

CODE OF CONDUCT

March 2002

Department of Conservation and Land Management

CODE OF CONDUCT

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Department of Conservation and Land Management

CODE OF CONDUCT

Why Have a Code of Conduct?

As employees of the Department of Conservation and Land Management we make decisions and take actions every day. The decisions we make affect members of the public, our co-workers and public assets. All of us make decisions and take actions out of the melting pot of our own intrinsic personalities, personal backgrounds and the legislative constraints of our employment positions. Few decisions or actions are free of competing responsibilities, loyalties, accountabilities and priorities.

Ethics is all about dealing constructively with moral ambiguities and uncertainties. It is about making sense of competing loyalties, accountabilities, priorities and responsibilities when we make decisions and take actions.

More than ever, the public demand that public employees maintain a very high standard of ethical conduct. The decisions and actions we take must be capable of withstanding public scrutiny.

In Western Australia, the Public Sector *Code of Ethics* (see www.wa.gov.au/opssc/) became operative from July 1 1996 and applies to all public sector employees. The Code was reviewed in 2001/2002 with the new Code taking effect from 1 March 2002.

The *Code of Ethics* is a public statement of the ethical principles, values and behaviours expected of state public sector bodies and employees in Western Australia. It is based on the three universal ethical principles of Justice, Respect for Persons and Responsible Care. The *Code of Ethics* forms the foundation on which this Department's *Code of Conduct* is built.

The *Code of Conduct* is a 'user guide' to ethical decision making and action taking. It provides practical information and guidance for evaluating our behaviour and decisions. **It applies equally to contractors, consultants and volunteers working on behalf of this Department.**

The Code of Conduct, Code of Ethics and background material, are all available through the *People Services Homepage* on CALMweb. They are also available on disk from People Services Branch, and in paper form in each Branch, Region, and District office.

While the focus of the *Code of Conduct* is NOT rule and punishment based, staff are reminded that the disciplinary provisions of the *Public Sector Management Act 1994*, provides for the enforcement of designated standards of ethical behaviour among public sector employees.

Our Values at a Glance

In all our dealings we endeavour to behave with:

- **Honesty and Integrity**
By acting ethically, legally and treating people with impartiality.
- **Respect**
By understanding and respecting individual differences, valuing each other's contribution and supporting the views and aspirations of co-workers and the community.
- **Openness**
By having processes that are transparent and understandable.
- **Commitment**
By being responsible, accountable and dedicated in our work.

And demonstrate:

- **Teamwork**
By working collaboratively and cooperatively with co-workers and in partnership with the community.
- **Leadership**
By being progressive, showing initiative and creativity in meeting our objectives.
- **Professionalism**
By acting in a professional, courteous and fair manner, and using up-to-date and sound scientific research principles and accurate information in our work.
- **Value**
By focusing on delivering the best possible result for conservation through continual improvement of our efforts.

Code of Conduct Review Process

How can I suggest changes to the Code of Conduct?

This *Code of Conduct* is a living document. That is to say, it will need to be amended and added to from time to time to reflect change in circumstances, policies and directives from central agencies. Amendments will also be necessary as a result of identifying previously unforeseen ethical issues which may impact on this Department.

People Services Branch will co-ordinate the process of amending the Code.

You can have your say through any appropriate forum, such as a strategic planning forum or Regional Safety Committee, or through contact with officers from People Services Branch.

Personal and Professional Behaviour

How should I serve the Government?

You have a responsibility to implement and administer the policies and programs of the Government of the day. You may hold views on particular matters that differ from those of elected Government, but such views must not interfere with the performance of your duties.

How should I serve the public?

Treat all people with whom you have contact in the course of your work fairly, and with courtesy and sensitivity, recognising that fairness can involve treating people differently according to circumstances. Act with propriety and be able to demonstrate this in relation to any service or advice you give.

Strive to attain value for public money, and avoid waste and extravagance in the use of public resources.

What is expected of me?

It is expected that at all times you will act professionally and courteously and treat your work colleagues with dignity, loyalty and respect. Teamwork and working collaboratively and cooperatively is a highly valued behaviour in this Department. Unwelcome behaviour or offensive comments concerning another person's sex, race, pregnancy, impairment, age, political or religious conviction, family status or responsibility, gender history or sexual orientation will NOT be tolerated.

Your supervisor is obliged to ensure that instructions given to you are ethical and reasonable. You are expected to promptly and correctly carry out all duties pertaining to your position or any other duty you are lawfully directed to perform. If there are conflicts between duties which you are unable to resolve, your supervisor should determine priorities.

If you need to be absent from work, notify your supervisor. (Refer to the *Leave Section* in the *People Services Manual* on the CALMweb).

It is expected you will observe relevant occupational health and safety requirements, and act to remove or bring to the attention of your supervisor any situation which is, or may be, a health or safety hazard.

Conflicts of Interest

How can I avoid a conflict of interest?

A conflict of interest may occur when you, as an individual, have private interests which conflict, or appear to conflict, with your public duties. Typically, this situation may arise when you deal with relatives, close friends or business acquaintances in the course of your official duties.

It is not possible to define all potential areas of conflict of interest. As soon as you become aware of a conflict of interest, or a potential conflict of interest, you should declare it to your supervisor or other appropriate manager. In some circumstances, even the appearance of a conflict of interest could itself jeopardise your public integrity. You should exclude yourself from any activity in which you have, or could potentially have, a conflict of interest. With reference to Section 102 of the *Public Sector Management Act 1994*: "Public Sector employees will not undertake any paid or unpaid activities which may lead to a potential conflict with their public duties".

You must not use your position to obtain a private benefit for someone else. Your decisions must not be improperly influenced by family or other personal relationships.

Can I also work outside the public sector?

You may, providing there is no conflict of interest, detrimental effect on your efficiency, or inconvenience to the Department. With reference to Section 102 of the *Public Sector Management Act 1994*, "Public Sector employees will not engage in outside employment unless permission is granted by the CEO" so you need to obtain written permission from the Executive Director.

Refer to 1.4.28 *Conflicts of Interest* in the *People Services Manual* on the CALMweb for further information.

Corruption

What is corruption?

Corruption can have many forms, for example: taking or offering bribes, fraud, conflict of pecuniary interest, acting upon "insider"

information or abuse of power or functions to obtain or confer a benefit or cause a detriment to any person.

Corrupt behaviour is unlawful or criminal, as well as unethical. Behaviour may breach standards for ethical conduct without necessarily being unlawful or criminal or corrupt, and may be a matter for discipline rather than legal action - see the next section relating to discipline.

Section 83 of the *Criminal Code of WA* prohibits Public Officers corruptly obtaining pecuniary or other benefits for themselves or others, or acting corruptly to the detriment of another; while Section 82 prohibits any Public Officer from seeking or receiving a bribe.

What do I do if I suspect corrupt behaviour may be occurring?

The *Anti-Corruption Commission Act 1988* provides for the reporting of possible corrupt behaviour by any person, including Public Officers. It includes protection from victimisation and overrides any duty of secrecy or other restriction imposed under a written law.

If you identify that corrupt behaviour has, or may be occurring in the workplace, you are required under Section 14 of the Act to report the details to an appropriate authority. This may be your Branch Manager or Director, or if appropriate, the Anti-Corruption Commission. This is consistent with the ethical value of 'integrity'.

In the first instance, it is recommended that you refer to the "*Guidelines For Reporting Under Section 14 Of The Anti-Corruption Commission Act 1988*" for further information.

The *Anti-Corruption Commission Act 1988* provides a mechanism for reporting corrupt activities by public servants. If requested, anonymity will be preserved, however if an official investigation is undertaken, it may not be possible for it to be maintained. Note that under the Act, there are heavy penalties if a person who makes a complaint:

- has his or her safety or career prejudiced, or threatened to be prejudiced;
- is intimidated or harassed; or
- has an act done to his or her detriment because of having assisted the Commission, or furnished information to the Commission.

This is an extremely serious and sensitive issue and you are advised to seek advice from the Anti-Corruption Commission on procedural matters if necessary. The Commission may be contacted on (08) 9213 4300 or FreeCall 1800 65 3622. Their fax number is (08) 9322 4329.

Discipline

The *Public Sector Management Act 1994, Part 5, Division 3* covers matters dealing with discipline and breaches of discipline. This provision enables public sector managers to enforce proper standards of conduct among public sector employees.

An employee who:

- disobeys or disregards a lawful order;
- contravenes any provision of the Act applicable to that employee, or any public sector standard or code of ethics;
- commits an act of misconduct, or
- is negligent or careless in the performance of her or his function;

commits a breach of discipline.

Employees who suspect a breach of discipline, should report it to the manager responsible for the supervision of the employee suspected of having committed the breach. Where a manager receives such a report, she or he should deal with it according to established procedures, guided by the Act and *Good Working Relations Policy and Online Program* (see *Discipline Procedure*) in the *People Services Manual* on the CALMweb. The Manager, People Services Branch must be consulted when any allegations of suspected misconduct and/or breach of duty are made.

Human Resource Management

Are there standards which apply to management of people in the Department?

Yes. Human resource management standards have been established by the Office of the Public Sector Standards Commissioner (OPSSC) to provide for high levels of equity, probity and efficiency in human resource management.

The standards which must be complied with cover:

- Recruitment, Selection and Appointment
- Transfer
- Secondment
- Performance Management
- Redeployment
- Termination
- Discipline
- Temporary Deployment (Acting)
- Grievance Resolution

Contact People Services Branch for further information.

How do I complain if there is a breach of standards?

Under the Public Sector Management (Examination and Review Procedures) Regulations 2001, you have the right to lodge a complaint if you believe a breach of any of the above standards (except Discipline) has occurred. In the first instance, attempts to resolve the matter internally will be made. If this is either inappropriate or unsuccessful then your complaint will be referred to the OPSSC for examination. Should an examination indicate that the claim has substance, the OPSSC will further review the claim and provide a report to this Department. Where a breach is found to have occurred, the Department will take appropriate action as necessary to provide you with remedy or relief.

Note that appeals relating to disciplinary action and some processes of termination are conducted within the jurisdiction of the Western Australian Industrial Relations Commission.

Further information can be obtained from the Manager, People Services Branch (telephone (08) 9334 0213), the Manager, Workforce Services and Planning Section (telephone (08) 9334 0215) or from the *People Services Manual* (see *Examination and Review Procedures – Alleged Breach of the Public Sector Standards*) on the CALMweb.

What about Equal Opportunity and Diversity in the Department?

- Discrimination

The Department is committed to the principle of equal opportunity in employment for all persons regardless of sex, race, marital status, pregnancy, age, impairment, sexual preference, religious or political conviction, and family status or responsibility. Under Western Australia's *Equal Opportunity Act 1984* and/or Federal legislation, discrimination on any of these grounds is unlawful. Note that the *Equal Opportunity Act 1984* is soon to be amended to include two additional grounds, gender history and sexual orientation.

It is the responsibility of all employees to accept their personal involvement in the practical application of Equal Opportunity (EO) legislation and the Department's EO policies. Please refer to the *Good Working Relations Policy and Online Program* and the *Equal Employment Opportunity Section* of the *People Services Manual* on the *People Services Homepage* of the CALMweb for further information.

- Harassment, victimisation and bullying in the workplace

The Department considers it the right of every individual to be treated fairly and with respect, and to carry out his or her job in an environment which promotes job satisfaction, maximises productivity and promotes economic, physical and emotional security. Such an environment is dependant on being free of all forms of harassment and victimisation.

Harassment involves any unwelcome behaviour, offensive comment or action concerning another person's sex, race, colour, language, ethnic origin, marital status, medical history, age, pregnancy, impairment, sexual orientation, political or religious conviction or family status or responsibility. It includes unwelcome and unwanted behaviour towards another person which is intimidating or embarrassing or deemed by the recipient to be offensive. **Sexual harassment** covers a range of unwelcome and offensive behaviours of a sexual nature which are unsolicited and unreciprocated. **Racial harassment** is behaviour that belittles or denigrates a person because of characteristics related to their race.

Victimisation refers to any unfavourable treatment of a person because they have made, or propose to make a complaint of discrimination or unlawful harassment, or have had any involvement or proposed involvement in such a complaint.

Under the *Equal Opportunity Act 1984*, harassment and victimisation are unlawful.

Bullying refers to the less favourable treatment of one person by another in the workplace, where that treatment may be considered unreasonable and inappropriate. It generally includes behaviour that offends, insults, belittles, excludes, intimidates or degrades a worker.

Harassment, victimisation and bullying threaten the morale and productivity of the workplace. Management will not tolerate or condone such behaviour in any form. Where necessary and appropriate, disciplinary action will be taken against employees found culpable of initiating or contributing to any such activities.

Please refer to the *Good Working Relations Policy and Online Program* on the *People Services Homepage* of the CALMweb which deals with these issues in the workplace, and offers guidance on what to do if you are harassed, bullied or victimised.

Further information may be found in the *Equal Employment Opportunity and Diversity Management Plan*, also on the *People Services Homepage* of the CALMweb.

How do I have a workplace grievance resolved?

Employee concerns or complaints related to unfair or inequitable treatment in their workplaces are grievances. In keeping with the Department's values of Honesty and Integrity, management is committed to the resolution of grievances in a fair, equitable and prompt manner.

The Department's *Good Working Relations Policy and Online Program* deals with resolving grievances where discrimination, harassment, victimisation or bullying are involved. Where a grievance involves other issues, contact the Manager, People Services Branch on (08) 9334 0213 for advice.

What about Occupational Health Safety and Welfare?

- **Employer's Responsibility**

An employer has the duty under Section 19 of the *Occupational Health, Safety and Welfare Act 1984* to as far as practicable provide and maintain a working environment where employees are not exposed to hazards. 'Duty of Care' is the responsibility of all managers on behalf of the Executive Director.

Alongside an active program of accident prevention, the Department also makes provision for the rehabilitation of injured workers. The Department's *Occupational Health and Safety Manual*, available on the *People Services Homepage* of the CALMweb, is a useful reference.

The Department contracts Occupational Services (WA) to provide critical incident stress debriefing, or general counselling services which are available to all employees. See 1.9.5 *Employee Assistance Program* in the *People Services Manual* on the CALMweb for further information.

- **Employee's Responsibility**

The duties of an employee are covered under Section 20 of the *Occupational Health, Safety and Welfare Act 1984*. An employee must take reasonable care to ensure her or his health and safety and to avoid adversely affecting the health or safety of any other person through any act or omission.

Any concerns relating to health and safety should be raised with your supervisor, your local Safety Committee, or the Risk Management Section, People Services Branch.

Do I have access to ongoing training and development?

In keeping with the Department's value of Leadership, the training and development of employees is recognised as making a direct contribution to the achievement of the Department's corporate objectives, and in maximising the potential of each employee.

Training and development is a shared responsibility between management and the individual employee. The Department encourages and fosters a learning environment and will provide reasonable access to and opportunity for training and development. Additionally, it is recognised that the individual has the responsibility for her or his own self-improvement, self-development and enhancement of career options.

Although training and development needs may be identified at any time, the Department's Individual Development and Performance Enhancement System (IDAPES) provides opportunity for training and development needs to be discussed between employees and their supervisors on a regular (minimum 6 monthly) basis.

The key purposes of IDAPES are:

- to align each employee's goals, behaviours and performance to achieve district/section, region/branch, divisional and Departmental goals;
- to provide each employee with feedback on their performance, including areas where they have done well and areas where development is needed; and
- to determine actions which will lead to each employee's professional and career development.

Refer to *IDAPES – Performance Review* on the *People Services Homepage* for further information.

What about disability services?

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 the involvement of people with disabilities in planning and decision making activities within the Department;
- Increasing the accessibility of NatureBase for people with disabilities;
- Enhancing employment opportunities within the Department for people with disabilities.

More information may be found in the *Disability Services Plan* on the *People Services Homepage* of the CALMweb, or by calling the Policy and Diversity Consultant at People Services Branch on (08) 9334 0187.

Use of Government/Departmental Resources

How should I approach purchase of goods and services?

The *Financial Administration and Audit Act (FAAA) 1986* places a responsibility on Chief Executive Officers to ensure the efficiency and economy of operations and the avoidance of extravagance and waste. It also provides for the establishment of a record of the processes carried out in the purchasing of goods and services.

In addition, the *Code of Ethics* stresses that public sector employees are stewards of public resources. Therefore all employees of the Department have an obligation to ensure the efficient and effective use of public resources and the avoidance of waste. It is essential that when purchases are made every effort is applied to ensure maximum value for money is achieved.

If you are involved in any purchasing or contracting for goods and services, you should comply with the appropriate policies and procedures to ensure that purchasing is conducted with due attention to probity and equity. Your attention is drawn in particular to the *Departmental Supply Procedures Manual* on the *Financial Services Homepage* of the CALMweb.

If you require advice on any of the policies and procedures relating to supply, contact the Supply Coordinator of Financial Services Branch on (08) 9334 0118.

What about corporate credit cards?

The Department uses the Western Australian Government Corporate Credit Card facility.

Only authorised staff may use corporate credit cards.

The Department has clearly defined guidelines for the use of and responsibility for corporate credit cards and an agreement with the credit supplier. These are attached to the application form and must be read and acknowledged before a card will be issued. You should contact the Manager, Accounting Operations in Financial Services Branch on (08) 9334 0243 for further information.

Can I authorise/incur my own expenditure?

You are not permitted to authorise your own expenditure (eg. travel claims, credit card payments, private telephone and other subsidies). This is a responsibility delegated to line managers and other specifically nominated officers. However, if you have been appointed as an incurring officer under *Treasurers Instruction 305, Incurring Officers* (see under *Index of Key Documents* on the CALMweb) you may incur your own Departmental related expenditure including the purchase of Departmental goods and services.

Use of Departmental vehicles is covered by the *Fleet Manual* on the *Financial Services Homepage* of the CALMweb.

How do I dispose of public property?

Prior to disposing of public property, check to see if another work unit in the Department could make use of it. If not, it must be disposed of in accordance with Section 8 of the *Supply Procedures Manual*.

Under no circumstances are items to be disposed of by sale or gift to Departmental employees, former employees or associates of employees.

For further information, refer to Section 8 of the *Supply Procedures Manual* on the *Financial Services Homepage* of the CALMweb.

Can I use the work phone for personal calls?

All of us need to make calls of a personal nature during working hours from time to time. In these circumstances, the call should be local, and the duration must be kept to a minimum. In the event that long distance calls of a personal nature are necessary during work time, it is imperative that prior approval is obtained from your supervisor. The call duration must be kept to a minimum.

If you have been provided with a mobile phone for work purposes, you should refrain from using the phone for private purposes. Be aware that accounts are regularly audited. Any private calls made should be identified and the Department reimbursed accordingly.

Can I consume alcohol or use drugs while at work?

No. The **private** consumption of alcohol and/or illicit drugs or other substances, or being under the influence of these during working hours, is not permitted. Where you require medically prescribed drugs, if there is the likelihood that your pattern of work performance may alter as a result of taking/not taking the medication, you should make your supervisor confidentially aware of this.

Any **social** consumption of alcohol in the workplace should occur at the discretion of the workplace manager, and with their expressed permission only.

What if I damage government property?

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

Employees with responsibility for an asset must take strict care of the asset at all times. They must ensure it is only used for approved purposes and in a manner appropriate for that asset.

As soon as damage or loss of an asset occurs, an employee with responsibility for the asset must complete a report indicating the full details concerning the damage or loss.

It should be noted that:

- Assets such as motor vehicles or computers must not be used by any unauthorised person.
- Portable equipment must not be left visible or unsecured in a motor vehicle. If a theft occurs, the goods may not be insured.
- An insurance claim form must be completed promptly if damage or loss occurs.
- In the case of misconduct or gross negligence, Sections 46 and 47 of the *Financial Administration and Audit Act 1986* provides for the recovery of costs from the responsible employee.
- Assets stored or secured at home for any period of time require prior written approval from your supervisor eg. computer for work purposes.

Travel

What happens if I need to travel in my work?

Employees required to travel on official business must adhere to Departmental guidelines.

- Taxi vouchers (See *Circular 9/95, Use of Taxi Services* under *Index of Key Documents* on the CALMweb)

The Department has an account with Cabcharge Australia for the payment of taxis. Cabcharge vouchers are only to be used to pay for taxis while on official business. As the voucher is a monetary form, its use is subject to the *Financial Administration and Audit Act 1986*.

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

Taxi vouchers may be issued to a non-Departmental employee for travel related to official Departmental business.

- Air travel is covered by *Circular 8/97, Interstate, Overseas and Intrastate Air Travel* (see under *Index of Key Documents* on the CALMweb).

Travel should be kept to a minimum consistent with work requirements.

Gifts and Favours or Issues involving Money or Benefits

Can I accept gifts and favours?

"No public official should accept a gift if it could be seen by the public, knowing the full facts, as intended or likely to cause the officer to do his or her job in a particular way, or deviate from the proper course of duty"

Ian Temby QC

Independent Commission against Corruption

The term 'gift' includes items of commercial, historical or religious value, property (real or otherwise) transfers of money, loans of money or property, free air travel, accommodation and general purchases at valuations significantly below usual retail prices. It does **not** include items which are regarded as souvenirs or mementos such as cuff links, ties, books, stationery, diaries, bottles of wine and the like, the approximate retail value of which does not exceed \$30 at the time and place of purchase.

As a general rule, employees should not under any circumstances accept gifts:

- which could give the appearance of a conflict of interest with their duties (past, present or foreseeable future);
- which are given with the objective of securing, or returning, favour or preferment;
- which involve the transfer of monies, regardless of value eg. cash or loans.

In circumstances where a gift is offered and it is appropriate to accept, all such gifts become 'public property' as defined by Section 3 of the *Financial Administration and Audit Act 1986*.

All gifts *given* are deemed public property and regarded as gifts from the Government of Western Australia. Refer to the *Supply Procedures Manual* on the *Financial Services Homepage* of the CALMweb.

For each gift received or given, a written declaration to the effect should be made to your supervisor within 10 working days of giving or receiving the gift, or returning to Australia if overseas at the time.

Can I entertain customers?

The Department recognises the need for staff to entertain clients from time to time in the negotiation of Departmental business. Employees need to be scrupulous in their use of public finances. Guidelines on entertainment can be found in *Section 10.4.3, Supply Procedures Manual* on the *Financial Services Homepage* of the CALMweb.

May I accept free entertainment, meals etc from customers or suppliers of goods and services?

Such offers should never be accepted immediately prior to, during or after negotiations with suppliers or potential suppliers. Any such offers at any time must be disclosed to your supervisor at the first available opportunity.

Use and Release of Official Information

Can I make a public comment?

- Political comment

While all public sector employees are entitled to form opinions regarding their political beliefs, we must impartially carry out our public duties. This impartiality is compromised when our official position is used to publicly criticise any political party, its members or policies.

- Dealing with the media

It is the responsibility of all Departmental employees to

- respond fully, accurately and promptly to requests for information from the news media providing (a) they are technically competent to do so, and (b) another staff member has not been designated as the spokesperson for such enquiries;
- refer requests for information beyond their area of competence or designated authority to an appropriate source for reply;
- refer requests to appear on live radio or television to their Manager for approval;
- refer any issue that is controversial to their Manager or to the appropriate member of the Corporate Executive (often the Executive Director or the Director Regional Services); and
- notwithstanding the above, if questioned by the media about a sensitive or potentially contentious issue, to promptly advise their

Manager and the Director, Strategic Development and Corporate Affairs (or designate).

See the Department's *Media Relations Policy* on the *Strategic Development and Corporate Affairs Homepage* of the CALMweb for further information.

How should I handle official information?

- Confidentiality

You must not use or communicate official information for other than official purposes without the permission of the Executive Director. This includes leaking information to the media. You must not take improper advantage of any information gained in the course of your employment. This does not apply to information already made available officially to the public, or normally given to members of the public seeking that information (see Section 81, *Criminal Code of WA*).

Only disclose other official information or documents acquired in the course of your public employment when required to do so by law. In the course of your duties, this may be in order to give evidence in court, or when proper authority has been given. In such cases your comments should be confined to factual information and should not express opinion on official policy or practice.

Personal information, including private addresses and telephone numbers such as might be found on a Personal File, performance information, and the contents of any Advertised Vacancy file must also be kept confidential.

- Freedom of Information (FOI)

The *Freedom of Information Act 1992* is designed to make State and local government more open and accountable to the public by creating a general right of access to documents held by agencies. A person's right of access should not be affected by any reasons the person gives, or the agency's beliefs as to what the person's reasons are for wanting access.

Some sensitive documents, or parts of documents, may be exempt from access. The Act's exemption provisions protect from disclosure material that, if released, would have a detrimental effect on the functioning of government or harm the interests of private individuals or commercial organisations.

Individuals have a right to see their own records and have them amended where they are inaccurate, incomplete, out of date or misleading.

Agencies are required to give full reasons for denying access to documents, so that the applicant can determine whether or not to challenge the decision. The Act provides for an agency to review its decision on access at the request of the applicant. If the applicant is still dissatisfied with the agency's decision on internal review, the applicant may lodge a complaint with the Information Commissioner.

Employees in a position to disclose or provide information should also be aware that certain agencies are exempt from the operation of the FOI legislation. You should not disclose or provide information if it will compromise the exemption provided to such an agency.

You are not permitted to publish or communicate any fact that comes to your knowledge or any document that comes into your possession by virtue of your position which you are required to keep secret. It is an offence to disclose such official secrets (see Section 81, *Criminal Code of WA*).

If you have any doubts as to whether it is permissible for you to disclose or provide certain information to the public or another agency, you should seek the advice of your supervisor.

- Security of confidential papers

Staff are responsible for ensuring that documentation under their control is kept secure. Sensitive documents must be locked away rather than left lying on desks. Storing sensitive or confidential files in unattended briefcases or motor vehicles is not appropriate.

- Records management

The terms 'record' and 'document' are broadly defined in legislation that relates to public records and are not limited to particular storage formats. They can include electronic records, maps, plans, diagrams, graphs, drawings, photographs, floppy discs, audio and video tapes, and so on.

Records management is the process by which agencies create, capture, maintain, disseminate and dispose of records that document their business activities.

A record is the tangible evidence of actions, decisions, opinions and processes of an agency, and a source of reference for further decisions. As perhaps the most enduring evidence of those activities, a record is the basis of all accountability.

The public service is accountable to the Government, the Parliament and the Public of Western Australia. Therefore, all state

government employees are responsible for the proper recording and maintenance of public records under their control.

Various legislative Acts govern the records management responsibilities of both individuals and organisations in the public sector. Briefly, the key points of the legislation are as follows:

- All records (including electronic records) produced or received by a government officer in the course of his or her work are public records.
- All government officers are required to ensure, to the best of their knowledge and ability, the accurate and proper maintenance of records for each business transaction or event, so that there is an auditable activity trail.
- Individual officers who create a government document are also responsible for ensuring that it becomes part of the agency's record keeping system.
- Destruction (or transfer of custody) of government records is illegal unless it is in accordance with the agency's Retention and Disposal Schedule or similar Authority.

Penalties apply to individual employees who do not comply with records legislation.

Contact the Department's Corporate Information Section for further information.

- Disposal of records

No government records may be destroyed or their custody transferred without the approval of the Standing Committee on Public Records established by the Library and Information Service of Western Australia. Penalties apply to individuals who illegally dispose of government records.

Contact the Corporate Information Section for guidance on disposal of all Departmental records.

Circular 10/91, Retention, Microfiche and Destruction of Accounting Records and Monetary Forms, which can be found under *Index of Key Documents* on the CALMweb, offers guidance in respect of accounting records.

Information Technology

What do I need to consider when using computers?

- Security of hardware and data

You are responsible for the protection and physical safety of computer equipment under your control, and any Corporate data stored on it. Damage as a result of negligence or unauthorised use may result in disciplinary action.

Please refer to *Circular 24/92, Computer System Security – Passwords* which can be found under *Index of Key Documents* on the CALMweb.

- Use of the Internet/intranet

The Internet/intranet includes services associated with inter-networking eg. File Transfer Protocol (FTP) World Wide Web (WWW) Internet Relay Chat (IRC) Usegroups, email, Telnet and so on. The intranet (CALMweb) is accessible from within the Department, while the Internet (eg. NatureBase) is linked to the outside world.

According to *The Internet and the CALMweb – An Information and Policy Guide* (see under *CALMweb Guide* on the CALMweb), you are encouraged to access and use the Internet and CALMweb. During work time the access must be consistent with the requirements of your official position. Personal use is at the discretion of your area manager. Please see the Guide for further advice concerning these services.

At no time is the Internet or intranet to be used for any unlawful purpose, or to harass any person or organisation.

- Using software in accordance with the licence agreements

All Departmental computer users must use software only in accordance with the license agreements. Software use will be subject to periodic audit.

Employees are not permitted to copy software acquired by the Department for their private use.

- Computer viruses

Computer users are required to check all disks, incoming email attachments and downloaded computer files for 'virus' contamination. If a virus is detected it must be deleted. You may contact the Information Management Branch Helpdesk for assistance on (08) 9334 0334.

Who to Call For Assistance

Who do I contact if I can't find what I need here?

A *Code of Conduct* cannot cover every situation. If you are unsure of the appropriate action to take in a particular situation:

- Discuss the matter with your colleagues, supervisor or other senior officer.
- Consult the resources available to you through the *Code of Conduct*, the *People Services Manual* and documents relating to the *Code of Ethics*. These are all available either on-line through the *People Services Homepage* on the *CALMweb*, or in paper form through your Regional/District/Business Unit office.
- Contact the Manager, People Services Branch (telephone (08) 9334 0213) or the Policy and Diversity Consultant (telephone (08) 9334 0187).

In addition, you may find further information through the *Management Audit Homepage* on the *CALMweb*.