

ACFID Code of Conduct Committee Meeting

Melbourne, 16 November 2018

Review of Protection from Sexual Exploitation & Abuse (PSEA)

The Code of Conduct Committee (CCC) considered the recommendations put forward in the VIFM report, shortly before its public release. The Committee was briefed on the process for releasing the report, and the communications and media work that was being done in preparation for this.

The Committee noted the report's conclusion that sexual exploitation and abuse was not endemic in the Australian sector. However, it was agreed that the issue of under-reporting needs to be considered, and the findings should help us take a risk-management approach to prevention. The Committee also noted that there remains a significant gap between taking a governance/organisational approach here in Australia and implementing this in-country.

The CCC agreed to dedicate time at its next meeting to the proposed changes to the Quality Assurance Framework in light of the findings and recommendations of the VIFM Report. This also allowed time to better understand DFAT's policy approach to PSEA as well as consultation with Communities of Practice if required.

Facilitation Payments considered a bribe?

The Committee considered whether the Code definition of bribery should explicitly include facilitation payments, and/or alternatively include a definition for facilitation payments in the Good Practice Toolkit. The CCC agreed to include facilitation payments to be a type of bribery (it is currently silent on facilitation payments).

The CCC accepted the definition of a facilitation payment as defined by Transparency International: "*A small bribe, also called a 'facilitating', 'speed' or 'grease' payment; made to secure or expedite the performance of a routine or necessary action to which the payer has legal or other entitlement*". It was also noted that DFAT prohibit the use of funds provided by DFAT for facilitation payments.

The Code Secretariat will look to support members by making existing resources available through the Good Practice Toolkit, rather than developing specialized Guidance. Changes to the Quality Assurance Framework (definitions) will be recommended to the Board.

Constitutional Review – changes relating to CCC

The major change in relation to the CCC was that the Board will act as the single governance body because they hold the legal responsibility. This means that the proposed changes to the constitution will allow the Board to change a decision made by the CCC - this has been flagged and is accepted by the CCC within its broad independent framework of operation.

The CCC discussed the proposed change regarding gender affirmative action, which proposed to change the CCC's committee representation from 'at least 1/3 women', to 'a mix of women and men so that neither men nor women shall exceed the number of the other by more than 2' (in line with the proposed change to the Board). CCC members noted that limiting female representation on the CCC is not in the spirit of gender affirmative action, and that it is difficult to prescribe gender representation when the majority of CCC positions are elected by the ACFID membership. Hence the CCC rejected the proposed change and instead chose to remain with the gender ratio currently in place which has a strong male/female balance.

ACNC's External Conduct Standards

ACFID's submission to the draft External Conduct Standards was discussed. It was noted that in general there was nothing obviously over-and-above the Code requirements, and hence it would be expected that our members would be able to comply. The additional reporting impost was flagged in the submission and re-iterated verbally at the meeting.

The Guidance associated with the Standards is not available and this is potentially the place where clarity, examples and specifics will lie. As such, ACFID intends to offer assistance to the ACNC during development of the Guidance.

Compliance – when the Code isn't a perfect fit

The Committee noted that the application of the Code in its current form is problematic for an existing member which focusses on development but does not conduct aid and development activities outside Australia. The CCC discussed the possibilities and key issues regarding potential exemption of some aspects of the Code, relative to this member's scope of work.

The Committee decided not to propose any changes to the Code to accommodate this member. Rather, the Code Secretariat will re-visit the assessment of the identified non-compliant indicators to ascertain whether the member can comply. Should their model be such that they are unable to demonstrate compliance with the Code, then this will be put to the Membership Admissions Committee for their consideration and transferral to affiliate membership.

The next CCC meeting will be held on **14 + 15 February 2019**

Information about the Code of Conduct Committee including Committee members and the Terms of reference can be found on the [ACFID Website](#).

For more information about the Code of Conduct Committee, contact ACFID Standards and Code Lead Sophie Seck on (02) 8123 2222 or sseck@acfid.asn.au