

**Corporations Act 2001 (Cth)  
Public Company Limited by Guarantee**

**New South Wales  
State Emergency Service  
Volunteers Association**

**Code of Conduct and Ethics**

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# NSW State Emergency Service Volunteers Association

## Code of Conduct and Ethics

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### 1. Aim of the NSW SES VA Code of Conduct and Ethics

- (a) The ongoing success of the NSW SES VA and its success in achieving its objectives rely heavily on the professional conduct and ethics of each of its Officers of the Company.
- (b) This Code of Conduct and Ethics aims to ensure a uniform standard of conduct and ethics for all Officers of the Company of the NSW SES VA including their conduct and ethics in performing their duties associated with their roles in the NSW SES VA.
- (c) The NSW SES VA Code of Conduct and Ethics was adopted as policy by the State Council on 17<sup>th</sup> February, 2013.
- (d) The NSW SES VA Code of Conduct and Ethics ("**the Code**") should be read in conjunction with the Constitution of the NSW SES VA ("**the Constitution**").

**The Constitution and the Code will both be accessible to every-one including members of the public and potential Company Officers via the NSW SES VA web site.**

- (e) Any Company Officer of the NSW SES VA who fails to comply with the provisions of this Code may be subject to disciplinary action - which, for the purposes of this Code, is taken to include possible suspension and/or expulsion from their role as Company Officers of the NSW SES VA and/or removal from the Board.

**Note:** A member of the Board of Directors can only be removed by resolution of the Company Officers. (Section 203D of the Corporations Act)

- (f) Unless otherwise specifically identified, Officers of the Company of the NSW SES VA, at all levels and in their every capacity as Officers of the Company, or as elected officials of the NSW SES VA are referred to in this Code as **Officers of the Company**.

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### 2. Application of the Code of Conduct and Ethics

- (a) This Code of Conduct and Ethics applies to:
  - (i) all Officers of the Company of the NSW SES VA;
  - (ii) all new Officers of the Company of the NSW SES VA; and
  - (iii) all NSW SES VA Office Holders and Representatives, including Members of the Board and Zone Councils on and from its acceptance and registration as a not-for-profit Company
- (b) Unless otherwise specifically identified, Officers of the Company of the NSW SES VA at all levels and in their every capacity as Officers of the Company, or as elected officials of the NSW SES VA are referred to in this Code as Officers of the Company.
- (c) VA Region Representatives who will become Company Officers of the NSW SES VA as at the date of adoption of this Code will be provided (via email or otherwise), by the NSW SES VA with a copy of the NSW SES VA Code of Conduct and Ethics, including (when sent as 'hard copy') an Acknowledgement of Receipt Form (Annexure A). The original, completed and signed Receipt Form should be forwarded without delay to the NSW SES VA Office, currently Suite 28, Level 17, 327 Pitt

Street, Sydney NSW 2000.

- (d) The Chairperson or their delegate for this purpose is to note the acknowledgement in the Register of Officers of the Company and a copy of each Officer of the Company's completed Form A is to be held at the NSW SES VA Office.
- (e) New Officers when elected as Company Officers of the Company must be provided with a copy of the NSW SES VA Code of Conduct and Ethics and the Acknowledgement of Receipt Form (Annexure A) is to be signed and returned to the NSW SES VA office.

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### 3. Matters Addressed in this Code

- (a) Officers of the Company are faced with a wide range of issues that impact their activities and decision making.
- (b) While this document is not intended to address every conceivable issue, it provides guidance on a range of issues relating to conduct and ethics, including ethical decision making that Officers of the Company may face in their roles with the NSW SES VA, and generally.
- (c) General examples have been included in this Code to illustrate a principle rather than to address specific situations.

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### 4. Standards of Conduct and Ethics

- (a) The following provides a guide to the *standards required* by the NSW SES VA for all Officers of the Company.
  - (i) Impartiality & Good Conscience in Decision Making
    - A. All Officers of the Company have a responsibility, through their own personal behaviour, to represent the NSW SES VA as an organisation where decisions are impartial, fair and equitable, and made in good conscience without being influenced by any Officer of the Company's self-interest.
  - (ii) Professional Conduct and Behaviour
    - A. All Officers of the Company are expected to demonstrate the highest standards of:
      - 1. professionalism;
      - 2. commitment;
      - 3. honesty;
      - 4. fairness;
      - 5. openness;
      - 6. team contribution and support; and
      - 7. respect for all people, including other Officers of the Company and NSW SES VA staff.
  - (iii) Personal Responsibility for Conduct, Ethics and Performance
    - A. All Officers of the Company are required to take personal responsibility for their conduct and ethics, their decisions and actions, and their performance in their roles at all levels and in all capacities within the NSW SES VA.
    - B. Officers of the Company should also provide a responsive and relevant service to their internal and external clients and ensure economy and efficiency in all their actions and decisions.
    - C. Officers of the Company are expected to take personal responsibility for their conduct and ethics in performing their duties. These include;
      - 1. their duty to comply with each and every provision of the

- Constitution; and
2. their duty not to willfully act in a manner prejudicial to the interests of the NSW SES VA.
- (iv) Compliance with Legal and other Obligations
- D. All Officers of the Company are required to comply with Australian law, NSW law, and the legal obligations of their position within the NSW SES VA, this Code, NSW SES VA policies and procedures, and any lawful direction or delegation that may be given to the Officer of the Company by other Officers of the Company with the authority to do so.

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## 5. Key Issues

### 5.1 Conflicts of Interest

- (a) Conflicts of interest exist when it is likely that an Officer of the Company could be influenced, or could be perceived to be influenced, by a personal interest in carrying out their public duty. Conflicts of interest that lead to prejudicial decision making may constitute corrupt conduct.
- (b) Examples of situations which might lead to a conflict of interest:
- (i) Personal beliefs, attitudes, relationships or loyalties that influence an Officer of the Company's impartiality or professionalism in their actions or decisions.
  - (ii) Employment or business interests that compromise an Officer of the
  - (iii) Company's ability to make sound & objective decisions and judgments.
  - (iv) Disclosure of confidential information for personal gain where that information affects the NSW SES VA's position, reputation, or impacts on the personal and private information of any Officer of the Company or member of the community.
  - (v) Involvement in political or community activities where the Officer of the Company unethically uses his or her status or position with the NSW SES VA to further their community or political activities.
  - (vi) Seeking to influence the objective selection of family members, friends or anyone with whom the Officer of the Company has a personal relationship for positions or opportunities within the NSW SES VA.
  - (vii) Personal, financial or other interests in the SESVA's activities where the Officer of the Company stands to gain a benefit for themselves, a family member or a friend or colleague (e.g., through their outside employment or external professional pursuits).
- (c) As soon as an Officer of the Company becomes aware that their involvement in an issue or a decision may create a possible conflict of interest, or a perceived conflict of interest, they have an obligation to inform, without delay, the relevant person at the appropriate level of management, for example:
- (i) if a Member of the Board, the Chairperson;
  - (ii) if a Member of Zone Council, the Zone Council Chairperson;
  - (iii) if a member of a Committee, the Chairperson of that Committee;
  - (iv) if attending the AGM or other NSW SES VA Meeting, the Chairperson.
- (d) Officers of the Company must be aware of the potential for a conflict of interest where they are involved in decisionmaking which particularly involves or affects an individual Officer of the Company or their family or someone with whom they have (or have had) a close personal relationship.
- (e) Officers of the Company are not permitted to be involved in, unduly influence or attempt to influence decisions involving membership, complaints or discipline, expenditure, employment or access to opportunities or other aspects or benefits of NSW SES VA membership for members of their own family or someone with whom they are have (or have had) a close personal relationship.

## 5.2 Guide to Ethical Decision Making

- (a) To assist in fostering a climate of ethical awareness, conduct and decision making, Officers of the Company may find it useful to refer to or consider (either by themselves or in consultation with other Officers of the Company or peers) each of the following five points:
  - (i) Is the decision or conduct lawful under Australian and NSW law?
  - (ii) Is the decision or conduct in line with the NSW SES VA's objectives, Constitution and this Code?
  - (iii) What will be the outcome for the Officer of the Company who is the subject of the
  - (iv) decision (or conduct), other Officers of the Company and colleagues, the NSW SES VA, and other relevant parties?
  - (v) Do these outcomes raise a conflict of interest or lead to private gain at the expense of other Officers of the Company?
  - (vi) Would a member of the public, having knowledge of all relevant circumstances,
  - (vii) reasonably regard the decision or conduct as ethical or acceptable? In other words, would the decision or conduct withstand public scrutiny?

## 5.3 External Influence

- (a) Officers of the Company are not to initiate and take action to seek testimonials, references or certificates relating to the performance of their role within the NSW SES VA, from any person or business, outside the NSW SES VA, which may enhance their position or status within the NSW SES VA.
- (b) Nothing in this Code prevents an Officer of the Company from making a written or verbal report concerning another Officer of the Company (including a complaint or charge under the Constitution of the NSW SES VA).

## 5.4 Benefits and Gifts

- (a) Officers of the Company must not seek money, gifts, travel, hospitality or any other benefit in relation to the performance of their role with the NSW SES VA.
- (b) Under no circumstances is any offer of money to be solicited by an Officer of the Company or accepted where it could be construed as a bribe for favorable treatment.
- (c) Where Officers of the Company believe they have been offered a bribe they must report the matter immediately to the Chairperson or their delegate for this purpose.
- (d) Where money has been offered to an Officer of the Company that person should make it clear that the money would be regarded as a donation/gift and it is not required in order to access the services of the SES or NSW SES VA. The money may only then be received if the person to whom it is offered is satisfied as to the donor's identity and that the donor fully accepts that the money is to be regarded solely as a donation/gift and its acceptance does not entitle that donor to any preferential or favorable treatment or any other advantage over other persons.
- (e) Having been so satisfied, Officers of the Company should in such circumstances, inform the Chairperson or their delegate for this purpose of the full details of the monetary gift, forward the sum received to the Company Secretary via the NSW SES VA Office for entry in the NSW SES VA's Gift Register, and request a written receipt be forwarded to the donor at their address.
- (f) The offer of inducements or gratuities from any person who has or seeks a special relationship with the NSW SES VA or its Officers of the Company or seeks to improve or enhance their

position within the NSW SES VA creates an unacceptable situation in which the NSW SES VA and its members cannot participate.

- (g) There is no precise or all-encompassing definition as to what constitutes an acceptable gift or benefit. The situation should pass the test of whether a "reasonable person" would find the acceptance of the gift or benefit acceptable in the circumstances.
- (i) The following is a **general guide** as to what may be considered acceptable or unacceptable:
- A. Token gifts or benefits are acceptable where it is clear that the donor will not receive an unfair advantage from the Officer of the Company in their capacity as an Officer of the Company or official of the NSW SES VA. If there is any doubt, the Officer of the Company is to inform the Chairperson or their delegate for this purpose and/or Company Secretary and obtain approval before accepting the gift or benefit.
  - B. Giving and accepting gifts or benefits on seasonal or special occasions are acceptable provided the value of the gift is in keeping with the occasion.
  - C. An offer of a gift, benefit, advantage or promise of future advantage for an Officer of the Company or their family, in their employment or their business, which is intended to influence the Officer of the Company's decision (or could reasonably be perceived as such), must **not** be accepted.
  - D. Entertainment and hospitality of an excessive or repetitive nature may bring into question the ethics and judgement of the Officer of the Company and are **not** to be accepted.
  - E. Meals and entertainment are not to be accepted by an Officer of the Company unless they occur in the normal course of, and relate to, the Officer of the Company's official capacity within the NSW SES VA and are endorsed as acceptable by the Chairperson or their delegate for this purpose and/or the Company Secretary.
- (ii) Any gift or benefit received or accepted must be declared and registered in the NSW SES VA's Gift Register. This can be done via a notification to the Chairperson or their delegate for this purpose providing full details of the gift or benefit, including the name and contact details of the donor
- (iii) Officers of the Company may accept public testimonials, presentations, awards etc. from a suitable organisation, community representatives or from colleagues.

**Note:** Nothing in this Code affects the power or ability of the NSW SES VA, under its Constitution to:

- A. raise and control its own funds;
- B. apply its income and property towards its objectives;
- C. pay or reimburse expenses incurred by Officers of the Company on behalf of the NSW SES VA;
- D. provide scholarships or grants to Members of the SES for educational or training purposes;
- E. provide development grants to Units; or
- F. employ persons for the purpose of pursuing the Objectives.

## 5.5 Public Comment

- (a) The term public comment is very broad. It includes, but is not limited to, comments, opinions, views or criticisms expressed:
- (i) in the print media (newspapers, magazines, pamphlets and booklets etc.);
  - (ii) on radio, television, video or electronically;
  - (iii) in photographs, on audio tapes or CDs;
  - (iv) at community meetings and speaking engagements; and/or

- (v) at external conferences and seminars,
- (b) where those comments, opinions, views or criticisms are, or may be, available to a section of the community and/or the public at large.
- (c) The term public comment and this Code also apply to Officers of the Company expressing their views and opinions and making comments and/or criticisms electronically using e-mail, facebook, twitter, social media and 'chat groups' on the internet.
- (d) The only person authorised and entitled to make public comment in relation to the Company is the Chairperson or their delegate for this purpose
- (e) The Chairperson or their delegate for this purpose manages the Company's marketing and public relations and represents the Company on policy making matters, in negotiations with the SES Commissioner and with elected Members of the NSW Parliament on matters relating to the Company's objectives.
- (f) While Officers of the Company are permitted to make comment as individuals and participate in activities in which they have a special expertise, they must ensure that any comment, opinion, view or criticism they express in any media or forum is done so and perceived to be done so as a private individual and not as a representative of the NSW SES VA.
- (g) Officers of the Company purporting to make public comments as a representative of the Company, or perceived to be making such comments, run the risk of disciplinary action. Such action might be taken for example, where public comments are made by an Officer of the Company which are prejudicial to the interests of the NSW SES VA or which have the effect of hindering the NSW SES VA in the achievement of its Objectives.

## **5.6 External or Personal Interests/Activities/Employment**

- (a) Officers of the Company must not participate in decisions as to the NSW SES VA's activities where that Officer of the Company stands to gain a personal advantage for themselves, their business, their employer, business partner or business associate, or for their family, regarding any matter in which they hold a direct or indirect interest.
- (b) A direct or indirect interest may include pecuniary or non-pecuniary interests which may be immediate or at a future time.
- (c) A pecuniary interest is one where there is a reasonable likelihood of expectation of financial gain or loss to the Officer of the Company, their employer, business interests, a business partner or associate, or member of their family.
- (d) A non-pecuniary interest is a private or personal interest, unrelated to money or financial gain or loss.
- (e) Officers of the Company are required to inform the Chairperson or their delegate for this purpose where they believe their ability to make decisions and/or undertake their duties with the NSW SES VA in an objective and professional manner may be compromised, or seen by a reasonable member of the public to be compromised by or conflicting with a pecuniary or non-pecuniary interest of any kind outlined above.

## **5.7 Confidentiality of Information**

- (a) All Officers of the Company have a responsibility to maintain the confidentiality of documents as well as private and personal information of which they become aware, or which they can access, through their activities as an Officer of the Company. Officers of the Company



must not use or disclose such documents or information other than in the carrying out of their official duties.

- (b) This requirement for confidentiality applies to all documents and information, (including documents and information subject to any oral or written confidentiality agreement or statement), which are directly related to the Officer of the Company's activities or duties as such, as well as documents and information of which Officers of the Company become aware incidentally.
- (c) Information of any nature that might provide competitive or financial advantage to the Officer of the Company must be treated as confidential and must not be disclosed to an outside or third party nor used by the Officer of the Company personally to obtain any kind of advantage.
- (d) The requirement for confidentiality under this Code also applies to private and personal information about other persons whether Officers of the Company become aware of such information in the course of Company activities, or though inspecting the Register of Officers of the Company or the Register of Associate Members.
- (e) However obtained, such private and personal information is strictly confidential and must not be disclosed to the public or to third parties except in the carrying out of NSW SES VA duties and responsibilities or otherwise in accordance with, and as required to give effect to, all the provisions of the Constitution.

## **5.8 Intellectual Property**

- (a) The term Intellectual Property covers the rights of the creators and owners of inventions, concepts, plans, trademarks, copyright, books, CDs, photographs and logos etc. and the obligations upon those who use or seek to use these.
- (b) Intellectual Property includes ideas created and developed by contractors to the NSW SES VA and copyright material in the form of handbooks, manuals and in-house publications available to Officers of the Company.
- (c) Improper use of intellectual property owned (or acquired) by the NSW SES VA or release of such intellectual property to other parties without permission of the Board is unethical and, apart from breaching this Code of Conduct, may be regarded as theft.

## **5.9 Use of NSW SES VA Property, Facilities, Equipment, Resources & Monies**

- (a) All NSW SES VA property including office facilities, equipment or resources (such as mobile phones, pagers, photocopiers, cameras, scanners, computers, internet, e-mail accounts, data and data bases) allocated to or available to Officers of the Company is only to be used for purposes related to the Company and its activities, including the achievement of the NSW SES VA's objectives and compliance with its obligations under the Constitution.
- (b) Officers of the Company are expected to protect the NSW SES VA's property, as well as its monies and services and to use them economically and effectively.
- (c) Misusing facilities, equipment, resources or monies or misappropriating monies belonging to the NSW SES VA, or aiding others in doing so, is a breach of this Code of Conduct which may lead to disciplinary action against an Officer of the Company or dismissal.

## **5.10 Money Borrowed between Officers of the Company**

- (a) Any monetary transaction between Officers of the Company, either as principals or agents whereby any interest or other return in money or in kind is charged, expected or paid, is a

private transaction for which the NSW SES VA is not responsible.

- (b) Any express or implied agreement or arrangement, between Officers of the Company which involves seeking or offering or accepting a loan of money in return for favorable treatment or for the advantage for one Officer of the Company over another or any attempt to reach such an agreement or arrangement is a clear breach of this Code rendering those involved liable to disciplinary action and expulsion from the NSW SES VA.

#### **5.11 Gambling and Betting on NSW SES VA Premises**

- (a) These activities are not permitted in the NSW SES VA's offices, or other premises being used for any NSW SES VA meetings or activities, other than those premises licensed to do so.
- (b) Nothing in this subsection shall prevent the NSW SES VA exercising its powers under its Constitution to raise and control its own funds for the purposes of achieving its objectives, including activities such as raffles, Melbourne Cup sweeps etc.

#### **5.12 Smoke-free Environment**

- (a) The NSW SES VA provides a smoke free environment in its office premises, buildings and vehicles in accordance with the Smoke Free Environment Act 2000.
- (b) Officers of the Company are not permitted to smoke inside any NSW SES VA premises or vehicle, regardless of whether that premises or vehicle is leased or owned by the NSW SES VA or is provided for use to Officers of the Company by the SES or other organisations such as Councils.
- (c) Officers of the Company not abiding with this provision may be subject to disciplinary action.

#### **5.13 Use of Information after Membership ceases**

- (a) Officers of the Company who resign from, or who are expelled from, the NSW SES VA or from the SES are not permitted to take or use confidential information about the NSW SES VA, its activities, meetings, procedures or other Officers of the Company or to take any documents or items relating to the NSW SES VA's activities, meetings or procedures which are not otherwise publicly available.
- (b) Officers of the Company who resign or who are expelled from the NSW SES VA are not to use personal contacts from the NSW SES VA to benefit any personal, business or other activity in which they are involved, or are embarking upon, if such use conflicts with the interests of the NSW SES VA. When in doubt, advice should be sought from the Chairperson or his or her delegate for this purpose.
- (c) Where, under the Constitution, an Officer of the Company gives notice of their intention to resign from the NSW SES VA, and will undertake work or employment with a business or other organisation which has existing or future business with the NSW SES VA (e.g., for the supply of equipment), they are not permitted to make, or take part in the making, of any decisions on behalf of the NSW SES VA involving that business or organisation, prior to leaving the NSW SES VA.

#### **5.14 Interaction with Former Officers of the Company**

- (a) Officers of the Company are not to give former Officers of the Company preferential treatment, or access to privileged or confidential information regarding the NSW SES VA or its activities.

#### **5.15 Sponsorship**

- (a) It is important to ensure that any sponsorship of the NSW SES VA by any private business or other organisation (other than the SES or State Government) does not confer upon or give to (or be seen to confer upon or give to), any special advantage or consideration to that business or other organisation.
- (b) For this reason, only the Chairperson or their delegate for this purpose is authorised to seek or offer sponsorship on behalf of the NSW SES VA.
- (c) Only the Chairperson or their delegate for this purpose has the authority to manage the marketing and advertising associated with sponsorship and to oversee the contractual obligations that may arise as a result of such sponsorship.

#### **5.16 Political Neutrality**

- (a) In our democracy, Officers of the Company are entitled to hold personal political views and engage in political activities which have no connection with the NSW SES VA.
- (b) All Officers of the Company must, however, remain strictly politically neutral when they are representing the NSW SES VA in activities within the community. In this respect, Officers of the Company are reminded they must not wear SES uniforms when representing the NSW SES VA or conducting business on the NSW SES VA's behalf, while in public view.
- (c) Officers of the Company, other than the Chairperson or their delegate for this purpose, must not participate in any political event, political function or similar activity as a representative of the NSW SES VA without Board Approval.
- (d) Officers of the Company are reminded that the only person authorised and entitled to make public comment in relation to the NSW SES VA is the Chairperson or their delegate for this purpose

**Note:** Nothing in this Code prevents Officers of the Company receiving or being presented with awards or scholarships by, or from, or in the presence of, elected representatives at all levels of government including State and Federal Members of Parliament, State and Federal Ministers, Mayors or local Councilors or recognised local community groups.

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## **6. Harassment, Discrimination and Bullying**

- (a) All Officers of the Company are entitled to perform their role as a Company Officer in an environment which is free from discrimination, harassment or bullying.
- (b) All Officers of the Company are expected to behave in a professional manner and to treat each other with dignity and respect and the NSW SES VA will not tolerate discrimination, harassment or bullying under any circumstances.
- (c) Any Company Officer found to have been engaged in any of these behaviours can expect to face disciplinary action or charges and possibly also at law.
- (d) Officers of the Company are reminded that all complaints or charges involving discrimination, harassment, bullying and occupational violence must be genuine and made in good faith.
- (e) Complaints or charges of discrimination, harassment or bullying which are found to be fabricated, frivolous or vexatious reflect poorly upon both the Company Officer(s) alleging them and the NSW SES VA as a whole and may lead to disciplinary action being taken against the complainant.
- (f) In addition to applying to all Officers of the Company this Code's policy and standards as to

discrimination, harassment or bullying apply to contractors engaged by the NSW SES VA from time to time. These policies and standards apply during all NSW SES VA activities including, but not limited to, all meetings, conferences, and social events such as drinks or celebratory dinners.

## 6.1 Discrimination

- (a) Discrimination is essentially any practice which makes distinctions between individuals or groups so as to disadvantage some or advantage others as defined in the Anti-Discrimination Act, 1977.
- (b) Discrimination may be direct or indirect.
  - (i) **Direct discrimination** means treating another person with an attribute (listed below) less favorably than a person without the attribute in the same or in similar circumstances.
  - (ii) **Indirect discrimination** means requiring a person with an attribute (listed below) to comply with a general requirement (or condition) that they cannot comply with, but with which most people without that attribute are able to comply and that requirement or condition is not reasonable in the circumstances.
  - (iii) Protected attributes include, but are not limited to:
    - A. Race
    - B. Sex
    - C. Marital status
    - D. Pregnancy
    - E. Parental or caring responsibilities
    - F. Disability
    - G. Age
    - H. Breast-feeding
    - I. Gender identity
    - J. Sexual orientation
    - K. Lawful sexual activity
    - L. Physical features
    - M. Industrial activity
    - N. Political belief or activity
    - O. Profession or calling
    - P. Religious belief or activity
    - Q. Irrelevant criminal record
    - R. Irrelevant medical record
    - S. Personal association with a person with one of these attributes
- (c) Discrimination or harassment based on these attributes or other attributes protected by applicable discrimination legislation will not be tolerated under any circumstances.

## 6.2 Harassment

- (a) The term harassment covers a wide range of behavior which is uninvited, or unwelcome. It involves any form of behavior which is demanding, intimidating, threatening or offensive and which annoys, disturbs, upsets or humiliates the person to whom it is directed.
- (b) Any person can be the subject of harassment including women or men, persons of any age or race, and persons with a disability.
- (c) The term harassment is not confined to repeated behavior of the kind referred to above. It may be a single act. Even if it is a "one-off", demanding, intimidating, threatening or offensive behavior towards another may well be classified as "harassment".

- (d) The term also extends to any form of behavior which creates a hostile environment for a particular person or group or which isolates or segregates that person or group.
- (e) Harassment can be verbal, written, physical, by innuendo, or through the display or distribution of offensive material. It can take place via telephone, fax, text message, or other electronic media. It can involve material put on a noticeboard or on a computer, sent by email, available on twitter, or put on face-book, a website, blog, chat or other social networking site and may involve signs, symbols and photographs.
- (f) Harassment can occur directly (i.e., between two persons) or indirectly via a third person. Harassing behavior may be undertaken by two or more persons acting in concert with one another and may be directed towards one person or to a group of persons.
- (g) What is acceptable behaviour to one person or a group may not be acceptable to another person or group of people.
- (h) Whether or not a particular form of behavior can be classified as harassment does not depend on the intention of the person (or persons) engaging that behavior but on how a reasonable person would perceive that behavior in the circumstances. Harassment occurs if a reasonable person would, in all the circumstances, regard the behaviour in question to be demanding or intimidating or threatening or offensive.
- (i) Examples of behaviours which can constitute harassment include:
  - (i) offensive jokes or offensive gestures
  - (ii) verbal abuse or derogatory name calling;
  - (iii) uninvited physical contact, threatening or violent behavior;
  - (iv) racially-based jokes (including skin colour, nationality or descent);
  - (v) persistent and unwelcome requests to go out;
  - (vi) comments on another's impairment or disability (actual or perceived);
  - (vii) comments on a person's sexual partner or sexual preference;
  - (viii) unwelcome sexual advances or reference to sexual activities;
  - (ix) humiliation, intimidation or bullying; and
  - (x) the display of offensive visual material.
- (j) Any complaint or charge of harassment will be dealt with promptly by the Board and where proven, appropriate disciplinary action will be taken which may lead to the offender's expulsion from the NSW SES VA.

**Note:** Any Company Officer may lodge a bona fide complaint or charge of harassment against another. This is important in cases where harassing behavior is observed to occur and the alleged victim does not wish to complain formally. Offices of the Company should be aware that harassment may be such that the victims seek protection from the Courts in the form of Personal Violence Orders.

### 6.3 Sexual Harassment

- (a) Anti-discrimination law defines sexual harassment as:
  - (i) unwanted sexual advances; or
  - (ii) unwelcome requests for sexual favours; or
  - (iii) other unwelcome conduct of a sexual nature; and in the circumstances, a reasonable person would have expected the person concerned to be offended, humiliated or intimidated by this behaviour.
- (b) Sexual harassment may, in the circumstances consist of, but is not limited to:
  - (i) staring or leering in a sexual manner;
  - (ii) unwelcome wolf whistling or name calling;
  - (iii) offensive or demeaning comments, questions, jokes or innuendo of a sexual nature;

- (iv) unwelcome or uncalled for remarks, insinuations or intrusive questions about sexual activity or private life;
  - (v) unwelcome telephone calls, emails, text messages etc. of a sexual nature;
  - (vi) comments about a person's physical appearance or sexual characteristics;
  - (vii) unwelcome sexual or physical contact, such as slapping, kissing, touching, hugging or massaging;
  - (viii) requests for sexual favours or persistent requests for out of work social activities;
  - (ix) repeated sexual invitations when the person has refused similar invitations before;
  - (x) initiation ceremonies involving unwelcome sexually-related behaviour;
  - (xi) displaying or circulating of erotic or sexually graphic material including posters, photographs, reading matter, objects, pictures, screen savers, calendars, cartoons, graffiti or messages left on boards or desks; or
  - (xii) sexual assault (which is also an offence under the Crimes Act, 1900) or other unlawful conduct.
- (c) Sexual harassment has nothing to do with mutual attraction and private, consenting friendships, whether sexual or otherwise. However, sexual harassment may occur after a consensual relationship has ended.
- (d) Any complaint or charge of sexual harassment will be dealt with promptly by the Board, and where proven, appropriate disciplinary action will be taken which may lead to the offender's expulsion from the NSW SES VA.

#### **6.4 Bullying**

- (a) Generally speaking, bullying is any form of behaviour which intimidates, coerces, humiliates, threatens and/or undermines a person or a group of people. It is characterised by an individual or group behaving in a particular way to gain or exercise power over another person or group, and can include verbal harassment or even physical assault.
- (b) Bullying generally, but not always, meets the following four criteria:
- (i) It is repeated.
  - (ii) It is unwelcome and unsolicited.
  - (iii) The recipient(s) considers the behaviour to be offensive, intimidating, humiliating or threatening.
  - (iv) Based on the circumstances and available information, the behaviour would be regarded as aggressive, offensive, intimidating, and humiliating or threatening to the individual it is directed at, or, for that matter, others who are witness to or affected by it.
- (c) Examples of Bullying
- (i) There is no finite list of bullying behaviours. However, the following types of behaviour, where repeated or occurring as part of a pattern of behaviour, could be considered bullying:
    - A. being subjected to constant ridicule and being "put down" in front of colleagues.
    - B. being the victim of loud and abusive, threatening or derogatory language usually when others are present.
    - C. leaving offensive messages on email or by telephone including offensive messages through the use of SMS and material posted on the internet.
    - D. being subjected to "practical jokes" could otherwise be regarded as intimidating or humiliating.
- (d) Bullying behavior can include the use of physical force. It may involve the actions of individuals or groups using the hierarchy or the structure of an organisation or working arrangements as a means of victimising, humiliating, undermining or threatening.
- (e) Bullying may include inappropriate use of status, position, gender, physical size, and/or a physical

or verbal threat, and may result in alienation of an individual or group.

- (f) Bullying may also include inappropriate language or comments regarding physical or personal appearance, performance, or verbal abuse directed at one person or a group of people.
- (g) Any complaint or charge of bullying will be dealt with promptly by the Board and where proven, appropriate disciplinary action will be taken which may lead to the offender's expulsion from the NSW SES VA.

## 6.5 Victimisation

- (a) Officers of the Company who victimise or harass another Officer of the Company because that Officer has:
  - (i) complained about discrimination, harassment, sexual harassment or bullying;
  - (ii) supported another Officer who has complained about these behaviours; or
  - (iii) acted as a witness for an Officer who has complained about these kinds of behaviour are in breach of this Code and will be liable to appropriate disciplinary action.

## 6.6 Grievance Procedure

- (a) If any person in their role as a Company Officer of the NSW SES VA or otherwise feels they have been the subject of discrimination, harassment, sexual harassment or bullying or victimisation by another Officer (or Officers) of the NSW SES VA, they are encouraged to report the matter in the first instance, and in confidence, to the Chairperson or their delegate for this purpose. Officers of the Company who witness such behaviour must also report the matter.
- (b) The Chairperson or their delegate for this purpose will advise the Company Officer of the appropriate procedure to be followed under the NSW SES VA Grievance Procedure.

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## 7. Conduct Prejudicial to the Interests of the NSW SES VA

- (a) Any act or behaviour or neglect by any Company Officer which brings the NSW SES VA into disrepute is deemed to be prejudicial to the interests of the NSW SES VA and a breach of this Code of Conduct.
- (b) Under the Constitution, Officers of the Company must be SES Volunteers. It follows that the maintenance of goodwill and an excellent working relationship between the SES and NSW SES VA, at all levels, is of vital importance to all Officers of the Company and is in the best interests of the NSW SES VA as a whole.
- (c) Any act or behavior or neglect by any Company Officer which adversely affects, or is detrimental to, that goodwill, or which undermines, threatens or prejudices that relationship at any level is not in the best interests of the NSW SES VA and is a breach of this Code of Conduct rendering that Officer liable to suspension or expulsion from the NSW SES VA and removal from the Board or from the Zone Council.

**Note:** A member of the Board of Directors can only be removed by resolution of the Company Officers. (Section 203D of the Corporations Act)

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## 8. Breaches of this Code of Conduct and Ethics by Officers of the Company (other than Paid Staff)

- (a) Any breach (or breaches) of this Code of Conduct and Ethics, if proven against a Company Officer on the balance of probabilities, may be a ground (or grounds) for their expulsion or suspension from the NSW SES VA and removal from the Board or from the Zone Council.

**Note:** A member of the Board of Directors can only be removed by resolution of the Company Officers. (Section 203D of the Corporations Act)

- (b) A Company Officer making allegations against another Company Officer is generally required to put these in writing.
- (c) The Company Officer who is the subject of these allegations is notified in writing by the Chairperson or their delegate for this purpose of the allegations concerned (and the relevant particulars as to the time, place, events, persons involved etc.) and is given the opportunity (and sufficient time) to respond to these allegations:
  - (i) before the Board (in the case of a Member Zone Council); or
  - (ii) before a Special Meeting of the Officers of the Company (in the case of a Member of the Board) prior to any action being taken over or communication to any person outside the NSW SES VA being made regarding the alleged offence except in the case of an alleged criminal offence.
- (d) The procedures for dealing with breaches of this Code of Conduct and Ethics will rely on and adhere to the principles of due process, natural justice, transparency and procedural fairness.



**ANNEXURE 'A'**

**NSW STATE EMERGENCY SERVICE VOLUNTEERS ASSOCIATION**

**CODE OF CONDUCT AND ETHICS**

**ACKNOWLEDGEMENT FORM**

I, \_\_\_\_\_  
(FULL NAME)

\_\_\_\_\_  
(SES ID Number) (SES UNIT)

acknowledge receipt of the *NSW SES VA Code of Conduct and Ethics* dated.....20\_\_\_\_\_.

I also acknowledge that I have read and familiarised myself with its content and application and agree to be bound by each of its provisions.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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**When completed, please send this form to:**

**"Company Officers Register" NSW SES  
Volunteers Association Suite 28, Level 17,  
327 Pitt Street SYDNEY NSW 2000  
[Fax: (02) 9267 7038]**