

# **Soil and Land Conservation Council**

## **Code of Conduct**

16 March 2020

## Contents

Introduction .....	3
The Council .....	4
1. Values .....	5
2. Compliance with the Western Australian Public Sector Code of Ethics and Codes of Conduct.....	5
3. Personal behaviour .....	5
3.1 Understand the Council's role and public duties .....	5
3.2 Be active .....	6
3.3 Respect each other.....	6
3.4 Communication and public comment .....	6
3.5 Raise concerns .....	6
4. Accountability.....	7
4.1 Accountability for public expenditure.....	7
4.2 Remuneration or sitting fees .....	7
4.3 Allowances, accommodation and travel expenses.....	7
4.4 Entertainment and catering.....	7
4.5 Entering government premises .....	7
4.6 Use of public sector resources.....	8
4.7 Travel.....	8
4.8 Incurring expenditure .....	8
5. Record keeping and use of information.....	9
5.1 Documentation of decisions.....	9
5.2 Use of confidential information.....	9
5.3 Security of information .....	9
5.4 Amendment or falsification of records.....	10
5.5 Freedom of information (FOI).....	10
6. Conflicts of interest.....	11
6.1 Gifts and gratuities .....	11
6.2 Private interests .....	11
6.3 Public sector employees on the Council .....	12
Acknowledgements.....	12
Important disclaimer .....	12

## Introduction

This Code of Conduct (Code) has been prepared to promote good practice.

It gives Soil and Land Conservation Council (Council) members a summary of their obligations and provides guidance about ethical conduct.

In this Code, “member” means a Council member duly appointed by the Governor on the nomination of the Minister for Agriculture and Food. The term “Council” refers to the Soil and Land Conservation Council.

It is based on the *Western Australian Public Sector Code of Ethics* (Code of Ethics), applicable to nearly all public sector bodies, including boards, such as the Council, created for a public purpose under Western Australian legislation. Accordingly, the Council must observe and comply with the Code of Ethics.

An appointment to the Council carries with it responsibilities and obligations. Ignorance about those responsibilities can damage both the individual and the organisation they serve. People chosen as Council members should understand their responsibilities. This can only assist them to contribute in a positive way.

The Code includes information on ethical issues likely to confront members and provides practical guidance. If the Council chooses to adopt this Code, then it must observe and comply with it, to the extent that it obliges compliance. Similarly should the Council choose to develop its own code, or modify an existing code, that too becomes binding once adopted. Such codes must be consistent with the Code of Ethics. The Council may not direct a public sector employee to act contrary to the Code of Ethics, or a code of conduct applicable to that employee, where this obliges compliance.

## The Council

The *Soil and Land Conservation Act 1945* (SLC Act) is the principal legislation in Western Australia (WA) relating to the conservation of soil and land resources, and to the mitigation of the effects of erosion, salinity and flooding.

The establishment of the Soil and Land Conservation Council (Council) is prescribed by s.9 of the SLC Act, and consists of 11 members appointed by the Governor on the nomination of the Minister.

Its functions are set out in s.16 of the SLC Act.

In summary these are:

- Provision of advice to the Minister on policy matters and the condition of soil and land resources.
- Coordination, review, monitoring and advice on the implementation of soil and land conservation programs funded by the State and Commonwealth Governments.
- Co-ordination of the establishment of and activities within Land Conservation District Committees (LCDCs).
- Promotion of the awareness of land degradation and conservation.
- Assist the Commissioner of Soil and Land Conservation with their functions under the Act.

## 1. Values

In all our operations and relationships in our capacity as Council members, we value:

- A personal and collective responsibility to serve the public interest by acting with integrity and making accountable and ethical decisions.
- taking responsibility for contributing in a constructive and positive way to enhance good governance and the reputation of the Council.

## 2. Compliance with the Western Australian Public Sector Code of Ethics and Codes of Conduct

The Commissioner for Public Sector Standards monitors compliance with the WA Public Sector Code of Ethics and applicable codes of conduct.

The Commissioner may report any public sector bodies, found to be in breach of the codes, to their relevant Minister and to Parliament.

Accordingly Council members will:

- Receive a copy of the Western Australian Public Sector Code of Ethics, read it and comply with it.
- Receive a copy of this Code of Conduct, read it and abide by it.

## 3. Personal behaviour

Council members are in a position of trust. Their involvement may affect the welfare, rights or entitlements of the community and individuals.

Government power is derived ultimately from citizens, who expect public officers to carry out their functions with professional integrity and due regard for the public interest. All Council members need a clear understanding of their public duty and legal responsibilities.

Council members will:

### 3.1 Understand the Council's role and public duties

- Gain a clear understanding of the role or purpose of the Council as well as the statutory and regulatory requirements of members carrying out their public duties.
- Develop an understanding of the physical, political and social environment in which the Council operates.
- Stay informed about all relevant activities affecting the Council.
- Comply with legal obligations and implement the decisions taken by the Council.

### **3.2 Be active**

- Attend all Council meetings. Where attendance is not possible members will submit an apology. If absence is likely to extend for several consecutive meetings, members will obtain leave of absence.
- Participate actively and work cooperatively with fellow members and stakeholders to achieve agreed goals.
- Prepare for meetings by reading and considering papers circulated with the agenda.

### **3.3 Respect each other**

- Treat each other with professionalism, courtesy and respect.
- Not improperly influence other Council members.
- Act loyally and in good faith.
- Treating members of the public, stakeholders and fellow committee members with respect, courtesy, honesty and fairness, having proper regard for their interests, rights, safety and welfare.
- Consult stakeholders and affected parties about issues under consideration.

### **3.4 Communication and public comment**

- 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 Committee to the media or outside organisations when authorised by the Chair to do so.

### **3.5 Raise concerns**

- Express concerns to the chairperson or other relevant authority about decisions or actions contrary to the Council's public duty.
- Disclose any information about actual or potentially corrupt or illegal activities to the chairperson or, if necessary, the Anti-Corruption Commission.

## **4. Accountability**

The *Financial Management Act 2006* places a responsibility on Council members to ensure efficient and effective operations, to avoid extravagant and wasteful use of resources, and to record processes carried out when purchasing goods and services.

### **4.1 Accountability for public expenditure**

Council members will:

- Act in a lawful, ethical and justifiable manner.
- Demonstrate personal integrity and reliability.
- Participate constructively in Council activities.
- Ensure compliance with statutory and legal requirements.

### **4.2 Remuneration or sitting fees**

Council members will not:

- Accept any fee, reward, gratuity, gift or remuneration of any kind other than sitting fees or allowances officially applicable to the Council.

### **4.3 Allowances, accommodation and travel expenses**

- Council members will be recompensed for any approved expenses incurred for attending Council business.

### **4.4 Entertainment and catering**

Any entertainment should be consistent with the Council's genuine needs and public duty. Members should not lose or gain financially as a result of entertainment. The Council will ensure the efficient and responsible expenditure of public funds.

Council members will ensure:

- Catering is limited to basic food and drink items.
- Members approving entertainment expenditure are responsible for its propriety and scope.
- Alcohol is not consumed during Council meetings.
- Transparent consideration and due thought before accepting hospitality offered by suppliers or potential suppliers, to avoid actual or perceived conflicts of interest or undue influence.

### **4.5 Entering government premises**

The Executive Officer of the Soil and Land Conservation Council is responsible for its day to day management. The Council as a whole or individual members may need to visit the host agency in a formal capacity or to use government facilities and equipment.

Council members will cooperate with the host agency contact officer when using the premises for meetings, or other Council business or wishing to use government facilities or equipment for Council purposes.

#### **4.6 Use of public sector resources**

All vehicles, computers, furniture and other equipment provided to the Council remain the property of the host agency and will only be used for official purposes. Council assets are publicly owned and are not provided to members for exclusive use.

Council members will ensure:

- Equipment is operated in accordance with the manufacturer's specifications, is maintained in good condition and stored securely.
- Any damage or loss of property or equipment is reported immediately to the Council.
- Resources, funds, employees and equipment are used effectively and economically for Council business. Official resources include, but are not limited to; motor vehicles, computers, software, photocopiers, telephones, facsimile machines, printers and any similar items of office equipment.
- Requests by an external party such as a charitable body to use Council facilities shall be referred to the Council for approval.

#### **4.7 Travel**

Council members travelling on official business shall not accept gifts, free travel or other benefits for personal use.

#### **4.8 Incurring expenditure**

Those incurring expenses must be authorised incurring officers, as described in Section 33 of the *Financial Management Act 2006* and Treasurer's Instruction 305(1).

Council members will:

- Not approve their own expenditure for travel claims.



## 5. Record keeping and use of information

All documentation produced by the Council forms part of the public record.

Council members will:

- Ensure records are properly organised and kept in safe custody.
- Comply with the provisions of the General Retention and Disposal Schedules established by the Public Records Office of the State Archives of WA.

### 5.1 Documentation of decisions

All decisions affecting the policy, practice and welfare of a public body or public officers must be transparent. Decisions and processes should be documented. Documentation protects all parties involved in a decision, both collectively and individually.

The Council will:

- Prepare and retain minutes for all official Council meetings.
- Ensure adequate procedures are observed for documenting decisions, events and transactions involving the Council.

### 5.2 Use of confidential information

Sometimes highly sensitive matters are brought to and discussed by the Council.

Any document required to be confidential should be marked "Confidential", with the expectation that Council members will keep it confidential.

The Council will:

- Ensure confidential records are subject to appropriate access procedures.
- Respect confidential information and observe any restrictions as directed by the chairperson (subject to *Freedom of Information Act 1992* requirements).
- Maintain confidentiality and not divulge information deemed confidential or sensitive. If members are uncertain they should seek direction from the Council chairperson.
- Not misuse information obtained in the course of Council duties for direct or indirect gain, or to do harm to other people or the Council.
- Respect the privacy of individuals and security of personal information.
- Protect intellectual property.

### 5.3 Security of information

While the secretary or executive officer of the Council may be the person primarily responsible for the storage and handling of records, all Council members have individual responsibility for any document, tape, disk or other record in their custody. Records should not be left in places where they may be seen by non-Council members such as at home, an office or motor vehicle.

Council members will:

- Ensure recorded information, in both paper and electronic form, under their control is kept in a secure place.
- Be cautious about leaving Council records on fax machines, photocopiers or computer screens.
- Lock away sensitive documents rather than leave them lying on desks.
- Avoid discussing confidential Council business in any place where there is a likelihood of being overheard.
- Dispose of duplicate copies of records no longer required in accordance with archive procedures.

#### **5.4 Amendment or falsification of records**

Under criminal law of the Western Australian government, Council members are Public Officers (s.85 of the *Criminal Code*).

Council members will:

- Not falsify, destroy, alter or damage any public record.
- Not backdate information or remove folios from files.

#### **5.5 Freedom of information (FOI)**

The *Freedom of Information Act (FOI) 1992* was introduced to help people gain access to documents and to check personal information in documents.

Council members will:

- Comply with the letter and spirit of the *Freedom of Information Act (FOI) 1992*, to assist the public to gain access to documents; allow access promptly and at the lowest possible cost, and ensure personal information held is accurate, complete and not misleading.
- Record facts in documents; avoid recording disparaging remarks and personal opinions about individuals; and avoid removing documents from a file. 5.

## 6. Conflicts of interest

### 6.1 Gifts and gratuities

Council members should not accept gifts or benefits or hospitality

- likely to place them under an actual or perceived financial or moral obligation to other organisations or individuals.
- if they could be reasonably be seen by the public, knowing the full facts, as they intended or likely to cause us to act in a particular way or deviate from our public duty.

Council members will:

- Carefully consider any offers or gifts, benefits or hospitality and ensure any decision to accept is done openly, placed on the record, and is consistent with this Code and any gift registry or gift recording process relevant to the participating WA public sector agency;
- Not demand or accept in connection with their official duties any fee, favour, reward, gratuity or remuneration of any kind, outside the scope of their entitlements as a Council member, unless authorised by the chairperson of the Council.
- Not use their public position for personal profit or gain or cause detriment to others.
- Not accept a gift if it could be seen by the public, knowing the full facts, as intended or likely to cause a member to act in a particular way or deviate from public duty.

### 6.2 Private interests

Council members are expected to place public interest above personal interests and not to use their position for personal gain.

Conflicts between private interests and public duties can arise when:

- A member stands to make a financial gain from a Council decision.
- A member's spouse, children or near relative stands to make a financial gain.
- A member holds membership of another organisation likely to benefit from a Council decision.
- A member's spouse, children, near relatives or close associates are members of an organisation affected by Council decisions.

Accordingly Council members will:

- Openly declare matters of a private interest such as investments, relationships, voluntary work and membership of other groups that may conflict or be perceived to conflict with the member's public duty.
- Record any issues of conflict to ensure they are transparent and capable of review.

- Disqualify themselves from any Council discussions and decisions where a conflict of interest has, or could occur.

### **6.3 Public sector employees on the Council**

If a public sector employee is appointed to the Council, the reasons should be documented and made public.

Public sector employees serving on the Council have the same fiduciary responsibilities as other Council members, but should not receive remuneration additional to their salaries.

Signed

**CHAIRPERSON: Kevin Goss**

**Date: 16 March 2020**

### **Acknowledgements**

This Template Code of Conduct draws on the collective knowledge and experience of many people and organisations.

We acknowledge in particular the Public Sector Management Division's publication 'Board essentials-good governance guide for public sector boards and committees'.

### **Important disclaimer**

The Chief Executive Officer of the Department of Primary Industries and Regional Development and the State of Western Australia accept no liability whatsoever by reason of negligence or otherwise arising from the use or release of this information or any part of it.

**Copyright © Department of Primary Industries and Regional Development, 2020**