



Code of Conduct



Message from the Director General / Chief Executive Officer

The Code of Conduct for the Department of Biodiversity, Conservation and Attractions sets the standard for ethical behaviour in our workplace, including interactions with colleagues, volunteers, contractors, visitors, and stakeholders.

As employees, we make decisions every day that affect members of the public, our colleagues, and public assets. It is important when we are making these decisions we do so in an ethical manner, remaining accountable and dealing constructively with any moral ambiguity and uncertainty that may arise.

Clearly defined corporate standards help shape our behaviours and have an important role to play in building community and government confidence in our decision-making and operations.

The Code of Conduct aligns with the Public Sector Code of Ethics, which sets minimum standards for conduct and integrity across the Western Australian Public Sector. The Code of Ethics is designed around the principles of integrity, impartiality, respect for others, trust and accountability.

All staff are required to read and sign the Code of Conduct. In doing so, you will be demonstrating that you understand and agree to abide by high ethical standards expected of employees, as well as contributing to making our organisation a professional, equitable, transparent, and enjoyable place to work.

If you require further clarification on any aspect of this Code, please seek advice from your manager.

Stuart Smith
DIRECTOR GENERAL
CHIEF EXECUTIVE OFFICER

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Department of Biodiversity,
Conservation and Attractions



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Introduction

Employees will read the Code of Conduct and complete the Code of Conduct Acknowledgement Form when they join the organisation or when an updated version is released, as an acknowledgement that they understand and agree to adhere to all department policies, guidelines and procedures when undertaking work for, or on behalf of, the Department of Biodiversity, Conservation and Attractions, Botanic Gardens and Parks Authority, Rottnest Island Authority and Zoological Parks Authority (the department).

Where situations arise that are not explicitly detailed in this Code of Conduct, employees will interpret such situations in the context of the relevant policy, guideline and/or procedure.

Scope

This Code of Conduct applies to all employees, contractors, external students and trainees (hereafter referred to as “employees”) undertaking work, including when on-call, for the Department.

The Code of Conduct applies to volunteers engaged directly by the department but not to members of separately incorporated volunteer bodies that have adopted codes of conduct endorsed by the entities they support.

Board and Committee members are required by *Commissioner’s Instruction No. 40 – Ethical Foundations* to have a Code of Conduct and are bound by this Code of Conduct unless a Board or Committee has established its own Code of Conduct.

The Director General/Chief Executive Officer (CEO) of the department provides a bureau of service to the Conservation and Parks Commission. Employees of this organisation are required to comply with the provisions of this Code of Conduct, except in regard to talking to the media, and liaison with the Minister. In these circumstances, employees of the Conservation and Parks Commission or similar should comply with their respective agency’s policies and procedures where applicable and appropriate.

Equal opportunity

The department recognises its obligations under the *Equal Opportunity Act 1984* and encourages Indigenous Australians, young people, people with disabilities, people from culturally diverse backgrounds, and women to apply for positions within the agency. The department will not tolerate harassment, discrimination or victimisation in any form.

Employees must comply with the legislation and must not harass or discriminate against colleagues, clients or members of the public on the grounds of sex, marital status, pregnancy, breastfeeding, race, religious or political conviction, impairment, age, family responsibility or status, gender history or sexual orientation, or victimise an employee who has made a complaint on any of these grounds.

All employees have a responsibility to ensure that the workplace is free from all forms of harassment, unlawful discrimination and victimisation.

Further information is available in the [equal opportunity, anti-discrimination and anti-harassment policy](#).

Personal behaviour

Employees have a personal responsibility to act ethically and with integrity, and to make honest, fair, impartial and timely decisions in the public interest. Managers and supervisors are also expected to model ethical behaviour, by setting an example through mentoring, and assisting others to make the right decisions and act with integrity.

Employees will:

- act in accordance with this Code of Conduct, legislative requirements, and department policies, guidelines, procedures and other compliance documents;
- take accountability for their time, decisions, actions and behaviours;
- demonstrate leadership, diplomacy, professionalism and respect;
- ensure their conduct reflects the commitment to a workplace that is free from bullying, discrimination or harassment and where all employees have equal opportunity;
- make decisions that are fair, unbiased and prompt, and consider all available information, legislation, policies and procedures;
- work together constructively, inclusively and professionally to achieve the goals of the agency;
- ensure interactions with contractors, volunteers, students, the public and stakeholders are handled with consistency, promptness and equity;
- treat members of the public and colleagues with respect, courtesy, honesty and fairness, having proper regard for their interests, rights, safety, welfare and diverse backgrounds;
- serve the Government of the day professionally and impartially and provide objective, timely, well considered information and policy advice;
- ensure their behaviour upholds the good reputation of the Department and the public sector; and
- understand the consequences of misconduct and actions which may be taken if they do not comply with the Code of Conduct and associated policies, guidelines and procedures.

Representing the department

Employees need to exercise care and judgement when presenting for work to ensure that the department's image is maintained to a high standard.

Employees conduct and presentation is to be professional at all times, including whilst in uniform or when driving a departmental vehicle, whether on or off duty.

Work email addresses must not be used to promote personal interests or used in a capacity as a representative of any other community or private organisation.

Performance

Employees have a responsibility to undertake work tasks in line with their Job Description Form and maintain and develop their professional skills, competence and knowledge. In consultation with their managers, employees may take reasonable steps to identify and apply for development opportunities relevant to their current role and responsibilities.

Employees will participate in the performance development process and contribute to department planning processes, as required.

Further information is available in the [policy on performance development](#) and [policy and procedures for managing substandard performance](#).

Health and safety

Under the *Occupational, Safety and Health Act 1984*, the department has a duty of care, as far as is reasonably practicable, to provide and maintain a safe working environment. Employees are responsible for ensuring they are fit for work, take reasonable care to ensure their own safety and health and to avoid adversely affecting the safety and health of others.

Employees are required to comply with the relevant health and safety legislation, Standards, Codes of Practice and department policies, guidelines and procedures.

Grievance resolution

Employees are responsible for working in ways that promote a safe and effective work environment and must not engage in unacceptable behaviour including bullying, harassment, discrimination, and victimisation. Concerns or complaints related to unfair or inequitable treatment in the workplace are referred to as grievances or disputes.

The department is committed to the resolution of grievances in a fair, equitable and prompt manner in line with the [anti-bullying policy](#) and [grievance resolution policy and procedures](#).

Reporting criminal charges and convictions

Employees are required to report any criminal charges or convictions they have incurred after 1 January 2016, or since the date of their commencement, to the Manager People Services. This information will be managed confidentially.

In most cases the department will not take action, however it may be required where there is a link between the behaviour associated with the charge or conviction and the nature of the employment.

Refer to the relevant policy, guideline, procedure, instruction, circular or legislation for further information.

Fraudulent or corrupt behaviour

Fraud refers to a dishonest activity that causes actual or potential financial loss to a person or organisation. Corrupt conduct refers to the use, or attempted use by a public servant, of their position for personal advantage or to cause detriment to others.

Employees have a responsibility to operate with integrity, to not engage in any fraudulent or corrupt behaviour and to report any instances of actual or potentially fraudulent, corrupt or illegal activities through the appropriate mechanisms. Employees should seek advice from their manager or human resources representative where they are unsure of the appropriate mechanism through which to raise their concerns.

Conflicts of interest

Conflicts of interest arise where there is a conflict between the performance of public duty and private, or personal, interests. Conflicts may be actual, perceived or potential. Conflicts may involve personal, financial or political interests and may relate to procurement, employment of family members, secondary or outside employment, holding of shares in companies where their duties include significant influence or decision making that could materially affect the value of those shares, lobbying, and gifts, benefits and/or hospitality.

As part of demonstrating commitment to impartiality and integrity, employees will:

- place the public interest over their personal interest
- not engage in secondary or outside employment without written approval;
- understand what a conflict of interest is and how conflicts may be perceived;
- understand that it's not necessarily wrong to have a conflict of interest, but that it needs to be managed in the public interest;
- acknowledge their responsibility to identify, declare and manage all actual, perceived and/or potential conflicts of interest;
- not allow their private interests to influence their decisions or actions;
- exclude themselves from any activity in which they have, or could potentially have, a conflict of interest;
- identify, declare and manage any actual/perceived/potential conflicts of interest in accordance with relevant conflict of interest policy and procedures; and
- acknowledge that the conflict situation will need ongoing monitoring and/or review, including submitting a revised declaration if there is a change in circumstance.

Refer to the relevant policy, guideline, procedure, instruction, circular or legislation for further information.

Gifts, benefits and hospitality

Employees should not accept gifts, benefits or hospitality offered to them, as this may bring into question the integrity of the employee, the organisation and the public sector.

Employees should not, under any circumstances, accept gifts, benefits or hospitality that:

- could give the appearance of an actual, potential or perceived conflict of interest;
- are likely to place them under an actual or perceived financial or moral obligation to other organisations or individuals;
- are given with the objective of securing, or returning, favour or preferment; and/or
- involve the transfer of monies, regardless of value, e.g. cash or loans.

Further, employees will:

- understand in what circumstances, if any, gifts, benefits and hospitality may be accepted or offered in accordance with the relevant policies and procedures; and
- not demand or accept in connection with their official duties any fee, commission, reward, gratuity or remuneration of any kind which is outside the scope of their entitlements.

A gift, benefit or hospitality may be accepted only if it is a token, and only when refusal could be unreasonable, rude or offensive (e.g. of a cultural nature).

If an employee is offered a gift, benefit or hospitality, they must declare it in accordance with the relevant policy, even if the gift is declined or returned.

Refer to the relevant policy, guideline, procedure, instruction, circular or legislation for further information.

Provision of hospitality

The provision of hospitality is to be consistent with the department's genuine needs and *Public Sector Commissioner's Circular: 2009-18 Guidelines for expenditure on official hospitality*. Hospitality should not appear overly generous compared to the potential benefits to the department or stakeholder involved. Employees are expected to ensure that any decision to provide hospitality should be defensible and furthers the business of government.

Employees need to understand the circumstances where hospitality may be offered, in accordance with the relevant policy, guidelines and procedures, and that offering hospitality may create a personal conflict of interest where one did not previously exist.

Refer to the relevant policy, guideline, procedure, instruction, circular or legislation for further information.

Communication and official information

The department publishes a wide and varied range of information for access by the public. All other information is considered official information.

Confidential information is any official information or document acquired in the course of employment that may be considered sensitive and only to be viewed or accessed by certain persons.

Employees will:

- only disclose official information with the express permission of the Director General/CEO, by an officer with delegated authority, or if it is required to be disclosed in the course of an officer's official duties, and in accordance with *Administrative Instruction 711 – Official Information*;
- not disclose the contents of any official papers or documents including advertised vacancy files without appropriate authorisation;
- understand that unauthorised disclosure of official information is a crime under the *Criminal Code Act 1913*;
- protect, use and disclose information in a responsible and authorised manner;
- treat all official information with care and use it only in the manner it was intended for;
- only disclose the minimum of confidential information that is required to comply with the applicable law and only disclose the information to the person that the employee must disclose it to, and no one else;
- not release personal information about an individual without the permission of the individual concerned;
- seek advice about the appropriate release of information where unsure;
- immediately notify the department of any unauthorised record, disclosure, use, copying, transmission or exploitation of confidential information of which the employee becomes aware;
- adhere to internal policies and all other lawful directives regarding communication with parliament, ministers, ministerial staff, members of the media and the public; and
- continue to maintain the confidentiality of official information after leaving the department.

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 manage such requests. Such requests must be referred to the appropriate Freedom of Information Coordinator.

Refer to the relevant policy, guideline, procedure, instruction, circular or legislation for further information.

Contact with the media

The development and release of media and communications materials and any media contact, including proactive approaches to media, responses to media queries or requests for interviews, must be directed to and coordinated by the media representatives of the organisation.

Employees are not permitted to speak to the media until the relevant media team has been consulted. Employees are to explain that the relevant media team handles media queries in the first instance and offer to get someone from the section to return their call.

The relevant media team will ensure the authorised officer provides an approved response within the deadline. Authorised employees are to respond to media requests for information honestly, accurately and promptly.

Communication with the Office of the Premier, portfolio Ministers, other Ministers, Members of Parliament and their staff

Communication arrangements between the department and Ministers of the Crown overseeing the department are set out in the Communication Agreement signed by the relevant Minister and the Director General/CEO, and in accordance with the Public Sector Commission's *Administrative Instruction 102 – Official Communications*.

In general, the first point of contact for the Ministers is the Director General/CEO. All executives in the executive team will be available to the Minister as the need arises.

The first point of contact for the Minister's Chief of Staff will be the Director General/CEO, Deputy Director General or the relevant Executive Director. Other Ministerial staff will generally contact the department's Ministerial Liaison Unit or Manager Office of the Director General. All other employees are not to communicate directly with a Minister of the Crown or Ministerial staff, unless permission is granted.

In the event that an employee is contacted directly by the Office of the Premier, another Minister or their staff, or a Member of Parliament, the employee is to politely explain that all communication with the department is to be via the relevant administering Ministerial office. The employee is to advise the Manager Office of the Director General of the contact made. The Minister's office will be notified of any such communication as soon as practical thereafter.

If staff are considering communicating with a Member of Parliament as a private citizen, they should be mindful of the section relating to Participation as a private citizen.

Participation as a private citizen

Employees need to ensure that any activity undertaken as a private citizen represents their personal views in a private capacity, does not appear to be an official comment on behalf of Government or the department, and will not affect, or be perceived to affect, their impartiality in performing their duties.

Employees should be mindful when using or commenting on social media, even in their private capacity, ensuring that:

- any material that is posted or shared, is not threatening, harassing, bullying, discriminatory or disparaging towards another employee the department, the state government or its agencies;
- they will not use or disclose, on social media, print or otherwise, any confidential information or personal information obtained in their capacity as an employee; and
- they take all reasonable steps to avoid a conflict of interest or declare and manage it.

There are certain circumstances in which it is inappropriate for employees to make a public comment as a private citizen, including 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;
- the employee is involved in advising or directing the implementation or administration of Government policy; and
- the public comment could compromise the organisations capacity to perform its statutory functions.

Contact with lobbyists

Lobbying refers to a member of the public communicating with a government representative with the aim of influencing State government decision making, either directly or indirectly.

Employees are to ensure transparency, integrity and honesty when interacting with registrants and lobbyists and are required to comply with the *Commissioner's Instruction No. 16 – Government Representatives Contact with Registrants and Lobbyists* and the *Integrity (Lobbyists) Act 2016*. Employees need to ensure that any contact with any lobbyist is properly managed in accordance with all legislation, government and department policies and procedures, and complete the department's Record of Contact with Lobbyist Form.

Lobbyists are required to be registered and comply with the Code of Conduct for Registrants and Lobbyists. The Register of Lobbyists provides information on who is engaged in lobbying activities and who lobbyists are representing in their dealings with Government.

The Code of Conduct for Registrants and Lobbyists requires a lobbyist, when contacting a government representative on behalf of a third party, to advise the government representative that they are a lobbyist, who their client is, and the nature of their client's issue. The Register of Lobbyists and the Code of Conduct are available from the Public Sector Commission website.

Use of public resources

Employees have access to, and use, a range of public/government resources to carry out their daily duties. These resources are purchased or developed with public money and as such, are deemed public property. They should not be used for private, commercial or financial gain, or for party political work.

Employees will:

- make decisions that ensure the best use of resources for now and the future;
- be scrupulous in the use of government resources, and not use agency resources for personal activities/ interest or gain;
- use government resources in an open, transparent and accountable manner and be responsible for the careful and scrupulous use of public monies, official equipment and facilities;
- ensure compliance with all relevant legislation and procurement policies when purchasing goods and services for the organisation;
- use information and related technology resources for reasonable personal use only if it does not interfere with formal duties and if all relevant legislation and policies are complied with;
- only utilise Government vehicles to carry out official business;
- be accountable for all expenditure, including the use of public money for hospitality and travel;
- only use corporate credit cards and only for official Government purposes and in line with department policies and guidelines;
- not authorise or certify their own expenditure for credit card payments, travel and other purchases;
- ensure that all intellectual property developed with public money is protected for the benefit of the department and the public;
- ensure assets such as vehicles and computers are only used by authorised persons and are appropriately secure;
- take due care for the condition and security of a government vehicle, vessel or aircraft, and shall comply with department policies and all relevant legislation, traffic laws, regulations and by-laws;
- be responsible for any fines associated with parking or traffic infringements when using a government vehicle under their control;
- report any damage to, or loss of, department property or equipment immediately to the appropriate person;
- not exercise their own delegations in respect of their own terms and conditions of employment; and
- adhere to internal instructions regarding the use of public resources.

Record keeping and use of information

Correspondence and documents created or received in the course of official business are government records.

Records include but are not restricted to letters, emails, memos, post it notes, transcripts of telephone conversations or data stored in business systems that document what happened, why it happened and who was involved. Records underpin accountability and transparency and are essential to meet legal, business, financial and accountability requirements

Members of the public can also seek access to the organisations information and records under the *Freedom of Information Act 1992*.

Employees are responsible under the *State Records Act 2000*, and other relevant legislation, for creating and managing government records and will:

- create and maintain proper and adequate records;
- ensure records are registered in the official records management system or captured in the relevant business information system;
- ensure appropriate handling and secure storage of information, particularly that is sensitive and confidential information;
- access, use and disclose information only where they are authorised to do so;
- record our decisions for transparency allowing for review and scrutiny;
- not falsify, destroy, alter or damage public records or back-date information;
- not destroy or transfer custody of any records without authorisation and in accordance with an approved disposal authority; and
- ensure any personal information is accurate, complete, up-to-date and not misleading, as members of the public may be able to access documents, including through the freedom of information process.

Refer to the relevant policy, guideline, procedure, instruction, circular or legislation for further information.

Breaches of the Code of Conduct

A breach of this Code of Conduct may result in disciplinary action being taken in accordance with the *Public Sector Management Act 1994* or other relevant processes as outlined in the [policy and procedures for managing suspected breaches of discipline](#).

Some matters will require referral to the Western Australian Police Force, Public Sector Commission, Corruption and Crime Commission and/or other appropriate authorities.

Complaints and reported breaches will be acted upon in a timely manner, treated confidentially and will be investigated impartially, recognising the rights of all employees to procedural fairness.

Reporting suspected breaches of the Code of Conduct

Employees are required to report any action perceived to be inconsistent with this Code of Conduct to their supervisor, manager, Executive Director or the Manager People Services. Employees may also report matters to a Public Interest Disclosure Officer.

Supervisors, managers and Executive Directors to whom matters are reported should seek advice from the Manager People Services where it appears that a suspected breach may have occurred.

Public interest disclosures

Employees may raise concerns regarding improper or unlawful activities they believe are occurring in a public authority via the *Public Interest Disclosure Act 2003* (the PID Act).

Disclosures can be about improper conduct, an offence under State law, a substantial unauthorised or irregular use of public resources, a substantial mismanagement of public resources, conduct involving a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment, or conduct relating to matters of administration affecting someone in their personal capacity falling within the jurisdiction of the Ombudsman.

To obtain protection under the PID Act, a disclosure must not only be made to a PID Officer but must also meet certain other requirements in the legislation. These requirements are outlined in the [Public Interest Disclosures policy](#).

Legislation, instructions and circulars

The following legislation is administered within the department's portfolio:

- *Biodiversity Conservation Act 2016*
- *Botanic Gardens and Parks Authority Act 1998*
- *Botanic Gardens and Parks Authority Regulations 1999*
- *Conservation and Land Management Act 1984*
- *Conservation and Land Management Regulations 2002*
- *Forest Management Regulations 1993*
- *Reserves (National Parks and Conservation Parks) Act 2004*
- *Reserves (National Parks, Conservation Parks and Other Reserves) Act 2004*
- *Reserves (National Parks, Conservation Parks, Nature Reserves and Other Reserves) Act 2004*
- *Rottnest Island Authority Act 1987*
- *Rottnest Island Regulations 1988*
- *Swan and Canning Rivers (Consequential and Transitional Provisions) Act 2006*
- *Swan and Canning Rivers (Transitional) Regulations 2007*
- *Swan and Canning Rivers Management Act 2006*
- *Swan and Canning Rivers Management Regulations 2007*
- *Zoological Parks Authority Act 2001*
- *Zoological Parks Authority Regulations 2002*

The following are relevant to the Code of Conduct and may be referred to in conjunction with department policies, guidelines and procedures.

- *Auditor General Act 2006*
- *Corruption, Crime and Misconduct Act 2003*
- *Criminal Code – Chapter XII – Corruption and abuse of office*
- *Disability Services Act 1993*
- *Environmental Protection Act 1986*
- *Equal Opportunity Act 1984*
- *Financial Management Act 2006*
- *Freedom of Information Act 1992*
- *Industrial Relations Act 1979*
- *Occupational Safety and Health Act 1984*
- *Parliamentary Commissioner Act 1971*
- *Public Interest Disclosure Act 2003*
- *Public Sector Code of Ethics*
- *Public Sector Management Act 1994*
- *State Records Act 2000*
- *State Supply Commission Act 1991*
- *Statutory Corporations (Liability of Directors) Act 1996*
- *Working with Children (Criminal Record Checking) Act 2004*
- Administrative instructions
- Commissioner's instructions
- Premiers circulars
- Public Sector Commissioner's circulars
- Public Sector Standards in Human Resources Management
- Treasurer's instructions

Employee acknowledgment

All employees are bound by this Code of Conduct, regardless of whether the acknowledgement below is signed.

Volunteers and contractors paid through the Accounts Payable system are not required to complete this page as their acknowledgement of the Code of Conduct is covered in the volunteer registration form and procurement documents.

I confirm that I have read the entirety of this Code of Conduct, understand its contents and have sought clarification from my manager where necessary.

Employee name: _____

Employee Number: _____

Job title: _____

Work location: _____

Employee signature: _____
(electronic or written signature only)

Date: _____

Please send the completed form to: codeofconduct@dbca.wa.gov.au.

Where employees do not have a work email address, managers should coordinate the return of this form.