



Members' Code of Conduct

The Defence Honours and Awards Appeals Tribunal is an independent statutory body established under the *Defence Act 1903*.

It has two functions:

1. to review decisions in relation to the conferral of defence honours and awards; and
2. to inquire into and report to the Minister on matters referred to it by the Minister.

In performing those functions neither the Tribunal nor its Members are subject to direction from anyone except as provided by the Defence Act, the Procedural Rules made by the Chair of the Tribunal under that Act, or another law of the Commonwealth.

Members of the Tribunal acknowledge that, in accepting appointment to the Tribunal, they bear a responsibility to ensure that they undertake their duties as a Member to the highest standards of propriety so as to do justice to all parties to reviews conducted by the Tribunal and to provide the best possible advice to the Minister in respect of inquiries directed to be undertaken by the Tribunal.

To those ends, Members of the Tribunal undertake that they shall:

- at all times act with integrity, honesty, impartiality, diligence, efficiency and competence;
- exhibit respect for and compliance with the law;
- always act in the public interest and make decisions and choices on merit;
- afford equality before the law and procedural fairness to all whose interests may be affected by the Tribunal;
- treat all people appearing before the Tribunal with courtesy and dignity, and with respect for the diversity of their backgrounds, experiences and views. In particular, Members should by their words and actions demonstrate, and by their example and leadership encourage and foster others to show, respect for the peaceful, temperate and lawful exercise by all members of the community of their shared and individual rights and entitlements, including freedom of religion, freedom of association and freedom of speech.
- respect the privacy of individuals, and not disclose confidential information to which they have official access other than with consent or as required by law;
- be transparent in, and accountable for, their decisions and actions and submit themselves to appropriate scrutiny;
- not solicit to undertake, or undertake, any activity as a Member in return for the provision, promise or expectation of any improper financial or other benefit to the Member or to another person, and not accept any inappropriate benefit in connection with their activity as a Member;





- actively seek to avoid or prevent any conflict of interest, or the perception of such a conflict, arising between their duties as a Member and their personal affairs and interests, or those of their family, and expeditiously take all reasonable steps to resolve any such conflict or perception of a conflict that does arise;
- disclose at a time and in a manner appropriate to the circumstances any financial or non-financial interest that they or a member of their family may hold, or which they may be reasonably perceived to hold (other than as a member of the public or of a broad class of persons) and any friendship, relationship or other circumstance which a reasonable observer, informed of that matter, might perceive as giving rise to a conflict of interest with the performance of the Member's duty as a Member;
- in addition to compliance with Regulation 37 of the *Defence Regulations 2016*, not use information received by them as a Member that is not in the public domain in breach of any obligation of confidence applicable to their receipt of that information (unless required by law) or improperly for the private benefit of themselves or another person;
- treat each other with courtesy and propriety, observe proper standards of conduct, and observe respect for differences and fairness in their dealings as a Member;
- in all their dealings with staff of the Tribunal, other members of the Australian Public Service and members of the Australian Defence Force:
 - o extend professional courtesy and respect;
 - o act consistently with accepted workplace conduct standards; and
 - o recognise the unique position of impartiality and the obligations of public sector officials; and
- claim remuneration only for time necessarily and reasonably spent on Tribunal business and make only proper use of those public resources to which they have access, including travel and support services, and do so in a manner designed to make effective and efficient use of those resources;
- not engage in discussion of any matter before the Tribunal with any party or their representative other than during a Tribunal hearing or for the purpose of generic research to assist the Tribunal;
- not engage in social contact with any party to a Tribunal proceeding or their representative, other than with the prior approval of the Chair;
- ensure that outside occupational or other pursuits do not unreasonably impact on their availability to perform their duties as a Member; and
- promote and support the principles reflected in this Code by leadership and example in order to maintain and support public trust and confidence in the integrity of the Tribunal and the conduct by its Members.





Through this Code of Conduct, Members express that they have zero tolerance for bullying, sexual and other harassment, sexual assault and discrimination¹ and pledge that they will not themselves engage in such conduct. Consistently with this, Members undertake that, in the course of their duties and activities as a Member, they will deal with any complaint of such conduct in accordance with the Tribunal's Unacceptable Conduct Policy as applicable from time to time.

1—In this Code "discrimination" means differential treatment of a person based on personal attributes such as gender; family responsibilities, parental status (having or not having children); marital status or relationship status; pregnancy; breastfeeding; sexual orientation; gender identity; religious belief; affiliation or activity; industrial activity; disability (including temporary disability); race; age; association with someone who has one of these attributes; or other attributes unrelated to the person's education, qualifications, experience, capacity or performance.

