



Government of Western Australia  
Department of Mines, Industry Regulation and Safety

# Code of Conduct



**Disclaimer:** *The Department of Mines, Industry Regulation and Safety (DMIRS) is continually updating its Corporate policies, procedures and guidelines (policy documents). All employees must familiarise themselves with the published policy documents until they are advised that an updated policy document has been implemented.*

*This publication is available in alternative formats upon request.*

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## Message from the Director General

The Western Australian community expects public sector employees to carry out their roles with integrity.

As employees of the Department of Mines, Industry Regulation and Safety, and members of the broader public service, we are in positions of trust.

Our personal behaviour can influence the department's reputation and relationships with internal and external stakeholders, and can impact either positively or negatively on the achievement of the department's strategic objectives.

This Code of Conduct (the Code) outlines the standards of behaviour we need to apply as representatives of the department.

The Code is an overarching framework, supported by corporate policies, procedures and guidelines that establish the rules of conduct within the department. Additionally, the Code outlines the responsibility of the department and its employees, providing assistance in addressing the many ethical issues we face in our day-to-day business.

The department is committed to building greater staff awareness of acceptable behaviour, and calling out unacceptable and inappropriate conduct or workplace practices. In addition, we will continue to ensure there are clear processes in place for dealing with unethical behaviour and practices that are unreasonable or inappropriate.

In support of the Public Sector Commissioner's Instruction No. 8: Codes of conduct and integrity training, all staff are offered regular training to ensure they understand and engage with the Code.

While not every scenario is covered in this document, the key message I would highlight is if you find yourself faced with an ethical dilemma, seek advice on the correct way forward.

It is the responsibility of everyone who works at DMIRS to uphold the integrity and credibility of the department by modelling the principles of the Code at all times.



A handwritten signature in black ink, appearing to read 'Richard Sellers', is positioned above the printed name.

**Richard Sellers**  
**Director General**

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## OUR PURPOSE

The Department of Mines, Industry Regulation and Safety (DMIRS) was formed on 1 July 2017. Our purpose is: "Supporting a safe, fair and responsible future for the Western Australian community, industry, energy and resources sector".

## OUR VALUES



Forward thinking



Respectful



Fair



Ethical



Responsive



Transparent

## OUR APPROACH

### Regulator

- Maintain regulation that is clear, relevant and enforced.
- Behave consistently and transparently.
- Create relationships that encourage compliance.
- Foster public trust and confidence.

### Service Provider

- Deliver quality services at the lowest cost possible.
- Reduce the complexity of the customer journey through government.
- Use digital technologies to improve the customer and staff experience.
- Respond to customer feedback.

### Policy Maker

- Manage our policy environment to drive behaviours that are in the public interest.
- Predict, then address emerging policy challenges.
- Gather the latest intelligence on the operating environment.
- Explore new approaches to achieving regulatory intent.

## Overview

### WHAT IS THE CODE OF CONDUCT?

The Code of Conduct (the Code) outlines the ethical behaviour and obligations of those who are employed by, or act on behalf of, the department. Ethical behaviour relates to personal integrity, relationships with others, and accountability for behaviour, decisions, and actions.

The Code is an overarching framework, supported by corporate policies, procedures, and guidelines (policy documents).

There will be situations that will require ethical decision making that may not be covered in the Code. In this situation, it is the responsibility of all employees to review the relevant policy documents and seek advice from their line manager as needed.

### WHY HAVE A CODE OF CONDUCT?

In Western Australia, all public sector employees are bound by the [Commissioner's Instruction No.7 Code of Ethics](#), which sets out the minimum standards of conduct and integrity.

[Commissioner's Instruction No. 8 – Codes of Conduct and Integrity Training](#) establishes the requirements for public sector bodies to develop their own codes of conduct and to provide training to their employees on accountable and ethical decision making.

The Code incorporates the official conduct requirements of these Instructions and the [Public Sector Management Act 1994](#) (PSM Act).

### WHO MUST COMPLY WITH THE CODE OF CONDUCT?

The PSM Act requires all public sector employees to comply with the provisions of the Code.

The department has a responsibility to ensure its workforce is aware of, has access to, and complies with the Code.

While the word employee has been used throughout the Code, this should be read as also applying to other workers who are those people working alongside employees and/or carrying out work in any capacity for the department.

Though the processes associated with some of the standards set out in the Code may result in different action being applied when not met by other workers, all employees and other workers are required to uphold the standards expected of the Code.

Boards and Committees are required to develop and implement a code of conduct using Section 9 of the PSM Act and Commissioners Instructions No.7 and No.8, establishing the expected behaviours of members.

### WHAT HAPPENS IF I BREACH THE CODE OF CONDUCT?

A breach of the Code means an act, which need not be intentional or malicious, that contravenes the principles in this policy. Breaches of the Code by any employee could result in disciplinary action under the PSM Act or other relevant legislation and policy.

Depending on the severity of the breach, disciplinary action may be taken and the potential results as prescribed under section 80A can vary from a reprimand, a financial penalty, improvement actions such as coaching, to demotion or in the most serious of circumstances, dismissal.

In some cases, the matter may be referred to the Public Sector Commission (PSC), Corruption and Crime Commission (CCC), WA Police, or other appropriate authorities. Further information is provided throughout the Code.

### WHERE DO WE APPLY THE CODE OF CONDUCT?

The department adheres to the following seven PSC categories that establish standards of behaviour in our day-to-day duties:

#### 1. Personal behaviour

We have a responsibility to conduct and present ourselves in a professional manner and demonstrate ethical behaviour for our colleagues, stakeholders and the community. Employees are committed to the departments values and comply with the standards of behaviour as outlined in the Code.

#### 2. Communication and official information

We ensure the integrity and security of documents and information. We observe due care when discussing or dealing with sensitive information.

#### 3. Fraudulent or corrupt behaviour

We are diligent with financial activities, uphold the highest standard of integrity, and make ethical decisions to maintain community confidence and public trust.

**4. Use of public resources**

We are scrupulous when using public resources that are paid for, owned or directed by the department including official equipment, assets, information, services and our time at work. We have a responsibility to use these resources in an effective, efficient and fair manner.

**5. Recordkeeping and use of information**

We keep accurate and complete records in order to properly record the department's operations.

**6. Conflicts of interest, gifts and benefits**

We recognise the importance that any conflict of interest is properly and transparently identified, declared, managed and monitored.

**7. Reporting suspected breaches of the Code**

We report suspected or potential breaches of the Code.

- treating all colleagues, stakeholders and members of the public with professionalism, respect, courtesy, honesty and fairness, having proper regard for their interests, rights, safety and welfare;
- maintaining and contributing to a harmonious, safe, inclusive, professional and productive work environment;
- maintaining ethical relationships with colleagues and stakeholders;
- ensuring our private conduct maintains our ability to perform our duties and the integrity of the department;
- making decisions fairly, impartially, promptly, considering all available information, legislation, policies and procedures that are in the public interest and stand up to public scrutiny; and
- reporting incidents and unacceptable behaviours in a timely manner with a focus of maintaining positive working relationships.

## 1. Personal Behaviour

As representatives of the department, we are in a position of trust. We have a personal responsibility to act ethically, with integrity and make decisions in the public interest.

Our personal behaviour can influence the department's relationships with internal and external stakeholders, and can either positively or negatively impact on the achievement of our department's strategic objectives.

We have the right to:

- a safe workplace that is free from unlawful discrimination, harassment, victimisation and workplace bullying;
- work in an environment where we are treated with dignity and respect;
- access recruitment and selection practices, which are open, fair and based on merit;
- equitable access to training, development, benefits and working conditions;
- management decisions made without bias; and
- access to prompt, confidential and fair processes for dealing with work related grievances or complaints.

We are responsible for:

- familiarising ourselves with and abiding by departmental and government policy documents and legislation;

### INDUCTION AND TRAINING

A detailed Induction Program and mandatory training is provided to new employees. This includes but is not limited to:

- induction of the work area by the line manager;
- tailored inductions and training provided by Corporate Services and Business Innovation Directorate; and
- Accountable and Ethical Decision Making (AEDM) training as per Public Sector Commissioner's Instruction No.8.

There are various mandatory training courses that employees are required to attend. Employee attendance and constructive participation in mandatory training is considered to be part of the official duties of their position.

Line managers may direct employees to attend training to ensure they have the necessary knowledge and skills to enable them to carry out their official duties in an effective and efficient matter.

#### Related policy documents

[DMIRS Learning and Development](#)



## STANDARDS OF DRESS AND APPEARANCE

As a representative of the department, our appearance is expected to positively promote the department's professional image.

We are expected to dress to a professional standard and appropriately for the nature of our work and workplace. Corporate attire is appropriate for most occasions.

If there is any doubt as to the appropriate standard, employees should consult with their line manager.

### Related policy documents

[DMIRS Standards of Dress and Appearance](#)

## EMPLOYEE DISCLOSURE AND PRE EMPLOYMENT CHECKS

Appointment to a position within the department is subject to pre-employment checks as stipulated in the job advertisement and/or job description form.

All employees must ensure that during their term of employment they report any criminal convictions or serious offences (as defined under the PSM Act) as soon as they become aware.

Employees must also disclose to their line manager where the status of essential role specific requirements and position conditions change. This may include suspension of, or change to professional registration, accreditation, licences or qualifications.

If an employee does not disclose these matters to their line manager this may result in disciplinary action and/or an annulment of the employment contract.

### Related policy documents

[DMIRS Filling a Vacancy](#)

[DMIRS Establishment and Classification](#)

## INAPPROPRIATE AND UNREASONABLE WORKPLACE BEHAVIOURS

Generally, most people demonstrate personal behaviour in the workplace that invites and promotes positive working relationships. There are however negative personal behaviours that would make it difficult to develop a good working relationship with others.

These behaviours extend to other work environments, such as social activities/events connected to the department for example sundowners, end of year celebrations and associated travel, as well as online activities such as social media and internet forums.

Inappropriate and unreasonable behaviour can include, but is not limited to:

- workplace gossiping, swearing and making inappropriate jokes;
- being insensitive to other cultures;
- displaying or circulating offensive material;
- allowing personal relationships outside of work to adversely influence work-related activities;
- ignoring, isolating or sabotaging work practices;
- being rude, abrupt, domineering, uncooperative or unhelpful;
- negative attitudes, complaining excessively, making constant negative remarks;

- unfriendly or intimidating behaviour such as sarcasm, put-downs, threats (real or implied) and aggressive body language; and
- negatively affecting another person's ability to do their job.

We all have a responsibility to work towards creating a professional and friendly work environment by embodying and demonstrating behaviours that are aligned to our Strategic Intent.

#### **Related policy documents**

[DMIRS Managing Inappropriate and Unreasonable Workplace Behaviours](#)

### **ABUSE, DISCRIMINATION, HARASSMENT, BULLYING AND VICTIMISATION IN THE WORKPLACE**

The department strives to have a diverse and inclusive workplace that actively promotes fairness, equity, respect and dignity.

Our policy documents and the law give all our employees the right to be protected from:

- direct and/or indirect discrimination;
- sexual harassment;
- racial harassment;
- workplace bullying;
- lateral violence;
- victimisation; and
- improper conduct.

#### **Related policy documents**

[DMIRS Substantive Equality](#)

[DMIRS Managing Inappropriate and Unreasonable Workplace Behaviours](#)

### **GRIEVANCE RESOLUTION**

Where workplace issues occur, which result in the lodgement of a grievance(s), the department's policy documents provide a means of addressing and resolving them. Workplace issues can include the following:

- General grievances relating to the fairness or appropriateness of actions, decisions or workplace behaviour. This includes areas of employment and behaviour outlined in the Code.

- Equal employment opportunity grievances relating to discrimination, harassment and/or victimisation.
- Employee safety and health issues in relation to allegations of bullying.

Wherever possible, grievances should be resolved through mutual cooperation in the immediate work area using an informal process. Where there is no successful resolution, or where the issues are particularly complex or sensitive, it may be appropriate to proceed with a formal process.

Line managers are obliged to deal with grievances promptly and with sensitivity. In resolving grievances, the principles of natural justice apply, including the requirement to maintain confidentiality.

If an employee experiences an issue, they are encouraged to report this promptly and can seek advice and support from management, a Contact Officer and/or Human Resources.

If the allegations of a grievance are of a serious nature then the disciplinary process may be the most appropriate course of action.

**Contact Officers are available to assist and provide support to our employees to resolve any workplace issues. They are able to:**

- provide information about options available to employees for resolution and the department's process; and
- provide support to those going through a grievance process.

#### **Related policy documents**

[DMIRS Grievance Resolution](#)

### **BREACH OF DISCIPLINE**

A breach of discipline prescribed under section 80A and referred to in section 94(4) of the PSM Act is deemed to have been committed if an employee:

- disobeys or disregards a lawful order;
- contravenes:
  - any applicable provision of the PSM Act;
  - any public sector standard, code of ethics or code of conduct; or
  - any part of the Code;
- commits an act of misconduct;

- is negligent or careless in the performance of duties; or
- commits an act of victimisation as defined under the [Public Interest Disclosure Act 2003](#).

The department has a disciplinary process to deal with employees engaging in unacceptable behaviour however, not every issue raised about the conduct of employees will warrant disciplinary action. The Director General will exercise discretion when deciding what process to use when dealing with an issue related to allegations of a breach of discipline.

Under the [Corruption, Crime and Misconduct Act 2003](#), the Director General is obliged to report any matter they suspect on reasonable grounds, concerns either minor misconduct to the PSC or serious misconduct to the CCC. Criminal matters will be reported to WA Police.

#### Related policy documents

[DMIRS Discipline](#)

### WORK HEALTH, SAFETY AND WELLBEING

Under the *Work Health and Safety Act 2020*, the department will ensure the health and safety of its employees while at work and others who may be affected by the carrying out of work, so far as reasonably practicable, by eliminating risks to health and safety. If this is not reasonably practicable, risks will be minimised so far as is reasonably practicable.

Line managers have a responsibility to provide a workplace that is healthy and safe and must ensure, so far as is reasonably practicable, the health and safety of employees. If there are any concerns about an employee's health or wellbeing, this should be discussed with the employee at the earliest opportunity, as there may be a need to develop or implement a management strategy or case management plan. It is important the workplace supports any employee's disclosed, existing health conditions.

While at work, employees must take reasonable care for their own health and safety and take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons.

We are all responsible for ensuring safe work practices are followed to promote a safe work environment through identification, reporting, assessment and elimination or mitigation of hazards and their associated risks, as far as practicable, in accordance with the department's policy and supporting documents.

**Reminder: While the word employee has been used throughout the Code, this should be read as also applying to other workers who are those people working alongside employees and/or carrying out work in any capacity for the department.**

#### POTENTIALLY TRAUMATIC EVENT RESPONSE SUPPORT (PTERS)

A number of positions within the department are considered to have a high likelihood of exposure to potentially traumatic events (PTE) based on the nature of their role. There are resources available to support employees and managers to prepare for, identify, manage and respond to exposure to a PTE.

The department has an Employee Assistance Program to provide counselling and support services for employees and their immediate families. This service is free and confidential.

#### Related policy documents

[DMIRS Work Health and Safety](#)

[DMIRS Health and Wellness](#)

#### USE OF ALCOHOL AND DRUGS

DMIRS is committed to providing a healthy, safe and productive work environment as far as reasonably practicable, by eliminating risks to health and safety. The impairment of employees from alcohol or other drugs presents an unacceptable safety risk in the workplace.

DMIRS is an alcohol and other drug free workplace. The possession, use, manufacture, distribution, trafficking, sale, solicitation, storage, or impairment by alcohol or other drugs (including recreational drugs, illegal drugs, and misuse of prescription drugs) is prohibited in the workplace.

It is the responsibility of all employees to ensure that our work performance, health, safety and the safety of others is not impaired by alcohol and/or other drugs while at work or while representing DMIRS in any capacity, at any time or location. Employees who have consumed alcohol cannot come, or return to work, e.g. if employees attend a function and consume alcohol, they cannot return to work that day.

Where it has been found, or if reasonable suspicion is formed, that an employee may be in breach of the Code they may be directed to attend immediate drug/alcohol testing and/or may be subject to disciplinary action.

If an employee is taking prescription or over-the-counter medications that are likely to affect their ability to fulfil their role, the employee must advise their line manager. All such advice will be treated confidentially.



## SMOKING

The department has a responsibility to take steps to reduce harm caused from smoke and tobacco products for all our employees. Smoking is only permitted within designated smoking areas where they exist.

Where a designated smoking area does not exist, then smoking is not permitted within five metres of a State Government building entrance and 10 metres of air conditioning vents. Smoking is prohibited in all vehicles owned or leased by the department. Electronic cigarettes (e-cigarettes) and other personal vaporisers for delivery of nicotine or other substances are not permitted to be used in any area where smoking is prohibited.

Smoking breaks are not to adversely impact on productivity or affect the operations of the department.

### Related policy documents

[DMIRS Smoke Free Workplace](#)

[DMIRS Fitness for Work](#)

## PERFORMANCE MANAGEMENT

All line managers and employees must participate in an endorsed performance management process. Performance management is part of continuous improvement for both the individual employee and the department as a whole.

The PSC's Performance Management Standard identifies the minimum expectations of merit, equity and probity in relation to managing performance. The department's process acts as a mechanism to:

- align individual activities with State Government priorities;
- increase employee skills, knowledge and abilities;
- manage performance;
- create a positive work environment; and
- increase employee retention.

The performance management process may be linked to governance models such as the department's Strategic Intent, operational plans, workforce plans, capability framework and employees' job description forms.



On an individual level, the purpose of the performance management process is to enable and motivate employees to:

- plan and understand expected performance;
- maximise strengths;
- identify areas for improvement;
- achieve our career goals; and
- recognise our contributions to the department.

Agreed/planned activities will be prioritised by the line manager based on operational needs and budget.

The department considers active participation in the performance management process to be part of the official duties of employees.

Whereby, an employee is not performing to the expected standards of the role, an under-performance process may be initiated.

Following a sustained period of documented under-performance, a Substandard Performance process may be commenced in accordance with Part 5 of the PSM Act.

#### **Related policy documents**

[DMIRS Managing Performance](#)

## **CONSIDERING OUR VALUES WHEN DEALING WITH CUSTOMERS**

The department's Strategic Intent emphasises our commitment to provide a reliable, efficient and effective service to our customers. We must treat our customers with respect, courtesy and professionalism.

Our commitment to our values of forward thinking, responsive, ethical, fair, respectful and transparent provides a shared language for a standard of behaviour so employees know what is expected and encouraged, in how we interact with one another and our customers.

It is important that customers are dealt with in a manner that instills confidence in the decision-making of the department.

The department is committed to providing an efficient, fair and accessible mechanism for resolving complaints, and ensuring that any complaint or feedback received is dealt with courteously, investigated and acted on quickly and appropriately.

The department has a duty of care to ensure that appropriate action is taken in response to any information received.



## 2. Communication and official information

As employees, we are required to maintain confidentiality and abide by the non-disclosure requirements of official information acquired in the course of employment. Official information or documents should only be disclosed where there is a requirement by law or proper authorisation has been given.

We are not to misuse official information or documents acquired in our daily duties for direct or indirect personal or commercial gain, for ourselves or others or to do harm to others.

The department generates and maintains a wide range of information assets as part of its operations. This information, which may exist in both the physical and electronic form, must be adequately protected from unauthorised access, modification, disclosure and destruction. All information must be handled as per the Western Australian Information Classification Policy as well as other relevant regulations. The information classification process should be considered a part of the core business processes and as such is the responsibility of all employees.

### MANAGING CONFIDENTIAL INFORMATION

In the course of our official duties we have access to confidential information. We must at all times, act in accordance with relevant legislation and policies that relate to confidential information.

Section 81 of the [Criminal Code Act Compilation Act 1913](#) makes it illegal for employees of the public service (public officers and government contractors) to disclose confidential information, and prohibits publishing or communicating any fact or document that came to their knowledge or possession by virtue of their office and which it is their duty to keep confidential.

The public expects that information held by government agencies is not accessed by or disclosed to anyone without lawful authorisation to do so. Confidential information that is released could damage reputation, provide unfair advantage, adversely affect the public interest and increase the likelihood of corruption.

It is important that we respect the privacy of individuals, security of personal information (including payment card information) and protect intellectual property.



In an instance where we are asked to disclose sensitive or confidential information, proper authorisation must be given. When in doubt, we should seek approval from management about the appropriate release of information and/or refer to record keeping and information management policies, including the [DMIRS Transparency Policy](#) and [Freedom of Information](#) procedures.

Confidentiality continues to apply after we have left the department. It is inappropriate for a former employee to use departmental information that they have obtained during their employment for any purpose.

### **PROVIDING ADVICE TO THE MINISTER**

Our employees may be called upon to provide informed, accurate, unbiased and timely advice to government including the Minister for Mines and Petroleum; Energy and Industrial Relations and the Minister for Commerce. If this is the case, we are expected to ensure that we have authorisation from appropriate sources, and that we include all the pertinent facts and opinions, or indicate where the information may be incomplete.

### **COMMUNICATIONS PROTOCOL BETWEEN MINISTERIAL STAFF AND DEPARTMENTAL EMPLOYEES**

Ministerial correspondence between the department and the Minister(s) is coordinated by the Ministerial Liaison Unit. Some of the requests may be:

- information and research;
- briefing notes; and
- answers to parliamentary questions.

We are expected to follow ministerial protocols outlined in the department's policy documents. For further advice on protocols, assistance or training regarding Ministerial matters, contact the Ministerial Liaison Unit.

#### **Related policies documents**

[DMIRS Ministerials](#)



## DEALING WITH MEMBERS OF PARLIAMENT

Members of Parliament are not to be provided information that is not publicly available directly by the department. Any requests by a Member of Parliament for verbal or written briefings that are not publicly available must be referred to the relevant Minister's office for approval through the Ministerial Liaison Unit.

## DEALING WITH LOBBYISTS

On some occasions, employee's duties may involve contact with lobbyists, that is a person or organisation who represents the interests of a third party to government. We need to ensure any conduct with lobbyists is in accordance of the [Commissioner's Instruction 16: Government Representatives Contact with Registrants and Lobbyists](#) and meets the public's expectations of engagement that is conducted with transparency, integrity and honesty.

Lobbyists must advise government representatives of the third party they represent, the nature of the issue they are supporting and they must be listed on the PSC's Register of Lobbyists. Lobbyist contact must be recorded on the department's register.

Government representatives should not engage with a lobbyist who is not listed on the register. This includes anyone who is employed, contracted or engaged by a lobbyist.

### Related policy documents

[DMIRS Contact with Lobbyists](#)

## DEALING WITH MEDIA

All contact with the media is to be undertaken through the Corporate Communications Branch or a Media Liaison Officer, unless authorised otherwise by the Director General.

### Related Policy documents

[DMIRS Media](#)

## PUBLIC COMMENT AND PARTICIPATING ONLINE

Public comment refers to comments made on political or social issues at public speaking engagements, on radio, letters to the press, online forums, social gatherings, on social media or in other circumstances where it is reasonably foreseeable that the comment will flow to the community.

Employees are reminded that if they make a public comment in a private capacity, it should not represent the government and not relate to their duties as a public sector employee.

**Remember to always ensure separation between private views and those as a public sector employee of the department.**

### Related policy documents

[DMIRS Social Media](#)



### 3. Fraudulent and corrupt behaviour

We are expected to conduct ourselves in an honest, ethical and professional manner and not to engage in fraudulent and corrupt behaviour, which are the most serious forms of misconduct.

We are required to report any suspected fraudulent, illegal and corrupt behaviour through the appropriate mechanisms. See section 7 of the Code for more information.

Community confidence can be lost when fraudulent or corrupt behaviour occurs within the public service. Once lost, trust can be hard to restore.

#### **FORMS OF FRAUD AND CORRUPTION**

Fraud is a dishonest activity that causes actual or potential loss to any person or the organisation.

Corruption occurs when a public officer in the course of their duties either acts or fails to act in order to obtain a benefit for themselves or another person to cause a detriment to another person.

Fraud and corruption can take many forms including, but not limited to:

- unauthorised release of confidential, private information or intellectual property;
  - theft;
  - causing a loss, or avoiding or creating a liability by deception;
  - insider trading;
  - providing false or misleading information to the department, or failing to provide information where there is an obligation to do so;
  - making, using or possessing forged or falsified documents;
  - bribery, or abuse of official power;
  - unlawful use of departmental computers, credit cards, telephones, vehicles, and other property or services;
  - failure to disclose and/or appropriately manage any conflicts of interest;
  - dishonestly using influence;
  - nepotism and favouritism;
  - undertaking secondary employment without appropriate approval; and
  - making false claims of expenses, work hours or leave entitlements.
- fraudulent use of departmental funds;
  - fraudulent appropriation of assets;

#### **Related policy documents**

[DMIRS Fraud and Corruption Control Framework](#)

## 4. Use of public resources

We are accountable for using the department's property, equipment and resources diligently and efficiently on behalf of the community to deliver outcomes for the public.

We have access to a range of public resources such as vehicles, travel and accommodation, corporate credit cards, office facilities and equipment. The use of these public resources should be restricted to work-related purposes and not for financial, personal or political gain.

**We must report any damage to, or loss of property or equipment immediately**

### **APPROPRIATE AND SECURE USE OF INFORMATION AND COMMUNICATIONS TECHNOLOGY FACILITIES**

The term Information and Communications Technology (ICT) encompasses a wide range of technologies and services including but not limited to, the internet and intranet, cloud services, department issued computing equipment such as servers, workstations and mobile devices, applications, data and information, software and hardware, networking equipment, document storage, removable media storage, digital cameras, email and social networking.

The department also provides ICT for personally owned computers and mobile devices that are used for work purposes. Limited private use is permitted as long as it does not interfere with our work.

Employees are reminded that we:

- are to ensure that our use of departmental ICT is always responsible and professional and does not bring the reputation of the department into disrepute;
  - are to ensure that our electronic communications with employees or the public including email, instant messaging and social networking are clear and professional so that messages are less likely to be misunderstood or misinterpreted;
  - must not use departmental ICT for any unethical or unlawful purpose, browse, download, distribute or pass on any threatening, offensive, prohibited or pornographic material, or to use unlicensed software or fail to comply with copyright requirements; and
  - are not permitted to share or transmit material through any means protected by trade secret, or disclose information prohibited under State Government policy or legislation, or use departmental ICT for non-departmental commercial activities, product advertisements or political lobbying.
- Some examples of activity that would be considered inappropriate use of ICT include, but are not limited to:
- transmitting or distributing material containing offensive, obscene, threatening, abusive or defamatory in nature;
  - accessing content containing offensive, obscene, abusive or pornographic material;
  - use of the department's ICT for commercial activities not directly related to the department;
  - inappropriately transmitting or distributing information, which may violate the rights of others including unauthorised text, images or programs, trade secrets or confidential property, trademarks or service marks;
  - transmitting or distributing material, which contains malware or any other contaminating or destructive features;
  - charity requests, petitions for signatures, chain letters or letters relating to pyramid schemes and broadcasting messages;
  - redirecting, forwarding, copying or moving communications containing departmental business information to personal email addresses or non-departmental systems or services;
  - using a departmental email address to register or establish a personal or public profile representing the department on any non-business related social media, social networking, or subscription-based external website;
  - making personal comments using social media on departmental related matters or policies as an employee of the department;
  - using a departmental email address to establish a personal or private social media account;
  - social networking which is outside of reasonable personal use; and
  - lobbying of any nature, political or any other.

Employees must notify their line manager immediately if an inappropriate website has been accessed or the employee has received an offensive or inappropriate message or material.

**Related policy documents**

[DMIRS Acceptable and Secure Use of Information and Communications Technology](#)

[DMIRS Cyber Security](#)

**USE OF PUBLIC FUNDS AND CORPORATE PURCHASING**

We are in a position of trust when handling public funds and are accountable for the transactions we make. All purchases and procurement, including engagement of contractors and suppliers, use of departmental credit cards, and creating purchase orders, made on behalf of the department must be made in accordance with relevant policies documents.

All financial expenditure needs to be independently approved, that is employees cannot approve a transaction they initiated or completed, or relates directly to themselves.

Responsible officers are required to ensure the quality, quantity and timing of the goods and services received are correct.

Employees involved in procurement processes must be aware of the potential for conflicts of interest to arise and discuss with their line manager and action in accordance with the relevant policy documents.

All employees must use the Common Use Agreement established by the Department of Finance to make purchases in accordance with the relevant Buyer's Guide unless approved otherwise.

**Related policy documents**

[DMIRS Corporate Credit Card](#)

[DMIRS Payment Card Account Data](#)

[DMIRS Procurement](#)

**USE OF GOVERNMENT VEHICLES**

Employees using departmental vehicles must hold an appropriate drivers license.

Eligible officers may utilise government vehicles for after-hours private use in accordance with approved vehicle schemes.

All employees responsible for, or in control of a fleet vehicle are to take due care for the condition and security of the vehicle and are to comply with road rules contained within the WA Road Traffic Code 2000 and adopt practices outlined in departmental policy documents.

**Related policy documents**

[DMIRS Motor Vehicle Fleet](#)

**WORKING ARRANGEMENTS AND ATTENDANCE RECORDING**

Subject to operational requirements, employees may access flexible work arrangements with approval of their line manager.

Employees accessing flexible work arrangements are required to accurately record their working hours, breaks and leave in the department's timesheet management system.

The use of overtime and the provision of payment for overtime worked, or the granting of time off in lieu, is subject to prior approval by their line manager. Where approved, overtime or time off in lieu is to be accurately recorded using the department's timesheet management system.

**Related Policy documents**

[DMIRS Working at Home](#)

[DMIRS Flexible Work](#)

**ABSENCE FROM DUTY**

Employees are to ensure that appropriate notice is given for any absence from work. It is the employee's responsibility to inform the line manager, following agreed protocols as soon as possible, of any unplanned or planned absence from duty.

## 5. Record keeping and use of information

All employees have the responsibility to:

- create and capture evidence of business activities, actions, consultation and decisions to ensure transparency and accuracy;
- preserve the integrity and authenticity of records and information;
- securely retain and store sensitive/confidential records and information in both paper and electronic form;
- comply with relevant corporate, record keeping and information management policy documents; and
- complete relevant record and information management training.

The responsibility of employees applies to all workplaces (the office, within the community and at home). We must be mindful of the security of the information in our control while out of the office and ensuring all offline records are transferred back to departmental business systems as soon as practical.

### FREEDOM OF INFORMATION

The [Freedom of Information Act 1992](#) (FOI Act) provides the public a right to access government documents, subject to some limitations, and enables members of the public to ensure that personal information in documents is accurate, complete, current and not misleading.

Information not already available for purchase or freely distributed to the public can be requested in accordance with the principles and processes established by the FOI Act.

It is important that when preparing any documents that become part of the public record, we take care in the way we record information to ensure that we deal only with the facts. We should not, therefore, record personal opinions or comments unless they are required as part of the function we are performing.

It is our responsibility to ensure the documents are titled and filed in accordance with the department's record keeping guidelines so that they are discoverable should an FOI application request them.

Departmental information and records must not be released without careful consideration and/or consultation with relevant parties. If you are unsure consult management, the FOI Coordinator or Legal Services.

#### Related policy documents

[DMIRS Freedom of Information](#)

[DMIRS Transparency](#)

### DOCUMENT MANAGEMENT

Records and information are the department's organisational memory and are vital assets to ensure ongoing accountability and transparency.

The management of information and documents is an integral part of effective administration. All departmental information identified as records must be managed and retained in accordance with set policies and procedures and must be retained.

As an employee, we have a responsibility to:

- create and maintain reliable and accurate records;
- understand our obligations for Record Keeping as outlined in the [State Records Act 2000](#);
- comply with requirements in managing electronic documents including email and information obtained from the internet;
- ensure sensitive information within our control is kept under appropriate security, such as locking hardcopy files in secure cabinets, securing electronic document access and ensuring our computer is locked when unattended;
- not falsify, alter or backdate departmental information; and
- ensure the information lifecycle is managed through approval governance and retention and disposal processes; inappropriate or unauthorised destruction is a breach of record keeping policies.

**It is an offence to fraudulently or corruptly falsify records or deliberately omit records.**

#### Related policy documents

[DMIRS Corporate Record Keeping and Information Management](#)

## 6. Conflict of interest and gifts and benefits

Every employee is responsible for identifying, registering, managing and monitoring any conflict of interest (COI) in the public interest.

### CONFLICT OF INTEREST

A conflict of interest involves a conflict between an employee's work duties and their personal or private interests. It may also extend to personal relationships both inside and outside the department, including friends and family.

Conflicts of interest can occur for any public sector employee. All employees have an obligation to report and manage any situation that has the potential to influence, or could be perceived to influence, our ability to conduct our official duties in the public interest.

It is not necessarily wrong or unethical to have a conflict of interest, but it is vitally important that any conflict of interest is promptly, properly and transparently identified, managed and monitored.

### DECLARING, REGISTERING AND MANAGING A CONFLICT OF INTEREST

It is our individual responsibility to recognise when an actual, perceived or potential conflict of interest exists and register it according to the department's procedure. When a conflict of interest has been identified, we must discuss the situation with our line manager and develop a management plan to remove or manage the effect of the conflict on the position's work duties, and maintain the integrity of the public service.

Openly declaring and actively managing any conflict of interest ensures that actions are impartial in both deed and appearance.

Employees in positions of high and extreme risk are required to declare whether they have a COI or not.

We must also be mindful of the damage that failing to declare a COI could cause to the reputation of the individual, the department and whole-of-government.

In the event of a breach, any decisions made by an employee during their employment may be called into question. It may require changes or cancellations or decisions including those associated with our regulatory activities.

#### Related policy documents

[DMIRS Conflict of Interest](#)

### GIFTS, BENEFITS AND HOSPITALITY

Conflicts of interest arise when personal interests can influence, or appear to influence, our decision-making responsibilities in our work duties. This includes the receiving or offering of gifts, benefits and hospitality.

The department's credibility rests on our transparency and impartiality so it is important to assess if the acceptance or offering of a gift, benefit or hospitality could be construed as, or constitute, a conflict of interest.

### ACCEPTING GIFTS/BENEFITS/ HOSPITALITY

In every situation, offers of gifts and rewards must be declined. We are expected to act ethically and with integrity at all times, and to be conscious of our responsibilities.

Some exemptions will be considered and these are outlined in the department's gifts, benefits and hospitality procedure.

A gifts, benefits and hospitality declaration form is to be completed for all gifts, benefits and hospitality regardless of the offer being accepted or declined.

### OFFERING OF GIFTS/BENEFITS/ HOSPITALITY

We must be scrupulous in the use of public funds. Departmental expenditure of gifts or hospitality is only to be undertaken where it is considered essential to facilitate the work of the department. Approval for any purchase of gifts or hospitality expenditure must be sought from the relevant line manager.

As a general principle, hospitality should only be for official purposes and proportionate to the purpose of the occasion.

The offering of gifts needs to be approved in advance and should only be given in exceptional circumstances where there is a clear and distinct business requirement, such as recognition of a visiting dignitary.

#### Related policy documents

[DMIRS Gifts, Benefits and Hospitality](#)



## SECONDARY EMPLOYMENT

The department acknowledges that some employees may wish to participate in employment external to the department. Approval must be obtained from the line manager prior to engaging in any form of secondary employment, outside of our official duties.

All employees are able to participate in volunteer activities in their own time where there is no financial reward. There is no requirement to obtain approval in this circumstance unless a conflict of interest is identified.

### Related policy documents

[DMIRS Secondary Employment](#)

## 7. Reporting suspected breaches of the code

The reporting of suspected or actual wrongdoing by employees contributes to the integrity of the public sector.

There are a number of ways in which a suspected breach of the Code, may be dealt with, either internal or external to the department.

### BREACHES OF THE CODE

The [Corruption, Crime and Misconduct Act 2003](#) defines both serious and minor misconduct. It also requires public authorities to manage and notify misconduct.

As a general definition, misconduct may be defined as any improper or unacceptable conduct or behaviour, which fails to meet the requirements of relevant regulations, codes and policies, or which may bring the department into disrepute, adversely affect the credibility of the employee in their workplace or cause harm or detriment to others.

The main difference between serious and minor misconduct is that serious misconduct must involve corrupt intent and/or criminal conduct.

## REPORTING BREACHES OF THE CODE

Every employee has an obligation to immediately report suspected fraud or misconduct, including any breach of the Code or the Public Sector Code of Ethics.

In the first instance, internal reporting is encouraged to ensure matters are dealt with in a timely and effective manner. Employees can report any internal misconduct to any of the following:

- line manager;
- other senior manager;
- Human Resources;
- Internal Audit;
- Public Interest Disclosure Officer; or
- Director General.

The department has primary responsibility for investigating allegations of misconduct of its employees and contractors. However, employees can report minor misconduct directly to the PSC or serious misconduct to the CCC, which includes the option to remain anonymous.

Any criminal matters are to be reported to the WA Police. Suspected wrongdoing may also be reported as Public Interest Disclosure (PID) in line with the [Public Interest Disclosure Act 2003](#).

Every report of suspected fraud and corrupt conduct will be reviewed through the department's disciplinary process to determine if misconduct has occurred. All suspected breaches of discipline will be investigated fairly and consistently, through procedural fairness, natural justice and confidentiality, and dealt with according to the department's Discipline Policy and Procedure.

The department will take all the steps to ensure those who report fraud and corrupt conduct are not subject to victimisation and are able to report confidentially or anonymously.

Under the [Corruption, Crime and Misconduct Act 2003](#), employees are protected when we make a report in good faith. However, there are penalties for those employees who make malicious or vexatious allegations.

## PUBLIC INTEREST DISCLOSURE

A public interest disclosure is a report of wrongdoing made under the Public Interest Disclosure Act 2003 (PID Act) and provides protections to employees who report.

The PID Act is a way for people to report certain types of wrongdoing of public authorities or public officers. It provides certain protections for the person making the disclosure and those who are the subject of disclosures. It provides a system for the matters disclosed to be investigated and for appropriate action to be taken.

A disclosure must relate to a matter of public interest and show wrongdoing by a public authority, officer or contractor when performing a public function.

A public interest disclosure is more than a general complaint or dissatisfaction with a product, service or a decision by Government. It is also more than a personal grievance that can be resolved by an agreement between parties. It is important to recognise the difference between a complaint, a grievance and a disclosure. This will help the employee decide if the PID Act is the right avenue to use.

Prior to making a disclosure, it is recommended that the employee speak to a departmental PID officer for further advice.

### Related policy documents

[DMIRS Public Interest Disclosure](#)

The names and contact details of departmental PID officers can be found on the department's [Integrity Matters intranet page](#) and also available on the [WA.gov.au](#) website.

## AGENCIES WHO DEAL WITH BREACHES

The department has primary responsibility for investigating allegations of misconduct of its own employees.

Under the Corruption, Crime and Misconduct Act 2003, the Director General is required to notify the PSC of suspected minor misconduct or the CCC of serious misconduct.

As outlined below, there are a number of different external agencies or independent bodies that may be involved in investigating misconduct, depending on the nature and severity of the breach. Refer to diagram 1.

### PUBLIC SECTOR COMMISSION (PSC)

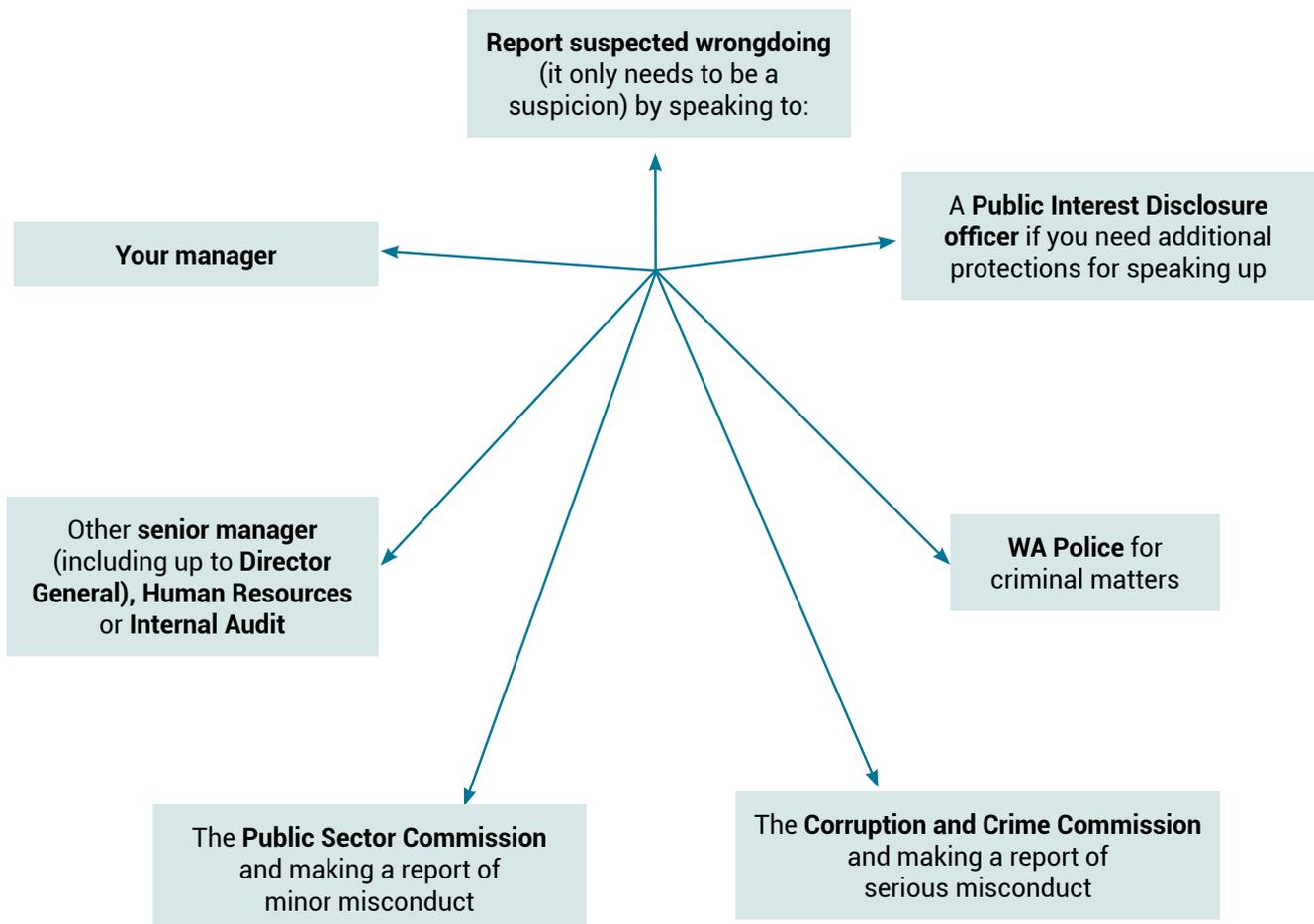
The PSC is responsible for overseeing minor misconduct of public officers, misconduct prevention and education programs.

### CORRUPTION AND CRIME COMMISSION (CCC)

The CCC is Western Australia's anti-corruption body. It works to improve the integrity of the Western Australian public sector and helps public sector agencies to minimise and manage serious misconduct.

### WESTERN AUSTRALIA POLICE FORCE

Where it is suspected that an employee has breached the Criminal Code the matter is reported to the WA Police Force. Where appropriate the department will comply with requests regarding investigations undertaken by the WA Police Force.



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