

WASTE MANAGEMENT BOARD

CODE OF CONDUCT

(ADOPTED AT MEETING: 01/2002 – 6 February 2002)

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1. INTRODUCTION

This Code of Conduct (Code) has been prepared to promote good practice. It gives members of the Waste Management Board (the Board) and any advisory committee of the Board a summary of their obligations and provides guidance about ethical conduct.

In this Code, “member” means a Board member duly appointed by the Governor, a minister or other competent authority. The term “board” also includes committees.

This document is based on the *Western Australian Public Sector Code of Ethics* (Code of Ethics), applicable to nearly all public sector bodies, including boards and committees created for a public purpose under Western Australian legislation (attachment 1). Accordingly, the Board and any advisory committee appointed by recommendation of the Board must observe and comply with the Code of Ethics.

The Code includes information on ethical issues likely to confront members and provides practical guidance. If a board chooses to adopt this Code, then it must observe and comply with it, to the extent that it obliges compliance.

A board shall not direct a public sector employee to act contrary to the Code of Ethics, or a code of conduct applicable to that employee, where this obliges compliance.

Board members will:

- ?? Acknowledge and respect the legitimate interests of the Premier and responsible Minister concerning the board’s role and the operations of the agency involved.
- ?? Ensure lawful directions made by the responsible Minister are followed.
- ?? Pay due regard, to the employee / employer relationship between the Premier and CEOs.

2. PERSONAL BEHAVIOUR

Board members are in a position of trust. Their involvement may affect the welfare, rights or entitlements of the community and individuals.

Government power is derived ultimately from the public, who expect public officers to carry out their functions with professional integrity and due regard for the public interest. All board members need a clear understanding of their public duty and legal responsibilities.

Board members will:

Understand the Board's role and public duties

- ?? Gain a clear understanding of the role or purpose of the Board as well as the statutory and regulatory requirements of members carrying out their public duties.
- ?? Develop an understanding of the physical, political and social environment in which the Board operates.
- ?? Stay informed about all relevant activities affecting the Board.
- ?? Comply with legal obligations and implement the decisions taken by the Board.

Be active

- ?? Attend all Board meetings. Where attendance is not possible members will submit an apology. If absence is likely to extend for several consecutive meetings, members will obtain leave of absence.
- ?? Participate actively and work cooperatively with fellow members and stakeholders to achieve agreed goals.
- ?? Prepare for meeting by reading and considering papers circulated with the agenda.

Respect each other

- ?? Treat each other with professionalism, courtesy and respect.
- ?? Not improperly influence other Board members.
- ?? Act loyally and in good faith.

Consult

- ?? Consult stakeholders and affected parties about issues under consideration.

Raise concerns

- ?? Express concerns to the chairperson or other relevant authority about decisions or actions contrary to the board’s public duty.

- ?? Disclose any information about actual or potentially corrupt or illegal activities to the chairperson or, if necessary, the Anti-Corruption commission.

3. ACCOUNTABILITY

The *Financial Administration and Audit Act 1985* places a responsibility on board members to ensure efficient and effective operations, to avoid extravagant and wasteful use of resources, and to record processes carried out when purchasing goods and services.

3.1 Accountability for public expenditure

Board members will:

- ?? Act in a lawful, ethical and justifiable manner.

- ?? Demonstrate personal integrity and reliability.

- ?? Maintain confidentiality.

- ?? Participate constructively in board activities.

- ?? Analyse financial statements and management reports with due care, and ensure he or she is properly informed.

3.2 Entertainment and catering

Any entertainment should be consistent with the Board’s genuine needs and public duty. Members should not lose or gain financially as a result of entertainment. Members will ensure the efficient and responsible expenditure of public funds.

Board members will ensure:

- ?? The chairman, in approving entertainment expenditure, is responsible for its propriety and scope.

- ?? Alcohol is not consumed during board meetings.

- ?? Transparent and due consideration before accepting hospitality offered by suppliers or potential suppliers, to avoid actual or perceived conflicts of interest or undue influence.

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4. USE OF PUBLIC SECTOR RESOURCES

Comment:

Equipment used by a board may be purchased by government agency. The actual arrangements should be reflected in the following introductory paragraph, which may need to be amended to suit requirements.

All vehicles, computers, furniture and other equipment provided to the Board remain the property of the Board and will only be used for official purposes. Board assets are publicly owned and are not provided to members for exclusive use.

Board members will ensure:

- ?? Equipment is operated in accordance with the manufacturer’s specifications, is maintained in good condition and stored securely.
- ?? Any damage or loss of property or equipment is reported immediately to the Board.
- ?? Resources, fund, employees and equipment are used effectively and economically for Board business. Official resources include, but are not limited to; motor vehicles, computers, software, photocopiers, telephones, facsimile machines, printers and any similar items of office equipment.
- ?? Requests by an external party such as a charitable body to use Board facilities shall be referred to the Board for approval.

4.1 Purchasing of goods and services

Board members will:

- ?? Comply with State Supply commission purchasing guidelines. Copy of DEP Policies attached to induction.

The State Supply Commission booklet titled ‘Ethical Standard in Government Buying’ specifies standards for public sector bodies to meet when purchasing. The standards ensure accountability, set out fair procurement processes and resolve conflicts of interest. All goods and services are to be purchased under these guidelines. Copies are available from the State Supply Commission.

The guidelines provide:

Expected Value	Required Action
\$0 - \$5,000	Verbal quotations must be obtained and documented.
\$5,000 - \$20,000	Formal written quotations should be sought from different supplies.

\$20,000 - \$50,000	Publish contract award information on the Government contracting Information Bulletin Board
\$50,000 or more	Seek and advertise public tenders on the Government Contracting Information Bulletin Board (www.contracting.wa.gov.au).

Goods and services covered under State government common-use contracts are to be purchased through the contracted supplier at the contract rate. The State Supply Commission must approve requests for exemption from purchasing against contracts, prior to placing an order.

When purchasing goods and services covered by State government common-use contracts, quotations and State Supply Commission approvals are not required unless specifically stated in the contract, eg. Contract 070 for personal computers.

Boards are encouraged to seek advice and assistance from the State Supply Commission when purchasing goods and services.

4.2 Corporate Credit Cards

Each corporate credit card is issued to an individual and responsibility rests with that person.

Board members will:

?? Use corporate credit cards only for official purposes and comply with conditions set by the issuing financial institution.

The corporate cardholder may requisition goods and services directly from a supplier. The corporate credit card may be used to procure approved goods and services and accommodation within financial limits approved by the Board.

The corporate credit card must not be used:

- ?? To withdraw cash.
- ?? To purchase fuel for government vehicles.
- ?? For private purchases.
- ?? To purchase assets.

4.3 Incurring expenditure

Those incurring expenses must be authorised incurring officers, as described in Section 33 of the Financial Administration and Audit Act 1985 and Treasurer's instruction 305(1).

Board members will:

?? Not approve their own expenditure for travel claims, credit card payments, private telephone subsidies and similar. These should be referred to the Board for approval.
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5. RECORD KEEPING AND USE OF INFORMATION

All documentation produced by the Board forms part of the public record.

The Chairman will:

- ?? Ensure records are properly organised and kept in safe custody.

- ?? Comply with the provisions of the general retention and disposal schedules established by the public records office of the State Archives of WA.

Comment:

The following subsections reflect public sector-wide policy and should only require limited variation to meet a particular board's local requirements.

5.1 Documentation of decisions

All decisions affecting the policy, practice and welfare of a public body or public officers must be transparent. Decisions and processes should be documented. Documentation protects all parties involved in a decision, both collectively and individually.

The Board will:

- ?? Prepare and retain minutes for all official Board meetings.

- ?? Ensure adequate procedures are observed for documenting decisions, events and transactions involving the Board.

5.2 Use of confidential information

Sometimes highly sensitive matters are discussed by Boards. These may be discussed with only Board members present and in strict confidence. Nevertheless all decisions should be documented and appropriate minutes prepared, while according to certain records an extra level of security.

The Board will:

- ?? Ensure confidential records are subject to appropriate access procedures.

- ?? Respect confidential information and observe any restrictions agreed by the Board (subject to Freedom of Information Act requirements).

- ?? Maintain confidentiality and not divulge information deemed confidential or sensitive. If members are uncertain they should seek direction from the Board chairperson.

- ?? Not misuse information obtained in the course of Board duties for direct or indirect gain, or to do harm to other people or the Board.

5.3 Security of information

While the secretary or executive officer of the Board may be the person primarily responsible for the storage and handling of records, all Board members have individual responsibility for any document, tape, disk or other record in their custody. Records should not be left in places where they may be seen by non-Board members such as at home, an office or motor vehicle.

Board members will:

?? Ensure recorded information, in both paper and electronic form, under their control is kept in a secure place.

5.4 Amendment or falsification of records

Under criminal law, Western Australian government board members are Public Officers (s.85 of the Criminal Code).

Board members will:

?? Not falsify, destroy, alter or damage any public record.

?? Not backdate information or remove folios from files.

5.5 Freedom of information (FOI)

The *Freedom of Information Act (FOI) 1992* was introduced to help people gain access to documents and to check personal information in documents.

Board members will:

?? Comply with the letter and spirit of the *Freedom of Information Act (FOI) 1992*, to assist the public to gain access to documents; allow access promptly and at the lowest possible costs, and ensure personal information held is accurate, complete and not misleading.

?? Record facts in documents, avoid recording disparaging remarks and personal opinions about individuals; and avoid removing documents from a file.

6. CONFLICTS OF INTEREST

6.1 Gifts and gratuities

Board members should not accept benefits likely to place them under an actual or perceived financial or moral obligation to other organisations or individuals.

Board members will:

- ?? Not demand or accept in connection with their official duties any fee, favour reward, gratuity or remuneration of any kind, outside the scope of their entitlements as a board member, unless authorized by the chairperson of the Board.
- ?? Not use their public position for personal profit or gain.

6.2 Private interest

Board members are expected to place public interest above personal interests and not to use their position for personal gain.

Conflicts between private interest and public duties can arise when:

- ?? A member stands to make a financial gain from a Board decision.
- ?? A member's spouse, children or near relative stands to make a financial gain.
- ?? A member holds membership of another organisation likely to benefit from a Board decision.
- ?? A member's spouse, children near relatives or close associates are members of an organisation affected by Board decisions.

Accordingly board members will:

- ?? Openly declare matters of a private interest such as investments, relationships, voluntary work and membership of other groups that may conflict or be perceived to conflict with the member's public duty.
- ?? Record any issues of conflict to ensure they are transparent and capable of review.
- ?? Disqualify themselves from any Board discussions and decisions where a conflict of interest has, or could occur.

7. COMPLIANCE WITH THE WESTERN AUSTRALIAN PUBLIC SECTOR CODE OF ETHICS AND CODES OF CONDUCT

Comment:

Under s.9 of the Public Sector management Act 1994, all public sector bodies and employees must comply with the Western Australian Public Sector Code of Ethics. Boards and committees created for a public purpose under Western Australian legislation are bound to observe and comply with the Western Australian Public Sector Code of Ethics in accordance with that section of the Act.

The Commissioner of Public Sector Standards monitors compliance with the WA Public Sector Code of Ethics and applicable codes of conduct. The Commissioner may report to any public sector bodies, found to be in breach of the codes, to their relevant Minister and to Parliament.

Accordingly, members will:

- ?? Receive a copy of the Western Australian Public Sector Code of Ethics, read it and comply with it.

- ?? Receive a copy of this Code of Conduct, read it and abide by it.

CHAIRPERSON:

Date:.....