

OFFICIAL



Government of Western Australia
Department of Communities



Code of Conduct

Disability Services Commission Board

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0.1	February 2023	Manager Strategic Policy	First draft for review Endorsed by DSC Board
1	June 2023	Manager Strategic Policy	Endorsed 2.6.2023
2	August 2024	Manager Strategic Policy	For endorsement 7.6.2024
3	October 2025	Principal Policy Officer	For annual review

Appendices

Version	Date	Author	Description
1	January 2023	Manager, Strategic Policy	1.Relevant legislation
2	August 2024	Manager, Strategic Policy	2. State Supply Commission Act 1991 repealed by Procurement Act 2020

1. Preamble

This Code of Conduct sets out the standards of conduct for members of the Disability Services Commission Board (Board).

Under the *Disability Services Act 1993* (the Act), the Board is the governing body of the Disability Service Commission (DSC). The Board is answerable to the Minister for Disability Services. The relationship between the Commission and Minister is set out in the Part 2, Division 4 of the Act.

The Director General of the Department of Communities (Communities) is responsible to the Board for the day-to-day operations of the DSC. The Director General is answerable to the Board as a body, not to individual members.

The Board and its members are role models in the community and the disability sector. The Board is expected to encourage all Western Australians to support and promote the outcomes of the *A Western Australia for Everyone: State Disability Strategy 2020-2030* and its action plans to improve the quality of life for people whose lives are affected by disability.

In delivering these objectives, all Board members are expected to comply with this Code of Conduct. Board members:

- Will individually and collectively conduct themselves to the highest standards in accordance with the Code.
- Will respect each other and value the diversity all members bring to the Board.
- Are expected to arrive on time, be prepared for discussion on all agenda topics and ready to contribute to a productive meeting.
- Will stand by the decisions made by the Board.

Meetings of the Board are a showcase of accessible meetings.

The Board will regularly review its actions and procedures and strive for continuous improvement.

2. Principles

The conduct of Board members must reflect the following principles:

1. Impartiality – Board members should never improperly confer an advantage or disadvantage on any person.
2. Honesty and integrity – Board members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly while representing the Board and should avoid the appearance of such behaviour.
3. Objectivity – At all times, Board members should make decisions based on merit.
4. Accountability – Board members are accountable for their actions, the way in which they fulfill their responsibilities and should co-operate fully and honestly with any appropriate scrutiny.

5. Independent decision making – Board members may consider the views of others but should reach their own conclusions on the issues before them.
6. Duty to uphold the law – Board members should uphold the law and, on all occasions, act in accordance with the trust that the people with disability in Western Australia are entitled to place in them.
7. Leadership – Board members should support and promote these principles by leadership, and by example, should act in a way that secures or preserves sector confidence.

3. Conduct areas

1. Personal behaviour

Board members must understand the Board's role and public duties by actively learning and staying informed about:

- The role and purpose of the Board and the statutory, regulatory and policy requirements that apply when performing their public duties.
- The political and social environment in which the Board operates.
- All relevant issues and activities affecting the Board.

Board members must put the public interest first, ahead of their own personal and pecuniary interests, and act with loyalty, in good faith, ethically and with integrity by:

- Exercising their powers and discharging their duties in the best interests of the DSC.
- Making decisions fairly, impartially and promptly and considering all available information, legislation, policies, procedures and ethical codes.
- Being accountable and transparent.
- Performing their role lawfully, with reasonable care and diligence and as efficiently and effectively as possible.
- Treating members of the public, stakeholders and fellow Board members with respect, courtesy, honesty and fairness; having proper regard for their interests, rights, safety and welfare.
- Fulfilling the Board's statutory purposes and requirements and, to the extent permitted by the Act, serving the Government of the day.
- 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 they do not comply with this Code of Conduct and associated policies.

Board members will make an active contribution by:

- Attending all Board meetings or submitting an apology if they cannot attend. If they are likely to miss no more than two consecutive meetings, they may apply to the Chairperson for a leave of absence or, in the case of the Chairperson's absence, apply to the Minister for Disability Services.
- Participating and working cooperatively with fellow Board members and stakeholders to achieve agreed goals.
- Diligently preparing for meetings by reading and considering papers circulated with the agenda.
- Abiding by and upholding the decisions of the Board.
- Expressing any concerns about consultations, decisions or actions they believe may be contrary to the Board's public duty to the Chairperson.

2. Clearances and licences

Board members are required to hold the following:

- National police certificate clearance.
- Driver's Licence (if driving a Communities vehicle).

Any circumstances or changes that affect the clearance or licence, arising after becoming a member of the Board, must be reported to the Chairperson.

3. *National Disability Insurance Scheme Act 2013* requirements

Board members as 'key personnel' of the DSC under the *National Disability Insurance Scheme Act 2013* must:

- hold a National Disability Insurance Scheme Worker Screening Check clearance; and
- meet the suitability requirements under the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018 (Practice Standards Rules)*.

The DSC has an ongoing obligation to notify the National Disability Insurance Scheme Quality and Safeguards Commissioner of events which may impact the suitability of key personnel. Therefore, Board members must promptly notify the Chairperson of any events which impact their suitability.

4. Conflicts of interest

Under the *Statutory Corporations (Liability of Directors) Act 1996*, Board members are considered 'directors' of the DSC. As such they have the same fiduciary relationship with the DSC and the same duties to act with loyalty and good faith, as a directors under the *Corporations Act 2001* (Cth). This includes the duty to avoid or appropriately manage conflicts of interest.

Conflicts of Interest

A **conflict of interest** is a situation arising from conflict between the performance of public duty and private or personal interests. While it is not wrong or unethical to have a conflict of interest, what is important is that it is identified and appropriately managed.

Members are expected to declare a conflict of interest with any agenda item at the beginning of the meeting and the Chairperson will decide how that conflict should be managed. For example, the Chairperson may direct that member to leave the meeting room during discussion and decision-making of an agenda item in which, that member has a personal or perceived interest.

An **ongoing interest** is a member's involvement in any matter or organisation that could potentially become or be perceived by others, as a conflict of interest later. An ongoing interest could become a conflict of interest with a decision being made by the Board and members need to know how and when to manage these.

Board members must:

- Keep their private commercial or political interests separate from their official Board role.
- Declare any conflicts of interest for inclusion on the Conflicts of Interest Register at the commencement of meetings and update the declaration if and when private or political interests change.
- Adhere to the following process for managing conflicts of interest:
 - as soon as possible after becoming aware of an actual, perceived or potential conflict of interest in a matter being considered or about to be considered by the Board, advise the Chairperson (or in the case of the Chairperson's absence, to the Deputy Chairperson) of the conflict of interest;
 - declare the conflict of interest and disclose the nature of the interest at a meeting; and
 - follow the process determined by the Chairperson (or in the case of the Chairperson's absence, the Deputy Chairperson) for managing the conflict of interest. This may involve removing themselves from discussion and decision making on the matter.
- Ensure the Board meeting minutes record any issues of conflict of interest and the steps taken to manage the conflict, so they are transparent and capable of review.

5. Confidentiality

Board members have:

- a statutory duty of confidentiality under section 52 of the Act in relation to information obtained in the course of performing their role; and

- a fiduciary obligation not to take advantage of information acquired by virtue of their position.

Board members must:

- Maintain confidentiality and not divulge information other than as permitted by section 52. If unsure, seek direction from the Chairperson.
- Not make improper use of information obtained during the performance of their duties, such as using that information for direct or indirect personal or commercial gain, or to do harm to others or the Board
- Respect confidential information and observe any restrictions agreed by the Board (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 Chairperson, or other relevant authority.

6. Communication protocols

- Public comment includes comment made in circumstances where it is reasonable to expect that the comment may reach the wider community. This may include comments made on the internet, in speeches, on the radio or in the press.
- Members will not be required to, and are not authorised to, make public comments concerning the Board or Communities. This is the role of the Minister or the Director General.
- Members who receive requests or queries from the media are to advise the Chairperson of the request, who will discuss the request with the Minister and/or the Director General before any decision is made as to making a public comment and by whom.

7. Fraudulent or corrupt behaviour

Board members are public officers for the purposes of the *Corruption, Crime and Misconduct Act 2003*.

Board members must:

- Not engage in any fraudulent or corrupt behaviour.
- Report any information about actual or potentially fraudulent, corrupt or illegal activities to the Chairperson or, if necessary, the Corruption and Crime Commission.
- Report suspected breaches of this Code of Conduct to the Chairperson, or in the absence of the Chairperson, to the Minister for Disability Services.

8. How to report fraud, corruption or misconduct

Board members are encouraged to report any suspected fraud, corruption or misconduct via any of the following avenues:

- Misconduct.reporting@communities.wa.gov.au
- Public.interest.disclosure@communities.wa.gov.au
- Public Sector Commission – [Public Interest Disclosure](#) (minor corruption)
- [Corruption and Crime Commission](#) (serious misconduct)
- [WA Police](#) (criminal matters)
- [Ombudsman WA](#) (matters of administration affecting individuals)
- [Equal Opportunity Commission WA](#) (discrimination matters)
- The 24/7 Misconduct Reporting Hotline on 0466 511 957 which will be answered by a Public Interest Disclosure Officer.

9. Compliance with cross-government requirements

Board members must comply with all across-government requirements, including:

- [Treasurer's Instructions](#), including 'Risk management and internal control' – Treasurer's Instruction 4.
- The WA Procurement Rules, which apply to all State agencies and are defined in the [Procurement Act 2020](#). The Rules replace the State Supply Commission's policies and apply to all types of procurement including goods, services and works.
- [Western Australian Government purchasing card \(corporate credit card\) guidelines](#).

10. Use of public resources

Board members must:

- Use the resources of the State, funds, employees and equipment effectively and economically, and only for Board business.
- Comply with the applicable legislation, whole of government requirements and Communities' policies.
- Not use public resources for personal financial gain or party-political work.
- Operate equipment and property 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 Secretariat.

11. Travel and accommodation

Board members must:

- Comply with [Premier's Circular: 2021/02 Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers](#) (and any replacement circular).
- Ensure any travel and/or accommodation is booked through the Secretariat.

12. Gifts, Benefits and Hospitality

Board members must ensure:

- The responsible and efficient expenditure of public funds on hospitality, in line with applicable Communities' [Gifts, Benefits and Hospitality Policy](#), if it is being provided for and/or approved by the DSC through Communities.
- Any hospitality provided by the Board is consistent with the Board's needs and public duty, in keeping with [Public Sector Commissioner's Circular: 2009-18 Guidelines for expenditure on official hospitality](#) (and any replacement circular).

Board members must:

- Carefully consider any offers of gifts, benefits or hospitality and ensure that any decision to accept is done openly, is consistent with this Code of Conduct and is declared and recorded at the next Board meeting.
- Not accept gifts, benefits or hospitality that are likely to place them under an actual or perceived financial or moral obligation to other organisations or individuals if they could be seen by the public, knowing the full facts, as intended or likely to cause them to act in a particular way or deviate from their public duty.
- Not demand or accept, in connection with their official duties, any fee, Board commission, reward, gratuity or remuneration of any kind which is outside the scope of their entitlements.
- Not use their public position for personal profit or gain or to cause detriment to others.

13. Recordkeeping and use of information

Documenting decisions

Board members must, via the Secretariat:

- Accurately document Board decisions, events and transactions.
- Prepare and retain minutes for all official Board meetings, including recording any dissent.

Security of information

Board members must:

- Ensure recorded information under their control, in both paper and electronic form, is kept in a secure place, including when stored on laptops and tablets.
- Be diligent in handling Board records and secure sensitive documents.
- Avoid discussing Board business in public places where there is a likelihood of being overheard.
- Dispose of duplicate copies of records and confidential waste (these may be returned to the Secretariat).

Amendment or falsification of records

Board members must not:

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

14. Freedom of information

Board members must:

- 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.

4. Breaches of the Code of Conduct

Reporting suspected breaches of the Code

Board members must:

- Familiarise themselves with the Board's reporting mechanisms.
- Report suspected breaches of the Code of Conduct, initially to the Chairperson, or in the absence of the Chairperson to the Minister for Disability Services.

Breaches of the Code of Conduct will be dealt with in a professional and appropriate manner according to the circumstance of each case. As a government Board, the Minister for Disability Services will be advised of any breaches. In certain cases, the matter may be referred to the Public Sector Commission, Corruption and Crime Commission and/or the WA Police.

5. Roles and Responsibilities

Role of Board members

When accepting the appointment, Board members undertake a solemn obligation to perform their duties in an impartial, open, honest and accountable way to the benefit of the DSC and the community it serves.

Role of the Board Chairperson

At a meeting of the Board, the Chairperson, or in his or her absence the Deputy Chairperson, is to preside; or in the absence of both those members, a member elected by the members present is to preside (see Schedule 3, Clause 3 of the Act).

The Chairperson provides leadership and insight to ensure delivery of the Board's purpose through engagement with all members.

6. Mandatory Training Modules

It is a requirement that all Board members complete Governance e-Learning for WA Boards and Committees (an online training module on the Public Sector Commission website).

Board members are also required to complete integrity training on this Code of Conduct, Accountable and Ethical Decision Making, and Aboriginal and Torres Strait Island Culture Awareness (Communities' online training modules). This training will be arranged through the Secretariat. The integrity training on the Code of Conduct will be completed no less than every three years in accordance with *Commissioner's Instruction 40: Ethical Foundations*.

7. Further Information

Members are encouraged to familiarise themselves with the information about Boards and Committees on the Public Sector Commission WA website.

For information specific to the DSC, contact your Secretariat at Boards_Committees@communities.wa.gov.au.

8. Review

This document will remain in place until a change of government or Minister, or until a two-yearly review or other occurrence that deems a review necessary.

Appendix 1 – Relevant legislation

Compliance with applicable legislation, which includes:

- *Disability Services Act 1993*
- *Public Sector Management Act 1994*
 - *Section 7 – Public administration and management principles*
 - *Section 8 – Human resource management principles*
 - *Section 9 – Principles of conduct by public sector bodies, etcetera*

- *Auditor General Act 2006*
- *Corruption, Crime and Misconduct Act 2003*
- *Criminal Code*
 - *Chapter XII – Corruption and abuse of office*
- *Equal Opportunity Act 1984*
- *Financial Management Act 2006*
- *Freedom of Information Act 1992*
- *Industrial Relations Act 1979*
- *National Disability Insurance Scheme Act 2013*
- *National Disability Insurance Scheme (Worker Screening) Act 2020*
- *Work Health and Safety Act 2020*
- *Parliamentary Commissioner Act 1971*
- [*Procurement Act 2020*](#)
- *Public Interest Disclosure Act 2003*
- *State Records Act 2000*
- *Statutory Corporations (Liability of Directors) Act 1996*