

GOVERNANCE POLICY

Keep Australia Beautiful Council Code of Conduct

1. Chairman's Foreword

As members of the Keep Australia Beautiful Council, our behaviour and the decisions we make reflect on the Council, its values and our fellow members. For this reason, it is important that the Council outlines the professional and ethical behaviour expected of every member. The Keep Australia Beautiful Council *Code of Conduct* is our commitment to the Council's primary responsibility of supporting and encouraging litter prevention.

The Code of Conduct outlines our obligations to the Council and the community whenever we are representing the Council. Our Code of Conduct is binding on Keep Australia Beautiful Council members. It is important that we know and understand what is expected of us.

Michael Aspinall

Chairman

February 2019

2. Context

The establishment of the Keep Australia Beautiful Council brings effect to the objects of the [Litter Act 1979](#) (Litter Act) through the execution of its functions and the development and implementation of a litter strategy.

The functions of the Keep Australia Beautiful Council include:

- a) To educate members of the public in, and to awaken, stimulate, encourage and maintain the interest of members of the public in, and to promote public knowledge of, the correct disposal of waste items.
- b) To preserve and improve the appearance of our environment in the schools, in factories, shops and offices, in parks, beaches and recreation places and along the roadside by the prevention of litter.

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- c) To make recommendations and submit proposals to the Minister from time to time with respect to regulations to be made under this Act.
- d) To maintain continuous and effective campaigns against the disfigurement of the landscape by litter and to encourage a responsible community attitude to cleanliness in all public places.
- e) To cooperate, where considered desirable by the Council with other organizations within the State or elsewhere on questions relating to all forms of pollution and generally to work for a clean healthy environment.
- f) To cooperate with local governments to accomplish co-ordination of local anti-litter efforts.
- g) To encourage, organize and coordinate voluntary local anti-litter campaigns seeking to focus the attention of the public on programmes to control and remove litter.
- h) To do such other acts and things as are conducive to the prevention and control of litter.

In acquitting these functions, as Council members, we have responsibility and are accountable for fostering integrity and encouraging minimum standards of conduct

3. Scope and application

The code applies to members of the Keep Australia Beautiful Council and to committees constituted under s. 14 of the Litter Act.

As board members, we will:

- familiarise ourselves with the board's reporting mechanisms;
- report suspected breaches of the code of conduct; and
- treat suspected breaches of the code seriously.

4. Legislative framework

As members of the Keep Australia Beautiful Council, we will comply with the following legislation:

- [Litter Act 1979](#)

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- [Public Sector Management Act 1994](#) (PSM Act) – s. 9 establishes the principles of conduct to be observed by all public sector bodies.
- Premier's Circulars are used to communicate matters of whole of Government policy and issues of strategic importance to the State.
- Public Sector Commissioner's Instructions, Circulars and Guides which are instruments issued by the Public Sector Commissioner under s. 22A of the PSM Act which provide directions to public sector bodies on matters relating to the Commissioner's functions or the application of the PSM Act.
- [Corruption, Crime and Misconduct Act 2003](#) (CCM Act) applies to Western Australian public officers, including members of statutory boards. It provides for the reporting and investigation of misconduct in the Western Australian public sector. The Chairperson has a dutyⁱ to notify the Corruption and Crime Commission of suspected misconduct.
- The [Financial Management Act 2006](#) (FM Act) provides for the management, administration and reporting of the public finances of the state. The FM Act and Litter Act place a responsibility on members to ensure the efficient and effective use of public monies, to avoid extravagant and wasteful use of resources, and to keep a record of individual expenditure of public monies.
- [Auditor General Act 2006](#)
- [Freedom of Information Act 1992](#)
- [Public Interest Disclosure Act 2003](#)
- [State Records Act 2000](#)

5. Purpose

The Code of Conduct:

- Sets out the responsibilities and obligations of members of the Keep Australia Beautiful Council;
- Provides practical guidance to members of the Keep Australia Beautiful Council in dealing with common ethical issues that confront boards;
- Identifies official conduct requirements of members of the Keep Australia Beautiful Council;
- Demonstrates Keep Australia Beautiful Council members' commitment to accountable and ethical decision-making; and
- Promotes good governance practice.

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6. Principles

The principles underpinning the Keep Australia Beautiful Council Code are consistent with the principles set out in the [Commissioner's Instruction Number 7 - Code of Ethics](#).

These principles are:

- *Personal integrity*
Keep Australia Beautiful Council members will act with care and diligence and make decisions that are honest, fair, impartial, and timely, and consider all relevant information.
- *Relationships with others*
Keep Australia Beautiful Council members will treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.
- *Accountability*
Keep Australia Beautiful Council members will 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.

7. Conduct

Personal behaviour

Keep Australia Beautiful Council members will:

- Act ethically and with integrity in the performance of the functions, powers and duties conferred upon them under the Litter Act
- Act in accordance with whole-of-government regulations, requirements and policies that set out standards of behaviour required of Western Australian boards and committees created for a public purpose
- Commit to understand and fulfil the Keep Australia Beautiful Council's statutory functions and duties (become familiar with the statutory provisions of the Litter Act);
- Be an active and participative member
- Be informed about activities and issues of interest or relevance to the Keep Australia Beautiful Council
- Be well prepared for meetings (review and consider agenda papers and out-of-session papers)
- Work cooperatively with fellow members and treat each other with professionalism, courtesy and respect

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- Treat proponents, stakeholders, the public and colleagues with respect, courtesy, honesty and fairness
- Make decisions fairly and impartially, having considered the views of stakeholders, affected parties and all available information, legislation, and policies
- Not improperly influence other members
- Not direct a public sector employee to act contrary to the Public Sector Code of ethics or a code of conduct applicable to that employee
- Engage in accountable and transparent decision making and
- Ensure that we have an understanding about consequences of misconduct and that we express concern about others' conduct.

Communication and official information

In our roles as members of the Keep Australia Beautiful Council, at times we will discuss sensitive matters and we will acquire information in the course of our official duties which must not be disclosed. Authority members will not use official information for personal, commercial or political gain for themselves or others, or to the detriment of others.

Board members will be especially cautious when information to which they are privy could be seen to involve any conflict of interest they may have and could be perceived as advantageous to their representative body or interest group. Keep Australia Beautiful Council members will:

- Not disclose official information or documents acquired in the course of the Council's business, other than as required by law or where proper authorisation is given
- Not deal with inappropriately or misuse official information for personal or commercial gain for self or another. This includes speculation in shares on the basis of confidential information and disclosing the contents of any official papers to unauthorised person
- Adhere to legal requirements, policies and all other lawful directives regarding communication with parliament, ministers, ministerial staff, lobbyists, members of the media and members of the public generally
- Respect the confidentiality and privacy of all information as it pertains to individuals and
- Understand the risks associated with the use of social media and use it appropriately.

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Fraudulent and corrupt behaviour

Fraud is dishonest activity that is calculated to advantage a public officer or cause actual or potential financial loss to another. Corrupt conduct would occur if a public officer uses or attempts to use their position for advantage which is inconsistent with official/statutory duties and the rights of others.

Members will report suspected breaches of the Code of Conduct to the Chairman and suspected illegal, corrupt and/or fraudulent conduct to the Chairman, Executive Director Strategic Policy, and/or the Corruption and Crime Commission.

Keep Australia Beautiful Council members will:

- Not engage in fraudulent or corrupt conduct
- Express concerns to the Chairperson or other relevant authority about decisions or actions which are fraudulent or corrupt
- Disclose any information about actual or potentially fraudulent or corrupt conduct to the Chairperson or presiding member or other relevant authority and
- Understand and apply the relevant accountability requirements.

Use of public resources

Board members will ensure efficient and effective operations, avoid extravagant and wasteful use of resources, and record processes used when purchasing goods and services.

Keep Australia Beautiful Council members will:

- Be accountable for official expenditure
- Use publicly-funded resources diligently and efficiently. Publicly funded resources include human resources, and office facilities and equipment
- Ensure expenditure on hospitality is only to facilitate official Authority business
- Ensure entertainment and catering is consistent with the Council's genuine needs and public duty. Expenditure of this nature must be proportionate and/or restrained
- Not use office time and other public resources for party political work or for personal gain, financial or otherwise
- Adhere to policies and guidelines in the use of computing and communication facilities, and use these resources in a responsible and practical manner and

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- Submit a travel request for approval for proposed interstate travel for official Council business.

Record keeping and use of information

Council members rely on accurate, reliable and balanced information for decision making. We will ensure that confidentiality is observed where necessary.

Keep Australia Beautiful Council members will:

- Ensure decisions and reasons for decisions are accurately recorded
- Ensure the secure storage of sensitive or confidential information
- Where permissible, share information to fulfil our role and
- Not falsify, destroy, alter or damage any record or backdate information or remove folios.

Conflicts of interest

Board members have an obligation to perform their official duties in the public interest and not to use their position or authority for personal gain or to cause detriment to others. This includes identifying, declaring and appropriately managing any conflicts of interest in the public interest and the interests of the board.

From time to time, a member's private interests, financial and personal, including relationships with family and friends and personal and business affiliations, may conflict with their public duty as a member of the Council. These conflicts can be actual, perceived or potential.

It isn't wrong or unethical to have a conflict of interest; what is important is that it is identified and appropriately managed.

Keep Australia Beautiful Council members will:

- Ensure personal, financial or political interests do not conflict with their performance or ability to perform their official duties in an impartial manner
- Manage and declare any conflicts of interest which arise between their public duty and private or personal interests and
- Where conflicts of interest do arise, ensure they are managed in the public interest and
- Ensure a standing agenda item for the declaration of conflicts of interest.

Conflicts of interest in a matter that is before a meeting of the Keep Australia Beautiful Council

Members are to disclose conflicts of interest in matters before a meeting of the Council, such as:

- Direct and indirect pecuniary interest (financial); and
- Non-pecuniary interest (pre-judgement bias and personal/private interest bias).

Definitions

A **direct pecuniary interest** arises where it is reasonable to expect that a matter, if dealt with by the Council in a particular way, will result in a financial gain, loss, benefit or detriment to the member. For example, the holding of shares in a company that has a proposal being assessed by the Authority.

An **indirect pecuniary interest** arises where a financial relationship exists between a member and another person or entity, and that other person or entity requires the Council's decision in relation to a matter. The other person, for example, might be a dependent family member or a business partner.

A **pre-judgement interest** bias arises where the prior activities or statements of a member are such that a fair-minded informed member of the public would consider that the member would not bring an independent and impartial mind to the matter before the Council. It is therefore necessary for members to consider previous activities they have engaged with, or positions they have adopted, outside of their membership of the Council. For example, previous statements made or previous activities undertaken, which would give rise to a reasonable apprehension of pre-judgement bias, or where a member is also a member of another public board that is, or will, consider the matter before the Council.

A **personal/private interest** bias arises if a member has an interest in or connection with a person who is likely to be affected by the decision of the Council and the connection is such that a fair-minded informed member of the public would consider there to be a reasonable apprehension of bias; that is, that the member will be affected by that interest or connection when making that decision. For example, the member may have a long term friendship with a proponent.

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Pecuniary interest - procedure

A member who has a direct or indirect pecuniary interest in a matter that is before a meeting of the Council shall:

- Disclose the nature of the interest and this disclosure is to be recorded in the minutes;
- Not participate in discussion or consideration or vote on the matter; and
- Leave the meeting room during the discussion and voting on the item.

If the presiding member is of the opinion that a member has a direct or indirect pecuniary interest, the presiding member:

- May call upon the member to disclose that interest; or
- Determine the member has a direct or indirect pecuniary interest.

The determination of the presiding member is to be recorded in the minutes. The decision of the presiding member is final and conclusive. In circumstances where a determination is made, the member shall:

- Not participate in discussion or consideration; or
- Not vote on the matter; and
- Leave the meeting room during the discussion and voting on the item.

Non-pecuniary interest - procedure

If a member considers that they may have a non-pecuniary interest in a matter that is before a meeting of the Council they are to disclose the non-pecuniary interest and seek a determination from the remaining Council members as to whether or not a non-pecuniary interest exists or might reasonably be perceived to exist. In circumstances where a determination is made that a non-pecuniary interest exists or might reasonably be perceived to exist, the member may be precluded from:

- all discussion on the matter; and
- voting on the matter.

If a member is of the opinion that another member has a conflict of interest (pecuniary or non-pecuniary) in a matter that is before a meeting, the member may call upon the member to disclose that interest and for the Council to determine whether the member should be precluded from all discussion and voting on the matter.

All such disclosures and determinations will be recorded in the minutes.

Gifts, benefits and hospitality

The offer of gifts, benefits and hospitality can introduce a personal interest where one may not have existed previously. The basis upon which a gift, benefit or hospitality is extended and, if accepted, the public interest basis for the acceptance of the gift needs to be carefully assessed.

Definitions

A **gift** is anything of value, whether token or significant, offered to a member over and above normal appointment entitlements; gifts are generally tangible (for example, consumer goods, samples, discounts on goods and services and cash).

A **benefit** relates to preferential treatment, privileged access, favours and other advantages, generally intangible, such as personal service, job offers, or invitations to sporting or other events.

Hospitality relates to entertaining and may include offers of meals, invitations to events, sponsored travel or accommodation.

Keep Australia Beautiful Council members will:

- Not accept, acting in their capacity as a Council member, any gift, benefit or hospitality that is likely to place them under a real, perceived or potential obligation to the giver
- Disclose any gifts offered whether or not accepted at a meeting of the Council
- Ensure any gifts offered are noted on the Register of Gifts, Benefits and Hospitality
- Not demand any reward outside the scope of their entitlements
- Seek advice from the Chairman if in doubt about the appropriate action to take in relation to gifts, benefits and hospitality
- Respectfully decline any invitation to special event/s organised by the proponent (for example, balls, Christmas functions and launches) where a proponent has business before the Council
- Use judgement about participating in special events, meetings etc organised by professional groups (for example, peak body organisations, nongovernment organisations, special interest groups) and
- Avoid using proponent sponsored travel and accommodation where commercial or public options are available.

Verbal or written communication with a third party

Keep Australia Beautiful Council members will:

- Document any communication that takes place outside of official meetings with proponents or personal contacts that have business before the Council, including the date, time, nature of the discussion and other persons present and disclose those communications at a meeting of the Council for the information of the members and relevant officers and
- Forward any direct unsolicited communications to the Chairman.

Contacts with lobbyists

'Lobbyist' means a person, body corporate, unincorporated association, partnership or firm whose business includes being contracted or engaged to represent the interests of a third party to a Government Representative. Exclusions from this definition include consultants who are employed to provide recognised technical or professional services.

A register of approved lobbyists has been established by Government. Members should not permit lobbying by un-registered lobbyists.

The Lobbyists Code specifies the disclosure requirements to be observed in any contact between members and lobbyists. Contact includes telephone, electronic mail, written mail and face to face meetings.

Keep Australia Beautiful Council members will:

- Ensure that any contact with lobbyists is with only approved lobbyists on the Register of Lobbyists;
- Seek direction from the Chairman if uncertain about whether a lobbyist is on the Register;
- Should contact with a lobbyist occur, complete a Record of Contact with Lobbyist form, and submit to the Chairman; and
- Disclose to the members present at the meeting any communication that takes place with a lobbyist.

Attending sponsored events in an official capacity

Attendance at sponsored events can lead to a perception of bias and/or preferential support for sponsors.

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Keep Australia Beautiful Council members will:

- Declare their attendance at any sponsored events when they have attended in an official capacity as a Council member and
- Ensure the attendance is noted in the minutes of the next Council meeting.

Reporting and managing breaches

Through our decisions and actions, we can create confidence that reports of suspected breaches of the Code of Conduct from Council members will be treated seriously and appropriate action taken.

As board members, we will

- Familiarise ourselves with the board's reporting mechanisms; and
 - Report suspected breaches of the code of conduct.
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