

Code of Ethics And Conduct



CODE OF ETHICS AND CONDUCT

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1 Overview

In accordance with Section 9 of the *Public Sector Management Act 1994* and Section 21 (1) of the *Port Authorities Act 1999* this Code of Ethics and Conduct specifies the minimum standards of conduct and integrity that applies to all Mid West Ports Authority (**MWPA**) Directors¹ and Workers².

2 Introduction

MWPA reports annually to the Minister for Transport, Planning and Ports, and to the Public Sector Commissioner on its compliance with this Code of Ethics and Conduct.

Responsibility for ensuring compliance with the Code of Ethics and Conduct within MWPA rests with the Chief Executive Officer (**CEO**).

3 Code of Ethics

The ethical standards expressed in the following principles are to be complied with by MWPA Directors and Workers. By choosing to work for MWPA, in any capacity, Directors and Workers agree to comply with the principles of this code, both whilst at work and outside of work hours.

Note:

This code cannot cover every situation. It requires all Directors and Workers to be personally responsible for behaviours and actions to always ensure professionalism.

3.1 PERSONAL INTEGRITY

We, the Directors, and Workers of MWPA will:

- recognise, respect and uphold the equal, nondiscriminatory, and inalienable human rights, inclusive of those detailed in the United Nations:
 - *Universal Declaration of Human Rights*³;
 - *Declaration on the Rights of Indigenous Peoples*⁴; and
 - *Convention on the Rights of Persons with Disabilities*⁵;
- act with care and diligence and make decisions that are honest, fair, impartial, and timely, and consider all relevant information.

¹ A Director is an individual appointed by the Western Australian Minister Ports.

² MWPA incorporates 'Staff Member' and 'Contractor' into the Term 'Worker' in accordance with Part 1, Division 3, [Section 7 of the Work Health and Safety Act 2020](#)

³ [UN Universal Declaration of Human Rights](#)

⁴ [UN Declaration on the Rights of Indigenous Peoples](#)

⁵ [UN Convention on the Rights of Persons with Disabilities](#)

- respect that all people have a right to be treated fairly; including the right of people to be treated fairly when they have been accused of doing something wrong. In this regard:
 - decision makers act fairly and without bias;
 - a person will not be the judge in their own cause;
 - people are informed about allegations made against them when they are affected by those allegations;
 - all parties potentially affected by a matter have the opportunity to put their case, and have all relevant arguments considered, before a decision is made;
 - the rights to which people are entitled are observed, including the right to obtain advice and advocacy from other sources; and
 - people are informed of their rights and are not disadvantaged or treated unfairly.
- report any evidence or genuinely held suspicions of fraud and corrupt behaviour, or the mismanagement of public resources to the **CEO** or the **Public Interest Disclosure Officer**.

3.2 RELATIONSHIPS WITH OTHERS

We, the Directors, and Workers of MWPA will:

- treat people fairly, with dignity, respect, courtesy, consideration and sensitivity when interacting, and recognise their interests, rights, safety and welfare;
- display sensitivity to the differences between people and understand that people have different ways of contributing in the workplace;
- value the participation of people with differing abilities, backgrounds, cultures, religious beliefs and ethnicities;
- ensure that our fellow Directors and Workers have equal employment opportunities in accordance with MWPA's [People and Culture Policy](#);
- ensure constructive and cooperative relationships are built between MWPA and other public sector agencies, to achieve collaborative outcomes that benefit the people of Western Australia; and
- respond to requests for information as soon as practicable.

3.3 ACCOUNTABILITY

We, the Directors, and Workers of MWPA:

- use the resources of the State of Western Australia in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information;
- understand and acknowledge that MWPA assets belong to the people of Western Australia. They are held in trust for the benefit of present and future generations. We act to maintain the value of these public assets and seek their use for the benefit of the people of the State;
- are objective in carrying out our responsibilities. We develop and follow procedures and processes, to ensure personal profit or motive does not bias our judgement or affect our impartiality;

- will not permit lobbying by a lobbyist who is not listed on the lobbyists register, and act in accordance with the Code of Conduct for ‘Registrants and Lobbyists’ under the *Integrity (Lobbyists) Act 2016*⁶ and the ‘Government Representatives Contact with Registrants and Lobbyists’ outlined in the *Commissioner’s Instruction No. 16*⁷;
- deal carefully with, and manage responsibly, the people, the environment and MWPA monies and property entrusted to it;
- will ensure the management of human resources is responsible, careful, and takes into account the wellbeing of individuals, and MWPA as a whole;
- identify risks and potential hazards in our areas of responsibility and manage these to reduce the likelihood of adverse effects on the Port, Port users and the community;
- will declare conflict of interests if they arise whilst undertaking my duties as a Director or Worker of MWPA, including but not limited to, recruitment, commercial, and procurement activities.
- will keep accurate records of decisions made, the reasons for them, and actions taken; and
- have a responsibility to recognise any deficit in our skills, identify, request, and undertake the appropriate training to ensure competency in line with MWPA’s **Training and Development Procedure**.

4 Code of Conduct

4.1 PERSONAL BEHAVIOURS

We, the Directors, and Workers of MWPA have a responsibility to act ethically, with integrity, and to make decisions in the public interest. Appropriate personal behaviour in any given situation requires good judgement, as guided by MWPA values that define the type of conduct that we exhibit.

The values are:

Accountability

- We deliver our very best in all we do, holding ourselves accountable for results.

Caring

- We care about our colleagues, our organisation, our community and our environment.

Courage

- We have the courage to continuously move forward, innovate, learn and grow.

Collaboration

- We bring the right people together to get the best result.

Integrity

- We are consistently transparent, honest, ethical and genuine.

⁶ [Integrity \(Lobbyists\) Act 2016 \(WA\)](#)

⁷ [Commissioner's Instruction 16: Government Representatives Contact with Registrants and Lobbyists](#)

4.2 PERFORMANCE OF DUTIES

We, the Directors, and Workers of MWPA:

- whilst at work or performing MWPA duties, devote our time and attention to MWPA business and ensure that our work is carried out efficiently, economically and effectively and that our standard of work reflects favourably on ourselves and MWPA;
- are required to comply with all policies, procedures and any other lawful instructions of MWPA; and
- understand and comply with the requirements when responsible for financial expenditure, entering into contracts, spending MWPA funds, conflict of interest, and managing confidentiality.

4.3 HEALTH, SAFETY AND WELLBEING

We, the Directors, and Workers of MWPA will:

- comply with Work Health and Safety legislation, regulations, policies, guidelines and standard operating procedures at all times;
- ensure we behave safely in the workplace, including their physical actions and conduct;
- not bully or harass another Director or Worker whereby any repeated and unreasonable bullying or harassing behaviour creates a risk to the health, safety and wellbeing of any Director or Worker;
- immediately report any potential risk and hazards in an effort to maintain the health, safety and wellbeing of Directors and Workers or Community Members as well as including actions and conduct using digital or electronic media. This includes witnesses reporting observed behaviours that do not align with MWPA values even if not directly impacted by the behaviour; and
- treat co-workers, port users and members of the public with courtesy and respect, be appropriate in our relationships with them, and recognise that others have the right to hold views which may differ from our own.

4.4 COMMUNICATION AND OFFICIAL INFORMATION

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

We, the Directors, and Workers of MWPA:

- must not use or disclose any confidential information in relation to MWPA business in their daily duties other than required by law or to gain improper advantage for themselves or for any other person or organisation, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation; and
- are bound by the *Privacy Act 1988* and other relevant legislation and will ensure we respect the privacy of individuals and the security of personal information.

4.5 FRAUDULENT OR CORRUPT BEHAVIOUR

Fraud is a dishonest activity that causes actual or potential financial loss to any person or organisation. Corrupt conduct occurs when a Director or Worker uses, or attempts to use, their position for personal advantage or to cause detriment to others.

Community confidence in ethical decision making can be lost when fraudulent or corrupt behaviour occurs. Left unchecked, fraudulent, and corrupt behaviour can undermine the culture of an organisation. It can damage the reputation of MWPA, its Directors and Workers.

MWPA is committed to combating fraud and corruption. As such, we as Directors and Workers must take appropriate action to prevent and report suspected fraud and corruption, particularly with our areas of responsibility.

Any suspected fraud or corruption must be reported immediately to the General Manager Sustainability, Culture and People and/or the CEO. Alternatively, suspected fraud and corruption can be reported by making a protected disclosure under the *Public Interest Disclosure Act 2003* (WA) which provides anonymity and protection to the person making a disclosure.

4.6 USE OF PORT RESOURCES

We, the Directors, and Workers of MWPA:

- have access to, and use of, a range of resources to carry out our daily duties. These resources are MWPA property and will not be used for private commercial or financial gain, or for party political work;
- must ensure that MWPA resources are used effectively, efficiently and economically. We must also be honest when using facilities, funds, utilisation of Workers, materials and equipment, and must not misuse them, not allow them to be misused, particularly when outside of adopted or accepted organisational guidelines or practices;
- must use Port facilities, materials and equipment in accordance with any relevant laws, regulations, codes or practices or guidelines. This includes all work-related travel, accommodation and hospitality; and
- must not directly or indirectly use work related resources for private use or gain unless authorised to do so by MWPA.

4.7 RECORDKEEPING AND USE OF INFORMATION

Correspondence and documents created or received during official business are government records.

We, the Directors, and Workers of MWPA:

- are responsible under the *State Records Act 2000* for creating and managing government records appropriately. We need to take particular care in the way information is recorded and handled, including confidential and sensitive information;
- acknowledge and understand that creating, recording and maintaining proper records assists with accountability and transparency by demonstrating the basis for decisions and the process used to make the decision. Documentation enables decisions to be reviewed, including by an independent person or authority. Members of the public can also seek access to public sector bodies' information and documents under the *Freedom of Information Act 1992*;
- must keep full and accurate records of all activities conducted on behalf of MWPA through **Objective®**; and
- shall ensure that the intellectual property in all documents, information, manuals, drawings, computer programs and other information developed by, and/or supplied to us remains the property of MWPA.

4.8 CONFLICTS OF INTEREST, GIFTS, BENEFITS OR HOSPITALITY, AND BRIBES

4.8.1 Conflict of Interest

Conflicts of interest arise where there is a conflict between the performance of a MWPA Director or Workers role and responsibilities, and a personal interest (such as financial or political). Conflicts can be categorised as an '**actual**' or '**perceived**' conflict, and the nature of the interest can be '**indirect**' or '**direct**'.

Although it is not wrong for a Director or Worker to have an actual or perceived conflict of interest, the importance is in declaring the interest, and the way in which the declared interest is recorded and managed. Conflicts of interest may become a problem when an identified conflict is *not declared*, and the interest has the potential to influence a MWPA Director or Workers decision making.

4.8.2 Gifts, Benefits, or Hospitality

A personal benefit is when a Director or Worker gains an advantage (such as a gift, benefit, or offer of hospitality) because of their position or relationship with MWPA.

Directors and Workers should not accept an offer of a gift, benefit, or offer of hospitality whereby the receipt could be a perceived, or an actual, conflict. The Director or Worker should politely explain to the person that they are not able to accept the gift, benefit, or offer of hospitality.

Directors and Workers must promptly report any gift, reward, or benefit, regardless of value, which is offered by an external person or organisation (including acts of hospitality), whether accepted, returned or declined using the **Gift and Hospitality Declaration Form**.

4.8.3 Bribe

If a Director or Worker is offered a bribe, they must immediately report the attempted bribe to their Supervisor or Manager for action and forwarded the details of the attempted bribe and the action taken to Supervisor and/or Manager are required to report the attempted bribe to the CEO for action.

For more detailed information relating to conflicts of interest, gifts, and benefits, refer to **Conflict of Interest Procedure**.

5 Code of Conduct and Integrity Training

MWPA provides training on workplace expectations in line with this Code of Ethics and Conduct, including:

- personal behaviour;
- communication and official information;
- fraudulent or corrupt behaviour;
- use of public resources;
- recordkeeping and use of information;
- conflicts of interest and gifts and benefits; and
- reporting suspected breaches of the code.

In addition, **Accountable and Ethical Decision-Making** training and **Integrity and Fraud Prevention** training is provided at induction with refresher training provided every two years.

Attendance records are signed and recorded for each training session.

6 Reporting Suspected Breaches of the Code

The reporting of suspected or actual wrongdoing by MWPA Directors and Workers contributes to the integrity of MWPA operations. Directors and Workers who are prepared to raise their concerns by reporting, are one of the most important and accurate sources of information for identifying and addressing issues within MWPA.

Appropriate action will be taken by MWPA for breaches of this Code. A breach by a Director or Worker may result in disciplinary action, including termination of their employment contract. A breach by a Director will be referred to the office of the Western Australian Minister for Transport; Planning; Ports.

Any Director or Worker who suspects another Director or Worker may be breaching the Code must refer the matter to their Supervisor/Manager or Team Leader immediately.

MWPA will take steps to protect a Director or Worker who makes honest reports. Protection is also available under the *Public Interest Disclosure Act 2003* for a Director or Worker who reports acts of improper conduct by public officers or public bodies.

Further to this, the *Corporations Act 2001* outlines a whistleblowers legal rights and protection when reporting misconduct or potential breaches of the law in companies and organisations wider than just public authorities. This protection similarly covers a Director or Worker, but also extends to an associate, spouse, relative or dependant of the above listed.

7 Associated Documents

Document Title
Training and Development Procedure
Conflict of Interest Procedure
Gift and Hospitality Declaration Form

8 References

References	
<p><i>Public Sector Management Act 1994</i></p> <p>Section 9 – Principles of conduct by public sector bodies, and the like</p> <p>The principles of conduct that are to be observed by all public sector bodies and employees are that they —</p> <p>(a) are to comply with the provisions of —</p> <p>(iii) any code of conduct applicable to the public sector body or employee concerned;</p>	
<p><i>Port Authorities Act 1999</i></p> <p>Section 21 (1) details that the MPWA Board is to prepare and issue this Code of Conduct setting out minimum standards of conduct and integrity to be observed by MWPA Directors and Workers.</p>	
<i>Fair Work Act 2009 (s.789FD workplace bullying)</i>	<i>Public Sector Management Act 1994 (WA)</i>
<i>Privacy Act 1988</i>	<i>Public Interest Disclosure Act 2003 (WA)</i>
<i>State Records Act 2000</i>	<i>Freedom of Information Act 1992</i>
<i>Work Health and Safety Act 2020</i>	<i>Corporations Act 2001</i>
<i>Code of Conduct for Registrants and Lobbyists under the Integrity (Lobbyists) Act 2016</i>	
'Contact with Lobbyists Code' – Commissioner's Instruction No. 16	
<p>WA Department of Commerce:</p> <ul style="list-style-type: none"> • Workplace Violence Code of Practice (1999) • Dealing with Workplace Bullying – A Guidance Note for Employers (2003) 	

9 Administration

This Policy overrides any previous policy, procedure or agreement either written, or verbal relating to matters contained within.

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