

1 Introduction

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**) Directors, Staff Members and Contractors.

MWPA reports annually to the Minister for Transport, Planning and Ports, and to the Public Sector Commissioner on its compliance with the 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**).

2 Code of Ethics

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

Note: This code cannot cover every possible situation. It requires all Directors, Staff Members and Contractors to be personally responsible for behaviours and actions to ensure professionalism at all times.

2.1 PERSONAL INTEGRITY

We, the Directors, Staff Members and Contractors of MWPA will:

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

2.2 RELATIONSHIPS WITH OTHERS

We, the Directors, Staff Members and Contractors of MWPA will:

- treat people with courtesy, consideration and sensitivity and recognise their interests, rights, safety and welfare. We are fair and respect the dignity of others. These qualities of conduct are exhibited in interactions between colleagues, as well as between Directors, Staff Members and Contractors, other Port users and the general public;
- be sensitive 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 Staff Members and Contractors have equal employment opportunities in accordance with MWPA People and Culture Policy;
- ensure constructive and cooperative relationships are built between MWPA and other public sector agencies, so that we can work together to achieve outcomes that benefit the people of Western Australia; and
- ensure there is no unnecessary delay in responding to requests for information. If a delay is unavoidable, we provide an explanation of this fact.

2.3 ACCOUNTABILITY

We, the Directors, Staff Members and Contractors of MWPA:

- 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;
- 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* and the 'Contact with Lobbyists Code' outlined in the *Commissioner's Instruction No. 16*;
- 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, Staff Member or Contractor of MWPA, including but not limited to recruitment, commercial, and procurement activities.
- will keep accurate records of our decisions and actions and the reasons for them; and
- have a responsibility to recognise any deficit in our skills and request relevant training. We will receive the training we require to be competent in line with the **Training and Development Procedure**.

3 Code of Conduct

3.1 PERSONAL BEHAVIOURS

We, the Directors, Staff Members and Contractors of MWPA have a responsibility to act ethically, with integrity and 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 are expected to 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.

3.2 PERFORMANCE OF DUTIES

We, the Directors, Staff Members and Contractors 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.

3.3 HEALTH, SAFETY AND WELLBEING

We, the Directors, Staff Members and Contractors 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, Staff Member, Contractor whereby any repeated and unreasonable bullying or harassing behaviour creates a risk to the health, safety and wellbeing of any MWPA Director, Staff Member or Contractor;
- immediately report any potential risk and hazards in an effort to maintain the health, safety and wellbeing of Directors, Staff Members, Contractors 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.

3.4 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, Staff Members and Contractors 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 MWPA Privacy Policy and *Privacy Act 1988* and other relevant legislation and will ensure we respect the privacy of individuals and the security of personal information.

3.5 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, Staff Member or Contractor 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, Staff Members and Contractors.

MWPA is committed to combating fraud and corruption. As such, we as Directors, Staff Members and Contractors 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 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.

3.6 USE OF PORT RESOURCES

We, the Directors, Staff Members and Contractors of MWPA:

- have access to, and use of, a range of resources to carry out our daily duties. These resources are MWPA property and should never 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 Staff Members and Contractors, 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 (including Staff Members, Contractors and/or equipment) unless authorised to do so by MWPA.

3.7 RECORDKEEPING AND USE OF INFORMATION

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

We, the Directors, Staff Members and Contractors 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.

3.8 CONFLICTS OF INTEREST, GIFTS AND BENEFITS

Conflicts of interest arise where there is a conflict between the performance of public duty and private, or personal interests. Conflicts may involve personal, financial or political interests and may be actual, perceived or potential. A conflict of interest may be either an 'Actual' or 'Perceived' Conflict of Interest.

It is not wrong for a Director, Staff Member or Contractor to have a conflict of interest; what matters is how it is managed.

Conflicts of interest become a problem when an identified conflict is not declared. A Director, Staff Member or Contractor's private interests influence their decision making at work. A Director, Staff Member or Contractor must not allow their private interests to influence their decisions or actions. This includes appropriately identifying, declaring and managing any conflicts of interest.

There will be times, although there is not a conflict of interest as defined above, members of the community, other Directors, Staff Members or Contractors may have a perception that there is a conflict between a Director, Staff Member or Contractor's official duties and their personal or private interests. Where there is, or is likely to be, a perceived conflict of interest, that conflict must be declared in the same manner as those Conflicts of Interest.

Directors, Staff Members and Contractors should not accept a gift, benefit or offer of hospitality that is likely to place them under an actual or perceived financial or moral obligation to other organisations or individuals. If a Director, Staff Member or Contractor is offered a gift whereby an actual or perceived conflict is identified, they must politely decline the gift, explaining to the person that they are not entitled to accept the gift.

Directors, Staff Members and Contractors 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**.

If a Director, Staff Member or Contractor is offered a bribe, they must immediately report the attempted bribe to their Supervisor or Manager for action. Directors are required to report the attempted bribe to the CEO for action.

A personal benefit is when a Director, Staff Member or Contractor gains an advantage because of their position or relationship with MWPA.

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

4 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.

5 Reporting Suspected Breaches of the Code

The reporting of suspected or actual wrongdoing by MWPA Directors, Staff Members and Contractors contributes to the integrity of MWPA operations. Directors, Staff Members and Contractors 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.

Any breach of this Code will result in appropriate action being taken by MWPA. A breach by a Director, Staff Member or Contractor 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 Ports.

Any Director, Staff Member or Contractor who suspects another Director, Staff Member or Contractor 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, Staff Member or Contractor who makes honest reports. Protection is also available under the *Public Interest Disclosure Act 2003* for a Director, Staff Member or Contractor who reports acts of improper conduct by public officers or public bodies.

6 Associated Documents

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

7 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 Staff Members and Contractors.</p>	
<i>Fair Work Act 2009</i> (s.789FD workplace bullying)	<i>Public Sector Management Act 1994</i> (WA)
<i>Privacy Act 1988</i>	<i>Public Interest Disclosure Act 2003</i> (WA)
<i>State Records Act 2000</i>	<i>Freedom of Information Act 1992</i>
<i>Occupational Safety and Health Act 1984</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) 	

8 Administration

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

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