

TSANZ CODE OF CONDUCT

A. WHO WE ARE

We are the peak body representing professionals in the respiratory and sleep medicine field in Australia and New Zealand. Our mission is to improve the knowledge and understanding of lung disease, to prevent respiratory illness through research and health promotion and improve health care for people with respiratory disorders. Currently we have a membership of over 1,500 respiratory health professionals.

The following definitions apply unless the context otherwise requires:

References to “us”, “we”, “our” or “TSANZ” are references to The Thoracic Society of Australia & New Zealand Ltd.

Board means the board of directors of TSANZ.

CEO means the Chief Executive Officer of TSANZ

Code means this Code of Conduct.

Conduct Committee means the TSANZ Finance, Risk and Governance committee sitting as the TSANZ’s Conduct Committee.

Core Principles means the core principles as outlined in section E.

Director means any person appointed as a director of TSANZ.

Report means a report made in accordance with section H and includes any report concerning a potential breach of this Code or misconduct even if it is not in the form of Schedule A.

Society Body means each member of the Board and each committee, sub-committee, working group, expert advisory group or other sub-group formed under the auspices of the above.

TSANZ Activity has the meaning ascribed in section D.

Other capitalised terms are as defined in the body of this Code.

B. THE PURPOSE OF THIS CODE

This Code sets out the standard of conduct and behaviour required of you as a member of TSANZ and the TSANZ community. It is aimed at:

1. supporting TSANZ’s mission;
2. providing appropriate standards of professional and personal behaviour;
3. protecting public trust in TSANZ; and
4. building and maintaining TSANZ’s reputation.

C. WHO DOES THIS CODE APPLY TO?

Unless otherwise provided in this Code or in any other written agreement with TSANZ, this Code applies to you in your dealings or activities with TSANZ if you are:

1. a member of TSANZ;
2. a member of the board of directors of TSANZ;
3. a person performing any executive and/or management role for TSANZ;
4. an employee of TSANZ;
5. an agent of TSANZ; or
6. a person representing or performing roles for or with TSANZ.

D. WHEN AND HOW THIS CODE OPERATES

Compliance with this Code is a condition of your membership in TSANZ, your employment with TSANZ or your participation in any activities involving TSANZ (whether paid or voluntary). TSANZ acknowledges that members, employees and persons participating in activities involving TSANZ (such as contractors) often have roles or multiple roles that may or may not be directly relevant to TSANZ. Accordingly, this Code applies to such persons whenever they:

1. attend a TSANZ conference, event, meeting or functions;
2. attend or work at a TSANZ office;
3. work on TSANZ related business or matters; or
4. represent TSANZ to the community or to external organisations or persons

(TSANZ Activity).

This Code does not regulate how you conduct yourself in your private life or when working for other organisations or for yourself if that conduct does not relate in any way to any TSANZ Activity. While this Code does not anticipate every conduct related challenge that might arise, and is not intended to be exhaustive, it sets the expected standard of behaviour and ethics for members, employees and officers of TSANZ when acting in a TSANZ role or a TSANZ representative function.

This Code does not address all ethical or behavioural issues that you may face. Therefore, you should be aware of relevant laws and TSANZ's policies, codes and guidelines as they apply to you or your situation and as communicated to you in writing or as published and updated from time to time on the TSANZ website.

Failure to comply with this Code may have consequences beyond the provisions of this Code.

As well as dealing with expectations and obligations regarding conduct and behaviour, this Code also establishes a process for making complaints, for reporting or alleging conduct or behaviour that is in breach of this Code and for dealing with or investigating complaints, issues or alleged breaches of this Code.

E. CORE PRINCIPLES

The behaviour regulated by this Code is based on the following underlying principles and you are required to comply with these principles (**Core Principles**):

1. **Integrity**
You must behave with integrity and not allow yourself to be placed in a situation where your integrity can be justifiably called into question.
2. **Accountability**
You are accountable for your own conduct and should be prepared to justify your conduct.
3. **Objectivity**
You should act fairly, ensure fairness in any decision-making process in which you are involved. You must not allow bias, conflict of interest, personal interests or undue influences to override your judgment or decisions.
4. **Honesty**
You must act honestly and truthfully.

5. Equality and diversity

You should comply with best practice and laws relating to equality and diversity and promote compliance with such laws by others.

6. Respect

You must treat everyone with respect and courtesy without harassment or discrimination and encourage co-operation.

7. Leadership

Regardless of whether you are performing a leadership role, you should promote the Core Principles and lead by example.

F. ETHICAL AND PRINCIPLED PRACTICES

1. Ethical decision making:

- a. When you make choices, judgments, decisions or recommendations you must ensure that they:
 - i. are made lawfully, ethically and impartially;
 - ii. are consistent with the Core Principles; and
 - iii. promote TSANZ's mission and objectives.
- b. In making decisions you should carefully consider the implications and risks involved and how they impact you and any other stakeholders.
- c. Any choices, judgments, decisions or recommendations and any advice you give should not lead to personal gain over TSANZ's interests or the public interest.
- d. Any decisions and actions that you take on TSANZ's behalf must be justifiable and supportable. As they may be subject to external scrutiny, you must keep proper records of the decisions and relevant actions, reasons and issues.

2. Conflicts of interest:

- a. Your role, duties or activities may give rise to actual, potential or perceived conflicts between your interests and those of TSANZ or others.
- b. A conflict of interest or potential conflict of interest may also arise through your connections (such as family, friends or associates), your employment, your position on boards or advisory bodies, your financial circumstances or your community or personal interests. Since you may be the only person aware of such conflicts or potential conflicts, you must identify, disclose and manage such conflicts transparently.
- c. You should be aware that the outside perception of a conflict of interest can undermine confidence in TSANZ's reputation, advice or endorsement or the decisions that you or TSANZ make. Accordingly, in assessing whether there is a conflict of interest, you should consider your role, the nature of your activities and how others would view your situation and you should discuss the issue with the person to whom you report or the CEO whereupon they, in consultation with you, will determine whether a conflict of interest exists and how it should be managed.
- d. You must comply with TSANZ's policies that uphold honesty, integrity and ethical behaviour including the TSANZ Declaration of Interest Policy, the TSANZ Investment Policy and other TSANZ policies or guidelines.

- e. **Directors or members:** If you are a director or member of TSANZ, where a conflict of interest is likely to compromise your ability to perform your role, duty or activity in an ethical and impartial manner, you should declare such interest in accordance with the *TSANZ Declaration of Interest Policy* (as it applies to you) and you should ensure that the conflict of interest is managed in accordance with TSANZ's Declaration of Interest Policy.
- f. **Others:** If you are not a Director or member of TSANZ, where the person to whom you report or the CEO determines that a conflict of interest is likely to compromise your ability to perform your role, duty or activity in an ethical and impartial manner, they will:
 - i. identify ways of managing the conflict with you;
 - ii. require you to disclose the conflict in writing and ensure it is registered in TSANZ's conflicts register;
 - iii. monitor the conflict;
 - iv. if, they consider it appropriate, require you to recuse or disqualify yourself from making any relevant decision or ensure that the conflict of interest is managed in accordance with TSANZ's Declaration of Interest Policy; and/or
 - v. require you to manage the conflict in any other way (including setting up separation barriers) that they consider appropriate.You must comply with any directions relating the management of conflicts of interest imposed on you pursuant to this sub clause 4f.
- g. A conflict of interest will be determined and managed in accordance with the TSANZ Declaration of Interest Policy where applicable.

3. Gifts and benefits

- a. You must not ask for, solicit or accept gifts or benefits or hospitality for you or anyone else from any person or external organisation in connection with your duties or roles at TSANZ as such conduct may be, or may be perceived as being, used to gain preferential treatment or to create favourable or unfavourable impressions. Such conduct may also compromise current or future decisions, judgments or recommendations.
- b. The following gifts, benefits or hospitality must be refused unless approved by the Conduct Committee:
 - i. cash or cash value such as commissions, bonuses, gift vouchers, shares or other monetary equivalents;
 - ii. those that have the appearance of being aimed at influencing you at work;
 - iii. those that benefit your family or have the appearance of doing so;
 - iv. those that may or have the potential of influencing your procurement or recruitment decisions;
 - v. those that are inappropriate considering your position, role or activities; and
 - vi. those that extend beyond reasonable courtesies.
- c. Notwithstanding sub clause 3b above, the Conduct Committee has the discretion to grant an exemption in relation to a minor gift or benefit (**Gift**) (and/or impose conditions on that exemption) from complying with clause 3b above in specific circumstances if you apply for such exemption and state the basis of your application and if the Conduct Committee is satisfied that:
 - i. the Gift is solely aimed at building a general relationship and understanding;

- ii. is not intended, and could not be construed as, an attempt to improperly influence the performance of the recipient's role or function or the outcome of a deliberation or process;
 - iii. is given in an open or transparent manner;
 - iv. does not contravene any relevant government law, regulation, rule or code;
 - v. does not include cash, loans or cash equivalents;
 - vi. is accurately and transparently recorded;
 - vii. is not exclusive in nature;
 - viii. would not embarrass TSANZ if publicly disclosed; and
 - ix. to the extent that it involves the provision of entertainment, is used for entertainment in a setting reasonable and appropriate for the persons involved.
- d. Travel, accommodation, meals and similar benefits provided pursuant to a contractual obligation for the purposes of performing contracted services on behalf of TSANZ are, on their own, not considered to be a Gift.
 - e. You must report any attempt to bribe or inappropriately influence TSANZ activities to the Conduct Committee or the CEO when you become aware of such attempt and you must report the offer of any gift, benefit or hospitality.

4. Confidentiality:

- a. You must not disclose any information that is confidential or is disclosed to you in confidence unless you are officially authorised to do so or you are otherwise required or permitted to do so under legislation or a court order.
- b. You must keep and protect such confidential information securely.
- c. Emails sent and received on behalf of TSANZ at any TSANZ email address must not be copied or reproduced on any public platform or social media.
- d. Unauthorised disclosure of confidential information may cause harm or grant an improper advantage to an individual or organisation. The integrity, credibility or reputation of TSANZ may be damaged if it appears that we are unable to keep information secure and confidential.
- e. You should not remove confidential information from the workplace and, if you do so, you must take care in keeping it secure and confidential. You are responsible for any loss of confidential information from your possession. You must not read confidential information openly or in public and confidential information must not be discussed in public areas.
- f. You must seek advice from your manager or the person to whom you directly report if you are ever unsure about whether you are authorised to disclose information.
- g. Except as required by law, officers, employees and members of TSANZ must keep confidential all discussions of the Board and of any Society Body and any information, deliberations and decisions of TSANZ to the extent that they are not publicly known and have not been approved for public release.
- h. All information that is not generally available concerning the activities, results or plans of TSANZ must be used for authorised purposes only. Such confidential information should be treated and communicated with care, and must not be disclosed unless authorised by the President of TSANZ or their nominee.
- i. Directors and members must treat as confidential, all information given to TSANZ or a Society Body by stakeholders of TSANZ.

- j. Obligations of confidentiality under this Code continue to operate after you cease to be a Director, member, employee or a Society Body or a member of a Society Body or after you cease your TSANZ Activity unless such confidential information has entered the public domain.

5. Professionalism and protection of assets:

- a. If you practice as a professional in the health sector, you must comply with any codes of conduct and policies applicable to your specific profession. This may include, but is not limited to, the professional codes of conduct that apply if you are a registered health professional and as set by the relevant professional board.
- b. You must use reasonable endeavours to protect the assets and resources of TSANZ and ensure their efficient use for legitimate TSANZ purposes. Any suspected instances (based on reasonable grounds) of fraud or theft should be reported immediately.
- c. You must protect the assets of TSANZ (including proprietary information such as intellectual property, strategic plans, employee information, and any other information concerning the TSANZ).
- d. The obligation under this Code to protect TSANZ's assets continues after you cease to be a Director, member, employee or a Society Body or a member of a Society Body or after you cease your TSANZ Activity.

6. Diversity and tolerance

- a. TSANZ aims to provide a welcoming and supportive environment for all members, regardless of background or identity. However, we recognise that some participants or groups in our community are subject to historical and ongoing discrimination, and may be vulnerable or disadvantaged. This disadvantage may be based on gender, sexual orientation, disability, physical appearance, body size, race, nationality, sex, colour, ethnic or social origin, pregnancy, citizenship, familial status, veteran status, genetic information, property, birth, or age. We do not tolerate harassment of participants based on these categories, or for any other reason.
- b. All TSANZ interactions should be professional regardless of the location or circumstances of such interaction. Harassment is prohibited regardless of whether it occurs on or offline and the same standards apply to both.
- c. You should treat differences between people in gender, age, language, racial and ethnic background, religious faith, political views and physical and intellectual ability with sensitivity, respect and without discrimination at all times.
- d. You should support diversity and inclusion by:
 - i. supporting equitable opportunities for all members and staff;
 - ii. addressing disadvantages experienced by groups within TSANZ;
 - iii. considering equity diversity, inclusivity and gender parity in appointments;
 - iv. supporting pro-active measures to achieve gender parity;
 - v. promoting inclusion and recognition of minority or disadvantaged groups within the TSANZ community;
 - vi. committing to equity and inclusive practices; and
 - vii. valuing the unique status of First Nations peoples as the original owners and custodians of our countries.

7. Criminal conduct:

- a. You must immediately notify the CEO, the TSANZ President, your manager or the person to whom you directly report if you are charged with any offence that may impact on your ability to perform your role at TSANZ.
- b. You must immediately notify the CEO, the TSANZ President, your manager or the person to whom you directly report if you are charged with or convicted of a serious criminal offence (punishable by imprisonment) regardless of whether it is connected to your role at TSANZ. In such circumstances TSANZ may suspend or terminate your duties or roles pending the outcome of any related proceedings or investigation.
- c. If there is evidence that you have committed a criminal offence at work or related to work at TSANZ, we may take disciplinary action against you and notify the police or other authority.

G. CONDUCT AND WORKPLACE BEHAVIOUR

1. Workplace health and safety:

- a. Workplace health and safety is a priority for TSANZ. You must adhere to legislation and TSANZ policies and guidelines (including any pandemic safety plan) relating to work health and safety. In performing your roles at TSANZ you must consider safety and, as far as practicable, ensure that the work environment is safe, clean and free from hazards.
- b. You are expected to:
 - i. take reasonable care of your health and safety;
 - ii. use best endeavours to ensure that your conduct does not adversely affect the health and safety of others; and
 - iii. comply with reasonable safety instructions from TSANZ.
- c. Unless otherwise approved to do so by the CEO, you should not work from home on TSANZ business whether in your capacity as an employee or volunteer without complying with the TSANZ OHS Check.

2. Drugs and alcohol

- a. Subject to sub clause 2b below, you are not permitted to consume alcohol or illicit drugs in the workplace.
- b. At TSANZ related events you may consume alcohol responsibly provided that you must not consume alcohol in an amount that exceeds the legal drink driving limit.
- c. If you have reason to suspect anyone working for TSANZ may be abusing or under the influence of illicit drugs or alcohol, you should inform your manager or the person to whom you directly report. You must comply with any drug and alcohol policy issued by TSANZ.

3. Smoke free workplace

Smoking, vaping and inhaling potentially harmful products is prohibited at all TSANZ offices, workplaces and events.

4. Bullying harassment, discrimination and inappropriate conduct.

- a. TSANZ has zero tolerance for bullying, harassment, discrimination or inappropriate workplace conduct. In TSANZ workplaces, offices and events and when performing any TSANZ Activity or representing TSANZ, you must treat people with dignity and respect.

- b. You must comply with the TSANZ Equal Opportunity, Bullying and Harassment Policy.
- c. Complaints regarding bullying, harassment, discrimination or inappropriate workplace conduct will be taken seriously and will be handled by the Conduct Committee in the manner set out in this Code.

5. Protecting privacy

- a. TSANZ is committed to protecting personal information and health information in accordance with privacy legislation and policies including:
 - i. the Privacy Act 1988 (Cwlth), the Privacy Amendment (Enhancing Privacy Protection) Act 2012 and the Privacy Act 1983 (New Zealand);
 - ii. the TSANZ Privacy Policy; and
 - iii. any internal guidelines that we issue in order to support the TSANZ Privacy Policy.
- b. You must comply with the privacy or data protection laws of those jurisdictions in which TSANZ operates and must observe the TSANZ Privacy Policy.
- c. Employees, members and/or contractors of TSANZ who have been given access to personal or medical information can only discuss or deal with such information on a need to know basis with people who are authorised to do so and who undertake to keep such information confidential and only for the purposes for which the information was provided.
- d. The TSANZ leadership, including the directors and managers, must make their relevant members and staff (including personnel, contractors, agents, consultants, temporary staff or secondees) aware of their responsibilities to keep personal information secure, and to make them aware of all relevant TSANZ policies and internal guidelines and processes.
- e. You should seek advice from your manager or the person to whom you directly report if you are ever unsure about whether you are authorised to disclose personal information.

6. Public comment and social media

- a. While you may have the right to make public comments on matters of public debate including on social, political and health issues personally, in situations where you are commenting as a representative of TSANZ, you must:
 - i. not represent that the opinions or comments that you express are the opinions or comments of TSANZ unless you are authorised by TSANZ to do so; or
 - ii. if you are not so authorised, specify that you are commenting as an individual citizen and not on behalf of TSANZ.
- b. All media inquiries relating to TSANZ must be referred to the CEO.
- c. Any public commentary on behalf of TSANZ must only be made in accordance with TSANZ's policies, guidelines and procedures relating to media, public comment and social media.

7. Intellectual Property

- a. Intellectual property rights include a range of legal rights that protect TSANZ's creative and intellectual output. They include copyright, trade secrets, confidential information, know how, trademarks, designs and patents. In the absence of any

written agreement to the contrary, TSANZ owns all intellectual property created by employees of TSANZ in the course of their employment which includes:

- i. work that is directly or indirectly created in carrying out your duties and responsibilities at TSANZ, whether created on work premises or outside;
- ii. work that is created using any of our information, resources, services or materials regardless of whether created on work premises or outside.

8. Use of TSANZ resources

- a. You should use TSANZ resources (such as computers, laptops, telephones, mobile phones, photocopiers, email and internet) efficiently, economically and considerately and in doing so, you should minimize personal use of such resources.
- b. You are responsible and accountable for the security and safety of any official resources issued to you by TSANZ and must take reasonable care of all equipment.

H. COMPLIANCE PROCESS

1. TSANZ commitment

TSANZ is the only health peak body representing a range of professions (such as medical specialists, scientists, researchers, academics, nurses, physiotherapists, students and health care workers) across various disciplines within the respiratory/sleep medicine field in Australia and New Zealand. TSANZ is committed to promoting and maintaining a culture of honest, ethical and law-abiding behaviour. To fulfil this commitment, we have established a process to enable reporting of breaches of this Code or of any other TSANZ policy and to ensure that action is taken in response.

2. Understanding Codes and Policies

You must read, understand and comply with this Code and all TSANZ policies, guidelines and procedures (collectively, the **Policies** and individually, a **Policy**).

3. The Conduct Committee and Conduct Secretary

The Conduct Committee is responsible for overseeing, implementing and enforcing the terms of this Code and the Policies and to handle all complaints, allegations and reports under this Code. The CEO or a delegate of the CEO will serve as the secretary for the Conduct Committee (**Conduct Secretary**). A high level outline of the governance process for handling complaints is set out in Schedule B.

4. Reporting breaches generally

If you have any concerns, claims or complaints regarding compliance, breaches or alleged breaches under this Code or any Policy you should report them by completing a Report [in Schedule A] and send it to the CEO in their role as Conduct Secretary.

5. Management referral of Report:

If you are a manager or a person to whom a report or complaint has been made regarding compliance, a breach or an alleged breach under this Code or any Policy, you must refer that report to the Conduct Secretary.

6. Form and timing:

A report under this Code:

- a. must be made in writing and must be in the form set out in Schedule A to this Code;
- b. if the report relates to a serious breach of the Code, it should be in the form set out in Schedule A to this Code;
- c. should specify which section(s) of this Code is or are alleged to have been breached;
- d. should contain particulars of the alleged breach;
- e. should attach any supporting material or evidence;
- f. should be made as soon as practicable after the alleged conduct or behaviour occurs or you became aware of the alleged conduct.

You must not make Reports that are frivolous or malicious in nature and if the Conduct Committee determines that you have made a Report that is frivolous or malicious, this may constitute a breach of the Code and could result in disciplinary action.

2. Confidentiality of reports

- a. The Conduct Committee and the Conduct Secretary shall, as a general rule, keep all Reports confidential but may, at their discretion, disclose information in a Report to others, where relevant, having regard to the nature of the Report, complaint or allegation and the need to maintain confidentiality.
- b. The Conduct Committee and the Conduct Secretary may disclose, and you consent to the Conduct Committee and the Conduct Secretary disclosing, a Report and related information:
 - i. to any person who is the subject of the Report (the **Respondent**) concerning the incident the subject of the Report;
 - ii. to any other person with the permission of the person disclosing the information in the Report;
 - iii. to the police or a regulatory or law enforcement authority in the case of suspected criminal conduct; and
 - iv. to any advisor (such as a lawyer or workplace investigator) who has undertaken to keep the information disclosed confidential.

3. Preliminary review:

- a. Everyone who is involved in, or has knowledge of, a Report, must keep all information relating to the Report strictly confidential and must not discuss or disclose that information except on a “need to know” basis for the purposes of this Code or for addressing a conduct issue unless required by law to disclose it.
- b. As soon as practicable after receiving the Report, the Conduct Secretary will acknowledge receipt of the Report and conduct a preliminary review of the matters in the Report and, if they consider it appropriate, make further inquiries on a confidential basis in order to determine the nature and severity of the complaint in the Report and to satisfy themselves that the complaint in the Report gives rise to a case to answer.
- c. If the Conduct Secretary determines that the complaint is trivial, vexatious or frivolous, or that there is no case to answer, or if the Conduct Secretary is able to address the relevant complaint to the satisfaction of the person making a complaint and the Respondent, they may dismiss the complaint in the Report or decide to take to take no further action. In doing so they will promptly notify the complainant/

person making the Report and the Respondent in writing of their decision to dismiss or to take no further action.

4. **General authority:**

The Conduct Committee is authorised, at its sole discretion, to deal with any Report as it sees fit, including to investigate any alleged breach of this Code or any Policy. The Conduct Committee may seek legal or other expert advice on behalf of TSANZ in relation to any Report.

5. **Handling of Reports**

Unless a Report has been dismissed or a decision to take no further action has been made by the Conduct Secretary:

- a. as soon as practicable after conducting the preliminary review of matters raised in a Report, the Conduct Secretary will refer the matter to the Conduct Committee.
- b. Within 24 business days of the matter being referred to the Conduct Committee by the Conduct Secretary, the Conduct Committee shall decide how the matter should be dealt with and, in doing so, the Conduct Committee shall handle the matter in such manner as it deems appropriate having regard to the nature of the matter.
- c. In dealing with any matter the subject of a Report, the Conduct Committee may make such determinations or take such action as it sees fit, including, but not limited to, doing all or any combination of the following:
 - i. determining a process and timeline for handling the Report or an investigation into the matter;
 - ii. requesting more information;
 - iii. requiring an apology;
 - iv. requiring a mediation;
 - v. discussing the matter with persons of interest;
 - vi. dismissing a matter for lack of evidence;
 - vii. dismissing a matter as inconsequential or vexatious;
 - viii. informally investigating the matter, make findings and recommendations (which may recommend disciplinary action);
 - ix. referring the matter to a TSANZ Board sub-committee to be dealt with at their discretion;
 - x. issuing a warning or reprimand;
 - xi. requiring counselling or training;
 - xii. undertaking a formal investigation itself;
 - xiii. appointing a third party independent investigator to investigate the matter, make findings and recommendations (which may recommend disciplinary action);
 - xiv. in case of suspected criminal conduct, reporting the matter to the police and any other relevant governmental authority;
 - xv. if the matter is a dispute between members to be resolved in accordance with section 12 of the Constitution of TSANZ (a **Member Dispute**), referring the matter to the Board for handling.
 - xvi. instigating Disciplinary Action (as defined in Section I below).

In each case, all persons affected will be advised of the steps taken and any outcome.

- d. When investigating matters arising out of a Report, the Conduct Committee must apply the principles of natural justice and procedural fairness.
- e. In making a determination, the Conduct Committee may determine what action is to be taken including but not limited to the actions referred to in section I below.
- f. If you are a complainant, a Respondent or an affected person in any matter arising out of a Report, subject to any processes that you may be entitled to pursue as a member of TSANZ under the Constitution of TSANZ or under section I of this Code, you will be bound by the Conduct Committee's determination.

I. CONSEQUENCES OF SERIOUS BREACHES

1. Definition of Disciplinary Action

In this Code, **Disciplinary Action** means action that is disciplinary or punitive in nature including suspension, termination or expulsion of a Respondent's employment, engagement, position, role or membership of or with TSANZ or any committee, group or sub-committee of TSANZ.

2. Referral to the Board for Disciplinary Action

In matters where the Conduct Committee has determined that a Respondent has committed a serious breach of this Code and/or a Policy, the Conduct Committee should recommend that the Board take Disciplinary Action against the Respondent and may recommend the type of Disciplinary Action that should be taken.

3. Board action – general

Subject to the provisions of Section I clause 4 below:

- a. In considering whether any Disciplinary Action should be taken against a Respondent the Board will:
 - i. consider the matter and all relevant aspects of the conduct in question;
 - ii. make any further inquiries or investigations as it sees fit and as are necessary to establish the circumstances;
 - iii. consider any investigation report or recommendation (if any);
 - iv. consider the Conduct Committee's recommendations;
 - v. if it sees fit, require the Respondent to attend a hearing with the Board and ask the Respondent to state their case; and
 - vi. apply the rules of procedural fairness and natural justice.
- b. After doing so, the Board may determine what, if any, action or Disciplinary Action should be taken against a Respondent. Such a determination may include but is not limited to determining:
 - i. that no action be taken;
 - ii. that a formal warning be issued;
 - iii. that a formal reprimand be issued;
 - iv. that the Respondent be suspended or terminated from their role, employment or engagement;
 - v. that a Respondent's membership of TSANZ be terminated and that they be expelled as a member;

- vi. that the Respondent be demoted or that their roles and responsibilities be changed;
- vii. that the Respondent make a formal apology;
- viii. that the Respondent be placed on probation;
- ix. that the Respondent comply with any other remedy or determination as they see fit.

4. Disciplinary action – expulsion of a member

If the Board considers that the Disciplinary Action that should be taken against a Respondent involves the disciplining of a Respondent (who is a member of TSANZ) under section 11 of the Constitution of TSANZ, the Board must comply with section 11 of the Constitution of TSANZ.

5. Member Dispute

If the Conduct Committee refers a Member Dispute to the Board, the Board shall handle it in accordance in accordance with section 12 of the Constitution of TSANZ.

6. Appeals

With the exception of the right of appeal by a disciplined member under section 11 of the Constitution of TSANZ, there is no right of appeal against the determination of the Board or the Conduct Committee under this Code.

SCHEDULE A - FORM OF REPORT

REPORT REGARDING SUSPECTED BREACH OF THE TSANZ CODE of CONDUCT (the Code)

TO: CONDUCT COMMITTEE OF TSANZ

Attention: the Conduct Secretary

Email: [insert email address]

FOR EACH REPORTER:

Name	
Postal Address	
Email	
Phone	

Name	
Postal Address	
Email	
Phone	

SUBJECT/RESPONDENT

This report is made about the following person(s):

Name	
Postal Address*	
Email*	
Phone*	

Name	
Postal Address*	
Email**	
Phone	

**if available*

DETAILS OF THE REPORT / INCIDENT(S)/ COMPLAINTS

Insert description of background to suspected breach/incident and conduct complaint

DETAILS OF BREACH

Please used the following format:

State facts only in neutral language and:

1. The conduct alleged
2. The provision(s) of the Code that you consider have been breached by the conduct alleged.
3. How the provision(s) of the Code is alleged to have been breached.
4. When the breach(es) is alleged to have occurred.

Attach and list all relevant evidence and background information

DECLARATION BY REPORTER/S

I /we _____(insert name of person making report), do solemnly and sincerely declare that statements made in this report are true and correct and that, to the best of my/our knowledge, information and belief, the evidence attached to this report are a true and correct record of matters stated in them, and I/we make this solemn declaration conscientiously believing the same to be true. I/we undertake to keep the contents of this Report confidential and not to discuss this report except on a need to know basis. I/we agree that this report will be handled in accordance with the provisions of the Code.

Declared at: _____(place) on: _____(date).

Signature of reporter / declarant: _____

Signature of reporter / declarant: _____

In the presence of:

Signature of witness: _____

Name of witness: _____

SCHEDULE B – TSANZ CONDUCT COMPLIANCE GOVERNANCE

TSANZ CONDUCT COMPLIANCE GOVERNANCE

