



# Code of Conduct

September 2021



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**This plan is available in alternative formats such as in standard and large print, in electronic format by email, in audio format on CD and on IWA’s website on request.**



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## Message from the Chairperson and Chief Executive Officer

Infrastructure WA (IWA) employees and Board members must act with integrity to ensure the Western Australian community and government have confidence in IWA's performance. Board members and staff have a personal and collective responsibility to act transparently and efficiently, for the benefit of the community. As a statutory authority with a degree of independence there is further responsibility to ensure our advice and decisions are robust and impartial. This will assist to build our organisational trust and reputation, critical to the success of IWA.

The Western Australian Public Sector Code of Ethics sets out the minimum standard of conduct and integrity, and applies to all public sector employees, as well as members of government boards and committees. The IWA Code of Conduct complements the Code of Ethics and applies to all IWA Board members and staff. The Code of Conduct sets out the ways in which Board members and staff are expected to behave individually, with colleagues and with stakeholders.

We urge you to read and familiarise yourself with this Code of Conduct and supporting information, and continue to refer to it as you perform your role as a Board or staff member. This document should be read and applied in conjunction with the *Infrastructure Western Australia Act 2019* (IWA Act). Talking through issues with others will assist you in managing a variety of situations throughout your tenure with IWA and will be critical for our reputation and success, as we serve the Western Australian community.



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**John Langoulant AO**  
Board Chairperson

September 2021



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**Phil Helberg**  
Chief Executive Officer

September 2021

## Introduction

In accordance with the *Public Sector Management Act 1994* and *Commissioner's Instruction No. 8: Codes of conduct and integrity training*, all public sector bodies (including statutory authorities), are required to develop, implement and promote a code of conduct, and ensure compliance with that code. The Code must set out the standards of conduct and integrity to be complied with by the public sector body and its employees.

The Code of Conduct must also be consistent with the broad principles as outlined in Western Australian Public Sector Code of Ethics (refer to *Commissioner's Instruction No. 7: Code of Ethics*), as follows:

**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.

The IWA Code of Conduct provides the guidelines to support ethical and accountable behaviour for Board members and IWA employees. It defines the standards of official conduct and personal behaviour expected of all employees and members, and promotes compliance with the broad principles of personal integrity in the performance of official duties, exercising courtesy, consideration and sensitivity in relationships with others, and being scrupulous when using government assets and information.

## Scope

This Code of Conduct applies to all Board and Committee members and employees of IWA. It may also apply to contractors and consultants to IWA if required by the relevant contractual arrangements or by law.

The Chairperson and CEO are responsible for ensuring Board members and employees (respectively) are aware of the Code of Conduct. All Board and Committee members and IWA employees are individually responsible for complying with this Code of Conduct.

Note that this Code of Conduct does not attempt to cover all situations, rather it provides a set of broad principles to support a common-sense approach to decision making.

## Code of Conduct

### Personal behaviour

The way in which you behave in the workplace must be respectful of your colleagues and members of the public. At all times you should act honestly and fairly and carefully consider the consequences of your behaviour.

This means that we:

- treat members of the public and colleagues with respect, courtesy, honesty and fairness, having proper regard for their interests, rights, safety and welfare;
- act honestly and with integrity in the performance of duties in accordance with all legislative requirements, agency policies and ethical codes that apply;
- not engage in harassment, bullying or discrimination against colleagues or members of the public;
- maintain and contribute to a harmonious, safe and productive work environment;
- make decisions fairly, impartially and promptly, and consider all available information, legislation, policies and procedures;
- serve the Government of the day professionally and impartially and provide timely, well-considered information and policy advice in accordance with the IWA Act;

- do not engage in activities or behaviours that have a negative impact on IWA's reputation, work or productivity, including inappropriate use of social media;
- understand the consequences of misconduct and actions that may be taken if we do not comply with this Code and associated policies; and
- undertake Accountable and Ethical Decision-Making training as required.

As Board members, this means that we understand our Board's role by actively learning and staying informed about:

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

As Board 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;
- being accountable and transparent;
- doing our job lawfully, with reasonable care and diligence and as efficiently and effectively as possible; and
- fulfilling the Board's statutory purposes and requirements and, to the extent permitted by the IWA Act, serving the Government of the day.

## Communication and official information

We recognise that information is a key factor in enabling IWA to deliver high quality advice to the Premier and Government. You are expected to use confidential information gained in the course of performing your duties only for authorised purposes. Unauthorised disclosure of information will place yourself and IWA at risk.

This means that we:

- maintain confidentiality and not disclose any official information or documents acquired in the course of employment, other than as required by law or where proper authorisation is given;
- not misuse official information obtained in the course of employment for direct or indirect personal or commercial gain for themselves or others or to do harm to others;
- comply with the confidentiality provisions of the IWA Act;
- seek advice about the appropriate release of information if unsure; and
- adhere to any policies and lawful directions regarding communication with Parliament, Ministers, Ministerial staff, lobbyists, the media and members of the public.

## Fraudulent or corrupt behaviour

IWA is committed to the principle of open and accountable government. You must be accountable for your decisions and actions. You are also responsible for reporting the inappropriate behaviours of others.

This means that we:

- act with integrity in the performance of our official duties;
- do not engage in any fraudulent or corrupt behaviour;

- do not engage in any dishonest activity that may cause actual or potential loss to any person or entity;
- do not misuse our position for personal advantage or the advantage of others;
- are not improperly influenced and do not improperly influence others; and
- report any information about actual or potentially fraudulent, corrupt or illegal activities as soon as it is identified to an appropriate person or organisation.

## Use of public resources

You are required to use IWA's resources responsibly and any personal use of resources must comply with IWA's policies and be kept to a minimum. The use of IWA resources for illegal purposes and/or commercial gain will be addressed in accordance with the relevant legislation and IWA's disciplinary procedures.

This means that we:

- use IWA resources diligently and efficiently, including office facilities and equipment, vehicles and corporate credit cards;
- are accountable for any expenditure incurred, including the purchase of goods and services, hospitality and travel;
- do not use public resources for political work or private commercial gain; and
- comply with legislation and procurement policies to engage contractors and suppliers.

## Incurring expenditure

As IWA employees and Board members we will:

- not approve our own expenditure for travel claims, reimbursements, credit card payments, any allowance or subsidy, unless specifically authorised in writing to do so; and
- maintain accurate records of all expenditure on IWA business and provide documentation in a timely manner for processing and approval to relevant IWA staff (note: expenditure will be acquitted in line with the *Financial Management Act 2006*).

## Travel and accommodation

As IWA employees and Board members we will:

- comply with Premier's Circular: 2014/02 Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers including that:
  - choice of airline will be based on the 'best fare of the day' principle; and
  - we will not use Frequent Flyer points or benefits under incentive or loyalty schemes accumulated in the course of business air travel for private purposes. A business Frequent Flyer account will be set up for IWA staff and members;
- in the first instance to use government's currently endorsed travel management company CTM;
- obtain the required approvals in writing for travel; and
- understand the arrangements for the reimbursement of travel and accommodation expenses, where applicable.

## Providing hospitality

As IWA employees and Board members we will:

- ensure that any hospitality provided by the Board is consistent with the Board's genuine needs and public duty, in compliance with *PSC's Circular: 2009-18 Guidelines for expenditure on official hospitality*; and
- obtain the required approvals in writing to provide hospitality on behalf of IWA.

## Use of phones

IWA employees and Board members with access to phones should keep personal calls to a minimum and not make private commercial business calls.

## Recordkeeping and use of information

The integrity and accuracy of information generated by IWA is fundamental to the delivery of a highly trusted and reputable service to the Premier, Government and members of the Western Australian community. You should ensure that all information is managed to a high standard in accordance with relevant policies and plans.

This means that we:

- ensure that we follow procedures so that appropriate records of all actions and decisions are maintained within IWA;
- ensure that minutes for all official Board and Committee meetings are prepared and retained;
- ensure the secure storage of sensitive or confidential information;
- understand how and when information may be released;
- avoid discussing sensitive or confidential business in public places where there is a likelihood of being overheard;
- do not falsify, destroy, alter or damage public records or back-date information;
- ensure personal information is accurate, complete, up to date and not misleading; and
- refer all enquiries related to public access to documents where Freedom of Information (FOI) is concerned to the FOI Coordinator within the Department of the Premier and Cabinet.

## Conflicts of interest and gifts and benefits

IWA respects your privacy and does not normally take an interest in your external activities. However, when personal, social, financial or political activities interfere, or have the potential to interfere with your professional duties, a conflict of interest may exist. A conflict of interest is not necessarily a problem, but it must be declared and managed accordingly.

This means that we:

- declare actual, perceived or potential conflicts of interest that may arise between the performance of our professional duty and private or personal interests, including the holding of shares, business interests, secondary employment, family relationships, private affiliations, sponsorship and the receipt of gifts and benefits;
- adhere to any plan put in place, or requirements to manage the conflict of interest;
- maintain knowledge of what gifts and benefits, if any, can be received and the requirement to report/register the receipt of gifts and benefits; and
- ensure that meeting minutes record any issues of conflict and the steps taken to manage the conflict.

Refer to the Conflict of Interests and the Gifts, Benefits and Hospitality Policies for more information.

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## Reporting suspected breaches of the code

You are encouraged to report any suspected or potential breaches of this Code of Conduct. You should ensure that, in the first instance, the issue is discussed with your line manager, Public Interest Disclosure Officer, Executive Team member or a support person.

This means that we:

- are obliged to make ourselves familiar with this Code of Conduct;
- are aware of the avenues for reporting a breach of the Code of Conduct, including options available under the *Public Interest Disclosure Act 2003*; and
- report, as soon as reasonably practicable, any actual or suspected breaches of this Code of Conduct.

## Board and Committee members

In addition to the principles outlined above, the IWA Board has adopted industry best practice as outlined by the Australian Institute of Company Directors' Code of Conduct. Board and Committee members of IWA should comply with the following standards of conduct:

- act honestly, in good faith and in the best interests of IWA recognising fiduciary obligations;
- use care and diligence in fulfilling the functions of office and exercising the powers attached to that office;
- use the powers of office for a proper purpose, in the best interests of IWA;
- recognise that the primary responsibility is to IWA but may, where appropriate, have regard for the interest of all stakeholders of IWA;
- not make improper use of information acquired as a director to gain, directly or indirectly, an advantage for the director or any other person to the detriment of IWA;
- not take improper advantage of the position of director to gain, directly or indirectly, an advantage for the director or any other person to the detriment of IWA;
- properly manage any conflict with the interests of IWA;
- be independent in judgement and actions and to take all reasonable steps to be satisfied as to the soundness of all decisions taken by the board of directors;
- ensure confidential information received in the course of the exercise of directorial duties remains the property of IWA and not to improperly disclose it, or allow it to be disclosed, unless that disclosure has been authorised by IWA, or the person from whom the information is provided, or is required by law;
- not engage in conduct likely to bring discredit upon IWA; and
- comply with the spirit, as well as the letter, of the law and with the principles of this Code of Conduct at all times.

## Reporting suspected breaches of the code

Failure to comply with this Code of Conduct is a serious matter that may lead to disciplinary action. If IWA is satisfied that a breach has occurred, relevant management will determine the nature of any disciplinary action (in consultation with other sources of advice, as required).

The nature of the disciplinary action will depend on the seriousness of the breach. If the situation involves breaking any laws, the matter may also be referred to law enforcement authorities for investigation.

## Further information

If you require any further advice or information, or have comments or suggestions in relation to this Code of Conduct, please contact the IWA team. You can also speak to:

- Your manager;
- the Public Interest Disclosure Officer/s; and
- Executive team member/s.

Board members should refer to the Chairperson in the first instance.

## Review date

The Board will review the Code of Conduct annually to ensure it meets the needs of the organisation and complies with relevant government frameworks, guidelines and policies.

The Code of Conduct and any amendments to it require approval of the Board.

Version #	3.0
Policy Owner	Manager Governance and Support
Last Amended	September 2021
Next Review	September 2022

## Applicable legislation

*Infrastructure Western Australia Act 2019*

*Public Sector Management Act 1994*

- Section 7 – Public administration and management principles
- Section 8 – Human resource management
- Section 9 – Principles of conduct by public sector bodies etc.
- Section 21 - Public sector standards, codes of ethics and codes of conduct, establishing etc
- Section 74 – Relationships between ministerial officers etc. and employees of departments etc.
- Section 102 – Employees not to be employed outside Government etc. without permission

*Auditor General Act 2006*

*Corruption, Crime and Misconduct Act 2003*

*Criminal Code*

*Disability Services Act 1993*

*Electoral Act 1907 and Electoral Regulations 1996*

*Environmental Protection Act 1986*

*Equal Opportunity Act 1984*

*Financial Management Act 2006*

*Freedom of Information Act 1992*

*Industrial Relations Act 1979*

*Occupational Safety and Health Act 1984*

*Public Interest Disclosure Act 2003*

*State Records Act 2000*

*State Supply Commission Act 1991*

*Statutory Corporations (Liability of Directors) Act 1996*

## **Other references**

*Public Sector Commissioner's Instruction No. 7 – Code of Ethics*

*Public Sector Commissioner's Instruction No. 8 – Codes of conduct and integrity training*