained through work at MRNSW to assist political activities, or make such information known to any other person.

## **10. Official records**

- 10.1 Records management is governed by legislative requirements relating to record keeping, legal discovery orders, subpoenas, privacy and copyright. Records related to a member or employee's work with MRNSW must be kept according to the required standards and procedures.
- 10.2 Any mistakes, errors, oversights or improprieties (whether personal or organisational) must be rectified promptly once they are identified. This includes making appropriate amendments to records that are found to be incomplete, incorrect, out of date or misleading. Such amendments must be recorded properly, and signed and dated, so that they do not intentionally 'disguise' earlier errors.
- 10.3 All records and files must be secured to prevent unauthorised access, alteration, loss or destruction. Files and other records may not be destroyed without proper authority. Destruction of records may only occur following the correct procedures for handling and disposal of information.

## **11. Electronic Communication Devices**

- 11.1 The use of electronic forms of communication, including the internet, the intranet and e-mail is subject to the provisions of the MRNSW IT Usage SOP.
- 11.2 Reasonable, private use of MRNSW e-mail for the receipt or distribution of material that is not work-related is allowable, subject to the provisions of the MRNSW IT Usage SOP 6.0.
- 11.3 Members should be in no doubt that the internet may not be used in any circumstances to access, view, circulate, download or otherwise have contact with offensive or obscene material of any description. Breaches will be subject to disciplinary action.
- 11.4 Members should be aware that bulk emails should not be used for the spreading of information, canvassing of information, gossip, complaints or other material that may be detrimental to the interests of the Company. All bulk emails should be forwarded through the chain of command to be distributed appropriately.
- 11.5 Members should be aware that all members have the right to elect whether they wish to receive bulk emails. Breaching this election is in breach of this Code of Conduct and may be in breach of the Privacy Act.

## **12. Alcohol and other drugs**

- 12.1 The consumption of alcohol is not permitted on MRNSW premises, except for authorised, member or work-related functions. Members and employees who attend such functions must take a responsible approach to the consumption of alcohol.
- 12.2 Members and employees may not attend a MRNSW workplace while under the influence of alcohol or other non-prescribed drugs.
- 12.3 So-called recreational drugs must not be consumed during on-duty or work hours and never on or in MRNSW premises, vessels or vehicles.

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

- 13.1 Members of the public who deal with MRNSW should be informed of their right to complain and the appropriate avenues available to them, being the Unit Commander or the Regional Operations Manager.
- 13.2 Members who wish to raise a grievance should consult the Grievance SOP and act accordingly.
- 13.3 Otherwise, members should refer a complaint in relation to a breach of the Code in the first instance to a Unit's Executive – e.g. UC or DUC. Employees should refer a complaint to the Commissioner.

### **14. Duty to Report**

- 2.1 If you become aware of a matter which could be a criminal offence or serious breach of conduct by a MRNSW member, you have a duty to report that conduct to the appropriate authorities including Police. Examples are physical assault or fraud. You should also advise your Unit Commander who will report the matter through the normal chain of command.
- 2.2 The person to whom the complaint is referred must take appropriate action.

## **3 Breach of the Code**

- 3.1 Where an alleged breach of the Code constitutes a minor breach of discipline or standards, informal or formal (documented) counselling of the member may be appropriate.
- 3.2 Where an alleged breach of the Code constitutes a serious breach of discipline, it should be dealt with in accordance with the Discipline SOP. In some circumstances suspension of a member may be warranted under the Suspension SOP.
- 3.3 Where an alleged breach of the Code constitutes a grievance (for example, in relation to discrimination or harassment), it should be dealt with in accordance with SOP ADM06 Grievance.
- 3.4 Alleged breaches of the Code must be dealt with promptly and fairly.
- 3.5 Sanctions may be applied if a breach of the Code is proven. These may include counselling, a reprimand, suspension and/or training to ameliorate the effects of the breach and to discourage further breaches.
- 3.6 Decisions involving breaches of the Code must be properly documented and supported by written reasons.
- 3.7 If a suspected breach of the Code also constitutes a breach of law, action may be taken under the Code in addition to any legal proceedings.

### 3.8 Implementation:

- 3.8.1 All volunteer members of Marine Rescue NSW are responsible for ensuring that the standards and requirements of the Code are implemented.
- 3.8.2 Questions regarding the implementation or interpretation of the Code should be directed to UCs or ROMs.

## 4 Legislation

The following legislation provides the standards on which this Code of Conduct is based:

- Anti-Discrimination Act, 1997
- Crimes Act, 1900
- Work Health and Safety Act, 2011
- Privacy Act, 1998 (Cth)
- Ombudsman's Act 1974

## 5 Document Control Information

### 5.1 Responsibility for Implementation

Board of Marine Rescue NSW  
Commissioner  
Deputy Commissioner (DC)  
Regional Disciplinary Panel (RDP)  
Regional Operations Manager (ROM)  
Unit Commander (UC)  
Deputy Unit Commander (DUC)  
Member

### 5.2 Authority

Authority is derived from clauses in the Constitution and Rules and as stated in the Standard Operating Procedures. The Board is to approve the SOP as it relates to Members.

### 5.3 Monitoring and Reporting

Report to Commissioner with report to Board annually or as required.

### 5.4 Related Documents and Forms

Authority	Author	Date
Constitution	Members' EGM resolution	18 August 2012
Rules	Board MRNSW	September 2012
Suspension	Board MRNSW	April 2013
Discipline	Board MRNSW	April 2013
Privacy Policy	Board MRNSW	April 2013
Media Policy	Board MRNSW	April 2013
IT Usage Policy	Commissioner	April 2013
Grievances	Board MRNSW	April 2013

## 5.5 Document Status

<b>Title and Version</b>	Code of Conduct Members v2.1
<b>Effective date</b>	May 2018
<b>Publisher</b>	Commissioner
<b>Reviewer</b>	Company Secretary
<b>Authorised by</b>	Board MRNSW
<b>File name</b>	SOP ADM08 Code of Conduct Members v2.1.docx
<b>Application</b>	Word 2016
<b>Review date</b>	May 2020

## 5.6 Document History

<b>Version</b>	<b>Date Created</b>	<b>Author</b>	<b>Description</b>
1.0	22.12.09	Standards Committee	Draft
1.1	02.03.10	Standards Committee	Final
1.2	08.05.10	Board MRNSW	Final
2.0	4 May 2013	Board MRNSW	Final
2.1	18 May 2018	Company Secretary	Update