



EDMUND RICE EDUCATION AUSTRALIA

COLLEGES LTD

ERA Colleges Ltd

Code of Conduct

2026

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1.0 Purpose

- 1.1 Since 1872, Catholic Colleges in the Edmund Rice Tradition have been educating young Australians in every Australian State and Territory. Edmund Rice Education Australia Colleges Ltd (**EREAC**) aims to offer a Liberating Education, based on a Gospel Spirituality, within an Inclusive Community committed to Justice and Solidarity.
- 1.2 The Code of Conduct (the **Code**) details, clarifies and confirms the conduct and behaviours expected of all:
- (a) members of the EREAC Board;
 - (b) members of EREAC Colleges and Early Learning Centres Advisory Councils;
 - (c) EREAC Employees;
 - (d) EREAC Volunteers; and
 - (e) EREAC Contractors.
- collectively referred to as 'EREAC Persons'.

2.0 Principles

- 2.1 This Code is underpinned by the following principles:
- (a) A zero tolerance of any form of child abuse and a commitment to creating an environment in which the safety and wellbeing of all children and young people is paramount;
 - (b) A commitment to an equal opportunity workplace, free of Discrimination, Sexual Harassment and Workplace Bullying;
 - (c) A commitment to, and respect for, the teachings and beliefs of the Catholic Church;
 - (d) A commitment to the values espoused in the EREAC Charter and through the EREAC Touchstones. Following Blessed Edmund Rice's example, the Touchstones help to set the direction and define the goals as EREAC seeks to make the Gospel a living reality in its communities; and
 - (e) A commitment to fostering the dignity, self-esteem and integrity of each and every person. The provision of a safe, supportive and enriching environment is an essential element to achieving this objective;

3.0 Scope and Application

- 3.1 This Code includes two parts. They are:
- (a) Part 1 – Safeguarding and Student & Child Wellbeing; and
 - (b) Part 2 – Professional Conduct and Behaviour.
- 3.2 For the purposes of this Code, the term EREAC Person or Persons means members of the EREAC Board, members of EREAC Colleges and Early Learning Centre Advisory Councils, EREAC Employees, EREAC Volunteers and EREAC Contractors.
- 3.3 This Code applies:
- (a) whilst an EREAC Person is employed or engaged by EREAC; and
 - (b) during work hours and outside of work hours.
- 3.4 EREAC Persons in South Australia and Western Australia must also comply with the requirements of the Catholic Education South Australia (**CESA**) and Catholic Education Western Australia (**CEWA**) Codes of Conduct respectively.

4.0 Implementation

4.1 EREAC implements this Code of Conduct through a combination of:

- (a) induction, ongoing professional development and training for all EREAC Persons;
- (b) compliance with the requirements of Child Safe Standards applicable in each jurisdiction;
- (c) development of EREAC policies and procedures;
- (d) education and information for Students and parents/guardians;
- (e) effective communication of incident management notification procedures;
- (f) effective record keeping procedures; and
- (g) an ongoing process of review and improvement.

5.0 Key Responsibilities

5.1 The following, non-exhaustive list details key responsibilities under the Code:

- (a) Accessing and reading the Code and enacting the provisions of the Code in good faith;
- (b) Being truthful when making statements about qualifications, experience and competencies and maintaining professional qualifications and registrations appropriate to the role held;
- (c) Performing duties to the standards expected by the role description and EREAC, commensurate with the EREAC Person's qualifications and skills;
- (d) Abiding by all responsibilities and commitments set out in employment contracts or other instruments of appointment/engagement;
- (e) Abiding by all relevant EREAC Policies, including Child Safeguarding Policies and Procedures;
- (f) Faithfully, diligently and with due care and skill, executing the duties detailed in the role's position description or other instrument of description applicable to the role;
- (g) Discharging any duty of care obligations to Students, Children and Employees applicable to the role held by an EREAC Person;
- (h) Demonstrating and modelling ethical and moral behaviour;
- (i) Developing relationships based on mutual respect and courtesy, trust, collegiality, collaboration, and open communication, and genuine care for colleagues;
- (j) Using constructive methods for resolving conflicts when they arise, including applying the principles of natural justice and procedural fairness in dealing with any external or workplace complaints;
- (k) Not engaging in any form of Serious Misconduct or other conduct that could warrant summary dismissal;
- (l) Not engaging in behaviours which are or might be perceived to be Workplace Bullying, Discrimination or Sexual Harassment, inappropriate personal and work-related internet, social media or broader use of technology
- (m) Proactively complying with risk management processes, including risk assessments and application of controls;
- (n) Maintaining confidentiality and privacy except where:
 - (i) disclosure is required by law (including as prescribed by Child Safe Legislation and College Child Safeguarding Policies); or
 - (ii) disclosure is required by a professional standard applicable to the role held, or

- (iii) unless there is risk of Harm or the personal safety of a Child or Student, EREAC Person or a third party;
- (o) declaring and avoiding where appropriate, actual, potential or perceived Conflicts of Interest and refraining from acting or giving the appearance of acting contrary to the interests of EREAC, including EREAC's resources (only as required for the role held) and declaring and recording all related party transactions.

PART 1 – SAFEGUARDING AND STUDENT & CHILD WELLBEING

6.0 Child Safety, Wellbeing and Participation

6.1 All Students and Children have a right to feel safe and be safe. All EREAC Persons must conduct themselves in a manner that ensures the safety and wellbeing of Children and Students at all times.

- 6.2 EREAC is committed to a culture where the safety, wellbeing and participation of all Children and Students under its care is paramount. Particular attention is given to the needs of vulnerable Children and Students including First Nations Children and Students, Children and Students with disability and mental health conditions, Children and Students from culturally and/or linguistically diverse backgrounds, Children and Students who are unable to live at home, and those who identify as Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual or other identities. We are committed to acting in the best interests of Children and Students at all times.
- 6.3 EREA has zero tolerance of Child Abuse. Allegations and safety concerns are taken very seriously and treated in accordance with EREA's Child Safeguarding Policies and Procedures.
- 6.4 When concerned about a Child or Student's safety, EREAC Persons have a legal and moral obligation to respond swiftly to protect the Child or Student from Harm and report to the relevant State/Territory Child Safe authorities as required under relevant State/Territory Child Safe legislation and the applicable Child Safeguarding policies and procedures.
- 6.5 EREAC demonstrates its commitment to the safety and wellbeing of Children and Students by incorporating the following expected behaviours and practices into the Code of Conduct:
 - (a) Ensuring that EREAC has strategies in place to embed and enhance a culture of child safety and wellbeing through the leadership, governance and culture of the organisation;
 - (b) Implementing specific Child Safe Policies, Procedures, training, a Child Safe Code of Conduct and Child Safeguarding Standards to support the achievement of a child safe culture;
 - (c) Applying robust recruitment and selection practices for all EREAC Persons;
 - (d) Providing EREAC Persons with induction, regular training and education on recognising the nature and indicators of child abuse and other Harm, responding to safeguarding risks and how to build culturally safe environments for Children and Students;
 - (e) Ensuring that EREAC Persons understand the important and specific role they play individually and collectively to ensure that the safety and wellbeing of all Children and Students and young people is at the forefront of all they do and every decision they make;
 - (f) Taking proactive steps to prevent child abuse and identifying risks early so that such risks may be removed or reduced;
 - (g) Continuously reviewing and improving our systems and practices to protect Students and Children and young people from abuse;
 - (h) Providing Children and Students and young people with the knowledge and skills to understand and maintain their own personal safety;
 - (i) Involving families, carers and relevant communities in decision making processes that

- support the development of a child safe culture;
- (j) Responding swiftly to any child safety concerns and implementing clear procedures for managing and reporting child safety concerns;
- (k) Acknowledging the cultural diversity of families, and being sensitive to how this may impact on child safety;
- (l) Listening to concerns about the safety of Children and Students, and suggestions to improve the child safety processes in place;
- (m) Recognising and acknowledging those unique needs of victims and survivors of Child Abuse, both historical and current, by providing them with genuine care and pastoral support;
- (n) Taking into consideration the views of Children and Students about decisions that affect their safety and wellbeing; and
- (o) Empowering Children and Students by taking their views seriously and addressing any concerns they may have.

7.0 Child and Student Interaction

7.1 EREAC Persons hold a unique position of influence, authority, trust and power in relation to Children and Students and all interactions with Children and Students must be consistent with the standards set out in the Code and relevant Policies and Procedures.

7.2 By their very nature, Children and Student interactions are open to scrutiny. All EREAC Persons must:

- (a) treat all Children and Students with respect;
- (b) abide by Professional Boundaries at all times;
- (c) avoid placing themselves or a Child or Student in a compromising position;
- (d) avoid actual, potential or perceived breaches of this Code;
- (e) have a firm understanding of, and act in accordance with, the Child Safeguarding Policies and Procedures that apply in particular jurisdictions; and
- (f) be vigilant and proactive in taking all reasonable steps to protect Children and Students from harm.

8.0 Professional Boundaries with Children and Students

8.1 All EREAC Persons must maintain Professional Boundaries at all times when interacting with Children and Students, including interactions that extend beyond the EREAC College or Early Childhood Centre setting, opening hours, EREAC College or Early Learning Centre grounds, in person and by any Technology, including social media.

8.2 EREAC Persons must:

- (a) ensure that social interactions with Children and Students do not give grounds for allegations against them;
- (b) not initiate or develop a relationship with any Child or Student that is or could be perceived or misinterpreted as having a personal element rather than a professional element;
- (c) not engage in open discussions of an adult nature in the presence of a Child or Student, or which may be overheard by Children and Students;
- (d) avoid, as far as possible, situations where they are alone with a Child or Student. In such

situations, the relevant College Policy with specific reference to working alone with Children or Students must be applied;

- (e) not drive a Child or Student in their car unless they have parental permission to do so, and in accordance with their relevant College Policy with specific reference to driving Children and Students;
- (f) not host events, parties or other gatherings in their home where Children or Students (who attend the College or Early Learning Centre and are not family members of the EREAC person hosting the event, or family members of another adult attending the event) may be invited or attend, without the prior express approval of the Principal or Centre Director; and

Example – a teacher invites students from their class group to celebrate an end of year event at their home and they have no familial relationship with the student(s)

- (g) only engage in paid tutoring or coaching of Children or Students outside of work hours in accordance with their relevant EREAC College Policy with specific reference to paid tutoring or coaching outside of work hours.

8.3 Professional Boundaries between an EREAC Person and a Child or Student may, or may be seen to be compromised by:

- (a) treating a Child or Student with favouritism, or perceived favouritism (e.g., by offering gifts or special treatment to specific Children or Students);
- (b) attending parties or socialising with Children and Students outside of organised EREAC events;
- (c) sharing personal details with Children or Students;
- (d) agreeing, arranging or organising to meet with Children or Students outside of work hours without permission from the EREAC College or Early Learning Centre.

8.4 EREAC persons are responsible for their use of technology, including all forms of electronic communication and the content that they publish on social media, electronic communications and phones. EREAC persons must ensure that:

- (a) all use of EREA Colleges Ltd technology is to be for educational purposes or for College/Centre approved co-curricular activities;
- (b) all online contact with students and families is to be via the relevant EREA College's email system;
- (c) personal telephone numbers are not to be provided to Children or Students;
- (d) personal social media and instant messaging account details are not to be provided to Children or Students, and Children or Students must not be accepted or requested as 'friends', 'followers' or similar on any online platform;
- (e) friend or follow requests from Children or Students are not to be accepted;
- (f) Child or Student contact via social media or instant messaging is not permitted;
- (g) personal images are not to be exchanged or shared with children or Students;
- (h) photos, videos or recordings of a Child or Student are not to be taken, physically published or published online without College authority and written parental/guardian consent and must be taken using an approved device; and
- (i) Child, Student or family personal contact numbers and other personal contact details made available to the EREA College/Centre are to be used only for College/Centre communications.

8.5 This Code applies regardless of:

- (a) the location of where a Child or Student interaction occurs, whether on or outside of EREAC College or Early Learning Centre grounds;
- (b) the time of when a Child or Student interaction occurs, whether during or outside work hours;
- (c) the Child or Student's age;
- (d) the Child or Student's consent;
- (e) the consent of the Child or Student's parents, guardians or family; and
- (f) instances where the Child or Student attempts to or initiates an interaction or relationship with an EREAC person.

9.0 Grooming

9.1 All EREAC Persons must not engage in Child or Student related:

- (a) Grooming or Grooming Behaviours;
- (b) Sexual Interaction;
- (c) Sexual Misconduct; and
- (d) Sexual Offences.

9.2 The actions and behaviours set out in paragraph 9.1 are unlawful, whether consensual, non-consensual or condoned by parents, guardians or families.

9.3 Where a relationship develops with a former Student and an EREAC Person, EREAC will consider whether the EREAC Person's actions speak to an abuse of their position whilst the former Student was a Student. Where abuse of the EREAC Person's position is deemed to have occurred, it constitutes Serious Misconduct and will result in termination and mandatory reporting to the appropriate State/Territory child protection agencies.

10.0 Personal Relationships with Children and Students and Families

10.1 There may be instances where a pre-existing personal relationship exists with a Child or Student and/or their family, such as familial relationships or close family or other friendship networks. In these instances, actual, potential or perceived Conflicts of Interest may arise and Professional Boundaries may be tested.

10.2 Where there is a pre-existing personal relationship with a Child, Student or family member, EREAC Persons are expected to:

- (a) be diligent in maintaining Professional Boundaries at all times both within and outside of work hours and on or outside of EREAC grounds;
- (b) take steps to ensure actual, potential or perceived Conflicts of Interest are avoided; and
- (c) declare any pre-existing personal relationships with Children, Students or families to the Principal or Early Learning Centre Director and comply with any conflict of interest management requirements.

11.0 Child and Student Behaviour Education

11.1 Child and Student behaviour education practices in EREAC Colleges and Early Learning Centres aim to facilitate the development and experience of responsible self-discipline amongst Children and Students and to promote the well-being, safety and effective management of EREAC communities.

11.2 All EREAC Persons must:

- (a) always use positive and affirming language when speaking to Children and Students;
- (b) create open, safe and supportive environments where Children and Students are encouraged to interact, socialise and 'have a say';
- (c) develop and use effective, consistent and appropriate behaviour education strategies in day-to-day interactions with Children and Students;
- (d) include clear, consistent and published methods of dealing with inappropriate Child and Student behaviours which reflect and apply EREAC values;
- (e) ensure that behaviour education strategies are developed in accordance with the relevant EREAC College or Early Learning Centre Policies and other required standards such as Work Health and Safety and Disability Standards;
- (f) refer Children and Students who display recurring challenging behaviours, particularly unsafe behaviours, to the appropriate person in accordance with the relevant Policies;
- (g) exercise prudent judgement and intervene when Children or Students engage in bullying, humiliating, or vilifying behaviour towards others in accordance with the relevant Policies; and
- (h) understand that use of any form of Child Abuse, Corporal Punishment, or other Degrading Punishment is expressly forbidden in all circumstances.

12.0 Physical Contact with Children and Students

12.1 EREAC Persons are required to develop and exercise prudent judgment and sensitivity regarding appropriate physical contact with Children and Students.

12.2 EREAC Persons must not initiate unnecessary physical contact with a Child or Student, or undertake tasks of a personal nature that a Child or Student can undertake themselves, such as toileting or changing clothes.

12.3 When physical contact with a Child or Student is necessary within a teaching/learning experience, caution must be exercised to ensure that the contact is appropriate and acceptable for the teaching/learning experience to be performed.

12.4 Instances where physical contact with a Child or Student may be necessary, beneficial or supportive include:

- (a) assisting Children or Students with special needs, e.g., allowing a Child to engage with a teaching/learning experience or the curriculum in general, in accordance with the relevant Policies and Disability Standards;
- (b) assessing an injured or ill Child or Student. The Child or Student should be advised of what physical contact is intended and where practicable, seek the Child or Student's consent and have a colleague present;
- (c) teaching sport, music or other activities where physical contact of a Child or Student is required to demonstrate a particular action or skill; and
- (d) offering a Child or Student a congratulatory handshake.

12.5 Physical contact referred to in the above examples:

- (a) is only acceptable if the contact is reasonable for the management or care of the Child or Student;
- (b) must be appropriate to the age, maturity, health or other relevant characteristic of the Child or Student; and
- (c) is to be consistent with any individual behaviour education plan in place for the relevant Child or Student.

13.0 Child and Student Physical Intervention: Risk Assessment and Response

13.1 Any physical intervention with a Child or Student involves some risk of injury. This risk must be considered against the risks involved in failing to physically intervene when it may be warranted. Intervention may be warranted when a Child, Student or EREAC Person is in danger of harm or in imminent danger of harm. Such interventions must be employed as a measure of last resort to ensure safety and protection in instances of:

- (a) a Child or Student causing, or at risk of causing an injury to themselves or others;
- (b) a Child or Student misusing dangerous materials, substances or objects likely to cause harm to themselves or others;
- (c) a Child or Student placing themselves, deliberately or inadvertently, in a dangerous situation; and
- (d) a Child or Student being attacked by a third party.

13.2 EREAC Persons using physical interventions:

- (a) must follow any restrictive or physical interventions policy applicable at the EREAC College or Early Learning Centre;
- (b) are responsible and accountable for the manner in which they exercise that authority;
- (c) must report all physical interventions to the Principal or Early Learning Centre Director. Instances involving Principals or Early Learning Centre Directors are to be reported to the EREAC Chief Executive Officer; and
- (d) must be aware that physical intervention guidelines apply during off-campus excursions and camps as well as during work hours on EREAC Colleges or Early Learning Centre's grounds. Excursion Policies may also reference additional applications, e.g., dormitory/Boarding supervision.

14.0 Reporting child safeguarding concerns

14.1 All EREAC Persons must ensure that their mandatory reporting obligations are met in accordance with legal compliance requirements and the legislative, policy and procedural requirements that apply in the particular jurisdiction.

14.2 EREAC Persons with concerns about conduct towards a Child or Student which falls below the standards of the Child Safe Code of Conduct:

- (a) are to ensure, as quickly as possible, that the Child or Student involved is safe from Harm;
- (b) are to call the Police (phone 000) if there are immediate concerns for the Child or Student's safety; and
- (c) must report any allegations of child abuse and concerns about child safety, including actual or perceived breaches of this Code in accordance with the legislative, policy and procedural

requirements that apply in the particular jurisdiction.

15.0 Inclusivity

15.1 All EREAC Persons are required to promote the safety, participation and empowerment of Children and Students. This includes:

- (a) First Nations Children and Students;
- (b) Children and Students with culturally and/or linguistically diverse backgrounds;
- (c) Children and Students who are unable to live at home;
- (d) Children and Students who identify as Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual or other identities;
- (e) Children and Students with a disability; and
- (f) Children and Students who are otherwise vulnerable.

15.2 EREAC Persons must not express personal views or discriminate against any Child or Student based on culture, race, ethnicity, disability or sexuality.

PART 2 – PROFESSIONAL CONDUCT AND BEHAVIOUR

16.0 Professional Conduct with Colleagues

16.1 All EREAC Persons, through their conduct, are expected to contribute to a workplace culture that is respectful, inclusive, tolerant and co-operative. This means that EREAC Persons are expected to conduct themselves in a manner that is at all times conducive to positive and respectful workplace relationships.

16.2 In the spirit of nurturing individual and collective wellbeing, all EREAC Persons are required to:

- (a) proactively contribute to an atmosphere of respect, courtesy, trust, collegiality, collaboration, and open communication;
- (b) recognise and respect the individual potential, professional practice and skills of colleagues;
- (c) encourage openness and tolerance amongst colleagues;
- (d) use constructive methods for resolving any conflicts that arise with colleagues;
- (e) respect the principles of natural justice and procedural fairness when dealing with complaints against colleagues; and
- (f) not engage in behaviours against colleagues which are, or might objectively be perceived to be Discrimination, Workplace Bullying or Sexual Harassment.

17.0 Conflicts of Interest

17.1 Conflicts of interest arise where the interests or duties of an EREA Person are inconsistent with, or conflict with, the obligations or duties they owe to EREAC.

17.2 EREA Persons are expected to avoid, where possible, any situation or behaviours that may give rise to a potential, perceived or actual conflict of interest.

17.3 All EREA Persons are required to declare and manage any potential, perceived or actual conflict of interest in accordance with the EREAC Conflict of Interest Policy.

18.0 Use of Technology

- 18.1 EREAC is committed to ensuring that its Colleges and Early Learning Centres have access to an information technology system that allows them to deliver quality educational services to its Children and Students.
- 18.2 To deliver these services, EREAC from time-to-time:
- (a) supplies EREAC Persons with IT Technology Hardware;
 - (b) allows EREAC Persons to have access to EREAC IT Platforms; and
 - (c) provides access to EREAC's Persons to use EREAC Social Media Platforms.
- 18.3 The EREAC Policies and Procedures relevant to this clause 18 are the EREAC Colleges Cyber Security Policy and Procedures, and applicable School/Centre level ICT procedures.
- 18.4 Notwithstanding paragraphs 18.2 and 18.3 and for clarity, EREAC Persons must:
- (a) use any EREAC IT Technology Hardware supplied to them in a responsible manner and exercise professional discretion and sound judgement at all times;
 - (b) use any applicable EREAC IT Platform in a responsible manner and exercise professional discretion and sound judgement at all times;
 - (c) use EREAC Social Media Platforms in a responsible manner and exercise professional discretion and sound judgement at all times;
 - (d) when using personal IT Technology Hardware, ensure that it is used in a responsible manner and exercise professional discretion and sound judgement in circumstances where the personal use has a connection with EREAC (as determined by EREAC); and
 - (e) when using personal Social Media Platforms, ensure that they are used in a responsible manner and exercise professional discretion and sound judgement in circumstances where their personal use has a connection with EREAC (as determined by EREAC).

19.0 Discrimination, Sexual Harassment and Workplace Bullying

- 19.1 EREAC is committed to ensuring a workplace that is safe and inclusive and that is free from discrimination, sexual harassment and workplace bullying.
- 19.2 EREAC must comply with State, Territory and Federal laws with respect to Discrimination, Sexual Harassment and Workplace Bullying and it takes these obligations very seriously.
- 19.3 EREAC Persons must also comply with State, Territory and Federal laws with respect to Discrimination, Sexual Harassment and Workplace Bullying.
- 19.4 Discrimination, Sexual Harassment and Workplace Bullying are unlawful and are never condoned by EREAC.
- 19.5 All EREAC Persons are bound by, and must follow, the:
- (a) Workplace Discrimination, Harassment and Bullying Policy;
 - (b) Procedures for Addressing Sexual Harassment; and
 - (c) Procedures for Addressing Workplace Discrimination and Bullying.

20.0 Fraud, Theft and Corruption

- 20.1 EREAC is committed to maintaining an ethical workplace that is free from fraud, theft and corruption.
- 20.2 EREAC has a zero-tolerance with respect to fraud, theft and corruption. This includes (but is not limited to):
- (a) theft of cash, consumables or assets;
 - (b) false or misleading timesheets (i.e., dishonestly claiming payment for time not worked);
 - (c) false or misleading expense claims (i.e., dishonestly claiming a business expense);
 - (d) false invoicing (i.e., dishonestly invoicing for goods or services);
 - (e) false accounting (i.e., dishonest reporting of incorrect or misleading financial results);
 - (f) falsifying accounting records for personal or financial gain;
 - (g) colluding in falsifying accounting records for personal or financial gain; and
 - (h) misuse of position or authority for personal or financial gain.
- 20.3 EREAC Persons are encouraged to report suspected instances of fraud, theft or corruption to their Principal or Centre Director, or to the Chief Executive Officer of EREAC.
- 20.4 EREAC Persons may also report suspected instances of fraud, theft or corruption under the provisions of the EREAC Whistleblower Policy and Procedures.

21.0 Medicinal Drugs, Alcohol and Tobacco

- 21.1 EREAC persons should be aware that personal conduct and lifestyle may have an adverse effect on EREAC, its Schools and their own personal or professional reputation. EREAC persons must consciously act to maintain their personal and professional integrity on occasions when alcohol, legal and Illegal Drugs and tobacco may be present.
- 21.2 EREAC persons experiencing difficulties in relation to Illegal Drugs, alcohol or tobacco are encouraged to access the Employee Assistance Program (ACCESS) or the Principal/Centre Director or Deputy Principal for assistance
- 21.3 During employment or engagement, EREAC may require an EREAC person to undergo a drug and alcohol test, to monitor compliance with this Code and work health and safety legislation if Edmund Rice Education Australia or a School suspects, on reasonable grounds, that an EREAC person is working under the influence of Illegal Drugs or alcohol. Reasonable grounds for testing can be established if an EREAC person's behaviour, actions or conduct (whether observed by or reported to Edmund Rice Education Australia or the School) suggests that the EREAC person is under the influence of Illegal Drugs and/or alcohol

Legal and illegal Drugs

- 21.4 EREAC Persons must :
- (a) Not distribute Illegal Drugs;
 - (b) Not condone use of Illegal Drugs;
 - (c) Only distribute legal drugs (ie. medication) in accord with School Policies and as directed by the Principal/Centre Director or Deputy Principal, and as set out in a medical plan with application to a particular Student; and
 - (d) Not be under the influence of Illegal Drugs during business hours or during times where an EREAC person has responsibility for Children or Students and/or EREAC persons or is

otherwise fulfilling responsibilities to EREAC or its Schools.

Alcohol

21.5 EREAC persons, during or after School hours, must not:

- (a) Distribute alcohol to Children or Students;
- (b) condone use of alcohol by Children or Students; and
- (c) Be under the influence of alcohol during business hours or during times where they have responsibility for Children or Students and/or EREAC persons or are otherwise fulfilling responsibilities to EREAC or its Schools and Early Learning Centres.

Tobacco

21.6 EREAC and its Schools are smoke free areas. Smoking is not permitted on EREAC premises or any School/Early Learning Centre premises, or during times where an EREAC person has responsibility for Children or Students.

21.7 EREAC persons must not:

- (a) Distribute tobacco or tobacco products to Children or Students; and
- (b) Condone use of tobacco by Children or Students.

22.0 Code of Conduct Breaches

22.1 Perceived or actual breaches of this Code have the potential to cause harm to Children, Students and others as well as disrespecting the dignity and wellbeing of individuals. Breaches of this Code may be:

- (a) a disciplinary matter which may result in performance management, formal warning, suspension, demotion or termination in accordance with industrial processes, depending on the nature of the misconduct or Serious Misconduct;
- (b) a contractual matter which may be a breach of contract resulting in contract termination;
- (c) professional misconduct referred to in relevant State/Territory authorities;
- (d) Reportable Conduct reported to relevant State/Territory authorities;
- (e) a Notifiable Incident, reported to the relevant State/Territory statutory authorities;
- (f) a regulatory matter referred to relevant State/Territory statutory authorities;
- (g) a breach of statute referred to relevant State/Territory statutory authorities;
- (h) a criminal matter referred to the Police; or
- (i) a civil matter referred for legal advice and remedy.

22.2 Investigatory and disciplinary processes in relation to breaches of this Code will be conducted in accordance with the applicable policy and/or procedure and in keeping with the principles of Procedural Fairness and Natural Justice.

23.0 Reporting and Complaints

23.1 Accountability is a key aspect of this Code. This Code requires EREAC Persons to report certain acts, omissions and/or control failures under the applicable Policies and Procedures to:

- (a) the Principal or Centre Director for EREAC Persons in Colleges and Early Learnings Centres;
- (b) the Chief Executive Officer for EREAC Persons within the EREAC Head Office or where

concerns relate to a Principal or a Centre Director;

- (c) the relevant State/Territory statutory authority where Mandatory Reporting is required under legislation.

23.2 Formal complaints, including breaches of this Code, must be made in accordance with:

- (a) for external parties, the EREAC Complaints Handling Policy;
- (b) for EREAC Persons, the applicable EREAC Policy and Procedure relating to the nature of the complaint.

Vexatious Complaints

23.3 EREAC supports EREAC Persons who wish to make legitimate complaints in accordance with this Code or a relevant EREAC Policy or Procedure.

23.4 Notwithstanding paragraph 23.3, any EREAC Person who, in the reasonable view of EREAC, makes a Vexatious Complaint, may be subject to disciplinary action.

24.0 Review

24.1 This Code will be reviewed every three years or earlier if necessary. The EREAC Board is responsible for ensuring this Code of Conduct is reviewed and updated as required.

25.0 Definitions

25.1 The Definitions set out below are overarching definitions which should be read in conjunction with State and jurisdictional instruments. For the avoidance of doubt, the legislative and regulatory definitions of each State and Governing Body will apply.

Term	Definition
Centre Director	The person appointed as Director of an Early Learning Centre.
Child and Children	A person under school age enrolled in an Early Learning Centre.
Child Safe Legislation	Child Safe legislation enacted in each Australian State and Territory as amended from time to time and which places obligations and responsibilities on EREAC.
Child Abuse	An act committed against a child involving a Sexual Offence or an offence under applicable legislation. It includes sexual, physical and emotional abuse or neglect to a child and/or significant harm to a child.
Child Safety and Safeguarding Policies	The EREAC Child Safety and Safeguarding Policies that are developed and implemented across EREAC encompassing the relevant State or Territory Child Safe legislation and other requirements.
Child Safety	Encompasses matters related to protecting all children from child abuse, managing the risk of child abuse, providing support to a child at risk of child abuse, and responding to suspicions, incidents, disclosures, or allegations of child abuse.
Child Safety Officer(s)	The person(s) an EREAC College or Early Learning Centre identifies as having responsibilities as a Child Safety Officer, also known as Student Protection Contacts.

College	A college of EREAC.
Conflict of Interests	Circumstances where there is: ▪ an actual conflict as that term is defined in the EREA Colleges Ltd Conflict of Interest Policy; or ▪ a potential conflict as that term is defined in the EREA Colleges Ltd Conflict of Interest Policy; or ▪ a perceived conflict of interest as that term is defined in the EREA Colleges Ltd Conflict of Interest Policy.
Corporal Punishment (Students)	Any punishment in which physical force is used and intended to cause a degree of pain or discomfort, however light. Typically hitting with the hand or with an implement. Can also include forcing a Child or Student to stay in an uncomfortable position. Does not include the use of reasonable physical restraint to protect a Child or Student or others from Harm.
Degrading Punishment (Students and children)	Any punishment incompatible with respect to human dignity, including Corporal Punishment and non-physical punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares or ridicules and may result in emotional distress or psychological Harm to a Child or Student. Includes but is not limited to: ▪ using an object, such as a ruler, book or whiteboard marker to gain a Child's or Student's attention in a hostile or inappropriate physical manner; ▪ restraining or holding a Child or Student for any purpose other than when a Child or Student's actions cause or threaten to cause imminent harm to themselves or others and is consistent with the relevant College or Early Learning Centre's Restrictive Interventions Policy; ▪ hitting or kicking a Child or Student; ▪ pushing, pulling, shoving, grabbing, pinching or poking a Child or Student including by their clothing; ▪ shaking or forcibly handling a Child or Student; ▪ targeted and sustained criticism, belittling or teasing; ▪ intimidating a Child or Student; ▪ swearing at a Child or Student; ▪ using sarcasm to humiliate; ▪ using names or nicknames to undermine the self-confidence of a Child or Student; ▪ locking a Child or Student in a confined space; ▪ forcing a Child or Student to stay in an uncomfortable position; ▪ refusing biological needs as a means of punishment; ▪ criticising a Child or Student rather than the Child or Student's actions; ▪ practices which instill fear or using fear as a means of controlling a Child or Student; and ▪ practices which cause a Child or Student to feel alienated.

Disability Standards	The <u>Disability Standards for Education 2005 (Cth)</u> formulated under the <u>Disability Discrimination Act 1992 (Cth)</u> . The Standards clarify the obligations of EREAC and seek to ensure that Children and Students with disabilities can access and participate in education on the same basis as Students without disabilities.
Deputy Principal	The role of Deputy Principal of a College who undertakes the duties of a Deputy Principal, including those delegated by the Principal.
Discrimination	Discrimination includes both direct and indirect discrimination and is defined in the EREAC Addressing Workplace Discrimination and Bullying Procedure.
Duty Of Care	Duties imposed by common law or by statute, to EREAC and EREAC Persons.
Early Learning Centre	Early Learning Centres operated by EREAC.
EREAC	Edmund Rice Education Australia Colleges Ltd
EREAC College or Early Learning Centre Advisory Board	An EREAC College Advisory Board is an advisory Board of an EREAC College or Early Learning Center that provides advice to the College or Early Learning Centre and for clarity does not have the obligations or duties of the EREAC Board.
EREAC Contractor	An EREAC Contractor is a person or entity that is engaged by EREAC pursuant to a contract for services.
EREAC Employee	An EREAC Employee is a person who is employed by EREAC pursuant to a contract of service.
EREAC Persons	Has the meaning as set out in paragraph 3.2 of this Code.
EREAC Volunteer	An EREAC Volunteer is a person who performs work for EREAC on a voluntary basis.
EREA Governing Bodies	The five corporations established by EREA to govern its Colleges and Early Learning Centres being EREAC , EREA NSW Colleges Ltd, EREA Flexible Colleges Ltd, EREA Victorian Colleges Ltd and St Kevin's College Ltd.
Grooming (or Grooming Behaviours)	As defined in Child Safe Legislation and/or Child Safeguarding Policies and Procedures, and includes but is not limited to: Actions deliberately taken with the aim of befriending and establishing an emotional connection with a Child and or Student, to lower the Child's or Student's inhibitions in preparation for sexual activity with the Child or Student. Grooming also extends to the grooming of family members of Children or Students for the purposes of gaining access to Children or Students. For the purposes of this document EREAC applies the applicable criminal definition of grooming in each State and Territory.

Harm (Caused to a Child or Student)	As defined in Child Safe Legislation and/or Child Safeguarding Policies and Procedures, and includes but is not limited to: ▪ Child Abuse, as defined in this Code and/or within EREAC's Child Safeguarding policies and procedures; ▪ Grooming, Sexual Misconduct, Sexual Offence or Discrimination; ▪ any detrimental effect of a significant nature on the Child's or Student's physical, psychological or emotional wellbeing by any cause, other than confirmed accidental Harm not involving negligence or misconduct; ▪ Minor Harm that is cumulative in nature that would result in a detrimental effect of a significant nature to the Child or Student if allowed to continue; ▪ physical abuse; ▪ emotional abuse; ▪ neglect; ▪ sexual abuse; ▪ exploitation; ▪ family violence; ▪ Child or Student bullying; and ▪ self-harm.
Illegal Drugs	Any mind altering or legally controlled substance including but not limited to any drugs listed in: ▪ the <i>Drugs Misuse Act 1986</i> (QLD) ▪ the <i>Drugs of Dependence Act 1989</i> (ACT) ▪ the <i>Misuse of Drugs Act 2001</i> (TAS) ▪ the <i>Controlled Substance Act 1984</i> (SA) ▪ the <i>Misuse of Drugs Act 1981</i> (WA) ▪ other similar State/Territory legislation in Australia that EREA Colleges Ltd operates in, and any: ○ drugs listed in the Australian Standards 4308:2008; and ○ designer drugs, including, but not limited to synthetic cannabinoids, herbal highs, synthetic drugs such as opioids, hallucinogens, piperazines, stimulants and sedatives.
IT Technology Hardware	Includes but is not limited to information and communication technologies such as mobile phones, computers (laptops, desktops and tablets), radios, televisions, data storage devices, printers, faxes and all other digital communications.

IT Platforms	Includes but is not limited to the IT information platforms used by EREAC to operate its information technology services such as e-mail services and internet services.
Medicinal Drugs	Means medication that is able to be lawfully purchased “over the counter” or medication prescribed by a Medical Practitioner for the treatment of an ailment or injury.
Natural Justice	The process of ensuring fairness is provided to all parties. Principles of natural justice include the requirement to: ▪ promptly investigate all allegations; ▪ put allegations to the person they are made against; ▪ provide all parties the opportunity of responding, explaining their version of events and providing all necessary information to ensure their responses are complete; and ▪ ensure any disciplinary action is commensurate with the seriousness of the offence.
Notifiable Incident	Means an incident detailed in schedule one of the EREA Colleges Ltd Notifiable Incidents Policy
Policies and Procedures	Means those Policies and Procedures that are applicable to EREAC and its Colleges and Early Learning Centres.
Principal	The appointed Principal of an EREAC College.
Procedural Fairness	Following a process that is neutral, unbiased and respectful to the rights of person(s) involved in an investigation. Principles of procedural fairness include the: ▪ right to be heard; ▪ right to be treated without prejudice; ▪ right to be informed of allegations being made; ▪ opportunity to respond; and ▪ right to enquire about the status of the issue or complaint.

Professional Boundaries	Parameters that describe the limits of a relationship in circumstances where one person entrusts their welfare and safety to another person in circumstances where a power imbalance exists or could reasonably be perceived to exist. Professional boundaries may be breached when the following behaviours occur between an EREAC Person and a Child or Student: ▪ spending inappropriate time with a Child or Student; ▪ inappropriately giving gifts; ▪ inappropriately giving favours to a Child or Student; ▪ inappropriately allowing a Child or Student to overstep an EREAC College or Early Learning Centre rules; ▪ asking the Child or Student to keep the relationship to themselves; ▪ undressing in front of a Child or Student; ▪ encouraging inappropriate physical contact (even where it is not overtly sexual); ▪ inappropriately talking about sex; ▪ ‘accidental’ intimate touching; ▪ inappropriately extending a relationship outside of the EREAC College or Early Learning Centre; and ▪ inappropriate personal communication (including the use of Technology communication).
Reportable Conduct	As defined in Child Safe Legislation and/or Child Safeguarding Policies and Procedures.
Safeguarding	As defined in Child Safe Legislation and/or Child Safeguarding Policies and Procedures, and includes but is not limited to: Protecting children from all forms of abuse, including sexual abuse. Safeguarding embraces the overall safety and wellbeing of the children and young people, and it is the proactive approach and commitment to the ongoing protection of children and young people. The system and associated program of work involved in the protection of Children and Students from harm, including embedding a culture of safety, prevention, detection, reporting, responding and continuous improvement.

Serious Misconduct	As defined in the <i>Fair Work Regulations 2009</i> (Cth). Serious Misconduct includes, but is not limited to: ▪ wilful or deliberate conduct that causes or has the potential to cause serious and imminent risk to: ○ health and safety; ○ the EREAC reputation, viability or profitability; ○ EREAC Technology integrity; and ○ EREAC intellectual property. ▪ engaging in: ○ theft or fraud ○ assault ○ Discrimination ○ Sexual Harassment ○ Workplace Bullying ○ Grooming ○ Sexual Misconduct ○ Sexual Offences ○ Harm. ▪ being intoxicated or under the influence of Illegal Drugs while at EREA or otherwise with a responsibility for Children and Students; ▪ refusing to carry out a lawful and reasonable instruction consistent with the EREAC person's duties. Serious Misconduct may result in immediate termination of employment or other the engagement.
Sexual Harassment	Has the meaning as set out in the EREAC Procedures for Addressing Sexual Harassment.

Sexual Misconduct	Includes communications and acts in person or communicated via Technology, including, but not limited to: • inappropriate, overly personal or intimate relationship with, or conduct towards a Child, Student or colleague • sexually explicit comments to a Child, Student, or colleague and other overtly sexual behaviour such as: ○ sexual exhibitionism ○ inappropriate conversations of a sexual nature ○ unwarranted and inappropriate touching ○ personal correspondence or communications in respect of a romantic, intimate or sexual feelings ○ suggestive remarks or actions of a sexual nature ○ obscene gestures, language, or jokes containing sexual references ○ deliberately exposing Children and Students or colleagues to sexual behaviour of others, other than in the case of prescribed curriculum material in which sexual themes are contextual ○ possession, distribution or display of pornography ○ encouraging or failing to discourage romantic or inappropriate advances by a Child or Student • any form of Sexual Offence.
Sexual Offence	As defined in Child Safe Legislation and/or Child Safeguarding Policies and Procedures, and includes but is not limited to any criminal offence involving a sexual element including: ▪ sexual acts of any nature involving a Child or Student; ▪ indecent assault; ▪ sexual assault; ▪ sexual abuse; ▪ aggravated sexual assault; ▪ rape; ▪ attempted rape; ▪ possession, dissemination or production of child pornography or child abuse material; ▪ using children to produce pornography; ▪ Grooming or Grooming Behaviours, including procuring children under the age of 16 years for unlawful sexual activity; and All substantiated instances of Sexual Offences, breaches of Child Safe Policies or Child Safe Legislation constitute Serious Misconduct.
Social Media Platforms	Includes but is not limited to platforms such as Facebook, Instagram, Snapchat, Tic Tok, X (formerly known as Twitter) and YouTube.

Student(s)	Any person enrolled in an EREAC as a student.
The Charter for Colleges in the Edmund Rice Tradition	The statement of Touchstones proclaimed on 11 September 2017, underpins the ministry of EREA Colleges and EREA's educational endeavours. The Charter is the most contemporary expression of the charism of Blessed Edmund Rice in the Australian educational context. The Charter defines and infuses every aspect of our collective work to realise God's vision for a world made whole, exemplified in the life of Jesus, Edmund's new horizons and a liberated present and future for all.
Vexatious Complaints	Written or verbal complaints of alleged improper conduct made to an authority intending the report to be acted upon, where there is a demonstrated absence of reasonable grounds for suspecting the improper conduct, and the report is made to cause distress, embarrassment or stress.
Workplace Bullying	Has the meaning as set out in the EREAC Procedures for Addressing Workplace Discrimination and Bullying.

Resource List

The following resources may provide context to provisions within the Code of Conduct:

- Integrity of the Service in the Church
- The Charter for Catholic Colleges in the Edmund Rice Tradition
- United Nations Convention on The Rights Of The Child
- Alice Springs (Mparntwe) Education Declaration (2019)

Document Version Control

EREA Code of Conduct	
Version	Version 1/2026
Document Owner	Chief Executive Officer of EREAC
Approving Body/Role	EREAC Board
Subject Matter Expert	Director of People, Culture and Safeguarding, EREAC
Priority Rating	High
Level	1
Date Approved	24 November 2025
Effective Date	1 January 2026
Date of Next Review	1 January 2029