



HERITAGE
COUNCIL

CODE OF CONDUCT

Vision

Heritage is integral to the vibrant life and prosperity of Western Australia

TABLE OF CONTENTS

MESSAGE FROM THE CHAIR	1
OUR VALUES	2
OUR CODE OF CONDUCT	3
<i>COMMISSIONER’S INSTRUCTION NO. 8 - CODES OF CONDUCT AND INTEGRITY TRAINING</i>	3
<i>SCOPE</i>	3
<i>DEPARTMENT SUPPORTING THE COUNCIL</i>	4
<i>SUPPORTING INFORMATION</i>	4
THE CODE OF CONDUCT	
PERSONAL BEHAVIOUR	5
COMMUNICATION AND OFFICIAL INFORMATION	6
<i>USE OF CONFIDENTIAL INFORMATION</i>	6
<i>COMMUNICATION AND PUBLIC COMMENT</i>	6
FRAUDULENT AND CORRUPT BEHAVIOR	7
USE OF PUBLIC RESOURCES	7
<i>INCURRING EXPENDITURE</i>	7
<i>TRAVEL AND ACCOMMODATION</i>	8
<i>PROVIDING HOSPITALITY</i>	8
RECORD KEEPING AND USE OF INFORMATION	8
<i>DOCUMENTING DECISIONS</i>	8
<i>SECURITY OF INFORMATION</i>	8
<i>AMENDMENT OR FALSIFICATION OF RECORDS</i>	8
<i>FREEDOM OF INFORMATION</i>	9
CONFLICTS OF INTEREST AND GIFTS AND BENEFITS	9
<i>CONFLICTS OF INTEREST</i>	9
<i>GIFTS AND BENEFITS</i>	9
<i>PRIVATE INTERESTS</i>	10
<i>COMPETING INTERESTS</i>	10
REPORTING SUSPECTED BREACHES OF THE CODE OF CONDUCT	10
<i>INFORMATION AND ADVICE</i>	10
<i>CONFIDENTIALITY</i>	10
<i>DISCLOSURE AND WHISTLE – BLOWER PROTECTION</i>	10

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Message from the Chair

This Code of Conduct deals with the personal conduct of Heritage Council 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 Commissioner¹ 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.

Council 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 Council's Code of Conduct has been developed with reference to the Public Sector Commission's *Conduct Guide for Boards and Committees* and guides the behaviour of the Council and its members.

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

Please read and familiarise yourself with the Code of Conduct and continue to refer to it as you perform your role as a Council member. Please be mindful that our Code of Conduct cannot cover every eventuality, so it is important that you apply your judgement to unusual scenarios; and I encourage you to seek clarification from myself if you have any questions in relation to your obligations under this code.

John Cowdell, Chair

March 2022

¹ Commissioner's Instruction No 8 – Codes of conduct and integrity training, 3 July 2012.

Our Values

Our values set out how we go about our work. They guide our behaviour, our decisions, and our performance. How we live by our values impacts the quality of service experienced by our clients and stakeholders.

In all our operations and relationships, we value:

Professionalism: We are proficient, competent and reliable in all that we do. We value excellence and act with respect and integrity at all times.

Accountability: We practice fair and ethical decision-making. We explain things openly and take responsibility for our decisions and actions.

Collaboration: We work together, and with our stakeholders, to promote good heritage outcomes.

Helpfulness: We always seek to be helpful. We provide valued and timely service, respecting that our customers have individual needs.

Respect: We are serious about what we do, and understand our work is personal to our stakeholders. We support each other and celebrate our successes.

Our Vision: Heritage is integral to the identity, vibrant life and prosperity of Western Australia.

Our Purpose: By working together, we connect past and future generations through understanding and recognition, conservation and activation of the places that define the Western Australian story.

Our core functions are inextricably linked and include:

- Recognition and conservation of places of cultural heritage significance to the State.
- Provision of advice, training and support to Government, decision makers, owners and managers that ensures sustainable, responsible and best practice management of heritage places.
- Respecting, sharing and celebrating the stories and achievements associated with heritage places of importance to Western Australia's identity.

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:

Personal integrity

We act with care and diligence and make decisions that are honest, fair, impartial, and timely, and consider all relevant information.

Relationships with others

We treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.

Accountability

We use the resources of the state in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information.

Commissioner's Instruction No. 8 - Codes of conduct and integrity training

[Commissioners Instruction No. 8](#) 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 [Commissioner's Instruction No. 7 – Code of Ethics](#) 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

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

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

Department supporting the Council

The Heritage Council is assisted in its work by the Department of Planning, Lands and Heritage. The Heritage Council and the Department work together, under the [Heritage Act 2018](#), to recognise, conserve, adapt and celebrate our State's unique cultural historic heritage.

Supporting Information

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

- Conflict of Interest Policy
- Heritage Council Charter

Officers from the Department supporting the Council must adhere to the Department's Code of Conduct as well as relevant policies and guidelines of the Council, the Department, the Public Sector Commission or other relevant bodies.

CODE OF CONDUCT

Personal behaviour

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

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

As Council 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 Council members with respect, courtesy, honesty and fairness; having proper regard for their interests, rights, safety and welfare
- fulfilling our Council's statutory purposes and requirements and, to the extent permitted by the Council's constituent legislation, 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 we do not comply with the code and associated policies.

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

- attending all Council 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 Council members and stakeholders to achieve agreed goals
- diligently preparing for meetings by reading and considering papers circulated with the agenda
- expressing our concerns to the Chair or other relevant authority about consultations, decisions or actions we believe may be contrary to the Council's public duty.

Communication and official information

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

Use of confidential information

As Council 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 Chair
- not make improper use of information obtained in the course of our Council duties, or use for direct or indirect personal or commercial gain, or to do harm to other people or the Council, 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 Council (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 Council 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 Council 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 behavior

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 Council and Council members, as well as the broader public sector.

As Council members, we will:

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

Use of public resources

As Council members, we will:

- use the resources of the State, funds, employees and equipment effectively and economically, only for Council business
- comply with applicable legislation, whole of government requirements and Council policies when using public resources
- not use public resources for personal financial gain or party political work
- use equipment and property of the Council or Department 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 Council (or other responsible person)
- ensure requests by an external party, such as a charitable organisation, to use Council facilities are referred to the Council for approval
- comply with Departmental policies and guidelines regarding the use of computing and communication equipment and use these resources for Council purposes only.

Incurring expenditure

As Council members, we will:

- incur expenses only for business purposes and in accordance with any agreed allowances and the Council's available budget
- analyse financial statements and management reports with due care, and ensure we are properly informed about policies and procedures.

Travel and accommodation

As Council members, we:

- acknowledge that [Premier's Circular: 2014/02 Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers](#), determines that:
 - our choice of airline will be based on the 'best fare of the day' principle
 - frequent flyer points or benefits under other incentive or loyalty schemes cannot be accumulated in the course of business air travel
- understand our Council's arrangements for the reimbursement of travel and accommodation expenses, as applicable.

Providing hospitality

As Council members, we will ensure the responsible and efficient expenditure of public funds on hospitality, in line with [PSC's Circular: 2009-18 Guidelines for expenditure on official hospitality](#) and other applicable policies, if we are approving or providing it.

Record keeping and use of information

Documenting decisions

As Council members, we will:

- ensure we follow procedures to allow the accurate documentation of Council decisions, events and transactions
- take care to review minutes for all official Council meetings, including recording any dissent.

Security of information

As Council 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 Council records and secure sensitive documents, rather than leaving them out in the workplace, meeting rooms, at home or in vehicles where non-Council members might access them
- avoid discussing Council 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 Council members, we will not:

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

Freedom of Information

As Council 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
- refer all enquiries related to public access to documents where Freedom of Information (FOI) is concerned to the FOI Coordinator.

Conflicts of interest and gifts and benefits

Conflicts of interest

As Council members, we will:

- keep our private commercial or political interests separate from our official Council role
- follow the adopted relevant policy and procedures to openly declare, 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 Council policies. This may involve removing ourselves from discussion and decision making on the matter
- ensure the Council 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 Council 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 our 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 Council members, we acknowledge that conflicts between personal, financial or political interests and public duties can arise in, but are limited to, for example, the following situations where a Council 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 Council 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 Council members we will remember that, when conducting the business of the Council:

- loyalty to the Council overrides any responsibility a member may have as a member of another body
- 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 Council member) meets the Code, please initiate a discussion with the Chair 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 a 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 Council members, we will:

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

Code of Conduct declaration

The [Public Sector Management Act 1994](#) requires Council members to comply with the provisions of this Code of Conduct. All Council members are bound by the Code regardless of whether or not they sign the acknowledgment below.

Action: Please complete this form and return it to the Executive Director Heritage Services who will give it to the Human Resources branch of the Department.

Full name:

Position Title:

I confirm that I:

- acknowledge and understand my obligation to meet the Code and its related policies
- acknowledge that failure to comply with the Code and the Code of Ethics may have consequences for my employment.
- recognise the Code cannot cover every situation, and that I am accountable to use my judgement and seek responsible advice.
- will act in accordance with the Code at any time I represent the Council, and I acknowledge this obligation extends to my behaviour outside standard working hours.
- will regularly refresh my memory with the content of the Code while employed as a member of the Council.

Member's Signature _____ Date: _____