

**COMMONWEALTH-STATE AGREEMENT  
FOR THE CONTINUED OPERATION OF AUSTRALIA'S  
INTERCOUNTRY ADOPTION PROGRAM**

This Agreement (to be known as the *Commonwealth-State Agreement for the Continued Operation of Australia's Intercountry Adoption Program*) is made between -

THE COMMONWEALTH GOVERNMENT

THE STATE OF NEW SOUTH WALES

THE STATE OF VICTORIA

THE STATE OF QUEENSLAND

THE STATE OF WESTERN AUSTRALIA

THE STATE OF SOUTH AUSTRALIA

THE STATE OF TASMANIA

THE AUSTRALIAN CAPITAL TERRITORY, and

THE NORTHERN TERRITORY.

- (A) The Commonwealth Government ratified the *Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption* (the Hague Convention) on 25 August 1998. The Convention entered into force for Australia on 1 December 1998.
- (B) Prior to the ratification of the Hague Convention, relevant State and Territory Ministers had agreed that the ratification was in Australia's interests.
- (C) In order to enable the Commonwealth Government to fulfil its obligations pursuant to the Hague Convention, the *Commonwealth-State Agreement for the Implementation of the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption* (the Original Agreement) was signed in 1998.
- (D) In 2005 the House of Representatives Standing Committee on Family and Human Services released their report, *Overseas Adoption in Australia*. In light of the report's recommendations, and due to the length of time since the Original Agreement was signed, it is appropriate that the Agreement be renegotiated.
- (E) Ministers agree that the Commonwealth Government will take responsibility for establishing and managing international arrangements on intercountry adoption programs.

- (F) Ministers agree that the existing standards applicable to intercountry adoption, found in the legislation and administrative procedures of each of the States, continue to comply with the standards and procedures of the Hague Convention.
- (G) Ministers agree that the Commonwealth and the States will work cooperatively to ensure that intercountry adoption practice is focussed on the best interests of the child, is equitable and transparent, and promotes best practice in intercountry adoption. These principles will be reflected in the way the Commonwealth and the States deliver services and deal with each other, overseas country programs, children, birth parents, adoptive parents and other key stakeholders.
- (H) Ministers agree that the Commonwealth and the States shall use their best endeavours, either through direct services or through accredited bodies, to facilitate, follow and, when a family has been identified for the placement of a child needing an adoptive family, expedite proceedings in intercountry adoptions, whilst complying with the Hague Convention standards. It is noted that the legal and administrative processes in the child's country of origin are not within the control of the Commonwealth or the States.

## PART I – INTERPRETATION

1. In this Agreement, unless the contrary intention appears:

**Commonwealth Central Authority** has the meaning given by the regulations made pursuant to section 111C of the *Family Law Act 1975*

**Hague Convention** means the *Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption* concluded at The Hague on 29 May 1993

**Ministers** means the Commonwealth Attorney-General and the State Ministers for the time being responsible for the administration of the laws of the State relating to the adoption of children, and includes a Minister who is for the time being acting for or on behalf of such Minister

**State** includes the Australian Capital Territory and the Northern Territory, and

**State Central Authority** has the meaning given by the regulations made pursuant to section 111C of the *Family Law Act 1975*.

## **PART II – OBJECTIVES OF THIS AGREEMENT**

2. This Agreement provides a framework for the continued implementation of the Hague Convention by the Commonwealth and the States. It does so by requiring that Commonwealth and State legislation and administrative procedures relating to intercountry adoption comply with the obligations of the Hague Convention.
3. This Agreement provides a cooperative scheme for intercountry adoption in Australia. It does so by requiring that questions of policy which affect the implementation of the Hague Convention, the operation and administration of intercountry adoption in Australia, will be the subject of consultation led by the Commonwealth.
4. Ministers agree that this Agreement is transitional in nature and will be reviewed and renegotiated after three years, during which time:
  - (a) the Commonwealth will assume, from the States, responsibility for establishing and managing international arrangements on intercountry adoption within 12 months of this Agreement being signed, and
  - (b) the program of work outlined in Part VI of this Agreement will be undertaken.

## **PART III – ROLES AND RESPONSIBILITIES**

5. The roles and responsibilities that the Commonwealth has in relation to intercountry adoption include:
  - (a) providing, in consultation with the States, strategic leadership, guidance and national coordination in the development and management of Australia's programs with other countries
  - (b) notifying the Permanent Bureau in the Hague of any changes to the designation of the Commonwealth or the State Central Authorities (and any accredited bodies)
  - (c) in consultation with the States, taking responsibility for the establishment and management of bilateral and multilateral arrangements between Australia and other countries
  - (d) in consultation with the States, developing and maintaining a national strategic plan for the future development and management of Australia's intercountry adoption program
  - (e) convening a committee on intercountry adoption representing the Commonwealth and the States that will report to the Community and Disability Services Ministers' Advisory Council. Any agreed terms of reference will be attached to this Agreement, and
  - (f) chairing and providing the secretariat support to biannual meetings of the Commonwealth and the State Central Authorities for intercountry adoption. These meetings contribute to the strategic direction of Australia's intercountry adoption program, and provide for the exchange of information on operational issues.

6. (a) The roles and responsibilities that the States have in relation to intercountry adoption may include:
    - (i) undertaking, or accrediting bodies to undertake, intercountry adoption services and activities in line with the Hague Convention
    - (ii) advising the Commonwealth that:
      - (A) a provision of the Hague Convention has not been complied with, or
      - (B) there is a serious risk that a provision of the Hague Convention may not be complied with
    - (iii) providing information and advice to the Commonwealth about State legislation and administrative procedure on intercountry adoption services as necessary to establish and manage bilateral and multilateral arrangements on intercountry adoption, and
    - (iv) informing the Commonwealth of any appointments, or changes to appointments, to State Central Authorities or accredited bodies.
  - (b) A State may accredit a body to perform some or all of the functions in clause 6(a).
7. A State may give any or all of the functions in clause 6 to its State Central Authority.
  8. The functions that a State may give to its State Central Authority do not include any functions of the Commonwealth Central Authority under the regulations made pursuant to section 111C of the *Family Law Act 1975*.
  9. If the Commonwealth or a State determines it should exercise the function of accrediting a body for the purposes of Article 9 of the Hague Convention, the Commonwealth or the State shall do so having regard to the Guidelines attached to this Agreement and, in particular, shall only accredit a body that satisfies as a minimum, the Accreditation Criteria set out in Part II of those Guidelines.
  10. If the Commonwealth or a State proposes to revoke the accreditation of a body, the Commonwealth or State agrees to ensure that it will do so after having regard to the Accreditation Criteria set out in Part II of the Guidelines attached to this Agreement and Commonwealth or State law.

#### **PART IV – COMPLIANCE WITH THE HAGUE CONVENTION**

11. The Commonwealth will ensure that regulations made pursuant to section 111C of the *Family Law Act 1975* are reviewed and maintained to ensure that Australia is able to fulfil its obligations under the Hague Convention.
12. The signature of a State Minister to this Agreement indicates that, at the time when this Agreement commenced, the legislation (other than an intercountry adoption law mentioned in clause 16) and administrative procedures of the State

which that Minister represents are considered to comply with the requirements of the Hague Convention.

13. The Commonwealth and the States agree not to introduce amendments to legislation or change administrative procedures in relation to intercountry adoption in such a way that may adversely affect Australia's ability to comply with the Hague Convention.
14. The Commonwealth and the States agree to notify the other parties to this Agreement, in writing, if it becomes apparent that there is a deficiency in its legislation or administrative procedures such that it does not comply with the requirements of the Hague Convention, and:
  - (a) the Commonwealth or the State may amend its legislation or administrative procedures to ensure compliance with the Hague Convention, or
  - (b) the State may request the Commonwealth to enact such legislation to the extent necessary to ensure compliance, or
  - (c) if, within a period of time determined by the Ministers, not exceeding twelve months from the deficiency coming to notice, a State does not amend its legislation or administrative procedures in accordance with paragraph (a) or make a request of the kind referred to in paragraph (b), the Commonwealth will, if necessary and in consultation with the State, enact such legislation as is required to ensure compliance with the Hague Convention.
15. For a country that is not a party to the Hague Convention, any proposals for a new or revised bilateral agreement between the country and Australia shall be negotiated by the Commonwealth on the basis of compliance with the requirements of the Hague Convention.

#### **PART V – CONSULTATION**

16. A State may make an intercountry adoption law to give effect to the Hague Convention. If this occurs, the State Minister will inform the Commonwealth Minister in writing. The Commonwealth Minister will then make regulations that amend the application of the regulations made under section 111C of the *Family Law Act 1975* to that State.
17. If the Commonwealth proposes to make regulations that will amend regulations made for section 111C of the *Family Law Act 1975*, the Commonwealth will consult the States.
18. If the Commonwealth proposes to make changes to its legislation or administrative practices in a way that might impact on the responsibilities of the States, or vice versa, each party agrees to consult with and consider comments from each other in writing about the proposal before any amendments are introduced into Parliament or any administrative practices implemented.

## **PART VI – GOVERNANCE AND FUTURE DIRECTIONS**

19. Ministers agree that the Community and Disability Services Ministers' Advisory Council will monitor the implementation of this Agreement and report to the Community and Disability Services Ministers' Conference as necessary.
20. Ministers also agree that the Community and Disability Services Ministers' Advisory Council, and any working group it determines, will progress a program of work which covers:
  - (a) harmonisation of intercountry adoption legislation, fees and administrative procedures, to achieve best practice and not to achieve uniformity as an end in itself
  - (b) investigation of alternative models for the operation and administration of intercountry adoption in Australia, including a review of the advantages and disadvantages of a State-based or national-based system of accreditation of non-government bodies as provided for under the Hague Convention
  - (c) a review of legislation about the right of parties to the adoption to publicly discuss their adopted family, and
  - (d) a review of, and, if necessary, revisions to, any Schedules to this Agreement.
21. The Community and Disability Services Ministers' Advisory Council will report on the outcome of this program of work to inform the development of the next Agreement between the Commonwealth and the States on intercountry adoption.

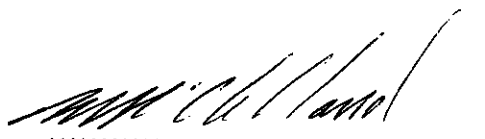
## **PART VII – OPERATION OF THE AGREEMENT**

22. This Agreement shall commence operation and shall have effect on and from the date on which the Agreement is signed by all the parties to the Agreement.
23. This Agreement shall be reviewed by the parties to it within three years of it coming into force with the review process to commence six months prior to the expiration of the Agreement.
24. This Agreement may be amended by the parties to it with the agreement of all Ministers. Any amendment shall be in writing and agreed to by all parties to the Agreement.
25. In the event that the Commonwealth indicates an intention to exercise power in accordance with clause 9, this Agreement will be reviewed.
26. If a State no longer wishes to be a party to this Agreement, it may give a notice to that effect to all other Ministers. The State will cease to be a party to this Agreement 12 months after the State gives the notice unless the State withdraws the notice before the expiration of those 12 months.
27. If a State ceases to be a party to this Agreement under clause 26, and the State wishes to again be a party to this Agreement, the State may give a notice to that

effect to all Ministers. If Ministers are satisfied that at the time of giving the notice the State complied with the requirements of this Agreement, the State will again become a party to this Agreement three months after giving the notice.


28. This Agreement does not give rise to any legally enforceable right, privilege, obligation or liability in respect of:
- (a) anything done under this Agreement, or
  - (b) anything omitted to be done under this Agreement.
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Signed by the Hon Robert McClelland MP  
on the 15<sup>th</sup> day of May 2008



.....  
Attorney-General,  
Australian Government  
(Commonwealth)

Signed by the Hon Kevin Greene MP  
on the 12<sup>th</sup> day of June 2008



.....  
Minister for Community Services,  
New South Wales

Signed by the Hon Lisa Neville MP  
on the            day of            2008

.....  
Minister for Community Services,  
Victoria

Signed by the Hon Margaret Keech MP  
on the            day of            2008

.....  
Minister for Child Safety and  
Minister for Women, Queensland

Signed by the Hon Sue Ellery MLC  
on the            day of            2008

.....  
Minister for Child Protection,  
Western Australia

Signed by the Hon Jay Weatherill MP  
on the            day of            2008

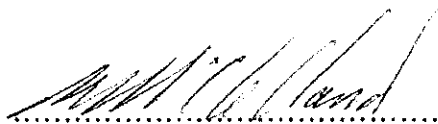
.....  
Minister for Families and  
Communities, South Australia

Signed by the Hon Lara Giddings MP  
on the            day of            2008

.....  
Minister for Health and Human  
Services, Tasmania



Signed by the Hon Robert McClelland MP  
on the 15<sup>th</sup> day of May 2008

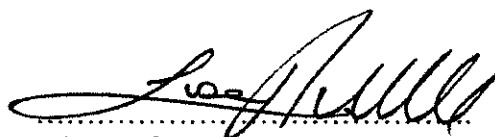


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Attorney-General,  
Australian Government  
(Commonwealth)

Signed by the Hon Kevin Greene MP  
on the            day of            2008

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Minister for Community Services,  
New South Wales

Signed by the Hon Lisa Neville MP  
on the 18<sup>th</sup> day of June 2008



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Minister for Community Services,  
Victoria

Signed by the Hon Margaret Keech MP  
on the            day of            2008

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Minister for Women, Queensland

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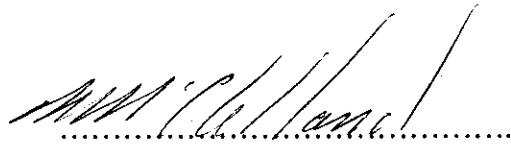
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New South Wales

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Victoria

Signed by the Hon Margaret Keech MP  
on the 17<sup>th</sup> day of June 2008



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Minister for Child Safety and  
Minister for Women, Queensland

Signed by the Hon Sue Ellery MLC  
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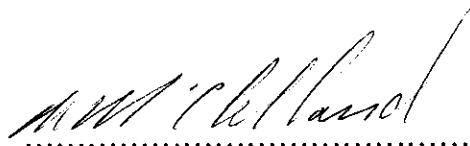
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Victoria

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on the            day of            2008

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Minister for Child Safety and  
Minister for Women, Queensland

Signed by the Hon Sue Ellery MLC  
on the 30<sup>th</sup> day of May 2008



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Minister for Child Protection,  
Western Australia

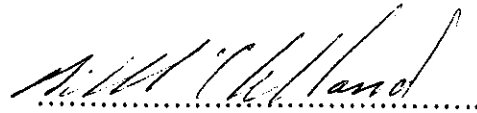
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Minister for Health and Human  
Services, Tasmania

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on the 15<sup>th</sup> day of May 2008



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Australian Government  
(Commonwealth)

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on the day of 2008

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on the day of 2008

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Victoria

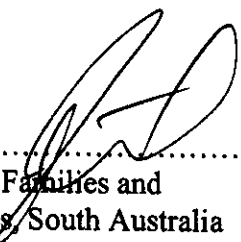
Signed by the Hon Margaret Keech MP  
on the day of 2008

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Minister for Child Safety and  
Minister for Women, Queensland

Signed by the Hon Sue Ellery MLC  
on the day of 2008

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Minister for Child Protection,  
Western Australia

Signed by the Hon Jay Weatherill MP  
on the 26 day of May 2008

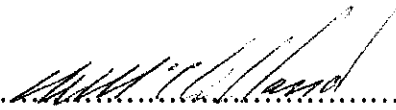


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Minister for Families and  
Communities, South Australia

Signed by the Hon Lara Giddings MP  
on the day of 2008

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Minister for Health and Human  
Services, Tasmania

Signed by the Hon Robert McClelland MP  
on the 15<sup>th</sup> day of May 2008

  
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Attorney-General,  
Australian Government  
(Commonwealth)

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on the            day of            2008

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New South Wales

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on the            day of            2008

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Victoria

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Minister for Child Safety and  
Minister for Women, Queensland


Signed by the Hon Sue Ellery MLC  
on the            day of            2008

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Minister for Child Protection,  
Western Australia

Signed by the Hon Jay Weatherill MP  
on the            day of            2008

.....  
Minister for Families and  
Communities, South Australia

Signed by the Hon Lara Giddings MP  
on the 29<sup>th</sup> day of May 2008

  
.....  
Minister for Health and Human  
Services, Tasmania

Signed by Ms Katy Gallagher MLA  
on the 20 day of May 2008

*Katy Gallagher*  
Minister for Disability and  
Community Services,  
Australian Capital Territory

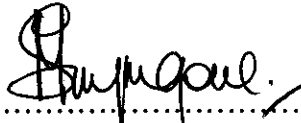
Signed by Ms Marion Scrymgour MLA  
on the            day of            2008

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Minister for Family and  
Community Services,  
Northern Territory

Signed by Ms Katy Gallagher MLA  
on the            day of            2008

.....  
Minister for Disability and  
Community Services,  
Australian Capital Territory

Signed by Ms Marion Scrymgour MLA  
on the 10 day of June 2008

  
.....  
Minister for Family and  
Community Services,  
Northern Territory

## **SCHEDULE**

### **GUIDELINES IN RELATION TO THE ACCREDITATION OF BODIES UNDER THE HAGUE CONVENTION ON THE PROTECTION OF CHILDREN AND CO-OPERATION IN RESPECT OF INTERCOUNTRY ADOPTION**

#### **PART I – BACKGROUND**

1. The States may enter into arrangements with a body for the accreditation of that body to provide State intercountry adoption services or across border services consistent with the terms of accreditation.
2. A body applying for accreditation should refer to the Accreditation Criteria set out in Part II of these Guidelines.
3. A person must not, in relation to an application for accreditation or renewal of accreditation, provide information in written or oral form that the person knows to be:
  - (a) false or misleading, or
  - (b) likely to deceive.
4. Accreditation of a body must be subject to annual review.
5. A State that accredits a body or revokes the accreditation of a body is required to provide notice within seven days of that accreditation or revocation to the Commonwealth Central Authority who will advise the Permanent Bureau in the Hague of the accreditation or revocation.

#### **PART II – ACCREDITATION CRITERIA**

##### **Eligibility**

6. The body must be an incorporated, non profit body.
7. The body must not have been, must not be, and must not be likely to be, a party to negotiations or an agreement for the establishment of adoption arrangements with overseas countries.
8. The body must give an undertaking that during any period of accreditation the body will not enter into negotiations for the establishment of an adoption agreement with an overseas country.

##### **The Body**

9. The body must employ a principal officer with appropriate tertiary qualifications and experience in adoption, substitute care or family services to supervise the services provided by the body.



10. The body must ensure that the body's staff and approved sub-contractors comply with the requirements of these Guidelines.
11. The body must be financially viable.
12. The body must employ professional staff with appropriate qualifications to undertake the proposed services.
13. The body must have accommodation available for its use that:
  - (a) is suitable for the conduct of the proposed services (for example, assessment, interviews, training and support to adoption arrangements), and
  - (b) does not form part of and is not adjacent to, accommodation that is used by an aid organisation or an organisation that represents adoptive parents.

### **Conduct of the Body**

14. The body must comply with the practice that applies, in the State in which the body is seeking accreditation, relating to the approval or contracting of bodies to undertake arrangements with a view to the adoption of a child.
15. The body must comply with:
  - (a) the laws of the Commonwealth and the State in which it is seeking accreditation, and
  - (b) the requirements of the Hague Convention.
16. In the event of any inconsistency between this Schedule and the laws of the Commonwealth or the State in which the body is seeking accreditation, the laws of the Commonwealth or State will prevail.
17. The body must:
  - (a) provide services, the primary focus of which, is the best interests of the child
  - (b) not be associated with, and must not be likely to be associated with:
    - (i) the collection and disbursement of aid to an overseas country, or
    - (ii) the provision of other activities or services for profit that might be associated with overseas adoption, and
  - (c) not have the same or a similar name as an organisation which provides aid to overseas countries.
18. The body must give an undertaking that during any period of accreditation the body:
  - (a) will only undertake the functions approved within the jurisdiction or jurisdictions so approved at the time of accreditation
  - (b) will only offer adoption services in respect of the countries specified in its accreditation

- (c) will not destroy any records maintained by the body, and
  - (d) will not issue publications promoting adoption, or offer preparation courses for adoption applicants, unless the content of the publication or the course had been approved by the State to which the body has applied for accreditation.
19. The body must obtain the approval of the Commonwealth Central Authority if representatives of the body intend to travel overseas on official business or invite official overseas guests to visit. The Commonwealth Central Authority may give directions or guidance or impose conditions as to the nature and content of the activities.
  20. A body must submit to the supervision of the State that accredited the body, and must provide the State with access to the records and reports of the body in accordance with the requirements of the State that accredited the body.
  21. The body must provide reports to the State as required in the accreditation of the body.
  22. The body must comply with any undertakings given for the purpose of accreditation.
  23. The body must comply with, and must ensure that its staff members and approved sub-contractors comply with, the Code of Conduct for bodies accredited to conduct adoption arrangements set out in Part V of these Guidelines.
  24. The body must continue to satisfy the criteria set out in this Part and any conditions set out in the instrument of accreditation.

### **PART III – MANAGEMENT OF RECORDS**

25. A body must have suitable facilities for the confidential storage of records, and must give an undertaking to maintain those records according to the standards required in the State in which the body is accredited.
26. The body must give an undertaking that on its winding up it will lodge any records that it has maintained during any period of accreditation, with the State that accredited the body.

### **PART IV – FUNCTIONS OF AN ACCREDITED BODY**

27. A body may be accredited to undertake any of the following functions in relation to the adoption process:
  - (a) initial enquiries – respond to initial enquiries about intercountry adoption
  - (b) information sessions - conduct regular information sessions to inform potential applicants about intercountry adoption

- (c) expressions of interest - receive and process expressions of interest in intercountry adoption
- (d) applications - receive and process adoption applications (Article 14 of the Hague Convention)
- (e) assessments - undertake assessments of suitability of prospective adoptive parents
- (f) decision making - make decisions to approve or not approve applicants as prospective adoptive parents
- (g) forwarding of file - forward all relevant information required to the country of origin (Article 15 of the Hague Convention)
- (h) receive the offer of a child or children - confirm suitability of match (Article 17b of the Hague Convention), advise applicants and place the child
- (i) supervision of placement - monitor placement and provide support and advice to applicants following a placement
- (j) placement breakdown - in case of placement breakdown prior to adoption orders being made, consult with the State that accredited the body regarding appropriate arrangements, but the body is not to make decisions on alternative arrangements without the approval of the State that accredited the body
- (k) adoption information - collect and preserve relevant information about the child and the applicants (Article 9a of the Hague Convention), and respond to requests for adoption information until the child attains the age of 18 years
- (l) reports - prepare reports required by the State (Article 9d of the Hague Convention) and other information requested by the Central Authorities
- (m) post adoption services - provide a referral and support service post granting of the adoption order, and
- (n) administrative arrangements - undertake approved administrative arrangements.

## **PART V – REVOCATION**

28. The body must continue to satisfy the criteria set out in Part II of these Guidelines and any conditions set out in the instrument of accreditation. If the accreditation of a body does not continue to satisfy such criteria or conditions, the accreditation may be revoked. The process of revocation will be in accordance with the requirements of the State in which the body is accredited. This shall include requirements for the provision of natural justice (for example, the giving of notice to the body of the alleged non-compliance).

## *Code of Conduct*

[NOTE: This code exists to recognise and give effect to the right of the public to expect that accredited intercountry adoption bodies are of the highest integrity and competence and treat all children, birth families, adoptive applicants and adoptive parents fairly, reasonably and equitably and are accountable to the State that accredited the body. The rights of the child in accordance with the Hague Convention and Commonwealth, State and Territory legislation, where the best interests of the child must be the paramount consideration, also provides assurance to the public in this regard.]

29. The body must comply with, and must ensure that its staff members and approved sub-contractors comply with this code of conduct for bodies accredited to conduct adoption arrangements.
30. No one shall derive improper financial or other gain from an activity related to an intercountry adoption.
31. The directors, administrators and employees of bodies involved in an adoption shall not receive remuneration which is unreasonably high in relation to services rendered.
32. Only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid. A 'fee schedule' may be agreed between the accredited body and the State that accredited the body.
33. The body will submit for approval to the State that accredited the body the fees it proposes to charge for the provision of services.

### **Conflict of interest**

[NOTE: Conflicts of interest may arise from expressed personal values or beliefs, professional ethics, personal or professional relationships, or financial or proprietary interests.]

34. A member of staff or an approved sub-contractor of an accredited body must not hold any financial or other interest, and must not give an undertaking, that could directly or indirectly compromise the performance of his or her functions.
35. Real or perceived conflicts of interest must be assessed by taking into account, amongst other things, the likelihood that a member of staff or an approved sub-contractor of an accredited body possessing a particular interest could be influenced, or might appear to be influenced, in the performance of his or her responsibilities on a particular matter.
36. A member of staff or an approved sub-contractor of an accredited body must notify the State that accredited the body if a potential or actual conflict of interest arises.

### **Gifts or benefits**

37. An accredited body or member of staff or approved sub-contractor must not give or accept a gift, donation or benefit if it could be perceived as intended or likely to cause the recipient of the gift to undertake his or her responsibilities in a particular way, or deviate from the proper course of action.

38. It is recognised that from time to time modest gifts of appreciation may be given or received. If given or accepted, gifts should be recorded in a Gift Register to be maintained by the accredited body and available for inspection by the State that accredited the body.

### **Personal and professional behaviour**

39. A member of staff or an approved sub-contractor of an accredited body must perform any duties associated with his or her position diligently, impartially and conscientiously, to the best of his or her ability.
40. In the performance of duties, a member of staff or an approved sub-contractor of an accredited body:
- (a) must keep up to date with any changes in practice and procedure relating to intercountry adoption
  - (b) must comply with the laws, and any relevant administrative requirements, of the Commonwealth and the State that accredited the body
  - (c) must maintain and preserve record information systems in accordance with the requirements of the State that accredited the body
  - (d) must treat all children, birth families, adoptive applicants and adoptive parents with courtesy, sensitivity and in-confidence, and in accordance with the accredited body's policies and procedures for working with these parties and meeting their rights
  - (e) must not take any improper advantage of any information gained in the carrying out of his or her duties
  - (f) must report to the State that accredited the body any unethical behaviour or wrong doing by other members of staff of which he or she is aware, and
  - (g) must exercise due skill and judgement at all times in accordance with applicable professional ethics, principles and standards.

### **Fairness and equity**

41. The manner in which an accredited body deals with issues or clients must be consistent, prompt and fair. This includes:
- (a) dealing with matters in accordance with approved procedures
  - (b) dealing with matters in a prompt and professional manner, respectful of the rights and dignity of all parties, and
  - (c) providing appropriate review and appeal mechanisms.

### **Public comment and the use of information**

42. While staff members and approved sub-contractors of an accredited body have the right to make public comment and to enter into public debate on political and

social issues, the accredited body must refrain from public comment where that comment is sufficiently strong to bring into disrepute the accredited body, an overseas authority, the State that accredited the body or the Commonwealth Central Authority.

43. An accredited body must not disclose official information or documents acquired in the course of carrying out its functions as an accredited body unless the proper authority has been sought and given.