

## Overview

This Code of Conduct sets out the standards of behaviour that are expected by people connected to IBN.

All IBN Directors, Representative Corporation Directors, committee members, members, employees, volunteers and contractors of IBN and its Subsidiary Companies must comply with the IBN Code of Conduct.

The Code of Conduct must be followed at all times when undertaking IBN business or participating in activities and events that relate to IBN.

### **The Code of Conduct requires people to:**



- Treat everyone with respect and courtesy.
- Be honest and do the right thing for IBN.
- Take care of property and ensure that meetings are respectful and safe for everybody.
- Follow IBN's policies, procedures and the laws that apply to IBN.

### **Possible consequences for breaching the Code of Conduct may include:**

- Formal warning
- Removal from IBN event
- Employee discipline
- Suspension from IBN services, fees and payments
- Suspension from attending IBN offices or events
- Removal from position
- Must attend training
- Possible police involvement



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# Part 1 - Summary of Code of Conduct

## Background

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IBN's Code of Conduct details a number of obligations and responsibilities for Directors, Representative Corporation Directors, committee members, members, employees, volunteers and contractors.

Responsibilities include:

- Comply with any Code of Conduct adopted by IBN;
- Treat Directors, committee members, members, employees, volunteers and contractors with respect and dignity;
- Not behave in a way that significantly interferes with the operation of IBN or IBN's meetings;
- Comply with the IBN Charitable Foundation Trust Deed;
- Notify IBN of any change of address within 28 days;
- Not make improper use of information or opportunities received because of their positions as members or Directors; and
- Not make any public statement on behalf of IBN unless authorised by the CEO or Directors.
- Follow IBN's policies, procedures and the laws that apply to IBN

On the 23rd May 2024 the IBN Board formally approved and adopted the IBN Code of Conduct.

The Code of Conduct sets out the standards of behaviour that are expected of IBN's employees, members and Directors (and other people that are connected with IBN), and the process that will be followed if there is a complaint that someone hasn't behaved in accordance with the Code of Conduct.





## Who does the Code of Conduct apply to?

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The Code of Conduct applies to all of the following individuals of IBN and its Subsidiary Companies:



The Code of Conduct must be followed at all times when undertaking IBN business or participating in activities and events that relate to IBN. This includes, for example:

-  **Attending IBN premises, including its offices or meeting rooms.**
- Public comments about IBN, online or in person.** 
-  **Attending IBN meetings or events.**
- When representing IBN in any capacity.** 

## Summary of what is expected of members under the Code of Conduct

### Respect for Others

- I will treat everyone with respect and courtesy.
- I will respect other people's safety, beliefs, values, ideas, and privacy.



### Honesty and Integrity

- I will be honest and do right by IBN.
- I will be fair, factual, and balanced when dealing with other people or making decisions.



### Respect for Property, Equipment and Environment

- I will take care of property and do my part to make sure that the workplace or meeting place is safe for everyone.



### Follow the Rules and the Law

- I will follow IBN's policies and procedures and the law that apply to IBN.
- I acknowledge that I am responsible and accountable for my own actions.



## What happens if someone breaches the Code of Conduct?

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### Managing breaches during IBN meetings

The person chairing or facilitating a meeting may decide that a person has failed to act in accordance with the standards of behaviour or the meeting guide.

Where this happens, the person chairing or facilitating the meeting may:

- Issue a **formal warning** (or multiple warnings);
- Remove that person** from the meeting; and
- Where the conduct is considered a threat to any other person, **contact the police.**

### Managing breaches outside of IBN meetings

If a person thinks that someone has failed to act in accordance with the standards of behaviour or the meeting guide, they should lodge a Complaint via email or a complaint form with IBN.

A copy of the Complaint Form is contained at **Annexure D** of the Code of Conduct.

Once IBN receives a Complaint:

The CEO will undertake an initial review of the Complaint and decide what process, as set out in the Code of Conduct, will need to be followed;

If an investigation is required, the CEO will arrange for one to be conducted to uncover the facts and decide if the Code of Conduct was breached; and

If it's found that the Code of Conduct was breached, the Board will decide what further action, if any, will be taken.

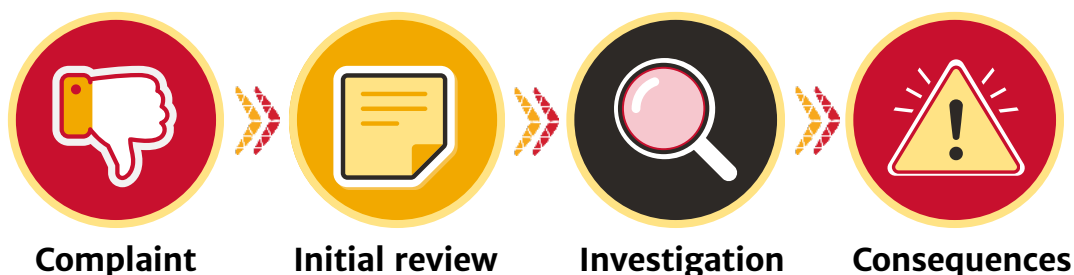
## What are the consequences of breaching the Code of Conduct?

If a person other than an employee is found to have breached the Code of Conduct, the IBN Board will decide what disciplinary action, if any, will be taken. If an employee has been found to have breached the Code of Conduct, the CEO will determine the appropriate disciplinary action, if any, will be taken.

The types of disciplinary action will depend on the nature of the breach and the circumstances of the person, and may include one or more of the following:

Receiving a formal written warning.	Removal from an IBN meeting or event.	Employees being subject to disciplinary processes.	Being suspended from any IBN project work.
Suspension from attending IBN offices or events.	Not receiving sitting fees or other IBN payments for a period.	Being removed as a Director or member of IBN in line with IBN governance protocols.	Being required to attend specified training.
Removal from a position (e.g. a committee position) and being prohibited from holding a similar position for a period of time.		Being asked to step down from a governance position (e.g. a committee position).	Being reported to external authorities (e.g. the police).

See also: [Annexure D - Complaint Form](#) for the process of making a complaint.



## Part 2 – Policy Statement

### Purpose

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1. IBN is dedicated to solid corporate and cultural governance. Adopting good governance measures will help IBN achieve its purpose of Supporting the Yinhawangka, Banyjima and Niyaparli people.
2. This Code of Conduct is the formal document which sets out the standards of behaviour which are expected by IBN and what may happen if a person does not act as expected.

### Scope

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3. The Code of Conduct applies to all IBN Directors, Representative Corporation Directors, members, employees, volunteers and contractors of IBN and its Subsidiary Companies.
4. The Code of Conduct must be followed, at all times, when undertaking IBN business or participating in activities or events that relate to IBN. This includes, for example, when working for IBN, being present in premises of IBN, wearing clothes that show the IBN logo, driving an IBN branded vehicle, making comments publicly about IBN, during IBN meetings or events or where a person subject to the Code of Conduct is otherwise representing IBN in any capacity.
5. IBN Directors are the representatives of IBN and are always expected to behave in accordance with the standards of behaviour set out in the Code of Conduct.
6. The processes under the Code of Conduct are not applicable in managing a dispute, grievance or a complaint about IBN. These are to be managed under IBN's Grievance policy.
7. Where the Code of Conduct is being relied on by, or is applied in respect of, a Subsidiary Company, references to:
  - (a) IBN are to be read as references to the relevant Subsidiary Company;
  - (b) Board are to be read as references to the board of the relevant Subsidiary Company; and
  - (c) Directors are to be read as references to directors of the relevant Subsidiary Company.

### Privacy

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8. IBN respects the privacy of all persons making a Complaint under the Code of Conduct and is committed to ensuring that Complainants are treated fairly and are not subjected to any unfair treatment due to the making of a Complaint (for example, harassment or intimidation).
9. IBN observes the following protocols for the distribution of information provided in respect of a Complaint:
  - (a) Depending on the nature of the Complaint and other relevant information, the Delegate (see paragraph 23: The Role of the Delegate) will determine whether it is appropriate for the Directors to receive a copy of the Complaint.
  - (b) Where an IBN Director is the subject of a Complaint, that Director will:
    - (i) be asked to leave a Board meeting at any time that the Complaint is being discussed; and
    - (ii) not receive any information or documents in respect of the Complaint in their capacity as an IBN Director.
  - (c) If documents relating to a Complaint are tabled in hard copy at Board meetings, including the Register of Complaints, at the conclusion of discussion regarding the Complaint, IBN will collect the hard copy documents. Directors will not be permitted to retain hard copies.
  - (d) Information and documents regarding a Complaint will not be emailed from IBN to Directors.

10. IBN will comply with the provisions of the IBN Privacy Policy.
11. IBN will comply with all relevant IBN policies and procedures and relevant State and Federal laws and regulations in the management of complaints.

## Part 3 - The Policy

### Standards of Behaviour

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12. The agreed standards of behaviour are set out as **Annexure A** to the Code of Conduct (**Standards of Behaviour**). For Directors, these standards of behaviour are in addition to their legal directors' duties.
13. The agreed standards of behaviour for IBN meetings, events or functions are set out as **Annexure B** to the Code of Conduct (**Meeting Guide**).
14. Three fictional case studies that provide an example of how the Code of Conduct will be applied are set out as **Annexure C** to this Code of Conduct.

### Principles for Managing Breaches

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15. The following principles will apply at any time that the Code of Conduct is being applied:
  - (a) Procedural fairness and respect will be afforded to all parties;
  - (b) Any processes that are applied must be fair and transparent for all parties;
  - (c) Confidentiality and privacy of all parties will be respected;
  - (d) Decisions will be made in a culturally sensitive and appropriate manner;
  - (e) Timely decisions will be made and communicated;
  - (f) Assessments and Investigations will be fair and impartial; and
  - (g) The best interests of IBN and the IBN community will be considered.

### Managing Breaches During IBN Meetings

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16. The person chairing or facilitating a meeting may determine that a person has failed to act in accordance with the Standards of Behaviour or the Meeting Guide. The person chairing or facilitating the meeting has the discretion to make this determination during a meeting, without following the Investigation process set out in this Code of Conduct.
17. If the person chairing or facilitating a meeting determines that a person has failed to act in accordance with the Standards of Behaviour or the Meeting Guide, the person chairing or facilitating the meeting may:
  - (a) give that person a formal warning (or multiple formal warnings, as considered appropriate);
  - (b) remove that person from the meeting; and
  - (c) where the conduct is considered a threat to any other person, contact the police.
18. In addition to the above action being taken, a Complaint may be lodged following the conclusion of a meeting in accordance with the process set out in this Code of Conduct.

## Processing Complaints

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### ***Lodging a Complaint***

19. If a person considers that another person has failed to act in accordance with the Standards of Behaviour or the Meeting Guide, they can complete a Complaint Form, as contained at **Annexure D**, and lodge it with IBN.
20. A summary of the process for the management of potential breaches of the Code of Conduct is set out in the Complaint Form (**see Annexure D**).

### ***Alleged Breaches By Employees***

21. Subject to paragraph 24, employees of IBN are subject to the Code of Conduct and must comply with the Standards of Behaviour and the Meeting Guide.
22. However, where a Complaint is received in respect of an employee's conduct, that Complaint will not be dealt with in accordance with the Code of Conduct and instead is to be processed and managed (including any action or disciplinary action) in accordance with the relevant human resources policies, the terms of that person's employment agreement, all applicable employment laws and otherwise as determined by IBN.

### ***Role of the Delegate***

23. The Board has appointed the CEO to assist with collating and processing of Complaints (Delegate).
24. Where the Delegate is the subject of a Complaint, the chairperson must appoint an alternate person (usually themselves as chairperson or another Director) to perform the Delegate's role in respect of that Complaint.

### ***Assessing Complaints***

25. The Delegate will undertake the following steps:
  - Step 1: Collate the Complaint Form, any supporting documents provided in respect of the Complaint and all relevant information and documents that may relate to the Complaint (for example, minutes of the relevant meeting).
  - Step 2: Determine if all necessary information has been provided or obtained.
  - Step 3: Contact the Complainant to acknowledge receipt of the Complaint and, if required, seek additional information.
  - Step 4: Assess the Complaint to determine whether it falls within the scope of this Code of Conduct, as set out in paragraphs 3 to 7.
  - Step 5: If the Complaint does not fall within the scope of this Code of Conduct, the Delegate will dismiss the Complaint and notify the Complainant accordingly.
  - Step 6: If the Complaint does fall within the scope of this Code of Conduct, the Delegate will arrange an Investigation in accordance with the process set out in paragraph 29.
26. The Delegate may, but is not required to, consult with the chairperson when undertaking the above steps. Where the chairperson is the subject of a Complaint, the Delegate may consult with an alternate Director.
27. The Delegate will undertake each of the above steps in a timely manner and, where possible, will endeavour to complete all steps above within 30 days of IBN receiving a Complaint Form.
28. The Delegate will endeavour to keep the Complainant updated throughout the process, including notifying the Complainant when the process is complete.

## Investigations

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29. The Delegate will determine, having regard to the nature and content of the Complaint (i.e. the severity of the alleged behaviour, the complexity of the Complaint and potential conflicts of interest), the process for conducting the Investigation, including the:
- (a) nature and scope of the Investigation;
  - (b) person or persons who will undertake the Investigation, based on the factors considered at paragraph 29;
  - (c) technical, financial or legal advice that may be required to support the Investigation (if any); and
  - (d) timeframe for conducting and completing the Investigation.
30. When considering who is the most appropriate person or persons to undertake the Investigation, the Delegate may determine that it is appropriate for:
- (a) **the Delegate** to undertake the Investigation in some situations - for example, where:
    - (i) the facts surrounding the Complaint are simple and easy to identify; and
    - (ii) the alleged behaviour is not of a very serious or complex nature;
  - (b) **an IBN Board sub committee** to undertake the Investigation in some situations - for example, where the facts surrounding the Complaint are simple and easy to identify, but the matter involves community sensitivities; or
  - (c) **an external person** to undertake the Investigation in some situations - for example, where:
    - (i) the alleged conduct is of a very complex or serious nature; or
    - (ii) conflicts of interest prevent an internal person undertaking an unbiased assessment (whether actual or perceived).
31. Where an Investigation is conducted by an external person, that person must be independent of IBN and the Subsidiary Companies. The investigator should not be IBN's lawyers as they will not be sufficiently independent. However, in some circumstances, it may be appropriate for IBN's lawyers to brief and engage an external investigator on IBN's behalf.

## Conduct of Investigations

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32. Each Investigation conducted under the Code of Conduct must be conducted in an objective, fair and independent manner, and otherwise as is reasonable and appropriate having regard to the nature of the Complaint and any other relevant circumstances.
33. An Investigation will seek to:
- (a) uncover the facts in respect of the Complaint;
  - (b) conduct a thorough inquiry, considering all relevant facts and following all valid leads, to come to an independent assessment as to whether the conduct the subject of the Complaint is substantiated or not substantiated;
  - (c) reach an objective conclusion as to whether a breach of the Code of Conduct has occurred, regardless of the status or position of the Respondent or Complainant, the opinion of others or pressure to make a specific finding; and
  - (d) if it is found that a breach of the Code of Conduct did occur, provide an opinion as to what disciplinary action may be appropriate.
34. The Delegate must provide the Investigator with all background documents relating to the Complaint.

35. The Complainant may be contacted during an Investigation for the purpose of requesting further information regarding the Complaint or any other matter that may be relevant to the Investigation. The Complainant is not required to provide this information or participate in the Investigation.
36. If, during an Investigation, it is determined that a Complaint may be substantiated, the Respondent will be given the opportunity to be interviewed or to provide a written statement in respect of the Complaint. Where an interview is conducted, a Respondent will be entitled to have a non-legal support person present.
37. An Investigator may recommend at any stage during an Investigation that a Complaint be dismissed if, acting reasonably, it appears that the Complaint is unlikely to be substantiated.
38. The Investigator must provide:
  - (a) the findings of each Investigation to the Delegate; and
  - (b) a summary of the findings of each Investigation to the Board and if the Board so requests, a copy of the full findings as referred to in paragraph 33(a).

## Consequences of a Breach of the Code of Conduct

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39. Disciplinary action may be taken against a person if, following receipt of a Complaint Form and conclusion of an investigation, a breach of the Standards of Behaviour or Meeting Guide is substantiated. The type of disciplinary action will depend upon the nature of the breach and the circumstances of the person and without in any way limiting the generality of the foregoing, may include one or more of the following:
  - (a) Formal written warnings;
  - (b) Removal from a IBN meeting;
  - (c) A requirement to attend specified training;
  - (d) A request that the person step down from their position;
  - (e) Formal removal of the person from their position;
  - (f) A prohibition from holding a similar position for a period of time;
  - (g) A 'non-contact' period, where a person is suspended from attending IBN offices or events;
  - (h) Notification to external authorities (e.g. the police or ACNC);
  - (i) Suspension from any of IBN's project work;
  - (j) Suspension of sitting fees or other IBN payments;
  - (k) Removal as a Director of IBN in accordance with the Rule Book; or
  - (l) Removal as a member of IBN in accordance with the Rule Book.
  - (m) Employee disciplinary outcomes according to the relevant IBN human resources policies, the terms of that person's employment agreement, all applicable employment laws and otherwise as determined by IBN.
40. The Board, in its sole discretion, will determine what disciplinary action, if any, will be taken.
41. The Delegate will notify the Respondent, in writing, of the disciplinary action which the Board determines is appropriate.

## Records

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42. The Delegate must maintain a Register of Complaints that records, in respect of each Complaint, the:
- (a) date the Complaint was received;
  - (b) name of the Complainant;
  - (c) name of the Respondent;
  - (d) outcomes of the assessment or Investigation of the Complaint (i.e. if the Complaint was dismissed, substantiated or not substantiated);
  - (e) type of Investigator, if any (i.e. Delegate, Board sub-committee or external person); and
  - (f) disciplinary action taken in respect of the Complaint, if any.
43. The Delegate will report to the Board in respect of Complaints received under the Code of Conduct and provide a copy of the Register of Complaints.

## Part 4 – Technical Matters

### Interpretation

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44. The Board of IBN (and not a Subsidiary Company) may conclusively resolve all questions that may arise in respect of, or which relate to, the interpretation of the Code of Conduct.
45. Subject to paragraph 44, to the greatest extent permitted by law, any decisions of the Board are final.

### Definitions

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ACNC	means the Australian Charities and Not-for-profits Commission.
CEO	means the chief executive officer of IBN.
Code of Conduct	means this Code of Conduct.
Complainant	means a person making a Complaint.
Complaint	means an allegation made to IBN that a Director, Representative Corporation Director, committee member, member, employee, volunteer or contractor has behaved in a manner that does not comply with this Code of Conduct.
Complaint Form	means the form prescribed by IBN for making a Complaint, as amended by IBN from time to time, which is available from the IBN office and on the IBN website, and a copy of which is set out in Annexure D, and any supporting documents received by IBN in respect of a Complaint.
Delegate	has the meaning given in paragraph 23.
Investigation	means an inquiry conducted in accordance with paragraphs 29 to 38 which seeks to determine if the conduct that is the subject of a Complaint is substantiated or not substantiated.
Investigator	means the person or people who are conducting an Investigation.
Meeting Guide	has the meaning given in paragraph 13 and is set out in Annexure B to this Code of Conduct.
Register of Complaints	has the meaning given in paragraph 42.

Respondent	means a person that is the subject of a Complaint.
Rule Book	means IBN's rule book or the constitution of a Subsidiary Company.
Standards of Behaviour	has the meaning given in paragraph 12 and are set out in Annexure A to this Code of Conduct.
Subsidiary Company	means IMMS and any other entity in which IBN is the ultimate holding entity, as determined by the IBN board from time to time.

## Amendments to this Policy

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This Policy may be amended by resolution of the Board of IBN, and not a Subsidiary Company.

## Related Policies

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- IBN Complaints Policy and Procedure
- IBN Social Media Policy
- IBN Grievance Policy
- IBN Privacy Policy
- Conflict of Interest Policy
- Employees Disciplinary Policy and Procedures

## References

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Karlka Nyiyaparli Aboriginal Corporation. (1 November 2023). *Code of Conduct*.

## Document Version Control

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<b>Document Name:</b>	Code of Conduct
<b>Original Date of Authorisation:</b>	By resolution of the IBN Board on 23 May 2024
<b>Date of this Version:</b>	23 May 2024

## Change History

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Version #	Date Authorised:	Authorised By:

# Standards of Behaviour

The following standards of behaviour apply to all Directors, Representative Corporation Directors, committee members, members, employees, volunteers and contractors of IBN.

## Respect for Others

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*I will treat everyone with respect and courtesy. I will respect other people's values, beliefs, ideas and privacy.*

Treat others fairly.

Respect Yinhawangka, Banyjima and Nyiyaparli people and their law and customs.

Treat others how I would like to be treated.

Be polite, listen and respect other people's points of view.

Act professionally, and in the best interests of IBN (i.e. in a way that upholds IBN's reputation and helps IBN to achieve its objectives for members).

- × Do not bully or fight with others.
- × Do not discriminate, victimise or harass a person based on their race, colour, religion, national origin, gender, age, marital status, disability, sexual identity, or pregnancy.
- × Do not let personal relationships or views impact on my professional conduct.
- × Do not use social media or other public platforms to raise concerns or make complaints about IBN or to make negative or insulting comments about people doing their job with IBN - feedback about IBN, IBN's activities and people that work with IBN should be given to the CEO or chairperson in writing.

## Honesty and Integrity

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*I will be honest and do right by IBN. I will be fair, factual, and balanced when dealing with other people or making decisions.*

Be honest and trustworthy.

Act ethically, fairly and do the right thing.

Act in a way that maintains IBN's reputation.

Respect the privacy of others.

- × Do not use your position to obtain a private benefit for yourself, your family or friends.
- × Do not access personal information about someone unless it is necessary for your work and you have permission to do so.

## Respect for Property, Equipment and Environment

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*I will take care of property and do my part to make sure that the workplace or meeting place is safe for everybody.*

## Information

Take care with information that is confidential.

- × Do not share confidential information with anyone unless you are authorised to do so. Act in a way that maintains IBN's reputation.
- × Do not speak to newspaper outlets or reporters, television outlets or reporters or other media outlets or reporters about IBN business or IBN matters unless you are authorised by the Board or its delegate to do so.

## Money

Only use IBN money for proper purposes that have been approved.

Keep records and receipts of all IBN money that's used.

- × Do not spend IBN's money for your personal use or for your family or friends.

## Equipment and Property

Take care of IBN's equipment and property.

- × Do not use equipment or property for your own personal use, or allow family or friends to use equipment or property, unless you are authorised to do so.
- × Do not sell, lend or donate equipment and property unless you are authorised to do so.

## Computers and Electronic Devices

Use computers and other electronic devices appropriately.

- × Do not share passwords with any person or use a password that is not yours.
- × Do not store or send inappropriate messages or pictures such as pornographic, illegal, racist or violent files using IBN equipment.

## Environment

Follow health and safety work policies and practices.

Immediately report any hazards or workplace injuries.

## Honesty and Integrity

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*I will follow IBN's policies and procedures and the laws that apply to IBN. I acknowledge that I am responsible and accountable for my own actions.*

Respect all Yinhawangka, Banyjima and Nyiyaparli traditional laws and customs.

Comply with all laws, policies, procedures, rules and contracts that apply to you.

Follow all lawful and reasonable directions.

Undertake training that increases your ability to fulfil your responsibilities and role with IBN, including governance training or cross-cultural awareness training.

Immediately report any breaches of the law, policies and the Code of Conduct to the CEO or Chairperson.

- × Do not participate in illegal activity.

# Meeting Guide

This Meeting Guide applies at every meeting, event or function run by IBN. This Meeting Guide applies to every person that attends the meeting, event or function.

This Meeting Guide also sets out the standards of behaviour that are expected when attending any external meeting, event or function as a representative of IBN.

## **Be Respectful**

Respect IBN's governance and the discussions that take place at a meeting.

Respect the facilitator or chair as the person who is in charge of the meeting.

Treat others fairly and with respect, by:

- listening to others and letting them have their say;
- focussing on the issue, and not on the person;
- not interrupting others; and
- not making personal attacks on others.

Wait to be recognised by the facilitator or chair before speaking to the meeting.

Switch off or put on silent all mobile phones and electronic devices.

Discretely enter and exit the meeting while it is in progress.

## **Be Open and Curious**

Respect that people have different opinions.

Ask questions to understand what is being discussed or what the speaker is saying.

Remember that people have different ways of speaking and that English is not always a person's first language.

## **Keep to Meeting Business**

Read all papers and minutes before attending the meeting.

Keep to the agenda.

Only discuss things that aren't on the agenda during "Any other business".

- × Do not raise personal matters which are not the proper business of meeting.

## **No Offensive Behaviour**

- × Do not fight at meetings.
- × Do not bully others at meetings. This includes being abusive, threatening or intimidating.
- × Do not make racist or sexist remarks at a meeting.
- × Do not bring drugs or alcohol into a meeting.
- × Do not enter a meeting if you are under the influence of drugs or alcohol.

## **Keep Meeting Business Private**

Keep information discussed at meetings confidential.

Only share information with other people who are entitled to the information.

## Case Studies

The following case studies are examples of behaviour that may fall within the scope of the Code of Conduct.

### Example 1 - Disruptions at a Meeting

During a community workshop run by IBN in South Hedland, Tim who is a member of IBN and James, who is not a member of IBN were having a noisy argument.

The facilitator stopped the workshop and asked Tim and James to observe the Meeting Guide and wait to be recognised by the meeting before speaking.

Tim responded by shouting abusive language at the facilitator and he and James continued their argument, stopping the workshop from continuing.

#### ***Does the Code of Conduct apply to the people that were involved in the incident?***

Tim is a member of IBN. He must comply with the Code of Conduct.

James is not a member of IBN. He is not generally required to comply with the Code of Conduct. However, as James is an attendee at a IBN event, he must comply with the Code of Conduct insofar as it comprises the Meeting Guide.

#### ***Did the incident happen at a meeting, event or function connected to IBN?***

Yes, the workshop was being run by IBN.

#### ***Does the behaviour meet the standards set out in the Code of Conduct?***

No. The Meeting Guide requires participants to:

- wait to be recognised by the facilitator before speaking to the meeting; and
- not fight at meeting, or bully others at meetings by being abusive, threatening or intimidating.

#### ***What will the consequences be?***

The facilitator may give Tim and James another warning that their behaviour is unacceptable.

If the behaviour continues, the facilitator can ask for Tim and James to be removed from the workshop. The facilitator has a duty of care to the other participants at the workshop and in serious circumstances, may call security or police to ensure that the attendees at the workshop stay safe. If the behaviour becomes threatening or dangerous to those in attendance, the facilitator may need to close the workshop.

The facilitator may also make a complaint to IBN about the conduct. The CEO, as the Delegate under the Code of Conduct and the Board will then follow the processes in the Code of Conduct to determine if further disciplinary action will be taken against Tim. This may lead to Tim being issued a formal warning.

James will not be subject to further disciplinary action as he is not a member of IBN.

## Example 2 - Rude and Insulting Behaviour

Katy and Esther have been appointed as Directors of IBN.

At the last board meeting, Katy supported an application for IBN membership from a member of her family. Esther argued against the application stating that the applicant was not eligible. The discussion developed into a small verbal argument. The chairperson suspended that agenda item pending further evidence of eligibility. There was no further discussion of the matter during the meeting.

After the meeting Esther sent several rude and threatening emails and text messages to Katy and posted derogatory comments on her personal Facebook page. The comments did not make reference to IBN or Katy's role as a Director or member of IBN. Katy wants action to be taken against Esther.

### ***Does the Code of Conduct apply to the people that were involved in the incident?***

Katy and Esther are Directors of IBN. They must comply with the Code of Conduct.

### ***Did the incident happen at a meeting, event or function connected to IBN?***

No. The disagreement occurred during a Board meeting, however, this was managed by the chairperson at the time. There is no suggestion that the disagreement during the meeting was rude or threatening. The rude and threatening behaviour occurred outside of IBN activities.

### ***Does the behaviour meet the standards set out in the Code of Conduct?***

Yes. The behaviour during the meeting met the Code of Conduct.

In terms of the subsequent behaviour by Esther, as this behaviour did not occur at an IBN meeting or event and did not directly involve IBN or include any reference to IBN, it is unlikely that the behaviour breached the Code of Conduct.

### ***What will the consequences be?***

The CEO, as the Delegate under the Code of Conduct, will review the complaint and do an initial assessment to determine if the complaint falls within the scope of the Code of Conduct.

As outlined above, it is unlikely that any breach of the Code of Conduct occurred such that the CEO will likely dismiss the complaint and IBN will write to Katy and let her know this.

### ***Alternate scenario***

If Esther's comments on Facebook mentioned IBN, Katy's role as a Director of IBN, the member application being considered or anything else directly related to IBN, then the behaviour would fall within the scope of the Code as it breaches the Standards of Behaviour.

Katy would be able to use the processes set out in the Code to lodge a Complaint in respect of Esther's conduct. IBN would then follow the processes in the Code to consider the Complaint, investigate the conduct and make a decision.

If, following the process required under the Code, it is found that Esther breached the Code, the Board would decide what disciplinary action would be taken against Esther. If this is the first time that Esther has complained on social media about IBN, its people or its activities, the Board may decide to take disciplinary action against Esther (for example, issue Esther a formal written warning and require her to attend specific training).

### **Example 3 - Intimidation of IBN Employee by a Director**

Harry is a newly appointed Director of the IBN Board. He has received a director induction pack and agreed to abide by the Code of Conduct.

At a Board meeting earlier this week Michaela, an IBN employee, presented a draft employment policy for the Board's approval.

Harry, whose sister was recently unsuccessful in applying for a position with IBN, stood and approached Michaela, calling her corrupt and racist. Harry stood over Michaela and refused to resume his seat, calling for the chairperson to sack Michaela immediately.

Michaela was intimidated by this behaviour, left the meeting and went home. She has been on personal leave for the last three days.

#### ***Does the Code of Conduct apply to the people that were involved in the incident?***

Harry is a Director of IBN. He must comply with the Code of Conduct.

Michaela is an employee of IBN and must comply with the Code of Conduct as part of her employment obligations.

#### ***Did the incident happen at a meeting, event or function connected to IBN?***

Yes. The behaviour occurred during an IBN board meeting.

#### ***Does the behaviour meet the standards set out in the Code of Conduct?***

No. Under the Code of Conduct, Harry must show respect for others, act with honesty and integrity and not behave in an offensive manner during IBN meetings.

#### ***What will the consequences be?***

This is a serious breach of the Code of Conduct and is a workplace safety incident.

Michaela, or a person that witnessed the behaviour, will make a complaint to IBN.

The CEO, as the Delegate under the Code of Conduct, will review the complaint and do an initial assessment to determine if the complaint falls within the scope of the Code of Conduct.

As the behaviour occurred during a Board meeting and is very serious in nature, the CEO will determine that the complaint falls under the Code of Conduct and arrange an Investigation.

The facts involved in the complaint are contained and easy to identify (occurring in the Board meeting), however the subject matter is sensitive. The CEO may determine that a Board sub-committee should complete the Investigation.

If it is found that the Code of Conduct has been breached, the sub-committee will make recommendations to the Board as to what disciplinary action should be taken. The Board will determine what disciplinary action will be taken which may include Harry receiving a formal warning and being required to undertake training. Harry will not take part in any of these discussions.

The CEO should offer assistance to Michaela and support her to return to the workplace as soon as possible.



# Code of Conduct Complaint Form

## Background

IBN supports the Yinhawangka, Banyjima and Niyaparli people, and is proud to conduct its activities with respect and integrity.

To help IBN and its subsidiaries to follow these values, IBN has adopted a Code of Conduct that sets out a shared understanding and expectation of how IBN's (and its subsidiaries) members, Directors and other stakeholders will behave when doing things with IBN (or its subsidiaries). The Code of Conduct also establishes a process for managing behaviour that does not meet the required standards.

## Summary of Process for Managing Breaches of the Code of Conduct



## Complaint Form Details

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This form is to be used to notify IBN (or its subsidiaries) of behaviour that might fall short of what is expected of IBN (or its subsidiaries) Directors, Representative Corporation Directors, committee members, members, employees, volunteers and contractors of IBN.

This form may be completed by the person that raised concerns about an incident or by a member of IBN's (or its subsidiaries) employees.

### Details of the person raising concerns

Name:

Phone:

Email:

### Details of the person whose behaviour was unacceptable (if known)

Name:

### Details of the incident

Date of incident:

Location of incident:

Describe what happened:

*If more room is required, use another page and write 'see attached'*

Supporting documents provided:

#### **OFFICE USE ONLY**

Prepared by:

Received by:

Date received: