

DEVELOPMENTWA CODE OF CONDUCT

December 2019

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Foreword

Success can be summarised as the sum of many parts.

Organisational success relies on a number of interrelated factors.

The more tangible of these are easily recognised such as great projects and a skilled and engaged workforce.

Also at play in the quest for success are the often intangible factors which play an equally and arguably more important role in ensuring success is not fleeting, but can stand the test of time.

Our behaviour is on show in the way we interact with others. It impacts the way we are viewed by stakeholders and the broader community, who expect a high level of integrity and respect when working with us to identify, plan, design and develop the communities and places of tomorrow. Organisational trust and reputation, essential elements in building success, are positively affected by our approach to the work we undertake on behalf of the Government of Western Australia.

We are also aware of how important it is to provide and maintain a safe, supportive, fair and accountable work place for our staff who are deserving of the same level of respect and reward for reflecting our shared Code of Conduct.

DevelopmentWA staff, executive; board directors, committee members; internal contractors and consultants agree to, and are expected to comply with, the principles outlined in this Code of Conduct and conduct business practices in accordance with relevant legislation, standards and the Public Sector Commissioner's Instructions.

We take pride in our commitment to providing high quality outcomes which meet the needs of the community and government.

The DevelopmentWA team is a strong, skilled team who share values and behaviours. We can draw on our proud history to confidently embrace the future and take the State's land and infrastructure development to a new and exciting level.

George McCullagh
Chairperson

Frank Marra
DevelopmentWA Chief Executive

Introduction

DevelopmentWA is governed by the *Public Sector Management (PSM) Act 2004* and the *Western Australian Land Authority (WALA) Act 1992* with regards to the principles of the PSM Act.

These principles are contained in the Public Sector Code of Ethics which outlines the standards of conduct and integrity to be complied with by all Western Australian public sector employees:

Personal Integrity

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

Relationships with others

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

Accountability

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

All public sector bodies are required to develop, implement and promote a code of conduct and ensure compliance with that code.

Scope

This Code of Conduct applies to DevelopmentWA staff and executive officers; Board Directors and Committee members; and internal contractors and consultants.

Purpose

The purpose of the Code of Conduct is to guide staff and executive officers; Board Directors and Committee members; and internal contractors and consultants to make responsible and appropriate decisions according to set standards of conduct and integrity and is an integral part of the accountability framework. It is drawn from the rules, laws and policies that apply to public sector bodies and sits alongside existing policies and procedures of DevelopmentWA already in place to guide, direct or set standards of behaviour.

Code of Conduct

Conduct expectations of staff and executive officers; Board Directors and Committee members; and internal contractors and consultants are:

1. Personal behaviour

- Act honestly and with integrity in the performance of duties.
- Not engage in harassment, bullying or discrimination against colleagues or members of the public.
- Maintain and contribute to a safe and productive work environment.
- Treat members of the public and colleagues with respect, courtesy, honesty and fairness, having proper regard for their interests, rights, safety and welfare.
- Make decisions fairly, impartially and promptly, and consider all available information, legislation, policies and procedures.
- Serve the government of the day professionally and impartially and provide timely, well-considered information and policy advice in accordance with relevant Acts.
- Understand the consequences of misconduct and actions that may be taken if non-compliance to the Code of Conduct and associated policies.

2. Communication and official information

- Not disclose official information or documents acquired in the course of employment, other than as required by law or where proper authorisation is given.
- Not misuse official information for personal gain or commercial gain.

3. Fraudulent or corrupt behaviour

- Not engage in fraud or corruption.
- Report any information about actual or potentially fraudulent, corrupt or illegal activities through the appropriate mechanisms.

Definition: Fraud is a dishonest activity that causes actual or potential financial loss to any person or public sector body. Corrupt conduct occurs when someone uses or attempts to use their position for personal advantage.

4. Use of public resources

- Be accountable for expenditure (including the use of DevelopmentWA money for hospitality and travel).
- Use DevelopmentWA resources with diligence and efficiency, including office facilities and equipment, vehicles and credit cards.
- Not to use DevelopmentWA resources for party political work or for private financial gain.
- Follow legislation and procurement policies to engage contractors and suppliers.
- Purchase goods and services following applicable DevelopmentWA policy.

5. Record keeping and official information

- Record actions and decisions to ensure transparency.
 - Ensure the secure storage of sensitive or confidential information.
 - Know how and when information may be released.
 - Ensure personal information is accurate, complete, up to date and not misleading.
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6. Conflicts of interest, gifts and benefits

- Identify, declare and manage conflicts of interest in the public interest.
- Maintain knowledge of what gifts and benefits, if any, can be received and the requirement to report/register the receipt of gifts and benefits.

Definition: Conflicts of interest arise where there is a conflict between the performance of duties to DevelopmentWA and your private or personal interests. Conflicts may involve personal, financial or political interests and may be perceived, potential or actual. Conflict situations may result from the holding of shares, business interests, secondary employment, family relationships, private affiliations, sponsorship and the receipt of gifts and benefits.

7. Reporting suspected breaches of the code

- Report suspected breaches of this Code, improper conduct or misconduct which has been, or may be occurring in the workplace.

Board Members

In addition to the generic principles outlined above, the Boards of both agencies have adopted industry best practice as outlined by the Australian Institute of Company Directors' Code of Conduct.

A Director should comply with the following standards of conduct.

- Act honestly, in good faith and in the best interests of DevelopmentWA recognising the fiduciary obligations of each entity.
- Use care and diligence in fulfilling the functions of office and exercising the powers attached to that office.
- Use the powers of office for a proper purpose, in the best interests of each business.
- Recognise that the primary responsibility is to each DevelopmentWA but may, where appropriate, have regard for the interest of all stakeholders of DevelopmentWA.
- Not make improper use of information acquired as a director to gain, directly or indirectly, an advantage for the director or any other person to the detriment of either DevelopmentWA.
- Not take improper advantage of the position of director to gain, directly or indirectly, an advantage for the director or any other person to the detriment of DevelopmentWA.
- Properly manage any conflict with the interests of DevelopmentWA.
- Be independent in judgement and actions and to take all reasonable steps to be satisfied as to the soundness of all decisions taken by the board of directors.
- Ensure confidential information received in the course of the exercise of directorial duties remains the property of DevelopmentWA and not to improperly disclose it, or allow it to be disclosed, unless that disclosure has been authorised by DevelopmentWA, or the person from whom the information is provided, or is required by law.
- Not engage in conduct likely to bring discredit upon DevelopmentWA.
- Comply with the spirit, as well as the letter, of the law and with the principles of this Code at all times.

Policies, Charters and Government Instruments

All staff and executive officers; Board Directors and Committee members; and internal contractors and consultants must abide by and make themselves aware of the following in relation to their role and/or function and to the discharge of their duties (as they apply to DevelopmentWA):

- agency policies and codes; and
- applicable legislation, Commissioner's Instructions and Circulars; Treasurer's Instructions; Premier's Circulars; and other Government instructions (such as Department of Commerce Circulars).

Training

Training in accountable and ethical decision making is provided to all staff, including chief executive officers and Board members to support public sector employees to make accountable and ethical decisions.

Monitoring Compliance and Review

The Code of Conduct relies on staff and executive officers; Board Directors and Committee members; and internal contractors and consultants taking responsibility for their own behaviour. In relying on the integrity of each staff and executive officers; Board Directors and Committee members; and internal contractors and consultants both agencies acknowledge that no series of rules can completely cover the many challenges facing people in an increasingly complex work environment, where they may have considerable discretion to make decisions. As a result, this Code of Conduct is subject to review in response to changing circumstances.

Monitoring compliance with the Code of Conduct will be undertaken through performance management and internal/external audit procedures.

Breaches of this Code

Breaches of this Code of Conduct will be dealt with as a disciplinary matter according to the relevant agency's policy.

Further information

If you require any further advice and information, or have comments or suggestions in relation to this Code of Conduct, the DevelopmentWA HR team are available to provide advice and clarification as required. Board Directors and Committee members should refer to the Board or Committee Chairperson in the first instance.

Related Documents (as they apply to DevelopmentWA)

- [Public Sector Management Act 1994](#)
- [Western Australian Land Authority Act 1992](#)
- [Metropolitan Redevelopment Authority Act 2011](#)
- [Commissioner's Instruction No.7 - Code of Ethics](#)
- [Commissioner's Instruction No. 8 - Codes of conduct and integrity training](#)
- [WA Public Sector Code of Ethics](#)
- [WA Public Sector Standards in Human Resource Management](#)
- [DevelopmentWA Human Resource Management Standards](#)
- [Australian Institute of Company Directors Code of Conduct](#)

Evaluation and Review

Formally considered: February 2018
Reviewed: December 2019
Next scheduled review: February 2020

Agency Policies as Relevant to Behaviour Criteria

Behaviour Criteria	DevelopmentWA
1. Personal behaviour	<p>Board Charter</p> <p>Communications Policy 5.5: Handling Public Feedback</p> <p>Human Resources Policy 7.06: Elimination of Harassment in the Workplace</p> <p>Human Resources Policy 7.07 Equal Employment Opportunity (EEO)</p> <p>Human Resources Policy 7.09: Human Resources Management Standards</p> <p>Human Resources Policy 7.14: Grievance Resolution</p> <p>Human Resources Policy 7.35: Respectful Engagement</p> <p>Human Resources Policy 7.41: Accountable and Ethical Decision Making</p> <p>Human Resources Policy 7.42: Performance Management</p> <p>Human Resources Policy 7.45: Disciplinary Process</p> <p>Human Resources Policy 7.50: Fit for Work</p> <p>Human Resources Policy 7.51: Pre-Screening Requirements</p> <p>Occupational Health and Safety Policy 10.5: Health Safety and Wellbeing</p>
2. Communication and official information	<p>Communication Agreement between the Minister for Lands and the DevelopmentWA (CONFIDENTIAL)</p> <p>Ministerial Policy 1.1: Ministerial Communication Protocol</p> <p>Board Policy 2.2: Board Communication Protocol</p> <p>Communications Policy 5.3: Media Communication Protocol</p> <p>Communications Policy 5.6: Contact with Lobbyists</p> <p>Communications Policy 5.7: Social Media</p> <p>Human Resources Policy 7.17: Confidentiality</p> <p>Administration Policy 8.03: Freedom of Information (FOI)</p> <p>Administration Policy: 8.08 Records Management</p>

Agency Policies as Relevant to Behaviour Criteria

Behaviour Criteria	DevelopmentWA
3. Fraudulent and corrupt behaviour	<p>Audit and Risk Management Committee Charter</p> <p>Fraud and Corruption Control Framework</p> <p>Fraud and Corruption Risk Register</p> <p>Human Resources Policy 7.40: Public Interest Disclosure (PID)</p> <p>Financial Policy 8.06: Risk Management</p>
4. Use of public resources	<p>Financial Policy 6.3: Entertainment Expenditure</p> <p>Financial Policy 6.6: Use of Purchasing Card</p> <p>Administration Policy 8.07: Corporate Vehicles</p> <p>Administration Policy 8.10 Travel</p> <p>Administration Policy 8.11 Information Systems Usage</p>
5. Record keeping and use of information	<p>Board Charter</p> <p>Administration Policy 8.03: Freedom of Information (FOI)</p> <p>Administration Policy: 8.08 Records Management</p> <p>Administration Policy 8.11 Information Systems Usage</p> <p>Administration Policy 8.15: Office Security</p>
6. Conflicts of interest, gifts and benefits	<p>Board Charter</p> <p>Audit and Risk Management Committee Charter</p> <p>Governance and Remuneration Committee Charter</p> <p>Statutory Planning Committee Charter</p> <p>Financial Policy No. 6.3: Entertainment Expenditure</p> <p>Human Resources Policy 7.19: Conflict of Interest</p> <p>Board, Staff and Consultants (Internal) Register of Ongoing Conflicts of Interests (CONFIDENTIAL)</p> <p>Gift Register</p> <p>Invitation Register</p>
7. Reporting suspected breaches of the code	<p>Human Resources Policy 7.40: Public Interest Disclosure (PID)</p>