

Code of Conduct

for

THE ROADSIDE CONSERVATION COMMITTEE



December 1999



**Roadside Conservation Committee
Code of Conduct**

Acknowledgements

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We acknowledge in particular the Public Sector Management Division's publication *'Getting on Board A Guide to Recruitment and Induction of Members of Western Australian Government Boards and Committees'*.



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ROADSIDE CONSERVATION COMMITTEE

CODE OF CONDUCT

Tabled at Roadside Conservation Committee (RCC), Meeting 77, on 20th September 1999 with final draft being accepted at RCC Meeting 78, on 13th December 1999

Introduction

This Code of Conduct (Code) has been prepared to promote good practice. It gives board and committee members a summary of their obligations and provides guidance about ethical conduct.

In this Code, "member" means a committee member duly appointed by the Minister.

It is based on the *Western Australian Public Sector Code of Ethics* (Code of Ethics), applicable to nearly all public sector bodies, including committees created for a public purpose under Western Australian legislation. Accordingly, committees must observe and comply with the Code of Ethics.

People from all over Western Australia serve on government committees, often as volunteers. An appointment to a committee carries with it responsibilities and obligations. Ignorance about those responsibilities can damage both the individual and the organisation they serve. People chosen as directors and committee members should understand their responsibilities. This can only assist them to contribute in a positive way.

The Code includes information on ethical issues likely to confront members and provides practical guidance. If a committee chooses to adopt this Code, then it must observe and comply with it, to the extent that it obliges compliance. Similarly should a committee choose to develop its own code, or modify an existing code, that too becomes binding once adopted. Such codes must be consistent with the Code of Ethics.

In performing their responsibilities, committees must work with the responsible Minister and, in many cases, with the chief executive officer (CEO) of a public sector agency. Under some legislation, the responsible Minister may give a written direction to the committee and the committee must give effect to it. In practical terms, a CEO must, in addition to the committee, cooperate constructively with the responsible Minister and his or her office staff. This can involve a high volume of daily communications and interaction. The employing authority for some CEOs is the committee, but for most it is the Minister for Public Sector Management (the Premier).

A committee may not direct a public sector employee to act contrary to the Code of Ethics, or a code of conduct applicable to that employee, where this obliges compliance.

RCC members will:

- *Acknowledge and respect the legitimate interests of the Premier and responsible Minister concerning the RCC's role and the operations of the agency involved.*
- *Ensure lawful directions made by the responsible Minister are followed.*
- *Pay due regard to the employee / employer relationship between the Premier and CEOs.*
- *Where applicable, properly observe their responsibility as a CEO's employer.*
- *Acknowledge and respect the legitimate interests of the Premier and responsible Minister concerning the committee's role and the operations of the agency involved.*
- *Ensure lawful directions made by the responsible Minister are followed.*
- *Pay due regard to the employee / employer relationship between the Premier and CEOs.*
- *Where applicable, properly observe their responsibility as a CEO's employer.*

1. Personal behaviour

RCC members are in a position of trust. Their involvement may affect the welfare, rights or entitlements of the community and individuals.

Government power is derived ultimately from citizens, who expect public officers to carry out their functions with professional integrity and due regard for the public interest. All committee members need a clear understanding of their public duty and legal responsibilities.



RCC members will:***Understand the RCC's role and public duties***

- *Gain a clear understanding of the role or purpose of the committee as well as the statutory and regulatory requirements of members carrying out their public duties.*
- *Develop an understanding of the physical, political and social environment in which the committee operates.*
- *Stay informed about all relevant activities affecting the committee.*
- *Comply with legal obligations and implement the decisions taken by the committee.*

Be active

- *Attend all committee meetings. Where attendance is not possible members will submit an apology. If absence is likely to extend for several consecutive meetings, members will obtain leave of absence.*
- *Participate actively and work cooperatively with fellow members and stakeholders to achieve agreed goals.*
- *Prepare for meetings by reading and considering papers circulated with the agenda.*

Respect each other

- *Treat each other with professionalism, courtesy and respect.*
- *Not improperly influence other committee members.*
- *Act loyally and in good faith.*

Consult

- *Consult stakeholders and affected parties about issues under consideration.*

Raise concerns

- *Express concerns to the chairperson or other relevant authority about decisions or actions contrary to the committee's public duty.*
- *Disclose any information about actual or potentially corrupt or illegal activities to the chairperson or, if necessary, the Anti-Corruption Commission.*



2. Accountability

The *Financial Administration and Audit Act 1985* places a responsibility on committee members to ensure efficient and effective operations, to avoid extravagant and wasteful use of resources, and to record processes carried out when purchasing goods and services.

2.1 Accountability for public expenditure

RCC members will:

- *Act in a lawful, ethical and justifiable manner.*
- *Demonstrate personal integrity and reliability.*
- *Maintain confidentiality.*
- *Participate constructively in committee activities.*
- *Ensure action is taken on audit reports.*
- *Ensure compliance with statutory and legal requirements.*
- *Analyse financial statements and management reports with due care, and ensure that he or she is properly informed.*

2.2 Remuneration or sitting fees

RCC members will not:

- *Accept any fee, reward, gratuity, gift or remuneration of any kind, other than approved travel allowances for Country based non-government members, applicable to the committee. A sitting fee will also be paid to all non-government members.*



2.3 Allowances

Accommodation and travel expenses

RCC members will:

- *Comply with the travel conditions and guidelines set down in current government policies. Circular to Ministers 6/93 and Circular to Chief Executive Officers 21/91 provide that:*
 - *Travel will not be undertaken unless it is demonstrably the most cost effective and efficient method of performing the function or obtaining the information required.*
 - *Attendance at interstate or overseas conferences and courses must be justified in the public interest.*
 - *All travel proposals will include a clear statement of the benefits to Western Australia and the committee, of such travel.*
 - *All overseas travel is to be approved by the Minister.*
 - *A one-page report to the Minister will be made within seven days of return.*
 - *All inter and intrastate travel is to be approved by the committee.*

Country based non-government RCC members may be reimbursed for actual travel and accommodation expenses as follows:

- *Country based non-government members using their own motor vehicle to travel to an official RCC meeting are entitled to claim reimbursement for actual fuel costs involved in the travel to and from the meeting venue including one nights accommodation if necessary.*



2.4 Entertainment and catering

Any entertainment should be consistent with the RCC's genuine needs and public duty. Members should not lose or gain financially as a result of entertainment. The committee will ensure the efficient and responsible expenditure of public funds.

Committee members will ensure:

- *Catering is limited to basic food and drink items.*
- *Members approving entertainment expenditure are responsible for its propriety and scope.*
- *Alcohol is not consumed during committee meetings.*
- *Transparent consideration and due thought before accepting hospitality offered by suppliers or potential suppliers, to avoid actual or perceived conflicts of interest or undue influence.*

2.5 Entering government premises

The CEO of the Department of Conservation and Land Management (CALM) is responsible for its day to day management. The RCC as a whole or individual members may need to visit the agency in a formal capacity or to use government facilities and equipment.

Committee members will:

- *Cooperate with the Chairman, Executive Officer, or other agency staff when using Government premises for meetings, or other committee business or wishing to use government facilities or equipment for committee purposes.*



2.6 Engaging consultants/contractors

Government guidelines and procedures ensure a consistent approach in recording the engagement of consultants/contractors. It is important that the committee determines whether the person is to be engaged as an employee, or as a contractor.

An employee is engaged on a contract of service which implies an employer/ employee relationship under which the committee is responsible for the person's wages, worker's compensation, PAYE tax instalments and group certificate etc. A contractor is engaged on a contract for service, which implies there is no employer/ employee relationship. Accordingly a contractor submits an invoice for the service performed.

RCC members will ensure:

- *Persons employed under contracts of service will be recruited, appointed and managed in accordance with Public Sector Standards in Human Resource Management.*
- *Contracts for service will be made following correct purchasing procedures, according to current State Supply Commission guidelines on contracts for professional services.*

3. Use of public sector resources

All vehicles, computers, furniture and other equipment provided to the committee remain the property of the RCC or Department of Conservation and Land Management and will only be used for official purposes. RCC assets are publicly owned and are not provided to members for exclusive use.

RCC members will ensure:

- *Equipment is operated in accordance with the manufacturer's specifications, is maintained in good condition and stored securely.*
- *Any damage or loss of property or equipment is reported immediately to the committee.*
- *Resources, funds, employees and equipment are used effectively and economically for committee business. Official resources include, but are not limited to; motor vehicles, computers, software, photocopiers, telephones, facsimile machines, printers and any similar items of office equipment.*
- *Requests by an external party such as a charitable body to use committee facilities shall be referred to the committee for approval.*



3.1 Use of telephones

All government mobile telephone accounts are monitored.

RCC members:

- *Will keep personal calls to a minimum and will not make private business calls.*
- *With a government mobile telephone will:*
 - *Certify calls made on behalf of agency business, prior to the payment of the account.*
 - *Reimburse the agency for private call costs. Alternatively, committee members may pay the account and claim reimbursement for committee calls.*

3.2 Frequent flyer points

RCC members travelling on official business should not accept gifts, free travel or other benefits.

RCC members:

- *Will not use travel points accumulated on government business under frequent flyer or other programs to acquire benefits such as upgrading of tickets above normal entitlements or for private travel, whether or not members personally have met the costs of membership to a frequent flyer scheme.*
- *Should only accept travel incentives for the committee's benefit, including future free travel on committee business.*
- *Eligible for travel incentives from membership of Golden Wing, Flight Deck, Frequent Flyer or similar schemes should advise the travel booking officer of their membership when making travel arrangements; and the number of accumulated (government) points each quarter.*

Once a member leaves the committee (and is not a State employee), any entitlements such as membership to the frequent flyer scheme must be discontinued. Benefits accrued on government business can only be used for official purposes.



3.3 Purchasing of goods and services

Committee members will:

- *Comply with State Supply Commission purchasing guidelines.*

The State Supply Commission booklet titled '*Ethical Standards in Government Buying*' specifies standards for public sector bodies to meet when purchasing. The standards ensure accountability, set out fair procurement processes and resolve conflicts of interest. All goods and services are to be purchased under these guidelines. Copies are available from the State Supply Commission.

The guidelines provide:

Expected value	Required action.
\$0-\$5,000	Verbal quotations must be obtained and documented.
\$5,000- \$20,000	Formal written quotations should be sought from different suppliers
\$20,000-\$50,000	Publish contract award information on the Government Contracting Information Bulletin Committee (www.contracting.wa.gov.au).
\$50,000- or more	Seek and advertise public tenders on the Government Contracting Information Bulletin Committee (www.contracting.wa.gov.au).

Goods and services covered under State government common-use contracts are to be purchased through the contracted supplier at the contract rate. The State Supply Commission must approve requests for exemption from purchasing against contracts, prior to placing an order.

When purchasing goods and services covered by State government common-use contracts, quotations and State Supply Commission approvals are not required unless specifically stated in the contract, e.g. contract 070 for personal computers.

Committees are encouraged to seek advice and assistance from the State Supply Commission when purchasing goods and services.



3.4 Corporate credit cards

Each corporate credit card is issued to an individual and responsibility rests with that person.

Committee members will:

- *Use corporate credit cards only for official purposes and comply with conditions set by the issuing financial institution.*

The corporate cardholder may requisition goods and services directly from a supplier. The corporate credit card may be used to procure approved goods and services and accommodation within financial limits approved by the committee.

The corporate credit card must not be used:

- *To withdraw cash.*
- *To purchase fuel for government vehicles.*
- *For private purchases.*
- *To purchase assets.*

3.5 Incurring expenditure

Those incurring expenses must be authorised incurring officers, as described in Section 33 of the *Financial Administration and Audit Act 1985* and Treasurer's Instruction 305(1).

Committee members will:

- *Not approve their own expenditure for travel claims, credit card payments, private telephone subsidies and similar. These should be referred to the committee for approval.*

4. Record keeping and use of information

All documentation produced by the committee forms part of the public record.

RCC members will:

- *Ensure records are properly organised and kept in safe custody.*
- *Comply with the provisions of the General Retention and Disposal Schedules established by the Public Records Office of the State Archives of WA.*



4.1 Documentation of decisions

All decisions affecting the policy, practice and welfare of a public body or public officers must be transparent. Decisions and processes should be documented. Documentation protects all parties involved in a decision, both collectively and individually.

The RCC will:

- *Prepare and retain minutes for all official RCC meetings.*
- *Ensure adequate procedures are observed for documenting decisions, events and transactions involving the committee.*

4.2 Use of confidential information

Sometimes highly sensitive matters are discussed by committees. These may be discussed with only committee members present and in strict confidence. Nevertheless all decisions should be documented and appropriate minutes prepared, while according certain records an extra level of security.

The committee will:

- *Ensure confidential records are subject to appropriate access procedures.*
- *Respect confidential information and observe any restrictions agreed by the committee (subject to Freedom of Information Act requirements).*
- *Maintain confidentiality and not divulge information deemed confidential or sensitive. If members are uncertain they should seek direction from the committee chairperson.*
- *Not misuse information obtained in the course of committee duties for direct or indirect gain, or to do harm to other people or the committee.*
- *Respect the privacy of individuals.*



4.3 Security of information

While the Executive Officer of the RCC may be the person primarily responsible for the storage and handling of records, all committee members have individual responsibility for any document, tape, disk or other record in their custody. Records should not be left in places where they may be seen by non-committee members such as at home, an office or motor vehicle.

Committee members will:

- *Ensure recorded information, in both paper and electronic form, under their control is kept in a secure place.*
- *Be cautious about leaving committee records on fax machines, photocopiers or computer screens.*
- *Lock away sensitive documents rather than leave them lying on desks.*
- *Avoid discussing committee business in public places where there is a likelihood of being overheard.*
- *Dispose of duplicate copies of records no longer required in accordance with archive procedures.*

4.4 Amendment or falsification of records

Under criminal law, Western Australian government committee members are Public Officers (s.85 of the Criminal Code).

Committee members will:

- *Not falsify, destroy, alter or damage any public record.*
- *Not backdate information or remove folios from files.*



4.5 Freedom of information (F01)

The *Freedom of Information Act (FOI) 1992* was introduced to help people gain access to documents and to check personal information in documents.

RCC members will:

- *Comply with the letter and spirit of the Freedom of Information Act (FOI) 1992, to assist the public to gain access to documents; allow access promptly and at the lowest possible cost, and ensure personal information held is accurate, complete and not misleading.*
- *Record facts in documents; avoid recording disparaging remarks and personal opinions about individuals; and avoid removing documents from a file.*

5. Conflicts of interest

5.1 Gifts and gratuities

Committee members should not accept gifts or benefits likely to place them under an actual or perceived financial or moral obligation to other organisations or individuals.

RCC members will:

- *Not demand or accept in connection with their official duties any fee, favour, reward, gratuity or remuneration of any kind, outside the scope of their entitlements as a committee member, unless authorised by the chairperson of the committee.*
- *Not use their public position for personal profit or gain.*
- *Not accept a gift if it could be seen by the public, knowing the full facts, as intended or likely to cause a member to act in a particular way or deviate from public duty.*

5.2 Private interests

RCC members are expected to place public interest above personal interests and not to use their position for personal gain.

Conflicts between private interests and public duties can arise when:

- *A member stands to make a financial gain from a committee decision.*
- *A member's spouse, children or near relative stands to make a financial gain.*
- *A member holds membership of another organisation likely to benefit from a committee decision.*
- *A member's spouse, children, near relatives or close associates are members of an organisation affected by committee decisions.*



Accordingly RCC members will:

- *Openly declare matters of a private interest such as investments, relationships, voluntary work and membership of other groups that may conflict or be perceived to conflict with the member's public duty.*
- *Record any issues of conflict to ensure they are transparent and capable of review.*
- *Disqualify themselves from any committee discussions and decisions where a conflict of interest has, or could occur.*

6. Public sector employees on boards or committees

- *If a public sector employee is appointed to a committee, the reasons should be documented and made public.*
- *Public sector employees serving on a government committee have the same fiduciary responsibilities as other committee members, but should not receive remuneration additional to their salaries.*

7. Compliance with the Western Australian Public Sector Code of Ethics and Codes of Conduct

The Commissioner for Public Sector Standards monitors compliance with the WA Public Sector Code of Ethics and applicable codes of conduct. The Commissioner may report any public sector bodies, found to be in breach of the codes, to their relevant Minister and to Parliament.

Accordingly RCC members will:

- *Receive a copy of the Western Australian Public Sector Code of Ethics, read it and comply with it.*
- *Receive a copy of this Code of Conduct, read it and abide by it.*


 DR K ATKINS
 CHAIRMAN

13th December 1999



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