DEPARTMENT OF PARKS AND WILDLIFE

Code of Conduct

JANUARY 2017

Code of Conduct

Employee Acknowledgement**:**

The Public Sector Management Act 1994 requires employees to comply with the provisions of the Code of Conduct. All employees are bound by the Code of Conduct regardless of whether they sign the acknowledgement below.

Volunteers and contractors paid through the Accounts Payable system are *not* required to complete this page as their acknowledgement of the Code of Conduct is covered in the volunteer registration form or the procurement documents.

I confirm that I have received and read this Code of Conduct, and sought explanation from my manager as necessary

Employee name: _____

Job title: _____

Work location: _____

Employee signature: _____ Date: ____/____/____

NOTED BY

Manager/supervisor name: _____

Manager signature: _____ Date: ____/____/____

Note:

Managers are to collect this signed page and forward to People Services Branch, Bentley.

(Employees may also wish to take a copy for their own records)

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1 *Introduction*

What is a Code of Conduct?

A Code of Conduct provides guidance to employees, contractors and volunteers on the ethical behaviour expected of them. Ethical behaviour relates to personal integrity, our relationships with others, and accountability for our behaviour, decisions, and actions.

The Code of Conduct is a user guide to ethical decision making and action taking. It provides practical information and guidance.

The guidelines provided are not exhaustive. They are an attempt to give direction to the application of policies. Situations that are not covered by the guidelines but will require ethical decision making may occur and it is the responsibility of employees to ensure they interpret such situations in the context of the relevant policy.

Why have a Code of Conduct?

As employees, we make decisions and take actions every day that affect members of the public, our co-workers and public assets. Ethics is about dealing constructively with moral ambiguities and uncertainties, and making sense of competing loyalties and responsibilities when we make decisions and act.

In Western Australia, all public sector employees are bound by Commissioner's Instruction No. 7: Code of Ethics (see the summary of the main principles in the next section). This forms the foundation on which this department's Code of Conduct is based.

Commissioner's Instruction No. 8: Codes of Conduct and Integrity Training establishes the requirement for public sector bodies to develop their own Code of Conduct, and identifies the official conduct requirements which must be included within a public sector body's code of conduct.

Who must comply with the Code of Conduct?

All employees are required to comply with this Code of Conduct.

The *Public Sector Management Act 1994* states at section 9(a)(iii) that the principles of conduct that are to be observed by all public sector bodies and employees are that they are to comply with the provisions of any code of conduct applicable to the public sector body or employee concerned.

Managers and supervisors are expected to model ethical behaviour by setting an example to other staff at all times in behaving ethically, mentoring employees, and assisting them to make ethical decisions and take ethical actions.

Volunteers assisting the department, and contractors who work alongside employees, are also expected to comply with the principles and where relevant, specific provisions of this Code of Conduct. While the word employee has been used throughout this document, this should be read as applying to volunteers and contractors who work alongside existing employees as well.

Board and Committee members are required by Commissioner's Instruction No.8 to have a Code of Conduct and are not required by the department to be bound by this Code of Conduct unless a Board or Committee member is also an employee of the department.

Employees are reminded that the disciplinary provisions of the *Public Sector Management Act 1994* and other relevant processes provide for the enforcement of designated standards of ethical behaviour among public sector employees.

How can the Code of Conduct be used?

All employees must be familiar with the Code of Conduct and sign off on its provisions when they join the organisation, or when a revised version of the Code is released. If you have any issues or

concerns in signing this Code of Conduct, you must discuss these with your line manager who will formally acknowledge your concerns.

Staff working with contractors are expected to ensure that relevant provisions requiring adherence to the Code of Conduct are contained in any contract documentation. Similarly, staff working with volunteers are expected to ensure the Code of Conduct is brought to their attention and that compliance is supported and encouraged.

When and how was the Code developed?

This Code of Conduct was developed following consultation with the Corruption and Crime Commission and the Public Sector Commission. Extensive consultation with Corporate Executive and managers was carried out to ensure its applicability.

The Code will continue to be reviewed and refined on a regular basis.

How is the Code structured?

The Code is structured around the four different aspects of an employee's role:

- working with government and parliament
- working with the public and stakeholders
- working with colleagues in the workplace
- personal behaviour

What happens if I breach the Code of Conduct?

Breaches of this Code of Conduct by employees could result in disciplinary action under the *Public Sector Management Act 1994* or other relevant processes. In some cases the matter may be referred to the police, Corruption and Crime Commission, Public Sector Commission or other appropriate authorities.

Reporting Breaches of the Code of Conduct

Employees should report action perceived to be a breach of the Code of Conduct to:

- their supervisor, manager or director, particularly if unsure as to whether or not the action might constitute a breach
- a Good Working Relations grievance contact officer, particularly for matters related to the Good Working Relations Policy
- the Manager, Management Audit, particularly for Public Interest Disclosures
- the Director General via the Manager, Office of the Director General, particularly for suspected misconduct, or
- the Manager, People Services, for all matters

Supervisors, managers and directors to whom matters are reported should seek advice from the Manager, People Services where it appears that a breach may have occurred.

Complaints and reported breaches will be acted upon quickly, treated seriously and confidentially, and will be investigated impartially, recognising the rights of all employees.

1.1 Western Australian Public Sector Code of Ethics

The Code of Conduct is founded on the principles set out in Commissioner's Instruction No. 7: Code of Ethics which states the minimum standards of conduct and integrity for the Western Australian Public Sector.

The Code of Ethics is designed around the principles of:

- **Personal Integrity**
  We act with care and diligence and make decisions that are honest, fair, impartial and timely, and consider all relevant information

- **Relationships with others**
  We treat people with respect, courtesy and sensitivity, and recognise their interests, rights, safety and welfare

- **Accountability**
  We use the resources of the state in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information

The Code of Ethics applies to all public sector employees, including chief executive officers, chief employees and ministerial staff, and public sector bodies covered by the Public Sector Management Act 1994, which may include boards and committees established under their own legislation.

1.2 Department Values

The way we go about creating an ethical workplace is guided by our values and the values of the organisation.

Our Values

People make organisations and the values they adopt shape those organisations. Our values are founded on the Code of Ethics and are designed around the principles of:

Personal integrity – We act with care and diligence and make decisions that are honest, fair, impartial and timely and consider all relevant information.

Relationships with others – We treat people with respect, courtesy and sensitivity, and recognise their interests, rights, safety and welfare.

Accountability – We use the resources of the State in a responsible and accountable manner that ensures the efficient, effective, and appropriate use of human, natural, financial and physical resources, property and information.

We employ people with world-class scientific, regulatory, evaluation, policy, land and marine management, visitor services and educational skills. Core values consistently expressed and demonstrated by our people include:

Environmental responsibility – We are passionate and relish our responsibility to care for and protect the natural environment. This often entails taking a long-term perspective, building and sharing scientific knowledge, and working collaboratively with other agencies, communities and stakeholders. We know we cannot do this alone and are motivated to partner with and empower others.

Work Ethic – We believe that persistence, dedication and a realistic perspective are important to ensure responsive environmental and conservation outcomes. We are innovative and progressive, showing courage, initiative and creativity in our responsibilities, in partnership with the community.

Teamwork – We value and rely on each other to be safe and to work effectively across the diverse lands, waters and activities that we manage across the State.

Substantive Equality Statement

The department is an Equal Opportunity Employer and encourages Indigenous Australians, young people, people with disabilities, people from culturally diverse backgrounds, and women to apply for positions within our agency. The department also promotes flexible working arrangements.

1.3 How can I ensure that my decision making is ethical?

To assist you in making ethical decisions that involve your work, your work relationships, your position with the department or your actions when you represent the department or might be perceived to represent the department in the wider community, and/or your role and personal behaviour as an employee, ask yourself the following questions:

- is the decision or conduct legal?
- does the decision or conduct comply with the Public Sector Code of Ethics?
- does the decision or conduct comply with the Code of Conduct and the department's values?
- what are the potential outcomes of the decision or conduct on the reputation of DEC and myself?
- can the decision or conduct be justified on the grounds of public interest?
- would the decision or conduct stand up to public scrutiny?

What about Ethical Dilemmas?

If you are facing an ethical dilemma, you must uphold the values and integrity of the department and the public sector.

Some options to assist you to make ethical decisions include:

- referring to this Code of Conduct
- seeking clarification from your manager, director or the Director General
- asking for written instructions and documenting all exchanges on the issue
- seeking advice from another senior staff member not involved in the issue
- seeking advice from senior People Services Branch or Management Audit staff
- seeking advice from appropriate external government agencies (eg The Public Sector Commission, Equal Opportunity Commission, the Corruption and Crime Commission or Auditor General's Office); and
- using appropriate reporting mechanisms.

2 *Working with Government and Parliament*

The principles of political neutrality, impartiality, professionalism, responsiveness and accountability are at the heart of strong productive relationships between the public sector and the elected government. Ministers and Government as the elected representatives of the people determine and define the public interest. Public sector employees advise and implement – assisting Government to deliver their policy agenda and priorities.

2.1 How should I manage official information?

The department publishes a wide and varied range of information, both paper and electronic, for access by the public. Some publications are available for purchase, and others free of charge from the department's website.

All other information is considered official information, which means information, whether in a record or not, that comes to the knowledge or into the possession of a person because the person is an employee or government contractor.

Official information can only be disclosed with the express permission of the Director General or by an officer with delegated authority from the Director General or if it is required to be disclosed in the course of an officer's official duties.

Unauthorised disclosure of official information is a crime under the *Criminal Code Act 1913*.

As outlined under *Administrative Instruction 711 Official Information* unless you are authorised to do so you must not:

- give to any person any official information related to the business of the department, the public service or the Government that has been obtained in the course of your work with the department; or
- disclose the contents of any official papers, documents or Advertised Vacancy files.

Members of the public seeking access to official information may also do so under the *Freedom of Information Act 1992*. Some sensitive information is exempt and procedures are in place to deal with such requests. If you receive an access to official information query refer the query to the Freedom of Information Coordinator.

2.2 How should I manage confidential information?

In the course of official duties, the department may provide employees access to information that is confidential. Employees must at all times act in accordance with relevant legislation and policies relating to dealing with such information (refer Clause 2.1).

Employees have a responsibility to maintain the confidentiality of information and are accountable to protect, use and disclose confidential information in a responsible and authorised manner. Employees must not, at any time disclose any confidential information obtained in their capacity as an employee of the department, unless it is a requirement of the employee's role to do so, and with the authority and official permission of the department (refer Clause 2.1).

If employees are required to release confidential information for permissible disclosures, such as those required by law, they must only disclose the minimum of confidential information that is required to comply with the applicable law and, only disclose the information to the person that the employee must disclose it to, and no one else.

Employees must immediately notify the department of any unauthorised record, disclosure, use, copying, transmission or exploitation of the confidential information of which the employee becomes aware. In this event, employees must take all reasonable steps which the department may reasonably require in relation to such known unauthorised record, disclosure, use, copying, transmission or exploitation of confidential information.

Obligations for maintaining confidentiality and non-disclosure apply while the employee possesses, or has access to, confidential information and/or until information is no longer considered confidential. When an employee ceases employment with the department they are expected to continue to respect the confidentiality of information gained during employment.

Releasing confidential information without authority is a serious breach of employment responsibilities; unauthorised disclosure of such information is a crime under the *Criminal Code Act 1913*. Breaches of this clause will be managed under the *Public Sector Management Act 1994* or other relevant processes and in some cases; the matter may be referred to the police, Corruption and Crime Commission, Public Sector Commission or other appropriate authorities relevant to the nature of the breach.

For further information refer to *Policy Statement No. 63 Information Management* and *Policy Statement No. 70 Information Security Management* on the intranet.

2.3 How should I manage personal information?

Personal information about an individual cannot be released without the permission of the individual concerned and must be kept confidential. Personal information is information about an individual whose identity is apparent from that information, or can reasonably be ascertained from the information, and can include factual or routine information such as date of birth, length of employment, and names of dependents. It also includes opinions or evaluative material such as advice or recommendations of a third party, for example records of interviews, medical reports, and information in personnel records and business systems.

If an individual believes that their personal information is inaccurate, incomplete, out of date or misleading they can apply to the Director General to have it amended and may also do so through the Freedom of Information process. Contact the Freedom of Information Coordinator for more information.

2.4 How should I manage records?

All employees must comply with the *State Records Act 2000* and other legislation requiring the keeping of specific types of records.

Records include but are not restricted to letters, emails, memos, post it notes, transcripts of telephone conversations or data stored in business systems. Records are tangible evidence of the organisation's business activities, actions, decisions, opinions and processes. They document what happened, why and who was involved. Records underpin accountability and are essential to meet legal, business, financial and accountability requirements.

You must:

- create and maintain proper and adequate records related to the organisation's business activities and transactions.
- ensure the records created and received are registered in the department's official records management system; and
- not destroy or transfer custody of any records without the approval of the State Records Commission.

Contact the Corporate Information Section for further information.

2.5 Can I talk to the media?

The department recognises the important role of the media in providing the public with information on environmental and conservation issues.

That is why the department initiates the release of information to the media to increase public awareness and understanding of:

- Western Australia's environment;
- the conservation, sustainable use and enjoyment of our natural resources; and
- the programs, services and policies of the department and the Government.

It is also our policy to respond to media requests for information honestly, accurately and promptly.

Most journalists contact the Media Relations Section of Public Affairs Branch when seeking information from the department. However, occasionally you may find that a journalist contacts you directly.

Media contact, including media releases and responses to media queries, must be directed initially through the Media Relations Section of Public Affairs Branch.

The Media Line can be contacted on (08) 9219 9999 (24hrs).

If a journalist contacts you directly, politely explain that the Media Relations Section handles all media queries in the first instance, and offer to get someone from the section to return their call.

The Media Relations Section will ensure the authorised officer provides an approved response within the journalist's deadline.

The main reason for this protocol is to protect staff from being pressured into going on the record without having the chance to check the facts, and to prepare a properly considered response. It also gives us the chance to ensure the right person is responding.

Another reason is that the Media Relations Section will know if other journalists have called on the same issue and a response is already available. The section can ensure all media outlets receive a consistent response from the department.

Remember, good internal coordination is the key to the department working with the media effectively.

2.6 When an election is called

When the Premier of the day calls an election, the Government operates under what is referred to as caretaker conventions. In Western Australia caretaker conventions are contained in a government memorandum to Ministers issued by the Premier following announcement of the general election. During this time, employees continue to be bound by the Code of Conduct. If you have any queries relating to caretaker conventions when an election is called, contact People Services Branch.

2.7 Liaison with the Minister

As a rule, all communication between the Minister's officers and officers of the department should be made through the Director General, the relevant Corporate Executive member or the nominated Ministerial Liaison Coordinator.

Officers should not communicate with the Minister's Office directly, unless directed to do so by the Director General, a Deputy Director General or a Director, or with the approval of one of these officers. This includes phone calls and e-mails. If the Minister's Office phones you on a matter for which you do not have approval, politely explain to the caller that you need to consult with your Director before responding to their call.

In general, the Minister and Ministerial staff must not be contacted in regard to matters pertaining to the day to day management of the department.

2.8 Related organisations

The Director General of DPaW provides a bureau of services to the Department of Environment Regulation, the Office of the Appeals Convenor, the Keep Australia Beautiful Council and the Conservation Commission of Western Australia. Employees of these organisations are required to comply with the provisions of this Code of Conduct. Exceptions to this requirement are in regard to talking to the media, and liaison with the Minister; in these circumstances, employees in a related organisation should comply with their respective agency's policies and procedures.

3 *Working with the Public and Stakeholders*

Employees must treat the public with respect and courtesy and without harassment. They should provide reasonable assistance to the public to understand their rights and entitlements. Dealings with the public and stakeholders should be handled with consistency, promptness and equity and in accordance with department policies, procedures and guidelines, and these guidelines should be made available to stakeholders.

When you are at work, or in a department uniform, or driving a department vehicle, you must be sure that your behaviour does not reflect badly on the organisation. If you are off-duty but still wearing your uniform, you will still be seen as an employee and therefore your behaviour will be seen by members of the public in that light.

Similarly, any email you send from work is sent on the department's 'electronic letterhead' and therefore should reflect the values and behaviour expected of employees. You should not use your department email to promote personal interests, or use your department email in a capacity as a representative of any other community or private organisation.

3.1 How do I manage procurement?

Procurement is the process by which goods and services are purchased, including purchases made using corporate credit cards. It can involve planning, design, standards determination, specification writing, preparation of quotation and tender documentation, selection of suppliers, financing, contract administration, disposals and other related functions.

If you are involved in government procurement, you must be mindful of potential conflicts of interest that might arise. You must not use your position to benefit yourself or any other person. You must ensure that you follow government and department procurement rules outlined in the relevant policies and procedures. These policies and procedures are contained in the Procurement Rules available on the department's intranet or by contacting the Supply Coordinator. See the section on Conflict of Interest for further information.

If you have a role in procuring services from contractors, you need to be aware that contractors are considered as public officers while enacting their contract and are expected to abide by the Code of Ethics and department's Code of Conduct.

If you have any queries about procurement matters, contact the Procurement Manager.

3.2 How should I work with volunteers?

Employees working with department volunteers should treat volunteers with the same respect and courtesy that they treat fellow employees. See the section on Working with Colleagues.

When volunteers are performing their volunteer roles they are acting as public officers and as such are expected to abide by the Code of Ethics and department's Code of Conduct.

Employees who have a role in managing, supervising or supporting volunteers should ensure that volunteers are familiar with the Code of Ethics and the department's Code of Conduct and are supported to comply with it.

Contact the Community Involvement Coordinator for more information or refer to the Guidelines for Successful Partnerships between Public Sector Agencies and Volunteers produced by the Department of Communities.

3.3 What about working with children?

The department has a duty to protect members of the public, including children. The *Working with Children (Criminal Record Checking) Act 2004* introduced compulsory criminal record checking for people who have contact with children in their paid or volunteer duties with a public sector agency. In line with this legislation the department checks the criminal records of all staff and volunteers who may have contact with children in their work.

4 Working with Colleagues in the Workplace

Cooperative and productive working relationships are at the heart of a values-based organisation.

Behaving ethically and with professional integrity towards colleagues results in a more positive work environment that all employees can enjoy. To enable this to occur, you must respect people's dignity and well-being, and treat others with courtesy, consideration and sensitivity.

4.1 Does the department have a discipline procedure?

The *Public Sector Management Act 1994* covers matters dealing with discipline and breaches of discipline for public service officers. Employees who are not covered by these provisions are subject to other processes covering disciplinary matters. These provisions enable managers to enforce proper standards of conduct among employees.

A discipline issue may arise if you:

- disobey or disregard a lawful order
- contravene any relevant legislation or any Public Sector Standard or Code of Ethics or this Code of Conduct
- commit an act of misconduct or
- are negligent or careless in the performance of your function.

If you suspect that a disciplinary issue has arisen, you should report it to the manager responsible for the supervision of the employee concerned. The manager must then deal with it in accordance with the Discipline Policy.

Contact the Manager Employee Relations for advice and information as necessary.

4.2 What human resource standards are required of staff?

Employees must ensure that their actions comply with the Public Sector Standards in Human Resource Management established by the Public Sector Commission on employment (includes recruitment, selection, appointment, transfer, acting (same or higher level) and secondment), performance management, redeployment, termination, discipline, and grievance resolution.

Contact the Manager Personnel Services for more information.

4.3. What is meant by equal opportunity and what is required by employees?

All employees must comply with the WA *Equal Opportunity Act 1984* and other anti-discrimination legislation. This means that you must never harass or discriminate against your colleagues, clients or members of the public on the grounds of sex, marital status, pregnancy, breastfeeding, race, religious or political conviction, impairment, age, family responsibility or status, gender history or sexual orientation, or victimise an employee who has made a complaint on any of these grounds.

The department recognises its obligations under the *Equal Opportunity Act 1984* and will not tolerate harassment, discrimination or victimisation in any form.

If you are a manager or supervisor, your obligation on behalf of the department is to ensure that the workplace is free from all forms of harassment, unlawful discrimination and victimisation. You must understand and apply the principles of equal opportunity and take whatever steps are necessary to prevent and deal with harassment, unlawful discrimination and victimisation in your work area.

Refer to the *Good Working Relations Policy* on the intranet or contact the Policy and Diversity Coordinator for more information.

4.4 What about disability?

In the area of disability services, the department is committed to:

- improving access to buildings and facilities
- ensuring information and services provided by the department are accessible to people with disabilities
- training its employees to provide best practice customer service to people with disabilities
- increasing involvement of people with disabilities in planning and decision making activities within the department
- increasing the accessibility of its website for people with disabilities
- enhancing employment opportunities within the department for people with disabilities.

For further information refer to the Disability Access and Inclusion Plan on the People Services Branch intranet page, or contact the Workforce and Diversity Coordinator.

4.5 What grievance/dispute resolution processes does the department have?

Employee concerns or complaints related to unfair or inequitable treatment in their workplaces are referred to as grievances or disputes. In keeping with the department's values of honesty and integrity, management is committed to the resolution of grievances in a fair, equitable and (as far as practicable) prompt manner.

The department's *Good Working Relations Policy* and procedure deal with resolving grievances where discrimination, harassment, victimisation or bullying is involved. Where issues relate to employees' terms and conditions of employment including physical working conditions, the application of award provisions and staff management matters the Dispute Grievance Resolution Procedure applies. Contact a Good Working Relations Contact Officer or People Services Branch for further information.

4.6 What safety and health issues do I need to consider?

Under the *Occupational, Safety and Health Act 1984*, an employer has the duty as far as practicable to provide and maintain a safe working environment. Managers are responsible for ensuring that their work area is safe. Part of making a workspace safe is making sure that employees are not subject to bullying or intimidation. Refer to the *Good Working Relations Policy*.

Employees are responsible for taking reasonable care to ensure their own safety and health and to avoid adversely affecting the safety and health of others.

It is unacceptable to be adversely or functionally affected by alcohol or illicit or non illicit drugs in the workplace. This behaviour may constitute a disciplinary offence and be subject to disciplinary action.

Smoking is not permitted within departmental offices or in government vehicles under any circumstances. In office situations, leaving the office to smoke is restricted to normal lunch breaks and morning and afternoon tea breaks. Employees are bound by the smoking restrictions set by State Government and departmental guidelines.

Where you require medically prescribed drugs, if there is a likelihood that your pattern of work performance or behaviour may alter as a result of taking or not taking the medication, you must make your manager confidentially aware of this.

Any social consumption of alcohol in the workplace must occur only with the expressed permission of the manager, and will be wholly at their discretion. If you have any safety and health concerns raise these with your manager or the workplace safety and health representative or committee.

The department has an *Employee Assistance Program* to provide counselling and support services for employees and their immediate families on any matters impacting health and or general wellbeing. This is a free and confidential service. You can contact the provider for an appointment

on 9225 4522 in the Perth metropolitan area, or 1300 361008 in non-metropolitan Western Australia.

Contact the Employee Realtions and Safety Section for further information.

4.7 Business Image

Care and judgement need to be exercised when we present for work to ensure the standard of our image is upheld. Our choice of personal presentation needs to have regard for the impact we have with our customers, members of the public and other employees.

There is an onus on each employee to wear appropriate clothing and footwear in the workplace including external sites visited, having regard to occupational safety and health and responsible risk management.

4.8 Who has responsibility for employee learning and development?

Access to learning and development opportunities is recognised as making a direct contribution to the achievement of the department's corporate objectives and to maximising the potential of each employee.

Learning and development is a shared responsibility between management and the individual employee. The department fosters a learning environment and will provide reasonable access and opportunity for learning and development. Individual employees are expected to take responsibility for their own self-improvement and enhancement of career options.

The department has a performance development system in place. Managers are encouraged to meet regularly with employees to have structured discussions about learning and development.

Employees are also encouraged to be proactive about requesting such discussions with their managers as necessary.

Contact Learning and Development Section for further information.

5 Personal Behaviour

Employees must be scrupulous in the use of government resources, in avoiding conflicts of interest, and in their personal behaviour as public sector employees.

You should always feel that your conduct could survive the test of public scrutiny.

5.1 What is a conflict of interest and how should I act?

A conflict of interest is a situation arising from conflict between the performance of the functions of the department and your private or personal interests.

Conflicts of interest may be actual, or perceived to exist, or potentially exist at some time in the future.

- Actual conflict of interest situations are those where the conflict (between a public and private duty) is directly present in immediate or current circumstances. The conflict exists in the here and now; it is present and could impact on the functions of the department. The identification depends on the elements giving rise to the conflict being present, it is not about whether the person has acted on that conflict and allowed it to influence or not influence their actions. The actual situation and the possibility of influence exist independently of how the person subsequently acts to deal with it. The situation is being categorised, not the person's actions.
- Perceived conflict of interest situations are those where there is an appearance of a conflict, or where it would be reasonable for someone to believe a conflict exists when in fact it may not. Perceived conflicts generally occur when all the facts about the apparent conflict are not publicly known.
- Potential conflict of interest situations are those where a person's private interest might interfere with their official duties or with the functions of the department in the future, but are not doing so currently. Potential conflicts are not those present in the immediate situation, but rather relate to a future possibility.

Perception of a conflict of interest is important to consider because public confidence in the integrity of an organisation is vital.

Examples include (but are not limited to):

- If you are involved in a community activity through membership of an organisation or a lobby group that relates to a function of the department or to a development that the department is involved in, advising on, approving or regulating, then this may give rise to an actual or perceived conflict of interest.
- If you are invited to sign a petition that relates to a development that the department is involved in, advising on, approving or regulating then this may give rise to an actual or perceived conflict of interest.
- If you, your family or close associates have a financial interest (e.g. shareholdings) in a matter that is being dealt with by the department or by a committee of which you are a member, or if you accept paid or unpaid roles that may compromise, or appear to compromise your integrity or the integrity of the department.
- If you are a member of a selection panel for a pool recruitment process and either a relative or friend of yours lodges an application to be considered for a position.

It is not always possible to avoid conflicts of interest, particularly in small communities or some specialist industries. A conflict of interest in itself is not necessarily wrong or unethical, however, identifying and managing the situation is vital.

You should exclude yourself from any activity in which you have, or could potentially have, a conflict of interest.

If you become aware of a conflict of interest or a perceived conflict of interest, you must immediately declare it to your supervisor or manager in writing by completing the Declaration – Conflict of Interest Form, which is available on the Forms menu of the People Services intranet homepage.

Staff involved in procurement, managing contracts and development-related decisions should be particularly diligent in disclosing real or perceived conflicts of interest.

Managers must actively manage or resolve any real or perceived conflicts of interest of which they become aware.

If you have any doubts about a possible conflict of interest, consult your manager. Additional information on conflict of interest is available from the Public Sector Commission website.

The department will maintain a record of all approved activities and will annually review the records to ensure they remain current and valid. You should ensure that you submit a revised conflict of interest declaration if your circumstances change.

Where staff members are permitted to maintain outside interests that have been disclosed and approved by the Director General, they must ensure that if the nature or circumstances alter, they complete and submit a new Declaration – Conflict of Interest Form for consideration.

Refer to the department's *Conflicts of Interest Policy* and *Conflict of Interest information sheet* or contact People Services Branch for further information.

5.2 Employment of family members and associates

Employees must not influence or seek to influence department decisions concerning their family members or personal associates that will provide the family members or personal associates with an advantage or benefit that is not available to the general public or other employees. This will avoid bias, nepotism or patronage and is consistent with the Public Sector Commissioner's Instruction − Employment Standard.

An employee who is involved with or has the capacity to influence a recruitment process, including an acting, secondment, transfer, appointment (including casual, fixed term contracts and engaging an external contractor) or promotional opportunity involving a family member or personal associate is required to declare the conflict and immediately withdraw from the process. The process should then be elevated to the Regional or Branch Manager or Director (as appropriate) of the person who has the conflict to oversee the human resource process.

Employees involved in the management of these human resource processes should ensure that they are not influenced by inappropriate approaches. All members of a selection panel must disclose in the selection report if they have been approached or influenced by a family member or personal associate of an applicant.

Job vacancies for which family members or personal associates are thought to be likely to apply are to be advertised as widely as possible to ensure the most competitive field is established.

If you have been involved in any way in a selection process (including a process that you have withdrawn from) that results in a recommendation to appoint a family member or personal associate, this must be referred to the Manager People Services with the conflict of interest declaration and approved by the Director General before the appointment proceeds.

A personal associate is defined as a person with whom you choose to have an ongoing personal relationship e.g. a friend. This does not include workmates, casual acquaintances or people in the same social circle that you do not have a significant relationship with.

5.3 Can I be active as a citizen?

Employees are also citizens with the right to hold opinions, enter into debate and participate as private citizens in activities as part of normal community affairs.

However, you are expected to separate your personal views from the performance of your public duties or the functions of the department.

Impartiality as an employee is critical, irrespective of your role within the department. In some circumstances your activity as a private citizen could affect or be perceived to affect your impartiality in performing your duties in the department or the performance of the functions of the department. Your public or personal behaviour must not create perceptions that you are biased as an employee, or compromise the department's capacity to perform its statutory functions. This is particularly relevant in small towns or communities where a department employee may be perceived to represent the department even when acting as a private citizen.

You must ensure that any membership of organisations or participation in activities through a political party, cause, movement or lobby group does not interfere with your duty to serve the government in a neutral manner.

In some cases, your private activities may constitute a perceived or actual conflict of interest with your employment. You should take all reasonable steps to avoid a conflict of interest. You should be aware of and identify for yourself any conflicts of interest or potential for perceived conflicts of interest, and declare any conflict of interest using the Declaration – Conflict of Interest Form, and not participate unless you have received approval. If you require urgent approval, you should contact the Manager People Services who will expedite the matter. You must abide by any conditions required in the approval.

You must not use departmental facilities, including a departmental email address, web address or telephone when participating as a citizen.

5.4 Can I make a public comment as a citizen?

'Public comment' includes public speaking engagements and addressing a public forum, comments on the radio or television or to a journalist, letters to a newspaper or publication, views expressed in books, journals and notices, submissions to public processes, signing of petitions, involvement with demonstrations, rallies and protests and contributions to web discussion pages (also referred to as blogs) and social networking sites where the comment may spread to the wider community.

Before making a public comment, you should be aware of and identify for yourself any conflicts of interest or potential for perceived conflicts of interest, and declare any conflict of interest using the Declaration – Conflict of Interest Form, and not make a public comment unless you have received approval. If you require urgent approval, you should contact the Manager People Services who will expedite the matter. You must abide by any conditions required in the approval. You may seek advice from your manager or the Manager People Services when considering whether an activity or a proposed public comment requires a declaration in regard to conflict of interest.

You cannot use your employment or resources to criticise any political party, its members or policies. If you are making a public comment as a private citizen, you must ensure that this does not appear to be an official comment on behalf of Government or the department (for example, by indicating you are speaking as a private citizen, not using inside information and never doing so in department uniform or via department correspondence or its email network).

There are certain circumstances in which it is inappropriate for you to make a public comment as a private citizen. These include circumstances where:

- there is an implication that the public comment, although made in a private capacity, could be taken as an official comment on government policy and programs
- you are involved in advising or directing the implementation or administration of Government policy, and the public comment would compromise your ability to do so
- the public comment could compromise the department's capacity to perform its statutory functions.

If you have any queries about public comments, discuss them with your manager or the Manager People Services or contact the areas listed under the section *What about Ethical Dilemmas?*

5.5 Can I hold shares?

It is the responsibility of officers to notify their manager of any potential conflict of interest and gain formal approval in accordance with the Code of Conduct.

Where an officer discloses an interest in shares, the manager should assess materiality of the potential conflict of interest.

If the officer's duties include decision making or significant influence on decision making that could materially affect the price of shares, then the officer may be directed to divest themselves of the shares. If the manager does not direct the officer to divest the shares or if the interest in shares arises from ownership of shares by an associate of the officer and the associate does not divest the shares, then the duties should be removed from the officer by the manager.

If the officer's duties do not include decision making or significant influence on decision making that could materially affect the price of shares, then there is no need for them to divest themselves of the shares, and the officer can continue with the duties.

Refer to the department's *Conflict of Interest Policy*, or contact People Services Branch for further information.

5.6 Can I accept employment external to the department?

You may only take external employment once you have received written permission to do so from the Director General. Approval will only be given if there is no actual or perceived conflict of interest, inconvenience or other detrimental effect on either your work or the department.

Refer to the department's *Outside Employment Policy* and *s.102 of the Public Sector Management Act 1994* or contact People Services Branch for further information.

5.7 Can I receive gifts or benefits?

As a general principle employees should not accept gifts or benefits given or offered to them as a consequence of their employment with the department. All gifts offered to employees who exercise authority or who influence the exercise of authority by others in relation to the gift-offerer should be declined. The main risk in accepting a gift or benefit is that it may result in an actual or perceived conflict of interest.

The term 'gift' (which includes 'benefit', 'reward', 'incentive', gratuity') is anything willingly given or offered to a departmental employee without payment as a consequence of their employment with the department. The term includes but is not limited to items of commercial, historical or religious value, property (real or otherwise), transfers of money, loans of money or property, free air travel, accommodation, in-store gift cards, rewards for making purchases, and offers to make personal purchases from suppliers to the department at valuations significantly below usual retail prices.

Offers of gifts and benefits must be recorded in the gift register. Any gift that has been declined by an employee, as well as gifts of a value that is less than $100 that have not been declined, can be recorded in the register via the department's online Employee Self Service system i.e. the Web Kiosk. (See under the "Employment Details" menu item, and select "Gifts and Benefits Declaration"). Gifts to the value of $100 or more that have not been declined by the employee must be recorded using the Gifts and Benefits Registration form

Employees who do not have access to the Web Kiosk may record gifts using the Gifts and Benefits Registration form. If you do not have access to the intranet, this form is available from People Services Branch.

Officers may not demand, seek or accept any benefit, fee, reward, gratuity or remuneration other than approved salaries and entitlements, for services performed by them in the course of their employment either in or out of their prescribed hours of duty. As a general rule, officers should not under any circumstances accept gifts:

- that could give the appearance of an actual, potential or perceived conflict of interest;
- that are given with the objective of securing, or returning, favour or preferment;
- that involve the transfer of monies, regardless of value, eg. cash or loans.

You may accept a gift or benefit only if it is a token, and only when refusal could be unreasonable, rude or offensive (particularly when travelling overseas).

Any gift received is deemed public property as defined by the *Financial Management Act 2006* and you must report this in writing to your manager within ten working days or when you return to Australia if you are overseas at the time. The gift should be handed in to your manager until you have registered it and a decision is made by your Director about what will happen to the gift.

For gifts with value below $100 the decision on the disposition of the gift may be made by your Director. For gifts with a value of $100 or more the Director General will make the decision. The registration of gifts with a value of $100 or more must be made using the Gifts and Benefits Registration Form.

If you are in any doubt about the appropriate action to take, speak to your manager and refer to the policy and procedures on *Gifts, Gratuities, Rewards and Benefits* on the intranet or contact People Services Branch.

5.8 Can I accept a prize?

The organisers of conferences, events and competitions sometimes offer a prize to participants who may or may not be selected at random. The prize may be provided by the organisers to influence people to participate. One perception is that prizes are an inducement to employees.

You should ensure that you are not influenced by the availability of a prize when acting for the department. If a prize is offered, it should be treated in the same manner as a gift as set out in the section 'Can I receive gifts or benefits?'

5.9 Can I accept meals or other benefits from customers or suppliers?

You should decline offers of benefits that are individually targeted and not available generally to public sector employees or industry participants. For example, it is fine to accept a modest meal offered to all participants of a working group, as this is seen as being normal and acceptable business practice.

On the other hand, you should not accept an offer that may be construed as a bribe, such as accommodation for yourself and a private guest. If you are in negotiation with a supplier or potential supplier it is important to decline any offer of benefits and notify your manager about such offers by completing a Gifts and Benefits Registration form.

Sometimes, it is not clear whether accepting a benefit (e.g. an invitation to a sporting event from a stakeholder organisation) might be perceived as inappropriate. In these cases, the best and ethical decision is to decline to accept the benefit.

If you are in any doubt about the appropriate action to take, speak to your manager. Refer also to the policy and procedures on *Gifts, Gratuities, Rewards and Benefits* available via the intranet or contact People Services Branch.

5.10 Official hospitality

The department recognises the need to provide official hospitality to third parties from time to time in the conduct of departmental business. Employees need to be scrupulous in their use of public finances, including adhering to corporate credit card agreement and guidelines, and any such entertainment must be in accordance with the policy and procedures on Provision of hospitality (available via the intranet) and advice from People Services Branch.

Further information on hospitality and entertainment can be found in the Public Sector Commissioner's Circular 2009-18.

5.11 What is misconduct?

Misconduct occurs when public officers abuse their authority for personal gain, or to cause detriment to another person, or act contrary to the public interest.

Employees are required to:

- act with integrity in the performance of official duties and to be scrupulous in the use of official information, equipment and facilities
- exercise proper courtesy, consideration and sensitivity in dealings with members of the public and employees.

Failing to comply with these requirements may constitute misconduct and in turn, may lead to a breach of discipline. Examples of possible acts of misconduct that may result in disciplinary action include (but not limited to):

- improper use of official information for personal gain
- unauthorised use of Crown property for private purposes
- abuses of privileges of employment
- violence in the workplace
- use of abusive, insulting or obscene language

- misconduct due to alcohol or substance abuse
- disregard for lawful instructions and/or safety rules
- dishonesty, theft or misappropriation of money
- conviction for an offence rendering the employee unfit for employment in a public sector organisation
- improper conduct
- a repeat offence.

5.12 What is my role in preventing misconduct?

It is the role of all employees to know what actions constitute misconduct, and to work with managers to prevent misconduct occurring. Managers have a responsibility, through their words, decisions and actions, to set and demonstrate ethical standards in their work and provide their employees with guidance and support. Employees are responsible for ensuring their own behaviour is ethical and for reporting any behaviour they consider may be corrupt.

The *Corruption, Crime and Misconduct Act 2003* requires the Director General to notify the Public Sector Commission or the Corruption and Crime Commission in writing as soon as is reasonably practicable if the Director General suspects, on reasonable grounds, that misconduct may have occurred. The Director General notifies:

- the Public Sector Commission where minor misconduct is suspected (s.45H of the Act), or
- the Corruption and Crime Comission where serious misconduct is suspected (s.28 of the Act).

For more information, including definitions of minor and serious misconduct, refer to Notification of misconduct in Western Australia, an information resource prepared jointly by the Corruption and Crime Commission and Public Sector Commission available from the Public Sector Commission website.

5.13 How do I report misconduct?

If you suspect that misconduct is occurring, contact the Manager, People Services or the Manager, Office of the Director General for advice. The information resource on Notification of misconduct in Western Australia is a key point of reference for People Services Branch and the Director General in dealing with reports of misconduct.

5.14 What do I do if a person discloses misconduct to me?

If a person discloses to you that there is misconduct occurring, encourage them to report the matter to the Manager People Services or the Manager, Office of the Director General. If the person is unwilling to do so, contact the Manager, People Services or the Manager, Office of the Director General for advice.

5.15 Requirement to report criminal charges and convictions

The department, as an employer, is required to ensure its employees are able to undertake the tasks for which they are engaged appropriately and effectively. This includes acting with integrity and ensuring the safety and well-being of others. Being made aware of any criminal charges or convictions allows the department to make informed decisions in this regard. From 1 January 2016, employees are required to confidentially report to the Manager People Services any criminal charges or convictions incurred since this time unless they commenced after 1 January 2016, in which case they are to report any charges or convictions incurred since the date of their commencement.

In many cases, no action will be taken by the department as the result of an employee declaring a criminal charge or conviction, particularly where the offence is not serious. Action may be taken only in cases where there is a link between the behaviour associated with the charge or conviction and the nature of the employment.

For more information, please refer to the department's Guidelines and procedures on *Reporting of criminal charges and convictions* or contact the Manager People Services Branch on (08) 9219 9288.

5.16 What is a Public Interest Disclosure?

The *Public Interest Disclosure Act 2003* provides an avenue for people to raise concerns about matters of public interest in the State public sector, local government and public universities without fear of reprisal. The Act aims to ensure openness and accountability in government by encouraging people to make disclosures and protecting them when they do.

Whether you are an employee of a public authority or a member of the public, if you believe that improper or unlawful activities are occurring in a public authority, you can use the Act to raise your concerns.

Disclosures can be about:

- improper conduct
- an offence under State law
- a substantial unauthorised or irregular use of public resources
- a substantial mismanagement of public resources
- conduct involving a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment, or
- conduct relating to matters of administration affecting someone in their personal capacity falling within the jurisdiction of the Ombudsman.

A public interest disclosure (PID) can be made only to a proper authority. In the Department of Parks and Wildlife, this is a Public Interest Disclosure (PID) Officer. A list of the current PID Officers is available from People Services Branch and included in the department's Public Interest Disclosure procedures, which can be accessed from the People Services Branch homepage.

The Public Sector Commission has established a Code of Conduct and Integrity with which any person who is a proper authority and to whom a disclosure is made under the Act, must comply. To obtain protection under the Act, a disclosure must not only be made to a PID Officer, but must also meet certain other requirements in the legislation. These requirements are outlined in the department's procedures and the Public Sector Commission's Don't be afraid to speak up, available from the Public Sector Commission website at www.publicsector.wa.gov.au.

Refer also to the department's *Public Interest Disclosure Policy* available from the People Services Branch homepage.

5.17 How should I use government resources?

Employees are expected to avoid wastage and ensure the proper and responsible management of public resources.

Government resources must not be used for private gain.

Government property must only be disposed of in accordance with the procedures as set out in the Procurement Rules. Under no circumstances are items to be disposed of by sale or gift to employees, former employees or associates of employees. Contact the Supply Coordinator for further information.

If you have responsibility for a government asset you must take strict care of it at all times by ensuring it is only used for approved purposes and in a manner appropriate for that asset.

Employees also have obligations when a department asset within their control is damaged or lost.

As soon as any damage or loss occurs you must complete a report providing the full details about any damage or loss. An insurance claim form must be completed promptly if damage or loss occurs.

Assets such as vehicles and computers must only be used by authorised persons. Portable equipment must not be left visible or unsecured (for example in a vehicle) as this could affect insurance cover.

Contact the Manager Employee Relations and Safety with any queries concerning claims for damage or loss.

5.18 How can I use phone, internet and email at work?

The department provides IT resources (IT systems and assets which includes computing and telecommunications facilities and associated networks, internet, email, hardware, data storage, software, and telephony) to enable and support business activities.

Use of departmental IT resources for reasonable personal use is allowed only if it does not interfere with formal duties and if all relevant policies, legislation and standards are complied with.

Use of departmental IT resources must comply with the requirements described in the Acceptable Use of IT procedures, which are available on the OIM Extranet or by contacting the Office for Information Management.

See also the section on *How should I manage official information* in this Code of Conduct.

5.19 How should I use the corporate credit card?

Only approved employees may use corporate credit cards and only for official Government purposes. The misuse of credit cards will be investigated as stealing and may be referred to the Police.

The department has clearly defined guidelines for the use of and responsibility for corporate credit cards on the Financial Services Branch intranet at Corporate Cards.

Please refer any specific enquiries to the Manager, Accounting Operations in Financial Services Branch.

5.20 Can I approve my own expenditure?

You may not approve your own expenditure (e.g. for travel, air-conditioning and airfare subsidies).

Please refer any specific enquiries to the Manager, Accounting Operations in Financial Services Branch.

5.21 When can I use government vehicles?

Government vehicles are only to be used for carrying out departmental business. Only authorised staff, holding an appropriate current driver's licence, are permitted to drive a corporate vehicle.

Any person responsible for or in control of a government vehicle shall take due care for the condition and security of the vehicle, and shall comply with department policies and all relevant legislation, traffic laws, regulations and by-laws.

Any fines associated with parking or traffic infringements are the responsibility of the driver.

Private use of vehicles, other than those covered under the Government Vehicle Scheme, is restricted to incidental private use while travelling on official business.

For further information refer to Section 8 of the *Fleet Manual* on the Financial Services Branch intranet pages, or contact the Fleet Officer.

5.22 What happens if I need to travel for my work?

Employees required to travel on official business must adhere to relevant department policies and guidelines. Travel should be kept to a minimum and be consistent with work requirements.

Information on air travel can be found at Travel procedures on the intranet.

Taxis may be used where it is impractical to use either public transport or a pool vehicle while on official business.

5.23 Can I have contact with Lobbyists?

The Government has developed a Contact with Lobbyists Code to ensure that contact between lobbyists and Government is conducted in accordance with public expectations of transparency, integrity and honesty.

The Code specifies the disclosure requirements and principles to be observed in the contact between lobbyists and government representatives. Contact includes, telephone, electronic mail, written mail and face to face meetings.

Under the Code, a Register of Lobbyists has been established that provides information to the public, as well as the Government, on who is engaged in lobbying activities and who lobbyists are representing in their dealings with Government. Government representatives can only have dealings with lobbyists, in their capacity as lobbyists, who are listed in the register.

The Code creates no obligation for a government representative to have contact with a particular lobbyist or lobbyists in general.

The Contact with Lobbyists Code and the Register of Lobbyists are available from the Office of the Public Sector Commissioner website.

Employees who are representing the department when contact is made by any registered Lobbyist, are required to complete the Record of Contact with Lobbyist Form.

6 *External Contacts for Further Information*

Public Sector Commission	Ph: (08) 9219 6000
Office of the Auditor General	Ph: (08) 9222 7500
Corruption and Crime Commission	Ph: (08) 9215 4888
Equal Opportunity Commission	Ph: (08) 9216 3900
Worksafe	Ph: (08) 9327 8777
Department of Commerce	Ph: (08) 9282 0777
Ombudsman	Ph: (08) 9220 7555
Western Australian Industrial Relations Commission	Ph: (08) 9420 4444
Department of Communities	Ph: (08) 6217 8700

Employees:

- **Please go back to the employee acknowledgement on page i of the Code of Conduct, and complete the information and sign as indicated.**
- Please return the signed section to your manager as soon as possible. This will be forwarded to the People Services Branch for placement on a file.

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