



Code of Conduct

Introduction

MRIWA is committed to delivering robust governance and contemporary fit-for-purpose corporate practices.

To enable us to invest in minerals research to advance Western Australia MRIWA relies on the input of many and varied stakeholders through their participation on the Board, in an advisory capacity, or as a member of staff or a contractor.

This document provides a clear guide to the ways we should work together; the ethical basis of our operations and workplace behavior; and the responsibilities and obligations required of us.

Ensuring a high standard of conduct in our work is integral to maintaining MRIWA's reputation.

Being aware of the requirements in the Code of Conduct is an important function to assist all those working in the interest of MRIWA to contribute in a positive way. Ignorance about those responsibilities has the potential to damage both the individual and MRIWA.

Non-compliance is not acceptable and will be acted on in accordance with public sector requirements.

Nicole Roocke
February 2020



Statement of compliance from the MRIWA Board

The MRIWA Board oversees compliance across the Institute.

The MRIWA Audit and Risk Committee ensures organisational value is enhanced and protected by the organisations audit and risk framework and provides risk-based and objective assurance, advice, and insight to ensure the framework operates effectively.

This Code of Conduct is underpinned by:

MRIWA's values

Connected

We proactively build effective relationships to enable cross-disciplinary collaboration

Engaged

We work closely with our stakeholders and are invested in achieving successful outcomes

Respectful

We are thoughtful and considerate in our interactions and committed to exceeding expectations

Progressive

We are advocates for the development and adoption of innovative solutions

Agile

Our strength is in learning and being responsive to the need for change

MRIWA's Code of Ethics

Personal Integrity

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

Relationship 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, transparent and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information.

MRIWA's Code of Ethics is based on the Public Sector Code of Ethics which sets out the minimum standards of conduct and integrity for all public sector employees.

Accountable and Ethical Decision Making

The Western Australian Public Sector Commission oversees the public sector. Its framework for accountable and ethical decision-making, First Steps, should be applied to any situation covered under the Code of Conduct:

- Am I doing the right thing?
- How would others judge my actions?
- How could my actions impact on others?
- Should I discuss this with someone else?



Personal Behaviour

As MRIWA's Board, advisory committee members and employees we:

- act **ethically and with integrity** in the performance of duties in the best interests of MRIWA;
- treat members of the public and colleagues with **respect, courtesy and fairness, and have proper regard for their interests, rights, safety and welfare;**
- **commit** to attend scheduled meetings and undertake the necessary preparation to proactively engage in discussions;
- **make decisions fairly, impartially and promptly**, and consider all relevant information, legislation and MRIWA's policies and procedures;
- **take responsibility** for our actions and decisions;
- **are always professional;**
- **do not harass, bully or discriminate** or seek to improperly influence others;
- **support** a harmonious, safe and productive work environment;
- **serve the government of the day** by providing timely, well-considered information and policy advice;
- **ensure** our work performance or working relationships are not compromised by any use of alcohol or other drugs, either during or outside work hours;
- **comply with legal obligations** and implement the decisions taken by the Board.

Decision making questions for personal behaviour:

- Do I have a clear understanding of my role, including the statutory and regulatory requirements of my role?
- Are my actions legal and consistent with government and MRIWA policies and the MRIWA Code of Conduct?
- Do I meet the minimum standards of conduct and integrity expressed in the MRIWA Code of Conduct?
- What impact could my actions have on MRIWA, other staff, stakeholders, the community, family and friends?
- Would my actions stand up to public scrutiny?
- Do I need help? Should I discuss this with someone else?

Relevant Legislation and Policy

Minerals Research Institute of Western Australia Act 2013 (WA)
Public Sector Management Act 1994 (WA)

- Section 7: Public administration and management principles
- Section 8: Human resource management principles
- Section 9: Principles of conduct by public sector bodies

Auditor General Act 2006 (WA)
Corruption, Crime and Misconduct Act 2003 (WA)
Criminal Code (WA)

- Chapter XII: Corruption and abuse of office

Disability Services Act 1993 (WA)
Equal Opportunity Act 1984 (WA)
Financial Management Act 2006 (WA)

Freedom of Information Act 1992 (WA)
Industrial Relations Act 1979 (WA)
Occupational Safety and Health Act 1984 (WA)
Occupational Safety and Health Regulations 1996 (WA)
Public Interest Disclosure Act 2003 (WA)
State Records Act 2000 (WA)
State Supply Commission Act 1991 (WA)
Statutory Corporations (Liability of Directors) Act 1996 (WA)

MRIWA Board Charter
MRIWA Audit and Risk Committee Charter
MRIWA College and Expert Panel Terms of Reference



Communication and Official Information

As MRIWA's Board, advisory committee members and employees we:

- maintain **confidentiality and privacy** of all official information, other than as required by law or where proper authorisation is given;
- **do not use official information for personal or commercial gain** for ourselves or others, or to do harm to others;
- **do not speak for MRIWA unless approved** and ensure any public comments, including those we make on social media and network sites, are made in our personal capacity;
- **respect the privacy of individuals** and security of personal information;
- **protect** intellectual property;
- **adhere to applicable legal requirements, Government policy, protocols as well as to MRIWA internal policies** and directives;
- **raise concerns of improper communications or use of information** with the CEO, Chair or other relevant authority.

Decision making questions for communication and official information:

Who?

- Am I authorised to release this information?
- Is the person to whom I'm giving the information authorised to receive it?
- Even if the information is not sensitive or confidential, does the person I'm disclosing it to really need to know?

What?

- Are there any policies or directives precluding the release of this information?
- What is the nature of the information?
- Could it be considered sensitive?
- Does the person need, or is it appropriate to release, all of this information?

Why?

- What is the reason or motive for releasing this information?
- Is it for official purposes?
- Will this information benefit me in any way and therefore be considered as privileged?
- Do I need to consider if I have a conflict of interest?

When?

- Do I need to consider the timing?
- When would it be best to disclose this information?

Relevant Legislation and Policy

Minerals Research Institute of Western Australia Act 2013 (WA)

- Section 70: Confidentiality of information under this Act
- Section 71: Confidentiality of information under repealed Acts

Copyright Act 1968 (Cth)

Public Sector Management Act 1994 (WA)

- Section 8(2) – For certain matters the department or organisation is not subject to the direction of a Minister
- Section 9 – Acting with integrity in the performance of official duties and being scrupulous with information, equipment and facilities
- Section 74 – Relationships between ministerial officers etc. and employees of departments etc.

Freedom of Information Act 1992 (WA)

State Records Act 2000 (WA)

Financial Management Act 2006 (WA)

- Section 81 – No action is taken or omitted to prevent the provision of information by the Minister to Parliament concerning conduct or operations

Criminal Code (WA)

- Section 81 – Disclosing official secrets
- Section 83 – Corruption

Corruption, Crime and Misconduct Act 2003 (WA)

- Section 4 – Misconduct

Public Interest Disclosure Act 2003 (WA)

Public Service Regulations 1988 (WA)

- Regulation 8 – Public comment

MRIWA Record Keeping Plan

Administrative Instruction 711: Official information

Administrative Instruction 102: Official communications

Administrative Instruction 728: Media and public communications

Commissioner's Instruction No. 16: Government representatives contact with registrants and lobbyists

Premier's Circular 2003/09: Guidelines for dealing with cabinet documents under the Freedom of Information Act 1992 (WA)

Premier's Circular 2014/03: Government advertising and communications policy

Public Sector Commissioner's Circular 2009-10:

Communication arrangements between Ministers and agencies

Public Sector Commissioner's Circular 2009-30: Government intellectual property policy



Fraudulent and Corrupt Behaviour

Board statement on Fraud and Corruption

The MRIWA Board is committed to a culture of honesty, openness and fairness. The Board has zero tolerance for fraud and corruption.

Fraud and corruption control management is an essential part of effective corporate governance and builds upon the need for transparent and accountable processes that minimise the risks of fraudulent and corrupt behaviour.

As MRIWA's Board, advisory committee members and employees we:

- **will not engage** in fraud or corruption;
- **will report actual or potential** fraudulent or corrupt behavior or illegal activities to the CEO, Chair or, if necessary, the Corruption and Crime Commission;
- **will report** breaches of the MRIWA Code of Conduct.

Questions to identify fraudulent or corrupt behavior:

- Am I engaging in an intentional act designed to use or commit funds inappropriately?
- Am I using my influence to procure a benefit for myself or another person contrary to MRIWA's interests and those of its stakeholders?
- Am I in receipt of any benefit from an external party to influence my decision making?
- Am I using my position at MRIWA for personal gain or to cause detriment to another person?
- Am I acting contrary to the public interest?
- Do I have an undisclosed personal or economic interest in a matter that could influence my professional role?

Relevant Legislation and Policy

Public Sector Management Act 1994 (WA)
- Section 9 – Act with integrity when performing official duties, be scrupulous in the use of official information, equipment and facilities
Financial Management Act 2006 (WA)
State Records Act 2000 (WA)
Criminal Code (WA)
- Chapter XIII – Corruption and abuse of office
Corruption, Crime and Misconduct Act 2003 (WA)
- Section 4 – Misconduct
Public Interest Disclosure Act 2003 (WA)

MRIWA Financial Management Manual
MRIWA Risk Appetite Statement
MRIWA Risk Register
Treasurer's Instruction 825: Risk management and security
Department of Finance Procurement Practice Guide



Use of Public Resources

As MRIWA's Board, advisory committee members and employees we:

- **are accountable** for official expenditure;
- **use MRIWA's resources efficiently and effectively.** This includes office facilities and equipment, vehicles, cab charge vouchers and corporate credit cards;
- **follow legislation and procurement policies** to engage contractors and suppliers;
- only use corporate credit cards for **work-related expenditure**;
- **will not use office time or resources for personal gain**, financial or otherwise;
- **will adhere to MRIWA policies and guidelines** in the use of computing and communication facilities, and will use these resources in a responsible and practical manner;
- **will cooperate with reasonable instruction** when using government premises, facilities or equipment for MRIWA business;
- **will ensure all travel is for official purposes only** when necessary and consistent with Government policy.

Decision making questions for use of public resources:

- Have I considered all relevant policies and procedures on the use of this resource?
- Is it for official purposes or within 'acceptable use' guidelines as outlined in MRIWA or State Government policies?
- Is it the most efficient and effective use of the resource to obtain the desired outcome?
- Would it stand up to public scrutiny?

Relevant Legislation and Policy

Minerals Research Institute of Western Australia Act 2013 (WA)
Public Sector Management Act 1994 (WA)

- section 7 – Public administration and management principles
- section 9 – Act with integrity when performing official duties and be scrupulous in the use of official information, equipment and facilities

Financial Management Act 2006 (WA)

State Supply Commission Act 1991 (WA)

Criminal Code (WA)

- Chapter XIII – Corruption and abuse of office

Corruption, Crime and Misconduct Act 2003 (WA)

- section 4 – Misconduct

Public Sector Management Act 1994 (WA)

Department of Mines, Industry Regulation and Safety Circular to departments and authorities: No 7 of 2013 Policies on payment of overseas travel expenses

Industrial awards and agreements (for example, living away from home allowances, meals and travel allowances)

Premier's Circular 2014/02: Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers

Premier's Circular 2014/03: Government advertising and communications policy

Premier's Circular 2017/08: State government boards and committees

Public Sector Commissioner's Circular 2009-18: Guidelines for expenditure on official hospitality

Public Sector Commissioner's Guidelines for Official Travel

Public Sector Commissioner's Guidelines on Expenditure on Official Hospitality

State Supply Commission policies and guidelines

Treasurer's Instruction 321: Credit cards

Treasurer's Instruction 406: Custody of public property

Treasurer's Instruction 411: Motor vehicles

Western Australia Government fleet policy and guidelines

Western Australia Government purchasing card (corporate credit card) guidelines



Record Keeping and Use of Information

As MRIWA's Board, advisory committee members and employees we will:

- **record our deliberations, actions and decisions** to ensure transparency in decision making;
- ensure the **secure storage of sensitive or confidential information**;
- ensure **compliance with the MRIWA record keeping plan** and Government policies;
- ensure our **personal information** is accurate, complete, up to date and not misleading;
- **not falsify, destroy, alter or damage any public record** or back date information;
- **comply with the letter and spirit of the Freedom of Information Act 1992 (WA)** to assist the public gain access to documents;
- where appropriate, share information to encourage efficiency and innovation.

Decision making questions for record keeping and use of information:

- Have I adequately recorded information, to include decisions and actions taken?
- Have I followed MRIWA's record keeping plan and any other relevant policies and procedures on record keeping and use of information?
- Am I using the most secure and appropriate way to record and store this information?
- Would my record keeping practices stand up to public scrutiny?

Relevant Legislation and Policy

State Records Act 2000 (WA)
Public Sector Management Act 1994 (WA)

- section 7 – Public administration and management principles

Public Sector Management (General) Regulations 1994 (WA)

- regulation 25 – Personnel records prescribed

Industrial Relations Act 1979 (WA)

- section 49(d) – Keeping of employment records

Financial Management Act 2006 (WA)
State Supply Commission Act 1991 (WA)
Freedom of Information Act 1992 (WA)
Criminal Code (WA)

- section 83 – Corruption
- section 85 – Falsification of records by a public officer

Corruption, Crime and Misconduct Act 2003 (WA)
Copyright Act 1968 (Cth)

MRIWA Record Keeping Plan
Premier's Circular 2003/17: Requirements for Western Australian Government publications and library collections
Public Sector Commissioner's Circular 2009-29: Policy framework and standards for information sharing between government agencies
State Records Principles and Standards 2002
Treasurer's Instruction 501: Employment records
Treasurer's Instruction 502: Records of attendance and time worked



Conflicts of Interest, Gifts, Benefits and Hospitality

As MRIWA's Board, advisory committee members and employees we:

- will **act impartially and not receive personal or financial gain**, or cause detriment to others, from our official duties;
- will, when conflicts or perceived conflicts of interests arise, **ensure they are declared, recorded and managed** carefully and in the public interest;
- **will not accept gifts, benefits or hospitality likely to place us under an actual or perceived financial or moral obligation** to other organisations or individuals;
- will **maintain a register of all gifts accepted**, and ensure these are of token value only;
- **will not demand or accept in connection with our official duties any employment, fee, commission, reward, gratuity or remuneration** of any kind which is outside the scope of our entitlements.

Decision making questions to identify situations that may give rise to a conflict of interest:

- Do I have a relationship with this person/stakeholder that goes beyond the level of a professional working relationship?
- Do I have a personal financial interest in the matter or am I aware of friends or relatives with such an interest?
- Do I hold shareholdings or other interests held in a company or business directly, or as a member of another company or partnership, or through a trust?
- Do I hold employment, including voluntary roles, appointments or directorships, whether remunerated or not, additional to my role at MRIWA?

Relevant Legislation and Policy

Minerals Research Institute of Western Australia Act 2013 (WA)

- Section 43: Disclosure of material personal interest

Public Sector Management Act 1994 (WA)

- section 9 – Principles of official conduct by public sector bodies etc.
- section 102 – Employees not to be employed outside Government etc. without permission

Financial Management Act 2006 (WA)

State Records Act 2000 (WA)

Criminal Code (WA)

- section 82 – Bribery of a public officer
- section 83 – Corruption
- section 88 – Bargaining for public office

Electoral Act 1907 and Electoral Regulations 1996 (WA)

- regulation 28(3) – Public employees standing for election

Corruption, Crime and Misconduct Act 2003 (WA)

- section 4 – Misconduct

Public Interest Disclosure Act 2003 (WA)

Commonwealth of Australia Constitution Act (Cth)

- section 44 – Disqualification, officers of the crown standing for federal elections

Corporations Act 2001 (Cth)

- section 183 - Use of information--civil obligations

MRIWA Board Charter

MRIWA Audit and Risk Committee Charter

MRIWA College and Expert Panel Terms of Reference

Commissioner's Instruction No. 16: - Government

representatives contact with registrants and lobbyists

Public Sector Commissioner's Circular 2009-18: Guidelines for expenditure on official hospitality

Public Sector Commissioner's Circular 2012-02: Self-managed superannuation funds (SMSF) – Outside employment

The State Supply Commission's Sponsorship in Government guidelines



Reporting Suspected Breaches of the Code

As MRIWA's Board, advisory committee members and employees we will report any suspected wrongdoing and breaches of the Code of Conduct.

If you have any concerns about whether your actions, or the actions of a colleague, meet the Code of Conduct standards, you can:

1. Talk to the CEO, MRIWA Board Chair or Deputy Chair.
2. Use the Public Interest Disclosure process, which includes anonymous reporting.
3. Report the action to the Corruption and Crime Commission or the Public Sector Commission if you consider the action to be misconduct under the Corruption, Crime and Misconduct Act 2003 (WA).

MRIWA's Board, advisory committee members and employees can be confident reported suspected breaches of the code will be taken seriously, treated confidentially and considered in a timely manner.

Reprisal action is not tolerated by MRIWA against those who speak up about misconduct and integrity matters.

Relevant Legislation and Policy

Public Sector Management Act 1994 (WA)

- section 9 – Comply with the provisions of any code of conduct applicable to the public sector body or employee concerned
- section 21(1)(d) & (e) – Public Sector Commissioner to assist public sector bodies to comply with codes of conduct, and to monitor compliance with the principles in section 9

Occupational Safety and Health Act 1984 (WA) Criminal Code (WA)

- Chapter XIII – Corruption and abuse of office

Corruption, Crime and Misconduct Act 2003 (WA)

- section 25 – Any person may report misconduct
- section 28 – Certain officers obliged to notify serious misconduct
- section 45H – Certain officers obliged to notify minor misconduct

Public Interest Disclosure Act 2003 (WA)

Public Sector Commissioner's Circular: 2012-05 Code of practice: Occupational safety and health in the Western Australian public sector



Definitions

Act means the *Minerals Research Institute of Western Australia Act 2013 (WA)*

Administrative Instructions mean instruments created under section 19 of the *Public Service Act 1978 (WA)*, now repealed, but preserved as 'Administrative Instructions' by Schedule 5 - General Transitional Provisions of the *Public Sector Management Act 1994 (WA)*

CEO means the person occupying or acting in the position of Chief Executive Officer for MRIWA

Commissioner's Instructions mean instruments issued by the Public Sector Commissioner under s22A of the *Public Sector Management Act 1994 (WA)*

MRIWA Board Chair means the person designated under section 28(1) of the Act as the chairperson of the board

MRIWA Board or *Board* means the board provided for in section 26(1) of the Act

MRIWA or *Institute* means the Minerals Research Institute of Western Australia established under section 4(1) of the Act

Premier's Circular mean documents issued by the Premier of Western Australia which communicate whole-of-Government policy matters and issues of strategic importance to Western Australia

Public Sector Commissioner's Circular mean documents describing public sector management policy or arrangements and mandatory compliance obligations which do not originate from the Public Sector Commissioner's functions or the *Public Sector Management Act 1994 (WA)*

Treasurer's Instruction means instructions issued under section 78 of the *Financial Management Act 2006 (WA)*

Review and Version History

This Risk Appetite Statement is reviewed annually, or whenever there is a significant change to MRIWA's operating circumstances. This review process is managed by the MRIWA Audit and Risk Committee and submitted to the Board for endorsement.

Date Approved	Version	Approved by
18 May 2015	1	Board: Resolution 20150518 #6
13 February 2017	2	Board: Agenda Item 3
12 February 2018	3	Audit and Risk Committee: Agenda Item 11
11 February 2019	4	Board Resolution: 20190211#4
17 February 2020	7	Board Resolution: 20200217#9

