

Code of Conduct

Introduction

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

To enable us to support 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, as a member of staff or a contractor; as a recipient of financial assistance or as a student.

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
October 2023



Target Group

This Code of Conduct applies to all MRIWA Personnel.

In this Code of Conduct, Personnel means:

- every employee, Board member and advisory committee member of MRIWA.
- any external party involved in providing goods and services, with or without receipt of payment, to MRIWA, such as contractors, consultants, outsourced service providers and suppliers.
- every person or entity that receives benefits from MRIWA such as grant recipients.
- any person on work experience, traineeship or internship.

Roles and Responsibilities

The MRIWA Board oversees compliance across the Institute.

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

All Personnel are responsible for upholding the integrity of the organisation; must comply with the code; and must lead, champion and monitor compliance with the code.

Key Questions

To ensure accountable and ethical decision-making the following key questions should be applied to any situation:

- 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?
- Does your decision support MRIWA's organisational goals?

Further Information

If you require further information or advice about the MRIWA Code of Conduct, do not hesitate to contact the MRIWA CEO on ceo@mriwa.wa.gov.au



This Code of Conduct is underpinned by:

Public Sector Code of Ethics

Standard 1: Integrity

We:

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

Standard 2: Impartiality

We:

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

Standard 3: Respect for others

We:

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

Standard 4: Trust and accountability

We:

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

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.

Relevant Legislation and Policy

Minerals Research Institute of Western Australia Act 2013 (WA)
Public Sector Management Act 1994 (WA)
- Section 9: Principles of conduct

Commissioner's Instruction 40: Ethical Foundations
Public Sector Code of Ethics

MRIWA Integrity Framework



Personal Behaviour

We commit to:

- 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.**
- **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.
- **always being professional.**
- **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 have the power to make this decision?
- 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)

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)

Work Health and Safety Act 2020 (WA)

Work Health and Safety (General) Regulations 2022 (WA)

Commissioner's Instruction No. 40: Ethical Foundations

MRIWA:

- Board Charter
- Audit and Risk Committee Charter
- College and Expert Panel Terms of Reference
- Delegation and Authorisation Register
- Financial Management Manual - Instrument of delegation for execution of documents
- Grant Guidelines
- Procurement Policy
- Research Portfolio Manager Manual
- Work Health and Safety Framework



Communication and Official Information

We commit to:

- maintain **confidentiality and privacy** of all official information, other than as required by law or where proper authorisation is given.
- **not use official information for personal or commercial gain** for ourselves or others, or to do harm to others.
- **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

Commissioner's Instruction No. 16: Government

representatives contact with registrants and lobbyists

Commissioner's Instruction No. 40: Ethical Foundations

Premier's Circular 2021/08: Government campaign advertising

MRIWA

- Acceptable Use of ICT
- IP Guidelines
- Record Keeping Plan



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.

We commit to:

- **not engage** in fraud or corruption;
- **report actual or potential** fraudulent or corrupt behavior or illegal activities to the CEO, Chair or, if necessary, the Corruption and Crime Commission;
- **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?
- Do you know where to report concerns about potential or actual fraudulent and corrupt behaviour?

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)

Treasurer's Instruction 825: Risk management and security
Department of Finance Procurement Practice Guide

MRIWA:

- Financial Management Manual
- Fraud and Corruption Control Plan
- Procurement Policy
- Risk Appetite Statement
- Risk Register



Use of Public Resources

We commit to:

- **being 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.**
- **not use office time or resources for personal gain,** financial or otherwise.
- **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.
- **cooperate with reasonable instruction** when using government premises, facilities or equipment for MRIWA business.
- **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)

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

Premier's Circular 2021/02: Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers

Premier's Circular 2021/08: Government campaign advertising

Premier's Circular 2022/02: State government boards and committees

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

State Supply Commission policies and guidelines

Treasurer's Instruction 321: Credit cards – authorised use

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 guidelines

MRIWA

- Financial Management Manual
- Acceptable Use of ICT
- ICT Framework



Record Keeping and Use of Information

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)

Premier's Circular 2021/14: Requirements for Western Australian Government publications and library collections
State Records Principles and Standards 2002

MRIWA
- Record Keeping Plan
- Research Portfolio Manager Manual



Conflicts of Interest, Gifts, Benefits and Hospitality

We will:

- **act impartially and not receive personal or financial gain**, or cause detriment to others, from our official duties.
- when actual, potential or perceived conflicts of interests arise, **ensure they are declared, recorded and managed** carefully and in the public interest.
- **not accept gifts, benefits or hospitality likely to place us under an actual or perceived financial or moral obligation** to other organisations or individuals.
- **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 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?
- Am I able to be impartial and unbiased in making this decision?

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

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

State Supply Commission's Sponsorship in Government guidelines

MRIWA:

- Board Charter
- Audit and Risk Committee Charter
- College and Expert Panel Terms of Reference
- Managing Material Personal Interest



Non-compliance with the Code

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 (PID) process, which includes anonymous reporting. The PID Officer at MRIWA is Nicole Roocke – ceo@mriwa.wa.gov.au

More information on the PID process be found on the [Public Interest Disclosure](https://www.wa.gov.au/organisation/departments-and-cabinet/public-interest-disclosures-western-australia) website: <https://www.wa.gov.au/organisation/departments-and-cabinet/public-interest-disclosures-western-australia>

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).

More information on reporting mechanisms can be found on the following websites:

[Corruption and Crime Commission](https://www.ccc.wa.gov.au/reporting-corruption): <https://www.ccc.wa.gov.au/reporting-corruption>

[Public Sector Commission](https://www.wa.gov.au/organisation/public-sector-commission/minor-misconduct-public-officers): <https://www.wa.gov.au/organisation/public-sector-commission/minor-misconduct-public-officers>

All parties can be confident reported suspected breaches of the code will be taken seriously, treated confidentially, investigated and considered in a timely manner.

MRIWA has obligations to notify the Public Sector Commission of suspected minor misconduct matters and the Corruption and Crime Commission of suspected serious misconduct once we become aware of them.

Any accused party has the right to be heard as well as the presumption of having acted in accordance with the MRIWA Code of Conduct, unless the evidence gathered from the investigation reasonably indicates non-compliance.

Adequate corrective measures and sanctions will be taken in cases where an allegation is substantiated.

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

Work Health and Safety Act 2020 (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)

MRIWA Fraud and Corruption Control Plan



Definitions

Act means the *Minerals Research Institute of Western Australia Act 2013* (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 Code of Conduct 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
13 November 2023	8	Board Resolution: 20231113#5

