



Government of **Western Australia**  
Department of the Registrar,  
**Western Australian Industrial Relations Commission**

# Code of Conduct

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# Department of the Registrar, Western Australian Industrial Relations Commission

## 1. Introduction

### Our Purpose

To provide the Western Australian Industrial Relations Commission (WAIRC) and the Industrial Magistrates Court (IMC) with the physical and virtual infrastructure, human resource functions, administrative resources and financial resources, integral to supporting the dual jurisdictions, as detailed in the *Industrial Relations Act 1979 (WA)* (the IR Act).

To provide the infrastructure, administration, advice and support services to enable the general community, Unions, Employer Associations and Government agencies, to access the WAIRC, IMC and IAC, to assist them to resolve industrial relations matters and to ensure registered organisations comply with their IR Act obligations.

### Our Vision

To provide the government, industrial relations practitioners and the community with 24/7 high-calibre, contemporary services and support for all interactions in the Western Australian industrial relations jurisdictions.

### Our Values

#### Excellence in Customer Service

We provide a professional, effective and timely service to internal and external customers.

#### Innovation and Continuous improvement

We actively explore opportunities to enhance service delivery.

#### Accountability and Integrity

We are honest, open and accountable for our decisions and actions.

#### Respect and Inclusiveness

We believe in the equality of all people and treat everyone accordingly.

We value diversity and respect others.

#### Cooperation and Team Spirit

We collaborate and work together to achieve organisational objectives.

## 2. Message from the Chief Executive Officer

Working in the public sector means always being conscious that we are here to serve the public.

Public sector employment demands a high standard of integrity, fairness and respect and brings with it significantly higher accountability than may be evident in the private sector.

Our Code of Conduct has been developed to complement the Western Australian Public Sector Code of Ethics and is designed to guide you in delivering the highest standards of behaviour so that you will readily understand your responsibilities in responding to the daily demands of serving the community.

The Code describes your legal and ethical responsibilities in discharging your official duties and demands your acceptance and compliance with the values, principles and standards.

All Managers are required to ensure their team is conversant with accountability and responsibility under the Code and report to the Chief Executive Officer regarding team awareness and training requirements.

Part of your commitment to the code requires that you point out to senior staff any circumstance where you think the code is not being followed.

It is important that you understand that any reported breaches of the Code of Conduct will be investigated and may result in disciplinary action as provided for in Part 5 of the *Public Sector Management Act 1994* (WA). The process the department will follow, will be according to the guidelines provided in the [Discipline Policy](#) available on the intranet.



Susan Bastian  
CHIEF EXECUTIVE OFFICER  
Date Signed: 27 May 2021

### 3. Western Australian Public Sector Code of Ethics

The [Western Australian Public Sector Code of Ethics](#) sets out the minimum standards of conduct and integrity to be complied with by all public sector employees, 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, ensuring the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information. Management and supervisors are to lead by example and as such, have a greater degree of accountability and responsibility.

### 4. Code of Conduct

Our Code of Conduct supports and draws from the principles embodied in the Western Australian Public Sector Code of Ethics and serves as a guide for officers in respect to understanding your rights and obligations.

Our Code of Conduct applies to the Chief Executive Officer and all departmental officers, whether full time, part time, permanent, temporary, or casual. Officers seconded to the Department and those engaged to work in the agency on a contractual or voluntary basis, are required to comply with our Code of Conduct throughout the duration of their employment or presence in the department.

Matters referred to in our code may also be covered in more detail in other related legislation, policies and procedures, and are an integral part of the code. Furthermore, our [Department's Integrity Framework](#) further details how we can ensure that every activity adheres to public sector and departmental values. All employees have an obligation to familiarise themselves with these requirements and understand their responsibility to comply with the Code of Conduct.

If you are unsure about any aspect of the code or require clarification about any issue, discuss these with your supervisor or manager.

## 5. Personal Behaviour

### 5.1 Behaviour

We should strive for excellence in the performance of our duties and in doing so demonstrate integrity, honesty and professionalism. Our personal behaviour should contribute to a work environment characterised by mutual support, respect and co-operation.

**It is the responsibility of every employee to:**

- Promptly carry out our duties and any others when lawfully directed;
- Comply with applicable legislation, and Public Sector and Departmental policies and procedures when carrying out their role;
- Report to work as scheduled. When absence is necessary for any reason, promptly notify your Manager;
- Ensure that confidential information is dealt with appropriately, only used for its intended purpose and not disclosed outside the office; and
- Act with integrity in the performance of our duties and be scrupulous in the use of official information and facilities.

### 5.2 Respect

Respect for people means being honest and treating people courteously and considerately, so that their dignity is maintained and their rights are upheld. We will:

- Treat clients, colleagues and members of the public with respect, courtesy, honesty and sensitivity;
- Respect the rights of others and act to empower them to claim and uphold their rights if they need assistance;
- Respect different values, beliefs, cultures and religions;
- Be open and honest in our communication with other people;
- Value the contribution of our fellow workers and endeavour to work cooperatively with each other;
- Be considerate of the needs of our colleagues to balance their work and other life responsibilities and commitments;
- Not participate in or tolerate any form of bullying, harassment or discrimination and report instances where they occur; in accordance with the Department's [Bullying Harassment and Discrimination Policy](#); and
- Act to resolve issues, grievances and concerns effectively, fairly and promptly.

### 5.3 Dress Standard

You are expected to dress in a manner that promotes the professional image of the Department and the Commission, having regard to relevant circumstances such as your dealings with the Members of the Commission, the general public, the function you perform, cultural diversity issues

and occupational safety and health requirements. General business attire is the expected standard of dress at all times.

Casual dress days will only be permitted for special occasions, on approval by the Chief Executive Officer in consultation with the Chief Commissioner.

#### **5.4 Customer Service**

It is every employee's responsibility to deliver the highest standard of service to our customers.

**Our standards for customer service will be met by:**

- Being professional and courteous at all times;
- Identifying yourself when answering telephone calls;
- Providing a prompt service, answering calls or emails on the day they are received or by the next working day at the latest; and
- Responding to written enquiries within 5 working days.

Unfortunately, on occasions we may encounter an irate or abusive customer. When this does happen remain composed, be patient and do everything you can to assist. As soon as practical inform your supervisor or manager of the occurrence/matter/circumstances.

#### **5.5 Professional Integrity**

As an employee of the Department you are placed in a position of trust. In carrying out your duties you affect the welfare, rights or entitlements of the community and individuals. You are responsible for ensuring that the powers you exercise are used ethically, lawfully and fairly.

#### **5.6 Provision of accurate information**

Advice and information should only be provided by properly qualified and experienced officers. When providing advice to members of the public, employees, commissioners and other government agencies you have an obligation to ensure that the advice given is accurate and based on the most current available information.

Remember, when you are giving advice that may be acted on, if it is incorrect or inaccurate it may have legal implications or cause embarrassment to the Department or the Government. Always make the time to check the accuracy of information before providing it. If you cannot ensure the reliability of information you should make this fact known to the inquirer.

#### **5.7 Equal Opportunity and Diversity**

We are committed to developing an equitable and diverse workforce. We will not participate in or tolerate workplace harassment, discrimination or bullying and we treat all colleagues with respect, courtesy, honesty and fairness.

In accordance with the *Equal Opportunity Act 1984 (WA)* you must not harass or discriminate against your colleagues or members of the public on the grounds of gender, ethnic background,



marital status, physical appearance, language, pregnancy, age, impairment, political or religious conviction, sexual orientation or family status.

Harassment of any kind is unacceptable. Harassment involves any unwelcome behaviour, offensive comments or actions.

It includes any repeated behaviour which could be perceived by a person to be intimidating, alienating or embarrassing.

Recipients of unwanted behaviour should indicate that the behaviour is unwelcome and/or unwanted unless they feel they are unable to do so. Any behaviour of this kind which occurs in the workplace should be reported to the Deputy Registrar or Director Governance and Culture are the Department's Grievance Officers.

Please refer to the [Department's Workforce and Diversity Plan](#) for more information and guidance.

## **5.8 Occupational Safety and Health**

We are committed to meeting our obligations and responsibilities for occupational safety and health in the workplace. It is the responsibility of each of us to perform our work in a manner that ensures we all take reasonable, practical measures to protect the safety and health of ourselves, our colleagues and our clients, including the general public.

We must undertake safety and awareness training where required, avoid and prevent the misuse of work equipment, follow safe working procedures, use personal protective equipment provided and report hazards, accidents and injuries and unsafe work practices as soon as possible.

For more information refer to the Department's OSH Policy Framework and Procedures Manual.

## **6. Communication and Official Information**

### **6.1 Confidentiality**

Public sector employees have access to sensitive and confidential information in the course of their duties. Employees must not disclose this information or use it in an improper manner.

#### **In relation to confidentiality we should not:**

- Give to unauthorised persons' information relating to the business of the Department or any other government agency;
- Disclose the contents of any official papers including internal reports or document;
- Disclose the contents of Advertised Vacancy Files other than the Chairperson of a selection panel providing feedback to applicants for advertised positions in accordance with public sector recruitment and selection policy; and
- Use information in pursuing a private interest for yourself, family members, friends or associates.

## 6.2 Public Comment

All communication with the media is handled by the Chief Executive Officer (CEO) or in the absence of the CEO, the Executive Director in accordance with the intent of [Administrative Instruction 728 - Media and public communications](#).

Any official media statement on behalf of the Department must be specifically authorised by the Chief Executive Officer (CEO) or in the absence of the CEO the Executive Director.

## 7. Fraudulent and Corrupt Behaviour

### 7.1 Reporting Fraudulent or Corrupt Behaviour

Fraud in a general sense is “any practice that involves deceit or other dishonest means by which a benefit is obtained from the government.” In practice, it can take many forms including:

- Misappropriation of funds;
- Theft of government assets, including information;
- Using significant time at work for private purposes;
- Taking unrecorded leave;
- Obtaining employment under false pretences by falsely claiming to have the required qualifications;
- Substituting new goods with old;
- Using public sector equipment for private business; and
- Using a government vehicle for private purposes without the proper approval.

Corruption is “generally any conduct where, in return for a consideration, a person does or neglects to do an act in contravention of his or her public duties”. It can also involve behaviour where there is no overt benefit provided.

Every employee has a responsibility not to act corruptly or fraudulently, to actively prevent and detect potential fraud, and to immediately report any evidence of corrupt or fraudulent activity.

Corrupt or fraudulent behaviour on the part of an employee may result in a disciplinary process, dismissal and criminal charges.

The Chief Executive Officer has a responsibility to report fraud and corruption to the Corruption and Crime Commission of Western Australia.

Please refer to the Department’s Fraud and Corruption Control Policy for further information.

### 7.2 Public Interest Disclosure Act 2003

The Public Interest Disclosure Act provides for protection of employees reporting corrupt behaviour. The Deputy Registrar is the nominated Public Interest Disclosure Officer for our Department. Refer to the Department’s Public Interest Disclosure Procedures for more information.

## 8. Use of Public Resources

### 8.1 Use of Government Resources and Equipment

The Department is lawfully obliged to use its equipment and resources (including time) for official purposes. You should be careful to utilise our equipment and resources as efficiently as possible and accept that you are accountable for the manner in which they are utilised.

#### **You are expected to:**

- Be accountable for official expenditure;
- Use publicly-funded resources diligently and efficiently. These include office facilities and equipment, vehicles, cab charge vouchers and corporate credit cards;
- Use corporate credit cards only for authorised work-related expenditure;
- Refrain from using office time or resources for party political work or for personal gain, financial or otherwise; and
- Adhere to policies and guidelines in the use of computing and communication facilities and use these resources in a responsible and practical manner.

Assets, including motor vehicles, computers, mobile phones, corporate credit cards, security keys, administrative files and documents, and intellectual property must not be used for personal benefit or gain. Departmental physical resources, such as photocopiers and stationery are provided for work related use. You must minimise costs, avoid waste and be accountable for their use.

You are required to undertake a reasonable duty of care in respect to any Departmental asset or resource in your possession including taking good care of equipment and reporting any damage, theft or faults.

You must gain express permission to borrow, remove or use any asset (physical resource) for private use. Department assets must not be used for personal gain or profit. For example, you may be allowed to use a Department computer for work or study purposes outside your normal working hours; however, it is not appropriate to use it to run a small business for personal gain.

## 9. Intellectual Property

Intellectual property relates to intangible matters of value such as ideas, concepts, printed and electronic information. The intellectual property of the Department is an asset with the same or similar rights as physical assets.

If you create a product or service in the course of your employment, the copyright and other intellectual property rights are vested in the Department unless explicitly otherwise agreed. For example, if you design a computer program as part of your employment duties, generally you vest ownership of those intellectual property rights to the Department and you are not permitted to sell them to another.

## 10. Record Keeping and Use of Information

### 10.1 Records

We all create records in the course of our duties. Whether the record is an electronic document, an email or a paper based record, the [State Records Act 2000](#) requires that we manage those records appropriately, through our [Record Keeping Plan](#).

We all have an obligation to ensure that any records we create are held securely and all information is accurate, current and not misleading.

Additionally, in accordance with the provisions of the *Freedom of Information Act 1992*, you must not destroy documentation and records that are required by law to be maintained for a statutory period, nor may records be falsified or manipulated.

### 10.2 Freedom of Information

The [Freedom of Information Act 1992](#) was introduced to facilitate public access to documents and to enable the public to ensure that personal information in documents is accurate and complete, up to date and not misleading.

The introduction of Freedom of Information (FOI) legislation makes government more open and accountable to the public. It is important you deal only with the facts when preparing correspondence and reports or any document that becomes part of the public record.

The policies and procedures of the [Office of the Information Commissioner](#) set out clear guidelines to follow in relation to [FOI matters](#), the Deputy Registrar fulfils the role of the FOI Officer.

## 11. Conflict of Interest

A conflict of interest exists where an individual has or is perceived on reasonable grounds to have competing interests or loyalties. A conflict of interest can exist in many different situations, for example:

- Where one's personal interests conflict with their role within the public sector – for instance allowing public sector decision making for which they are responsible to be influenced by the possibility for personal gain, pecuniary or otherwise;
- Where one has a position of authority in the public sector that conflicts with their interests in another organisation – for instance being a director of a company that derives a benefit from a relationship with the public sector department in which they are employed;
- Where a person who has conflicting responsibilities within the one department – for instance investigating allegations of impropriety in which the person is also implicated;
- Participating in decision making where you, a family member, or a friend have a vested interest in the outcome; and
- Where an external interest or internal conflict presents or has the potential to be perceived as being in conflict with your public duty, or if you are in doubt as to the potential of a conflict, you must discuss the circumstances with your Manager and ensure measures are taken to mitigate the risk. If you are in doubt as to whether a conflict of interest exists, you are encouraged to discuss the issue with your Manager.

- If a conflict of interest is declared, the details must be reported to the Director Governance and Culture for appropriate recording.

## **11.1 Giving and receiving of Gifts and Gratuities**

### **Gifts or invitations involving a real or perceived conflict of interest**

Occasions may arise during the normal course of business where you are offered gifts or invitations that have no direct relation to the functions of the Department by vendors of goods or services, or customers.

The receipt of gifts, invitations, or non-monetary benefits, including rewards or offers of hospitality, can place you in a position of actual, perceived, or potential conflict of interest, either at the time of the occurrence or at some future time.

Such circumstances may raise questions about your ability to remain impartial, your integrity and that of your employer.

The integrity and reputation of the Department is of paramount importance; therefore, it is unacceptable and inappropriate for staff to give and receive gifts or accept hospitality that is not of direct relevance to the efficiency and functioning of the Department.

Where an invitation is offered, which has direct relevance to the efficiency and functioning of the Department, for example attendance at a conference that is open to, or provided to an industry sector, the offer should be discussed with your manager to ensure relevance to the Department and the mitigation of any conflict or reputational risk.

Where the offer is considered reasonable in the circumstances the item and rationale for acceptance must be recorded in the Department's Gift Register.

From time to time, diplomatic and or political circumstances might arise where declining would cause serious offence. Such circumstances will ordinarily only arise at the level of Chief Executive Officer and would require guidance from the Public Sector Commissioner and be noted in the Department's Gift Register.

In the first instance all offers should be declined, however there are some circumstances that may arise where declining a gift may not be possible. The Department's Gift Register exists for recording gifts and the rationale for acceptance. Gifts that are declined should also be included on the Department's Gift Register.

Please ensure you provide the details of any gifts, whether accepted or declined, to the Executive Director, Finance, Data and Technology for appropriate reporting.

For clarity, the following activities do not apply to this section of the policy:

- invitations for a coffee.
- token gifts of a value below \$10 such as pens or key rings or like memorabilia.

## 11.2 External Employment and Associations

Section 102 of the [Public-Sector Management Act 1994](#) requires an employee to obtain the written permission of his or her Chief Executive Officer to participate in external employment activities. (Please note that external employment activity is not a right).

This is to ensure that your private employment/interests outside of work, are not placing you at risk, or perceived to being at risk of being influenced in the performance of your public duties. The definition of outside work may include salaried employment, running a business, maintaining a professional practice or consultancy, and being a director of an organisation. It can also include voluntary activities and applies if you wish to take on extra employment during periods of leave.

If you are considering external employment you must apply in writing for approval from the Chief Executive Officer.

Where approval has been given, you must not engage in any private business on departmental premises, use departmental resources or conduct your private affairs while carrying out official duties.

The Chief Executive Officer has the right to withdraw approval of external employment at any time.

Please refer to the [Secondary Employment Policy](#) for further details.

## 12. Reporting and Management of Code Breaches

The Code applies to all employees equally. Any suspected Code breaches should be discussed with a Manager or member of the Executive.

Reports of suspected breaches will be treated seriously, dealt with confidentially and appropriate action will be taken.

Any alleged misconduct that could be corrupt should be reported to the Chief Executive Officer or other appropriate body.

Refer to the Department's Public Interest Disclosure Procedures for more information.

## 13. Code of Conduct Review Date

To be reviewed January 2021

## 14. Relevant Legislation, Policies, Guidelines, Codes etc.

**Legislation affecting employee behaviour at work includes:**

- [Corruption and Crime Commission Act 2003](#)
- [Criminal Code Act Compilation Act 1913](#)
- [Equal Opportunity Act 1984](#)

- [Financial Management Act 2006](#)
- [Freedom of Information Act 1992](#)
- [Occupational Safety and Health Act 1984](#)
- [Public Sector Management Act 1994](#)
- [Public Interest Disclosure Act 2003](#)
- [State Records Act 2000](#)

**Other Codes and Standards:**

- [Western Australian Public Sector Code of Ethics](#)
- [Public Sector Standards in Human Resource Management](#)
- [Premiers Circulars](#)
- [Public Sector Commissioner's Circulars](#)
- [Public Sector Commissioner's Instructions](#)

**Links to Department Policies, Guidelines and Procedures:**

- [Bullying, Harassment and Discrimination Policy](#)
- [Discipline Policy](#)
- [Grievance Resolution Policy and Procedures](#)
- [Public Interest Disclosure Procedures](#)
- [Record Keeping Plan](#)
- [Timekeeping and Attendance Policy](#)
- [Secondary Employment Policy](#)
- [Department's Integrity Framework](#)
- [Occupational Safety and Health Procedures Manual](#)
- [Occupational Safety and Health Policy Framework](#)
- [Workforce and Diversity Plan](#)
- [Fraud and Corruption Control Policy](#)

<b>Endorsed by CEO</b>	<b>27 May 2021</b>
<b>Approved by Executive Director</b>	<b>27 May 2021</b>

## 15. Acknowledgement of the Code of Conduct

Please print this acknowledgment, sign your acceptance and return to the Human Resources Officer.

I \_\_\_\_\_  
*NAME IN FULL*

acknowledge that I have read and that I understand all my responsibilities in complying with the Code of Conduct regarding: personal behaviour, communication and official information, fraudulent and corrupt behaviour, use of public resources, intellectual property, record keeping; use of information and conflict of interest and reporting a breach of the code.

Signature \_\_\_\_\_

Date \_\_\_\_\_

*All policy and procedural statements contained within this document apply to and are to be observed by all employees, including contract or temporary and those seconded to the department.*

If you have any difficulties or questions regarding this Code, you should discuss this with your Manager or Governance and Culture team prior to signing.

Please forward this acknowledgment form to the Human Resources Officer.



## 16. Document - Details & History

### Details

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### Document History

Version	Date	Author	Owner	Description
1	16 August 2017	HR Manager	Executive	Reviewed
1.1	30 May 2019	Policy Officer/ HR Manager /Executive Director	Executive	Reviewed
1.2	16 January 2020	Culture and Capability Coordinator/Director Governance and Culture	Executive	Reviewed
1.3	24 April 2020	Culture and Capability Coordinator/Director Governance and Culture/Executive Project Officer	Executive	Reviewed
1.4	7 January 2021	Director Governance and Culture	Executive	Updated links  Inclusion of Conflict of Interest reporting
1.5	27 May 2021	Director Governance and Culture	Executive	6.2 Inclusion of link to AI 728 7.1 Inclusion of reference to Fraud and Corruption Control Policy

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