

**DEPARTMENT OF ENVIRONMENT AND
CONSERVATION**

Code of Conduct

April 2007



Department of
Environment and Conservation

Department of Environment and Conservation Code of Conduct (as revised April 2007)

Employee Acknowledgement:

(note: Contractors and Volunteers are not required to complete this page as their acknowledgement of the Code of Conduct is covered in procurement documents and the volunteer registration form)

I _____ confirm that I have received, read and acknowledged this Code of Conduct, and sought explanation from my manager as necessary. I agree to abide by the expectations and requirements as explained in the document and I understand that failure to do so may result in disciplinary action*.

Signed (employee)

Employee's Job Title

Employee's work location

Date

NOTED BY

Manager/Supervisor

Date

Note:

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

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

Contents

Introduction	2
Public Sector Code of Ethics	4
DEC values	5
How can I ensure that my decision making is ethical	6
Working with government and parliament	7
Managing official information	7
Managing personal data	7
Managing records	7
Making public comments	8
Liaison with the Minister	8
Working with the public and stakeholders	9
Managing procurement	9
Working with volunteers	9
Working with children	9
Working with colleagues in the workplace	10
Discipline procedure	10
Human resource standards	10
Equal opportunity standards	10
Disability services	11
Grievance procedures	11
Health and safety issues	11
Business image	12
Staff training and development	12
Personal behaviour	13
Conflict of interest	13
Shareholdings	13
External employment	14
Receiving gifts and benefits	14
Entertaining customers	14
Accepting meals or other benefits	14
Misconduct	15
My role in preventing misconduct	15
How to report misconduct	15
What to do if a person discloses misconduct to me	16
Public Interest Disclosure	16
Use of government resources	16
Phone, internet and email facilities	17
Corporate credit card	17
Authorising expenditure	17
Government vehicles	17
Business travel	17
Contact with lobbyists	18
Employees as citizens	18
External Contacts for help or further information	19

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.

The Department of Environment and Conservation's (DEC) 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 the policies. Situations involving ethical decision making that are not covered by the guidelines may occur and it is the responsibility of departmental employees to ensure they interpret such situations in the context of the relevant policy.

Why have a Code of Conduct?

As employees of DEC, we make decisions and take actions every day, which 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 the public sector Code of Ethics (see the summary of the main principles in the next section). The Code of Ethics forms the foundation on which this Department's Code of Conduct is based.

Who must comply with the Code of Conduct?

All DEC employees are required to comply with this Code of Conduct. Senior staff are expected to model ethical behaviour by setting an example to other staff at all times, behaving ethically and to mentor other employees and assist them to take ethical decisions and actions.

Volunteers assisting DEC and contractors who work alongside existing 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.

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 draws on the former Department of Conservation and Land Management and Department of Environment Codes of Conduct and was developed following consultation with the Corruption and Crime Commission and the Office of the Public Sector Standards Commissioner. Extensive consultation with employees, Corporate Executive and managers was carried out to ensure its applicability to all of DEC. 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, the Corruption and Crime 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 manager/supervisor;
- a grievance officer; or
- the Manager, People Services.

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

Western Australian Public Sector Code of Ethics

The Code of Conduct is founded on the principles set out in the Western Australian Public Sector 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:

Justice

Justice means being impartial and using power fairly for the common good. It means not abusing, discriminating against or exploiting people.

Respect for Persons

Respect for persons means being honest and treating people courteously, so that they maintain their dignity and their rights are upheld. It means not harassing, intimidating or abusing people

Responsible Care

Responsible care means protecting and managing with care the human, natural and financial resources of the State. It means decisions and actions do not harm the short and long- term well-being of people and resources.

For further information visit the website at www.wa.gov.au/opssc.

DEC Values

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

Our Values

People make organisations and the values they adopt shape those organisations. In working to achieve our Mission, we endeavour to behave with:

- Honesty, courage and integrity – acting ethically, lawfully, in the public interest and treating people with impartiality.
- Respect – understanding and respecting individual differences, listening to and valuing each other's contribution, and respecting the views and aspirations of co-workers and the views and contribution of stakeholders.
- Openness – having decision-making processes that are fair, transparent and understandable.
- Commitment – being responsible, accountable and dedicated in our work, both individually and collectively.
- Innovation – continually seeking new and better ways of achieving desired outcomes.

We will demonstrate:

- Teamwork – working collaboratively and cooperatively with co-workers, other agencies and in partnership with the community.
- Leadership – being progressive, showing courage, initiative and creativity in meeting our objectives.
- Professionalism – acting in a courteous and fair manner, and using up-to-date and sound scientific principles and accurate information in our work.
- Value – delivering the best possible result for the protection and conservation of the environment through continual improvement of our efforts.
- Learning-based culture – open to new ideas and concepts learnt from experience and others.

Substantive Equality Statement

The Department of Environment and Conservation 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.

How can I ensure that my decision making is ethical?

To assist you in making ethical decisions, 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 DEC 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 DEC's values and the integrity of the public sector.

Some options to assist you 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 staff
- seeking advice from appropriate external government agencies (eg Office of the Public Sector Standards Commissioner, Equal Opportunity Commission, the Corruption and Crime Commission or Auditor General's Office); and
- using appropriate reporting mechanisms.

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.

How should I manage official information?

DEC publishes a large range of information, both paper and electronic, for access by the public. Some publications are available for purchase and others free of charge from www.dec.wa.gov.au.

All other information is considered official information. Official information means information, whether in a record or not, that comes to the knowledge of, or into the possession of, a person because the person is a public servant 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 your official duties. Unauthorised disclosure 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 DEC, the public service or the Government which has been obtained in the course of your work with DEC; 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 query refer it to the Freedom of Information Coordinator.

How should I manage personal information?

Personal information about an individual must be kept confidential and cannot be released without the permission of the individual concerned. Personal information 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.

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, email, 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 DEC'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.

Can I make public comments?

'Public comment' refers to: public speaking engagements; comments on the radio or television or to a journalist; and views expressed in books, journals and notices where it might be expected that the publication or circulation of the comment will spread to the wider community.

You are not permitted to initiate contact with the media unless you have been authorised by the Director General, or the Director Strategic Development and Corporate Affairs.

If you are designated as the spokesperson on a particular issue, then you must respond in the appropriate way to requests from the media for information. You must never respond inaccurately or dishonestly. Requests for information beyond your area of technical competence or designated authority should be referred to the appropriate source or your manager.

Requests to appear on live radio or television, or requests that may be controversial must be referred to your manager, the Director Strategic Development and Corporate Affairs or the Director General for approval.

Refer to *Administrative Instruction 728 Media and Public Communications* and the Department's *Media Relations Policy*, available on the intranet or by contacting Strategic Development and Corporate Affairs.

DEC staff are also citizens with the right to hold political opinions and enter into political debate and social issues, and staff should be aware of any conflict of interest, perceived or actual. You cannot use your DEC employment to criticise any political party, its members or policies. If you are making comments in a private citizen capacity, you must ensure that this does not appear to be an official comment on behalf of government or DEC (for example, by indicating you are speaking as a private citizen, not using inside information and never doing so in DEC uniform or via DEC correspondence or its email network).

There are certain circumstances in which it is inappropriate for you to make 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, and
- you are directly involved in advising or directing the implementation or administration of Government policy, and the public comment would compromise your ability to do so.

In some cases, your personal opinions or private activities may constitute a perceived or actual conflict of interest with your employment. See the section on page 13 of this Code of Conduct for information on conflict of interest and how it should be dealt with.

If you have any queries about use of official information, records management or public comments, discuss them with your manager or contact the areas listed above.

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 contact the Minister's Office directly, unless directed to do so by the Director General or a Director, or with the approval of either of these officers, to seek clarification on a request from the Minister's Office. This includes phone calls and e-mails. 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.

Working with the Public and Stakeholders

DEC 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 DEC policies, procedures and guidelines and these guidelines should be made available to stakeholders.

When you are at work, or in a DEC uniform, or driving a DEC 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 a DEC 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 DEC's 'electronic letterhead' and therefore should reflect the values and behaviour expected of DEC employees.

How do I manage procurement?

Procurement is a process by which goods and services are purchased. 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 DEC procurement policies and procedures. These policies and procedures are contained in the *Supply Procedures Manual* available on 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 Public Sector Code of Ethics and DEC's Code of Conduct. This expectation must be included in any contracts entered into.

If you have any queries about procurement matters, contact the Supply Coordinator.

How should I work with volunteers?

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

Volunteers are acting as public officers when performing their role and are expected to abide by the Public Sector Code of Ethics and DEC's Code of Conduct.

Employees who have a role in managing, supervising or supporting volunteers should ensure that volunteers are familiar with the Public Sector 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 Public Sector Agencies Working with Volunteers produced by the Office for Seniors Interests and Volunteers.

What about working with children?

DEC 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. DEC checks the criminal records of all staff and volunteers who may have contact with children in their DEC work in line with this legislation.

Working with Colleagues in the Workplace

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

Does DEC have a discipline procedure?

The *Public Sector Management Act 1994* covers matters dealing with discipline and breaches of discipline for public service officers. DEC 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 according to established procedures.

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

What human resource standards are required of staff?

All employees must comply with the human resource standards established by the Office of the Public Sector Standards Commissioner on recruitment, selection and appointment, transfer, secondment, performance management, redeployment, termination, discipline, temporary deployment and grievance resolution.

Contact the Manager Workplace Services and Planning for more information.

What equal opportunity standards are required?

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, race, religious or political conviction, impairment, age, family responsibility or status, gender history or sexual orientation.

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

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

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

What about disability?

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

- improving access to buildings and facilities
- ensuring information and services provided by DEC 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 DEC; and
- increasing the accessibility of its website for people with disabilities
- enhancing employment opportunities within DEC for people with disabilities.

For further information refer to the Disability Access and Inclusion Plan on the People Services Homepage of the intranet, or by calling the Policy and Diversity Consultant.

What grievance processes does DEC have?

Employee concerns or complaints related to unfair or inequitable treatment in their workplaces are grievances. In keeping with DEC'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.

DEC's *Good Working Relations Policy* and online program deal with resolving grievances where discrimination, harassment, victimisation or bullying is involved. Where a grievance involves other issues, contact the Manager People Services Branch.

What health and safety 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* above.

Employees are responsible for taking reasonable care to ensure your own health and safety and to avoid adversely affecting the health and safety of others. It is unacceptable to be adversely or functionally affected by alcohol or illicit or non illicit drugs in the workplace. This may constitute a disciplinary offence.

Smoking is not permitted within departmental offices or in government vehicles. In office situations, smoking is restricted to normal lunch breaks and morning and afternoon tea breaks. Employees are bound by the smoking regulations set by building management and Departmental policy.

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 health and safety concerns you should raise these in the first instance with your Manager or the workplace health and safety representative or committee.

DEC has an *Employee Assistance Program* for employees and their immediate families to provide counselling and support services on any matters that are impacting on health and 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 Risk Management Section for further information.

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 of us to wear appropriate clothing and footwear in the workplace including external sites visited, having regard to occupational safety and health and responsible risk management.

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.

DEC has a performance development system in place for most employees. 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 Organisation Learning and Development Section for further information.

Personal Behaviour

DEC 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.

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 public duty and private or personal interests.

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

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

For example, if you, your family or close associates have a financial interest (eg shareholdings) in a matter which is being dealt with by DEC, or by a committee you are on, or if you accept paid or unpaid roles which may compromise, or appear to compromise your integrity or the integrity of DEC, then you may have a conflict of interest that will require action.

It is not always possible to avoid conflict 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 potential conflict of interest, you must immediately declare it to your supervisor or manager in writing, completing the Declaration – Conflict of Interest Form which is available on the intranet.

All staff involved in procurement, managing contracts and development-related decisions are to submit a Declaration – Conflict of Interest Form.

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. Note: additional information on conflict of interest is available at <http://www.opssc.wa.gov.au/icg/coi/index.htm>

The Department will maintain a record of all approved activities and will annually review such records to ensure they remain current and valid.

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, it will be necessary to complete and submit a new Declaration – Conflict of Interest Form for consideration.

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 of 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 don't 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 DEC's *Conflict of Interest Policy*, or contact People Services Branch for further information.

Can I accept employment external to DEC?

You may only take external employment once you have received written permission to do so from DEC's 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 DEC.

Refer to DEC's *Outside Employment Policy, Administrative Instruction 726 Private Employment* or contact People Services Branch for further information.

Can I receive gifts or benefits?

As a general principle, employees should not accept gifts or benefits. The main risk of accepting a gift or benefit is that it may result in an actual or perceived conflict of interest.

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.

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:

- 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; and
- which 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 a decision is made about what will happen to the gift.

If you are in any doubt about the appropriate action to take, speak to your manager. Refer also to *Administrative Instruction 712 Fees, Rewards and Gratuities* and the *Gifts, Gratuities, Hospitality, Rewards and Benefits Policy in the People Services Manual* on the intranet or by contacting People Services Branch.

Can I entertain customers?

It may be necessary for you to entertain customers from time to time during the course of negotiating DEC business. Employees need to be scrupulous in their use of public finances and any such entertainment must be in accordance with the *Gifts, Gratuities, Hospitality, Rewards and Benefits Policy in the People Services Manual* on the intranet or by contacting People Services Branch.

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

You should decline offers of benefits which 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.

Sometimes, it is not clear whether accepting a benefit (eg an invitation to a sporting event from a stakeholder organisation) might be perceived as inappropriate. In these cases, it is best to turn down the benefit. If you are in any doubt about the appropriate action to take, speak to your manager. Refer also to the *Gifts, Gratuities, Hospitality, Rewards and Benefits Policy* in the *People Services Manual* on the intranet or by contacting People Services Branch.

What is misconduct?

Misconduct occurs when a public officer abuses their authority for personal gain, or to cause detriment to another person, or acts 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; and
- 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 typical acts of misconduct that may result in disciplinary action are (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 organization;
- improper conduct; or
- a repeat offence.

What is my role in preventing misconduct?

It is the role of all employees to work with DEC managers to prevent misconduct occurring. Managers have a responsibility, through their words 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.

Section 28 of the *Corruption and Crime Commission Act 2003* requires the Director General to notify the Corruption and Crime Commission if he suspects that misconduct under the Act may have occurred.

Refer to the *Interim Administrative Instruction dated 14 February 2005* available on the intranet or by contacting the Manager, People Services for more information.

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 Corruption and Crime Commission has prepared

Misconduct Notification Guidelines which are a key point of reference for People Services Branch in dealing with reports of misconduct.

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

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

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 going on in a public authority, you can use the Act to raise your concerns.

Disclosures can be about:

- improper conduct
- an act or omission constituting an offence under law
- unauthorised, irregular or mismanaged use of public resources
- substantial and specific risk of injury to public health or safety, or harm to the environment, or
- a matter of administration that can be investigated by the Ombudsman.

The Commissioner for Public Sector Standards has established a Code of Conduct and Integrity that must be complied with by any person to whom a disclosure is made under the Act. To obtain protection under the Act, a disclosure must be made to a Public Interest Disclosure Officer and meet certain other requirements in the legislation.

A Public Interest Disclosure should be made only to a Public Interest Disclosure Officer. A list of the current Public Interest Disclosure Officers is available from People Services Branch.

A *Public Interest Disclosure Policy*, incorporating the Code of Conduct and Integrity is available on the People Services Homepage of the intranet.

How should I use government resources?

DEC employees and staff 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 *Supply Policy Manual*. Under no circumstances are items to be disposed of by sale or gift to DEC employees, former employees or associates of employees. Contact the Supply Coordinator for further information.

If you have responsibility for an 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 DEC asset within your 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 Risk Management Section with any queries concerning claims for damage or loss.

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

Telephone, internet and email facilities are provided for official use. However, some limited private use is permitted, for example reasonable necessary phone contact with family.

You are permitted to use the internet facility for anything associated with your work, anything approved by your manager, and for limited personal use that does not interfere with your work or reflect adversely on DEC.

You must not use the internet for any unethical or unlawful use, or browse or download nor pass on any threatening, offensive, prohibited or pornographic material. It is a criminal offence to use unlicensed software or to fail to comply with copyright requirements. You are not permitted to transmit material protected by trade secret, or to disclose information prohibited under State Government policy or legislation, or to use the internet for non-Departmental commercial activities, product advertisements or political lobbying.

Use of internet and email must be in accordance with the *Email and Internet Use Policy* available on the intranet or by contacting Strategic Development and Corporate Affairs, and DEC's *Information Technology Policies*, available on the intranet or by contacting the Helpdesk.

See also the section on Managing Official Information on page 7 of this Code of Conduct.

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.

DEC has clearly defined guidelines for the use of and responsibility for corporate credit cards (refer to Financial Service Branch on the intranet). Please refer any specific enquiries to the Manager, Accounting Operations in Financial Services Branch.

Can I approve my own expenditure?

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

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

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 DEC policies and all relevant legislation, traffic laws, regulations and by-laws.

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 Homepage on the intranet, or contact the Fleet Officer.

What happens if I need to travel for my work?

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

Information on air travel can be found on the intranet.

Taxis may be used where it is impractical to use either public transport or a pool vehicle while on official business. Further information can be found on the intranet.

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 Department of the Premier and Cabinet website at <https://secure.dpc.wa.gov.au/lobbyistsregister/>

Can I still be active as a citizen or activist?

It is quite acceptable for DEC employees to participate in political activities as part of normal community affairs. However, you are expected to separate your personal views from the performance of your public duties. You must ensure that any participation in political activities through a political party, cause, movement or lobby group does not interfere with your duty to serve the government in a politically neutral manner. In some cases, political participation may constitute a conflict of interest and you need to notify your manager immediately. (See also section on conflict of interest).

External Contacts for Further Information

Office of the Public Sector Standards Commissioner	Ph: (08) 9260 6600
Department of the Premier and Cabinet	Ph: (08) 9222 9888
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 Consumer and Employment Protection	Ph: (08) 9282 0777
Ombudsman	Ph: (08) 92207555
Western Australian Industrial Relations Commission	Ph: (08) 9420 4444
Office for Seniors Interest and Volunteering	Ph: (08) 9220 1111

Employees: please return to the front of the Code of Conduct and sign as indicated.

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.