



Aboriginal Cultural  
Heritage Committee

# ***CODE OF CONDUCT***

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## Introduction

This Code of Conduct guides the personal conduct of Aboriginal Cultural Heritage Committee (Committee) members, and should be read, understood and adhered to by all persons serving in this capacity.

Codes of Conduct are a requirement of the Public Sector Commissioner<sup>1</sup> and have their foundations in the [Western Australian Public Sector Code of Ethics](#), which aims to enhance the status of, and increase the public's trust and confidence in the public sector.

Committee members are in a position of trust. Members' involvement may affect the welfare, rights or entitlements of the community and individuals. Government power comes from citizens, who expect public officers to carry out their functions with professional integrity and due regard for the public interest. It is important therefore, that members have a clear understanding of their public duty and legal responsibilities.

The Committee's Code of Conduct has been developed with reference to the Public Sector Commission's guide to [developing a code of conduct](#) and guides the behaviour of the Committee and its members.

Ethical behaviour is required of all Committee members when attending Committee meetings or performing any other duties as Committee members, such as official Committee visits and attendance at events.

Committee members should read and familiarise themselves with the Code of Conduct and continue to refer to it as they perform their role as a Committee member. As the Code of Conduct cannot cover every eventuality, it is important to apply sound judgement to unusual scenarios; and Committee members are encouraged to seek clarification from the Committee's Chairpersons or the Department of Planning, Lands and Heritage if they have any questions in relation to their obligations under this code.

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<sup>1</sup> Commissioner's Instruction No 40 – Ethical Foundations.

## **Our Code of Conduct**

The *Public Sector Management Act 1994* requires the Public Sector Commissioner to establish a code of ethics setting out the minimum standards of conduct and integrity to be complied with by public sector bodies and employees. The minimum standards of conduct and integrity to be complied with are expressed in the following principles:

### **Integrity**

We:

- act honestly and uphold the trust placed in us by the community
- use our position and authority for the purpose intended
- provide objective and timely advice to the government of the day
- ensure our behaviour upholds the good reputation of our public sector body and the public sector.

### **Impartiality**

We:

- make considered and unbiased decisions based on merit
- place the public interest over our personal interest
- declare and manage conflicts of interest
- implement government priorities, policies and decisions impartially.

### **Respect for others**

We:

- communicate with and treat people with respect
- treat people fairly, having regard for their diverse backgrounds
- work together constructively, inclusively and professionally.

### **Trust and accountability**

We:

- take accountability for our time, decisions, actions and behaviours
- are responsive and provide considered advice and information to our clients, customers and stakeholders
- make decisions that ensure the best use of resources for now and the future
- access, use and disclose information only where we are authorised to do so
- record our decisions for transparency allowing for review and scrutiny.

## **Commissioner's Instruction 40: Ethical Foundations**

[Commissioners Instruction No. 40](#) requires all public sector bodies, including any public sector board established under its own legislation (unless its constituent Act provides otherwise), to develop, implement and promote a code of conduct and to ensure compliance with that code. Section 9 of the *Public Sector Management Act 1994* also outlines conduct principles for public officers and specifies the requirement to comply with any Commissioner's instruction, public sector standards and any code applicable to the public sector body.

All codes of conduct must address the following seven areas:

- a. Personal behaviour
- b. Communication and official information
- c. Fraudulent or corrupt behaviour
- d. Use of public resources
- e. Recordkeeping and use of information
- f. Conflicts of interest and gifts and benefits
- g. Reporting suspected breaches of the code.

### **Scope**

The Code of Conduct (Code) explains how Committee members are to conduct themselves when carrying out their duties; and in how they build and maintain their relationships with fellow members, stakeholders and employees of the Department of Planning, Lands and Heritage (Department). All Committee members are required to become familiar with and comply with the Code.

The Code sets out the minimum standards of acceptable conduct and behaviour that apply to all Committee Members. For the purposes of the Code, the term 'member' includes co-opted members and alternative members.

### ***Department supporting the Committee***

The Committee is assisted in its work by the Department. The Committee and the Department work together, under the *Aboriginal Heritage Act 1972*, to set the standards by which Aboriginal cultural heritage is identified, protected and managed in Western Australia.

### ***Supporting Information***

The following Committee Policies should be read in conjunction with the Code.

- Conflict of Interest Policy
- Committee Charter.

Officers from the Department supporting the Committee must adhere to the Department's Code of Conduct as well as the following policies and guidelines:

- [Information Security Policy](#)
- [Information Classification Policy](#)
- [Information Classification Procedure](#)
- [ICT Acceptable Use Policy](#)
- [Release of Information and Privacy Policy](#)
- [Procurement Policy](#)
- [Hospitality Policy](#)
- [Travel Policy](#)
- [Risk Management and Business Continuity Policy](#)

## **Personal behaviour**

As Committee members, we will understand the Committee's role and public duties by actively learning and staying informed about:

- the role and purpose of the Committee and the statutory, regulatory and policy requirements that apply when carrying out our public duties
- the political and social environment in which the Committee operates
- all relevant issues and activities affecting the Committee.

As Committee members, we will put the public interest first, ahead of our own personal and pecuniary interests, and act with loyalty, in good faith, ethically and with integrity by:

- exercising our powers and discharging our duties in the best interests of the entity of which we are members
- making decisions fairly, impartially and promptly and considering all available information, legislation, policies, procedures and ethical codes
- being accountable and transparent
- doing our job lawfully, with reasonable care and diligence and as efficiently and effectively as possible
- treating members of the public, stakeholders and fellow Committee members with respect, courtesy, honesty and fairness; having proper regard for their interests, rights, safety and welfare
- fulfilling the Committee's statutory purposes and requirements
- maintaining and contributing to a harmonious, safe and productive work environment and professional relationships
- understanding the consequences of misconduct and actions that may be taken if we do not comply with the code and associated policies.

As Committee members, we will make an active contribution by:

- attending all Committee meetings. If we cannot attend, we will submit an apology. If we are likely to miss several consecutive meetings, we may apply for a leave of absence
- participating and working cooperatively with fellow Committee members and stakeholders to achieve agreed goals
- diligently preparing for meetings by reading and considering papers circulated with the agenda
- expressing our concerns to one or both chairperson/s or other relevant authority about consultations, decisions or actions we believe may be contrary to the Committee's public duty.

## **Communication and official information**

The Committee can discuss highly sensitive matters and should do so only with members present and in strict confidence. Nevertheless, all decisions the Committee makes should be appropriately documented. Certain information must be treated with extra security and sensitivity, for example, Cabinet-in-confidence documents and sensitive cultural, personal or financial details.

### ***Use of confidential information***

As Committee members, we will:

- maintain confidentiality and not divulge information deemed confidential or sensitive, other than as required by law or where proper authorisation is given. If we are unsure, we will seek direction from the Committee chairpersons
- not make improper use of information obtained in the course of the Committee duties, or use for direct or indirect personal or commercial gain, or to do harm to other people or the Committee, for example, speculating on shares on the basis of confidential information or disclosing the contents of any official papers to unauthorised persons
- respect confidential information and observe any restrictions agreed by the Committee (subject to *Freedom of Information Act 1992* requirements)
- respect the privacy of individuals and the security of personal information
- protect intellectual property
- raise concerns of improper communications or use of information with the chair, or other relevant authority
- not enter into any contract or arrangement contrary to Section 81 of the *Financial Management Act 2006*.

### ***Communication and public comment***

As Committee members, we will:

- adhere to applicable legal requirements, policies and all other lawful directives regarding communication with Parliament, Ministers, ministerial staff, lobbyists, the media and members of the public
- only make public comment on behalf of the Committee to the media or outside organisations when authorised to do so
- understand how we may use social media in an official capacity, if at all.



## **Fraudulent and corrupt behaviour**

Fraud is a dishonest activity that causes actual or potential financial loss to any person or organisation. Corrupt conduct occurs when an officer 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. This can damage the reputation of the board and board members, as well as the broader public sector.

As Committee members, we will:

- not engage in any fraudulent or corrupt behaviour
- report any information about actual or potentially fraudulent, corrupt or illegal activities to the Committee chairpersons or, if necessary, the Corruption and Crime Commission
- report suspected breaches of the code of conduct
- abide by the Committee's risk management plan, applicable corruption resistance policies and accountability requirements.

## **Use of public resources**

As Committee members, we will:

- use the resources of the State, funds, employees and equipment effectively and economically, only for Committee business
- comply with applicable legislation, whole of government requirements and Committee policies when using public resources
- not use public resources for personal financial gain or party political work
- use equipment and property of the Department / Committee in accordance with the manufacturer's specifications, maintain it in good condition and store it securely
- report any damage to, or loss of, property or equipment immediately to the Committee (or other responsible person)
- ensure requests by an external party, such as a charitable organisation, to use Committee facilities are referred to the Committee for approval
- comply with Departmental policies and guidelines regarding the use of computing and communication equipment and use these resources for Committee purposes only.

## ***Incurring expenditure***

As Committee members, we will:

- not approve our own expenditure for travel claims, credit card payments, private telephone subsidies or similar. We will refer these to the Department for approval
- analyse financial statements and management reports with due care, and ensure we are properly informed about policies and procedures.

### ***Travel and accommodation***

As Committee members, we will:

- comply with *Premier's Circular: 2021/02 Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers*, including that:
  - the choice of airline will be based on the 'best fare of the day' principle
  - we will not use frequent flyer points or benefits under other incentive or loyalty schemes accumulated in the course of business air travel for private purposes
- understand the Committee's arrangements for the reimbursement of travel and accommodation expenses, if applicable.

### ***Providing hospitality***

As Committee members, we will ensure the responsible and efficient expenditure of public funds on hospitality, in line with applicable policies and requirements, if we are approving or providing it.

## **Record keeping and use of information**

### ***Documenting decisions***

As Committee members, we will:

- ensure we follow procedures to accurately document Committee decisions, events and transactions
- prepare and retain minutes for all official Committee meetings, including recording any dissent.

### ***Security of information***

As Committee members, we will:

- ensure recorded information under our control, in both paper and electronic form, is kept in a secure place, including when stored on laptops, tablets and USB devices
- be diligent in handling Committee records and secure sensitive documents, rather than leaving them out in the workplace, meeting rooms, at home or in vehicles where non-Committee members might access them
- avoid discussing Committee business in public places where there is a likelihood of being overheard
- dispose of duplicate copies of records and confidential waste in accordance with record keeping and archive procedures.

### ***Amendment or falsification of records***

As Committee members, we will not:

- falsify, destroy, alter or damage any public record
- back-date information or remove folios from files.

### ***Freedom of Information***

As Committee members, we will:

- comply with the letter and spirit of the *Freedom of Information Act 1992* to assist the public to gain access to documents and to check personal information in documents
- allow prompt access and ensure personal information held is accurate, complete, up to date and not misleading
- record salient facts in documents
- avoid recording inappropriately disparaging remarks and unsubstantiated personal opinions about individuals on official documents.

## **Conflicts of interest and gifts and benefits**

### ***Conflicts of interest***

As Committee members, we will:

- keep our private commercial or political interests separate from our official Committee role
- openly declare, in the first instance to one or both chairperson(s) (or in the case of a chairperson themselves, to their co-chairperson or to the Assistant Director General of the Department), matters relating to a private interest that may conflict, or be perceived to conflict, with our public duty
- follow any legislated requirements for managing conflicts as well as management strategies contained in relevant Committee policies, such as a conflict of interest policy. This may involve removing ourselves from discussion and decision making on the matter
- ensure the Committee meeting minutes record any issues of conflict and the steps taken to manage the conflict, so they are transparent and capable of review.

### ***Gifts and Benefits***

As Committee members, we will:

- carefully consider any offers of gifts, benefits or hospitality and ensure any decision to accept is done openly, placed on the record, and is consistent with the code, conflicts of interest or gifts, benefits and hospitality policy where such a policy applies
- not accept gifts, benefits or hospitality:

- likely to place us under an actual or perceived financial or moral obligation to other organisations or individuals
- if they could reasonably be seen by the public, knowing the full facts, as intended or likely to cause us to act in a particular way or deviate from our public duty
- maintain a register of all gifts accepted, and ensure these are of token value only
- not demand or accept in connection with our official duties any fee, commission, reward, gratuity or remuneration of any kind which is outside the scope of our entitlements
- not use our public position for personal profit or gain or to cause detriment to others.

### ***Private Interests***

As Committee members, we acknowledge that conflicts between personal, financial or political interests and public duties can arise in, but are not limited to, for example, the following situations where a Committee member:

- stands to make a financial gain from a member's decision
- holds membership of another organisation likely to benefit from, or be disadvantaged by, a Committee decision
- has a spouse, children, close relatives or associates who stand to make a financial gain or loss or are members of an organisation affected by a member's decision.

### ***Competing interests***

As Committee members, we will remember:

- loyalty to the Committee overrides any responsibility a member may have as a member of another body
- that when conducting the business of the Committee, duty as a member prevails if a conflict arises with the performance of his or her other public sector duties.

## **Reporting suspected breaches of the Code of Conduct**

### ***Information and advice***

If you have any concerns about whether your action (or the action of a fellow Committee member) meets the Code, please initiate a discussion with one or both Chairpersons or the Department's Assistant Director General, Heritage and Property Services or Executive Director Heritage Services.

### ***Confidentiality***

Any reports of suspected breaches of the Code will be taken seriously, treated confidentially and considered in a timely manner. For some matters you may wish to discuss your concerns with the Public Sector Commissioner or one of the Department's Public Interest Disclosure officers.

### ***Disclosure and whistle-blower protection***

Suspensions of corrupt conduct, maladministration or serious and substantial waste are required to be reported to the Public Sector Commissioner or one of the Department's Public Interest Disclosure officers. Reporting such matters may be subject to the protection offered by the *Public Interest Disclosures Act 2003*.

As Committee members, we will:

- familiarise ourselves with the Committee's reporting mechanisms
- report suspected breaches of the code of conduct.

Committee members understand that breaches of the Code of Conduct may be considered misconduct under the *Corruption, Crime and Misconduct Act 2003* and must be reported to the Corruption and Crime Commission or the Public Sector Commission as appropriate.