




Government of **Western Australia**  
Department of Mines, Industry Regulation and Safety



CODE OF CONDUCT



**Disclaimer:** While a full suite of the Department of Mines, Industry Regulation and Safety (DMIRS) Corporate policies, procedures and guidelines (policy documents) is being developed, DMIRS employees are to adhere to the policy documents of their legacy department until they are advised that a comparable policy document has been implemented.

New employees are to refer to the policy documents, based on the location where they commenced employment with DMIRS along with relevant location specific policy documents.

This publication is available in alternative formats upon request.

Reviewed: June 2018

Next Review Date: December 2018

## Message from the Director General

It is important that our way of doing business is recognised as fair and unbiased. We are entrusted to provide a range of regulatory and industry development services and the Western Australian community depends on us to undertake our work with integrity and care.

This Code of Conduct (the Code) outlines the standards of behaviour we need to apply as representatives of the Department of Mines, Industry Regulation and Safety (the department).

The Code, is an overarching framework, supported by corporate policies, procedures and guidelines (policy documents) that establish the rules of conduct within the department. Additionally the Code outlines the responsibilities of the department and us, as employees, providing assistance in addressing the many ethical issues we face in our day-to-day business.

The Code builds on the Public Sector Commissioner's Instruction No. 7: Code of Ethics, which provides a broad reference point for the standards of behaviour expected from all public sector employees.

It is therefore essential that all our employees who work for the department are familiar with the Code and are aware that any breach not only affects our reputation and service delivery, it could also lead to disciplinary action being taken.

While it will not cover every situation, the Code is a dynamic document and will be reviewed on a regular basis. It applies to our professional behaviour at work and can also apply to some aspects of our private activities and relationships.

If you are ever faced with an ethical dilemma, seek advice from your line manager as to the correct course of action.

I ask that you join me in striving to uphold the integrity and credibility of the department by modelling the principles of the Code at all times.



**David Smith**

A handwritten signature in black ink, consisting of stylized initials 'DS' followed by a long, sweeping horizontal line.

**Director General**



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## ABOUT US

The Department of Mines, Industry Regulation and Safety (DMIRS) was formed on 1 July 2017. Our purpose is: "Supporting a safe, fair and responsible future for the Western Australian community, industry and resources sector".

## OUR VALUES



## OUR APPROACH

### Regulator

- Maintain regulation that is clear, relevant and enforced
- Behave consistently and transparently
- Create relationships that encourage compliance
- Foster public trust and confidence

### Service Provider

- Deliver quality services at the lowest cost possible
- Reduce the complexity of the customer journey through government
- Use digital technologies to improve the customer and staff experience
- Respond to customer feedback

### Policy Maker

- Manage our policy environment to drive behaviours that are in the public interest
- Predict, then address emerging policy challenges
- Gather the latest intelligence on the operating environment
- Explore new approaches to achieving regulatory intent

## OVERVIEW

### WHAT IS THE CODE OF CONDUCT?

The department's Code of Conduct (the Code) informs and guides our employees, contractors and others who carry out any work for the department on the ethical behaviour expected of them. Ethical behaviour relates to personal integrity, our relationships with others, and accountability for our behaviour, decisions, and actions.

The Code is an overarching framework, supported by corporate policies, procedures, guidelines (policy documents) and other tools.

There will be situations that will require ethical decision making that may not be covered in the Code. In this situation, it is the responsibility of all employees to review the relevant policy documents and seek advice from their line manager as needed.

### WHY HAVE A CODE OF CONDUCT?

In Western Australia, all public sector employees are bound by the Commissioner's Instruction No.7 *Code of Ethics*, which sets out the minimum standards of conduct and integrity.

Commissioner's Instruction No. 8 – *Codes of Conduct and Integrity Training* establishes the requirements for public sector bodies to develop their own codes of conduct and to provide training to their employees on accountable and ethical decision making.

The Code incorporates the official conduct requirements of these Instructions and the *Public Sector Management Act 1994* (PSM Act).

### WHO MUST COMPLY WITH THE CODE OF CONDUCT?

The PSM Act requires all public sector employees to comply with the provisions of the Code.

The department has a responsibility to ensure our employees are aware of, and have access to the Code.

For the purpose of the Code, the term employee has been used throughout this document and includes all persons who carry out any work for the department including permanent and fixed term employees, casual employees, officers seconded to the department and people employed under contracts for service, also known as contractors. It also applies to others in the workplace such as work experience students, trainees, cadets and volunteers.

Boards and Committees are required by Commissioner's Instruction No.8 to have a Code of Conduct. Members are not required to follow the department's Code unless a Board or Committee member is also an employee of the department.

### WHAT HAPPENS IF I BREACH THE CODE OF CONDUCT?

Breaches of the Code by any employee could result in disciplinary action under the PSM Act or other relevant legislation and policy.

Depending on the severity of the breach, disciplinary action may be taken and the results can vary from counselling to demotion or dismissal.

In some cases, the matter may be referred to the WA Police, Corruption and Crime Commission (CCC), Public Sector Commission (PSC) or other appropriate authorities. Further information is provided throughout the Code.

### WHERE DO WE APPLY THE CODE OF CONDUCT?

The department adheres to the following seven PSC categories that establish standards of behaviour in our day-to-day duties:

- 1. Personal behaviour**  
We provide quality, professional and timely services in a courteous, considerate and sensitive manner.
- 2. Communication and official information**  
We ensure the integrity and security of documents and information. We observe due care when discussing sensitive information.
- 3. Fraudulent or corrupt behaviour**  
We are diligent with financial activities, uphold the highest standard of integrity, and make ethical decisions to maintain community confidence and public trust.
- 4. Use of public resources**  
We are scrupulous when using official equipment, assets and services.
- 5. Recordkeeping and use of information**  
We keep accurate and complete records in order to properly record the department's operations.
- 6. Conflicts of interest, gifts and benefits**  
We recognise the importance that any conflict of interest is properly and transparently identified, declared, managed and monitored. Generally, any offer of a gift, reward, benefit or hospitality should be declined and must be declared.
- 7. Reporting suspected breaches of the Code**  
We report suspected or potential breaches of the Code.



## 1. PERSONAL BEHAVIOUR

As representatives of the department, we are in a position of trust. We have a personal responsibility to act ethically, with integrity and make decisions in the public interest.

Our personal behaviour can influence the department's relationships with internal and external stakeholders, and can either positively or negatively impact on the achievement of our department's strategic objectives.

We have the right to:

- a safe workplace that is free from unlawful discrimination, harassment, victimisation and workplace bullying;
- work in an environment where we are treated with dignity and respect;
- access recruitment and selection practices, which are open, fair and based on merit;
- equitable access to training, development, benefits and working conditions;
- management decisions made without bias; and
- access to prompt, confidential and fair processes for dealing with work related grievances or complaints.

We are responsible for:

- familiarising ourselves with and abiding by departmental and government policy documents and legislation;

- treating all colleagues, stakeholders and members of the public with professionalism, respect, courtesy, honesty and fairness, having proper regard for their interests, rights, safety and welfare;
- maintaining and contributing to a harmonious, safe and productive work environment and professional relationships;
- making decisions fairly, impartially, promptly, considering all available information, legislation, policies and procedures that are in the public interest and stand up to public scrutiny; and
- reporting incidents and unacceptable behaviours in a timely manner with a focus of maintaining positive working relationships.

### INDUCTION AND TRAINING

A detailed Induction Program and mandatory training is provided to new employees. This includes but is not limited to:

- induction of the work area by the line manager;
- various inductions and training delivered by Corporate Services; and
- Accountable and Ethical Decision Making (AEDM) training as per Public Sector Commissioner's Instruction No.8.

There are various mandatory training courses that our employees are required to attend. Any employee instructed to attend such training should consider their attendance and constructive participation as part of the official duties of their position.

The line manager may instruct employees to attend training to ensure that they have the necessary knowledge and skills to enable them to carry out their official duties in an effective and efficient manner.

#### **Related policy**

Induction  
Learning and Development

### **STANDARDS OF DRESS AND APPEARANCE**

As a representative of the department, our appearance is expected to positively promote the department's professional image.

We are expected to dress neatly and appropriately for the nature of our work and workplace. Corporate attire is appropriate for most occasions.

If there is any doubt as to the appropriate standard, employees should consult with the line manager.

#### **Related policy**

Standards of Dress and Appearance  
Personal Presentation

### **EMPLOYEE DISCLOSURE AND INTEGRITY CHECKS**

Recommendation for appointment and/or promotion to a position with the department is subject to pre-employment checks as stipulated in the job advertisement and job description form.

All our employees are to ensure that during their term of employment they report any criminal convictions or serious offences (as defined under the PSM Act). If an employee does not disclose these matters to their line manager this may result in disciplinary action.

We should also disclose to the line manager where essential job requirements are at risk. This may include suspension of, or change to professional registration, accreditation, licences or qualifications.

#### **Related policy**

Criminal Record Screening

### **INAPPROPRIATE WORKPLACE CONDUCT AND BEHAVIOUR**

Generally, most people demonstrate personal behaviour in the workplace that invites and promotes positive working relationships. There are however negative personal behaviours that would make it difficult to develop a good working relationship with others.

These behaviours extend to other work environments, such as social activities/events connected to the department for example sundowners, end of year celebrations and associated travel, as well as online activities such as social media and internet forums.

Inappropriate behaviour can include, but is not limited to:

- workplace gossiping;
- making inappropriate jokes;
- swearing;
- being insensitive to other cultures;
- displaying or circulating offensive material;
- allowing personal relationships outside of work to adversely influence work related activities;
- ignoring or sabotaging work practices;
- being rude, abrupt, domineering, uncooperative or unhelpful;
- negative attitudes, complaining excessively, making constant negative remarks; and
- unfriendly or intimidating behaviour such as sarcasm, put-downs, threats (real or implied) and aggressive body language.

We all have a responsibility to work towards creating a professional and friendly work environment by embodying and demonstrating behaviours that are aligned to our Strategic Intent.

### **ABUSE, DISCRIMINATION, HARASSMENT, BULLYING AND VICTIMISATION IN THE WORKPLACE**

The department strives to have a diverse and inclusive workplace that actively promotes fairness, equity, respect and dignity.

Our policy documents and the law give all our employees the right to be protected from:

- direct and/or indirect discrimination;
- sexual harassment;
- racial harassment;

- workplace bullying;
- victimisation; and
- improper treatment.

#### **Related policy**

Anti-Bullying in the Workplace  
Equal Employment Opportunity and Diversity  
Equal Employment Opportunity

## **GRIEVANCE RESOLUTION**

Where workplace issues occur, which result in a grievance(s), the department's policy documents provide a means of addressing and resolving them. These types of issues can include the following:

- General grievances relating to the fairness or appropriateness of actions, decisions or workplace behaviour. This includes areas of employment and behaviour outlined in the Code.
- Equal employment opportunity grievances relating to discrimination, harassment and/or victimisation.
- Employee safety and health issues in relation to allegations of bullying.

Wherever possible, grievances should be resolved through mutual cooperation in the immediate work area using an informal process. Where there is no successful resolution, or where the issues are particularly complex or sensitive, it may be appropriate to proceed with a formal process.

Line managers are obliged to deal with grievances promptly and with sensitivity. In resolving grievances, the principles of natural justice apply, including the requirement to maintain confidentiality.

If an employee experiences an issue, they are encouraged to report this promptly and can seek advice and support from management, a Contact Officer and/or Human Resources.

If the allegations of a grievance are of a serious nature then the disciplinary process may be the most appropriate course of action.

Contact Officers are available to assist and provide support to our employees to resolve any workplace issues.

They are able to:

- provide information about options available to employees for resolution and the department's process; and
- provide support to those going through a grievance process

#### **Related policy**

Grievance Resolution

## **BREACH OF DISCIPLINE**

A breach of discipline under Section 80 of the PSM Act is deemed to have been committed if an employee:

- disobeys or disregards a lawful order;
- contravenes:
  - any provision of the PSM Act applicable to the employee; or
  - any public sector standard or code of ethics;
- commits an act of misconduct;
- is negligent or careless in the performance of his/her functions; and
- commits an act of victimisation within the meaning of Section 15 of the *Public Interest Disclosure Act 2003*.

The department has a disciplinary process to deal with officers engaging in unacceptable behaviour however, not every issue raised about the conduct of employees will warrant disciplinary action. The Director General may exercise discretion when deciding what process to use when dealing with an issue related to allegations of a breach of discipline.

Under the *Corruption, Crime and Misconduct Act 2003*, the Director General is obliged to report any matter they suspect on reasonable grounds, concerns either serious or minor misconduct to the PSC or CCC.

#### **Related policy**

Discipline

## **HEALTH, SAFETY AND WELLNESS**

Under the *Occupational, Safety and Health Act 1984* (WA), the department has a duty of care to provide and maintain a safe working environment.

Line managers have a responsibility to provide a workplace that is safe and healthy for all our employees and have a duty of care for employees who report to them. If there are any concerns about an employee's health or wellbeing, this should be discussed with the employee at the earliest opportunity, as there may be a need to develop or implement a management strategy or case management plan. It is important the workplace does not aggravate the employee's existing health conditions.

All our employees have a duty of care to take reasonable care to ensure their own safety and health and to avoid adversely affecting the safety and health of others.

We are all responsible to ensure safe work practices are followed to promote a safe work environment through reporting, identification, assessment and control of hazards and their associated risks as far as practicable in accordance with the department's policy and supporting documents.

The department has an Employee Assistance Program to provide counselling and support services for employees and their immediate families. This service is free and confidential.

#### **Related policy**

Occupational Safety and Health

#### **USE OF ALCOHOL AND DRUGS**

The use of illicit drugs and irresponsible consumption of alcohol while at work is unacceptable. It is the responsibility of all our employees to ensure that our work performance, safety and the safety of others is not impaired by drugs or alcohol while at work.

If it has been found that an employee has misused alcohol and/or drugs, which adversely affects their performance, the safety of colleagues or reputation of the department, then they may be in breach of the Code and could be subject to disciplinary action.

If an employee is taking prescription or over-the-counter medications that may affect their ability to fulfil their role, they must advise their line manager. All such advice will be treated confidentially.

#### **SMOKING**

The department has a responsibility to take steps to reduce harm caused from smoke and tobacco products for all our employees. Smoking is not permitted within the boundaries of all department sites, unless an approved designated smoking area exists.

Where a designated smoking area does not exist, then smoking is not permitted within five metres of a State Government building entrance and 10 metres of air conditioning vents. Smoking is prohibited in all vehicles owned or leased by the department. Electronic cigarettes (e-cigarettes) and other personal vaporisers for delivery of nicotine or other substances are not permitted to be used in any area where smoking is prohibited.

Smoke breaks are not to adversely impact on productivity or affect the operations of the department.

#### **Related policy**

Motor Vehicle Fleet  
Fitness for Work

#### **PERFORMANCE DEVELOPMENT**

All line managers and employees must participate in an endorsed performance development process. Performance development is part of continuous improvement for both the individual employee and the department as a whole.

The PSC's Performance Management Standard identifies the

minimum expectations of merit, equity and probity in relation to managing performance. The department's process acts as a mechanism to:

- align individual activities with State Government priorities;
- increase employee skills, knowledge and abilities;
- manage performance;
- create a positive work environment; and
- increase employee retention.

The performance development process may be linked to governance models such as the department's Strategic Intent, operational plans, workforce plans, capability framework and employees' job description forms.

On an individual level, the purpose of the performance development process is to enable and motivate us to:

- plan and understand expected performance; maximise strengths;
- identify areas for improvement;
- achieve our career goals; and
- recognise our contributions to the department.

Agreed/planned activities will be prioritised by the line manager based on operational needs and budget.

The department considers active participation in the performance development process to be part of the official duties of employees.

#### **Related policy**

Managing performance

#### **FAIRNESS AND EQUITY FOR OUR CUSTOMERS**

The department's Strategic Intent emphasises our commitment to provide a reliable, efficient and effective service to our customers. We must treat our customers with respect, courtesy and professionalism.

It is important that customers are dealt with in a manner that instils confidence in the decision-making of the department.

The department is committed to provide an efficient, fair and accessible mechanism for resolving complaints, and ensure that any complaint or feedback received is dealt with courteously, investigated and acted on quickly and appropriately.

The department has a duty of care to ensure that appropriate action is taken in response to any information received.

#### **Related policy**

Feedback & Complaints Management



## 2. COMMUNICATION AND OFFICIAL INFORMATION

As employees, we are required to maintain confidentiality and abide by the non-disclosure requirements of official information acquired in the course of employment. Official information or documents should only be disclosed where there is a requirement by law or proper authorisation has been given.

We are not to misuse official information or documents acquired in our daily duties for direct or indirect personal or commercial gain, for ourselves or others.

### MANAGING CONFIDENTIAL INFORMATION

In the course of our official duties we have access to confidential information. We must at all times, act in accordance with relevant legislation and policies that relate to confidential information.

Section 81 of *The Criminal Code* makes it illegal for a public official to disclose confidential information, and prohibits employees of the public service from publishing or communicating any fact or document that came to their knowledge or possession by virtue of their office and which it is their duty to keep confidential.

It is important that we respect the privacy of individuals, security of personal information and protect intellectual property.

In an instance where we are asked to disclose sensitive or confidential information, proper authorisation must be given. When in doubt, we should seek advice from the line manager about the appropriate release of information.

Confidentiality continues to apply after we have left the department. It is inappropriate for a former employee to use departmental information that is not publicly available or confidential that they have obtained during their employment for any purpose.

### PROVIDING ADVICE TO THE MINISTER

Our employees may be called upon to provide informed, accurate, unbiased and timely advice to government including the Minister for Mines and Petroleum; Commerce and Industrial Relations. If this is the case, we are expected to ensure that we have authorisation from appropriate sources, and that we include all the pertinent facts and opinions, or indicate where the information may be incomplete.

### COMMUNICATIONS PROTOCOL BETWEEN MINISTERIAL STAFF AND DEPARTMENTAL EMPLOYEES

Ministerial correspondence between the department and the Minister is coordinated by the Ministerial Coordination Unit. Some of the requests may be:

- information and research;
- briefing notes; and
- parliamentary questions.



We are expected to follow ministerial protocols outlined in the department's policy documents. For further advice on protocols, assistance or training regarding Ministerial matters, contact the Ministerial Coordination Unit.

#### **Related policies**

Ministerial

### **DEALING WITH MEMBERS OF PARLIAMENT**

Members of Parliament are not to be provided information that is not publicly available directly by the department. Any requests by a Member of Parliament for verbal briefings that are not publicly available must be referred to the Minister's office for approval through the Ministerial Coordination Unit.

### **DEALING WITH LOBBYISTS**

On some occasions, our duties may involve contact with lobbyists, that is a person or organisation who represents the interests of a third party to government. We need to ensure any conduct with lobbyists is in accordance of the Commissioner's Instruction No. 16 – *Government representatives contact with registrants and lobbyist* and meets the public's expectations of engagement that is conducted with transparency, integrity and honesty.

Lobbyists must advise government representatives of the third party they represent, the nature of the issue they are supporting and they must be listed on the PSC's Register of Lobbyists.

Government representatives should not engage with a lobbyist who is not listed on the register. This includes anyone who is employed, contracted or engaged by a lobbyist.

### **DEALING WITH MEDIA**

All contact with the media is to be undertaken through the Corporate Communications Branch unless authorised otherwise by the Director General.

#### **Related Policy**

Communications - Dealing with the Media  
Media

### **PUBLIC COMMENT AND PARTICIPATING ONLINE**

Public comment refers to comments made on political or social issues at public speaking engagements, on radio, letters to the press, online forums, social gatherings, or in other circumstances where it is reasonably foreseeable that the comment will flow to the community, including social media channels.

Employees are reminded that if they make a public comment in a private capacity, it should not represent the government and not relate to their duties as a public service officer.

#### **Related policy**

Public Comment on Political and Social Issues

Remember to always ensure separation between private views and those as a public sector employee of the department.



### 3. FRAUDULENT AND CORRUPT BEHAVIOUR

We are expected to conduct ourselves in an honest, ethical and professional manner and not to engage in fraudulent and corrupt behaviour, which are the most serious forms of misconduct.

We are required to report any suspected fraudulent, illegal and corrupt behaviour through the appropriate mechanisms. See Section 7 of the Code for more information.

Community confidence can be lost when criminal activity such as fraudulent, corrupt or illegal behaviour occurs within a public-sector body.

#### FORMS OF FRAUD AND CORRUPTION

Fraud is a dishonest activity that causes actual or potential financial loss to any person or the organisation.

Corrupt conduct occurs when a public sector employee uses or attempts to use their position for personal advantage or to cause detriment to any individual or others that is against the public interest. Fraud and corruption can take many forms such as:

- fraudulent use of departmental funds;
- fraudulent appropriation of assets;
- use or disclosure of confidential information for personal gain or for another person or entity;
- theft;
- causing a loss, or avoiding or creating a liability by deception;
- providing false or misleading information to the department, or failing to provide information where there is an obligation to do so;
- making, using or possessing forged or falsified documents;
- bribery, corruption or abuse of office;
- unlawful use of departmental computers, credit cards, telephones, vehicles, and other property or services;
- failure to disclose relevant conflicts of interest when making decisions, including those related to procurement, recruitment, regulation or compliance activities;
- making false claims of expenses, work hours or leave entitlements; and
- any offences of a like nature to those listed above.



## 4. USE OF PUBLIC RESOURCES

We are accountable for using the department's property, equipment and resources diligently and efficiently on behalf of the community to deliver outcomes for the public.

We have access to a range of public resources such as vehicles, travel and accommodation, corporate credit cards, office facilities and equipment. The use of these public resources should be restricted to work related purposes and not for financial, personal or political gain.

We must report any damage to, or loss of property or equipment immediately.

### APPROPRIATE USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGY FACILITIES

The term Information and Communications Technology (ICT) encompasses a wide range of technologies and services including the internet, cloud services, the intranet, computers, network storage, removable storage, mobile devices, digital cameras, email and social networking. ICT use may also include personal devices when used for departmental business.

The department provides ICT for use associated to our work. Limited private use is permitted as long as it does not interfere with our work.

Employees are reminded that we:

- are to ensure that our use of departmental ICT is always responsible and professional and does not bring the reputation of the department into disrepute;
- are to ensure that our electronic communications with employees or the public including email, instant messaging and social networking are compatible with a professional role and that messages cannot be misunderstood or misinterpreted;
- must not use departmental ICT for any unethical or unlawful purpose, browse, download, distribute or pass on any threatening, offensive, prohibited or pornographic material - is a criminal offence to use unlicensed software or fail to comply with copyright requirements; and
- are not permitted to transmit material through any means protected by trade secret, or disclose information prohibited under State Government policy or legislation, or use departmental ICT for non-departmental commercial activities, product advertisements or political lobbying.

The following would be considered inappropriate:

- transmitting or distributing material containing offensive, obscene, threatening, abusive or defamatory in nature;
- accessing content containing offensive, obscene, abusive or pornographic material;
- use of the department's ICT for commercial activities not directly related to the department;

- inappropriately transmitting or distributing information, which may violate the rights of others including unauthorised text, images or programs, trade secrets or confidential property, trademarks or service marks;
- transmitting or distributing material, which contains malware or any other contaminating or destructive features;
- charity requests, petitions for signatures, chain letters or letters relating to pyramid schemes and broadcasting messages;
- social networking which is outside of reasonable personal use; and
- lobbying of any nature, political or any other.

We must notify our line manager and the Information Technology Service Delivery team immediately if we access an unsuitable website or receive an offensive or inappropriate message or material.

#### **Related policy**

Acceptable use of ICT  
Mobile Devices  
Information Security

## **USE OF PUBLIC FUNDS AND CORPORATE PURCHASING**

We are in a position of trust when handling public funds and are accountable for the transactions we make. All purchases, including engagement of contractors and suppliers, made on behalf of the department must be made in accordance with relevant policies and guidelines.

All financial expenditure needs to be independently approved that is employees cannot approve a transaction they initiated or completed, or relates directly to themselves.

Responsible officers are required to ensure the quality, quantity and timing of the goods and services received are correct.

All employees must use the Common Use Agreement established by the Department of Finance to make purchases in accordance with the relevant Buyer's Guide unless approved otherwise.

#### **Related policy**

Corporate Credit Card  
Sustainable Procurement

## **USE OF GOVERNMENT VEHICLES**

Those of us who hold an appropriate and current drivers licence may use fleet vehicles as needed for undertaking official business of the department.

Eligible senior officers may utilise government vehicles for after-hours private use in accordance with approved vehicle schemes.

All employees responsible for, or in control of a fleet vehicle are to take due care for the condition and security of the vehicle and are to ensure they adhere to safe driving practices and departmental policy documents.

#### **Related policy**

Fleet Management  
Motor Vehicle Fleet Management

## **WORKING ARRANGEMENTS AND ATTENDANCE RECORDING**

Under the Public Service and Government Officers CSA General Agreement 2017, flexible work arrangements are available to all departmental employees with prior approval from their delegated officer. In some cases flexible working arrangements may be limited due to operational or customer service requirements.

Employees accessing flexible work arrangements are required to accurately record their working hours, breaks and leave in the department's timesheet management system.

The use of overtime and the provision of payment for overtime worked, or the granting of time off in lieu, is subject to prior approval by the delegated officer. Where approved, overtime or time off in lieu is to be accurately recorded using the department's timesheet management system.

#### **ABSENCE FROM DUTY**

Employees are to ensure that appropriate notice is given for any absence from work. It is the employee's responsibility to inform the line manager, as soon as possible, of any unplanned or planned absence from duty.

#### **Related policy**

Absence from Duty  
Flexi Leave



## 5. RECORD KEEPING AND USE OF INFORMATION

All employees have the responsibility to:

- properly record actions and decisions to ensure transparency and accuracy;
- securely retain records and confidential information in both paper and electronic form; and
- comply with relevant departmental policy documents.

It is our responsibility to ensure secure storage of sensitive or confidential information in both paper and electronic form.

### FREEDOM OF INFORMATION

The *Freedom of Information Act 1992* (FOI Act) provides the public a right to access official government documents, subject to some limitations, and enables member of the public to ensure that personal information in documents is accurate, complete, current and not misleading.

Information not already available for purchase or free distribution to the public can be requested in accordance with the principles and processes established by the FOI Act.

It is important that when preparing any documents that become part of the public record, we take care in the way they record information to ensure that they deal only with the facts. We should not, therefore, record personal opinions or comments unless they are required as part of the function we are performing.

Departmental information and records must not be released without careful consideration and/or consultation with relevant parties. If unsure we consult the line manager, the FOI Coordinator or Legal Services.

### DOCUMENT MANAGEMENT

Departmental records and information are its

organisational memory and are vital assets to ensure ongoing accountability and transparency.

The management of information and documents is an integral part of effective administration. All departmental information identified as records must be managed and retained in accordance with set policies and procedures and must be retained.

As an employee, we have a responsibility to:

- create and maintain reliable and accurate records;
- understand our obligations for Record Keeping as outlined in the *State Records Act 2000*;
- comply with requirements in managing electronic documents including email and information obtained from the Internet;
- be aware of the department's social media guidance documents;
- ensure sensitive information within our control is kept under appropriate security, such as locking hardcopy files in secure cabinets, securing electronic document access and ensuring our computer is locked when unattended;
- not falsify, alter or backdate departmental information; and
- ensure information is subject to Retention and Disposal schedules; information cannot be destroyed without proper authorisation of the Executive and Information Management Service Branch.

It is an offence to fraudulently or corruptly falsify records or deliberately omit records.

### Related policy

Documentation Creation Storage and Retrieval  
Record keeping Criteria  
Recordkeeping Policy

## 6. CONFLICT OF INTEREST AND GIFTS AND BENEFITS

Every employee is responsible for identifying, registering, managing and monitoring any conflict of interest in the public interest.

### CONFLICT OF INTEREST

A conflict of interest involves a conflict between an employee's work duties and their personal or private interests. Conflicts of interest can occur for any public sector employee and we have an obligation to report and manage any activity that has the potential to influence our ability to conduct our official duties.

It is not necessarily wrong or unethical to have a conflict of interest, but it is vitally important that any conflict of interest is properly and transparently identified, managed and monitored.

#### DECLARING, REGISTERING AND MANAGING A CONFLICT OF INTEREST

It is our responsibility as an employee to recognise when an actual, perceived or potential conflict of interest exists and register it. When a conflict of interest has been identified, we must discuss the situation with the line manager and develop a management plan to remove or manage the effect of the conflict on the position's work duties, and maintain the integrity of the public sector.

Openly declaring and actively managing any conflict of interest ensures that actions are impartial in both deed and appearance. Failure to declare a conflict of interest is taken very seriously by the department and may result in disciplinary action.

We must also be mindful of the damage that failing to declare a conflict of interest could cause to the reputation of the individual, the department and whole-of-government.

In the event of a breach, any decisions made by us during our employment may be called into question. It may also be required to retrospectively change or cancel affected decisions.

#### Related policy

Conflict of Interest

### GIFTS, BENEFITS AND HOSPITALITY

Conflicts of interest arise when personal interests can influence, or appear to influence, our decision-making responsibilities in our work duties. This includes the receiving or offering of gifts, benefits and hospitality.

The department's credibility rests on our transparency and impartiality so it is important to assess if the acceptance or offering of a gift, benefit or hospitality could be construed as, or constitute, a conflict of interest.

#### ACCEPTING GIFTS/BENEFITS/ HOSPITALITY

As a general rule, accepting of gifts and other benefits should be declined. We are expected to act ethically and with integrity at all times, and to be conscious of our responsibilities.

Some exemptions will be considered and these are outlined in the departments gifts, benefits and hospitality procedure.

A gifts, benefits and hospitality declaration is to be completed for all gifts, benefits and hospitality regardless of the offer being accepted or declined.

#### OFFERING OF GIFTS/BENEFITS/ HOSPITALITY

We must be scrupulous in the use of public funds.

Departmental expenditure of hospitality or gifts is only to be undertaken where it is considered essential to facilitate the work of the department. Approval for any hospitality expenditure or purchase of gifts must be sought from the relevant delegated authority.

As a general principle, hospitality should only be for official purposes and proportionate to the purpose of the occasion.

The offering of gifts needs to be approved in advance and should only be given in exceptional circumstances where there is a clear and distinct business requirement, such as recognition of a visiting dignitary.

#### Related policy

Expenditure on Official Hospitality  
Gifts, Benefits and Hospitality

### SECONDARY EMPLOYMENT

The department acknowledges that some employees may wish to participate in employment external to the department.

Approval must be sought from the delegated officer prior to engaging in any form of paid employment, outside of our official duties.

All employees are able to participate in volunteer activities in their own time where there is no financial reward. There is no requirement to seek approval in this circumstance unless a conflict of interest is identified.

#### Related policy

External Paid Employment  
Conflict of Interest

## 7. REPORTING SUSPECTED BREACHES OF THE CODE

The reporting of suspected or actual wrongdoing by employees contributes to the integrity of the public sector.

Any employees who raise their concerns by reporting suspected breaches of the Code provide one of the most important and accurate sources of information for identifying and addressing issues within a public sector body.

Any suspected breach of the Code can be considered reportable misconduct. Depending on the circumstances of the breach, there are a number of ways in which the matter may be dealt with, either internal or external to the department.

### MISCONDUCT

The *Corruption, Crime and Misconduct Act 2003* (CCM Act) defines both serious and minor misconduct. It also requires public authorities to manage and notify misconduct.

The main difference between serious and minor misconduct is that serious misconduct must involve corrupt intent and/or criminal conduct.

As a general definition, misconduct may be defined as any improper or unacceptable conduct or behaviour, which fails to meet the requirements of relevant regulations, codes and policies, or which may bring the department into disrepute, adversely affect the credibility of the employee in their workplace or cause harm or detriment to others.

### REPORTING MISCONDUCT

Every employee has an obligation to immediately report suspected misconduct, including any breach of the Code or the Public Sector Code of Ethics.

As a first point of contact, the matter should be discussed with, or referred to, any of the following:

- Line manager
- Manager once removed
- Other senior manager
- Human Resources
- Internal Audit
- Public Interest Disclosure Officer
- The Director General.

Suspected wrongdoing may also be reported as a Public Interest Disclosure (PID) in line with the *Public Interest Disclosure Act 2003* (this PID process is described in more detail later in this document). Other external reporting options can be discussed with Human Resources or Internal Audit.

Every report of misconduct is taken seriously, formally assessed, and if appropriate, investigated. Procedural fairness, natural justice and confidentiality will be maintained if an internal investigation is conducted. We are protected when we make a report in good faith, however there are penalties for those people who make malicious or vexatious allegations.

### PUBLIC INTEREST DISCLOSURE

A public interest disclosure is a report of wrongdoing made under the *Public Interest Disclosure Act 2003* (PID Act). A disclosure must relate to a matter of public interest information and show or tend to show by a public authority, public officer or public sector contractor performing a public function.

A public interest disclosure is more than a general complaint or dissatisfaction with a product, service or a decision by government. It is also more than a personal grievance that can be resolved by an agreement between parties. It is important to recognise the difference between a complaint, a grievance and a disclosure. This will help the employee decide if the PID Act is the right avenue to use.

Prior to making a disclosure, it is recommended that the employee speak to a departmental PID officer for further advice.

#### Related policy

Public Interest Disclosure

The names and contact details of departmental PID officers can be found on the department's intranet page for employees and are available on the Public Sector Commission's website.

### AGENCIES WHO DEAL WITH MISCONDUCT

The department has primary responsibility for investigating allegations of misconduct of its own employees and contractors.

Under the CCM Act, the Director General is required to notify the Public Sector Commission of suspected minor misconduct or the Corruption and Crime Commission (CCC) of serious misconduct.

As outlined below, there are a number of different external agencies or independent bodies that may be involved in investigating misconduct, depending on the nature and severity of the breach. Refer to diagram 1.

#### **PUBLIC SECTOR COMMISSION (PSC)**

The PSC is responsible for overseeing minor misconduct of public officers and misconduct prevention and education programs.

#### **CORRUPTION AND CRIME COMMISSION (CCC)**

The CCC is Western Australia's leading anti-corruption body. It works to improve the integrity of the Western Australian public sector and helps public sector agencies to minimise and manage serious misconduct.

#### **WESTERN AUSTRALIA POLICE**

Criminal matters are referred to the WA Police.

#### **OMBUDSMAN WA**

The Parliamentary Commissioner for Administrative Investigations, more commonly known as the Ombudsman, is an independent officer of the Western Australia Parliament.

The Ombudsman is completely independent in the investigation and resolution of complaints about WA public authorities (State Government agencies, statutory authorities and boards, local governments and universities).



Diagram 1 – PSC – Reporting of wrongdoing<sup>1</sup>

<sup>1</sup> PSC, Fact sheet, I think it's misconduct. What should I do? Reporting minor misconduct <[https://publicsector.wa.gov.au/sites/default/files/documents/factsheet\\_4\\_i\\_think\\_its\\_misconduct\\_what\\_should\\_i\\_do\\_0.pdf](https://publicsector.wa.gov.au/sites/default/files/documents/factsheet_4_i_think_its_misconduct_what_should_i_do_0.pdf)>

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