



Code of Conduct

Ministerial Advisory Council on Disability

Version #1

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Appendices

Version	Date	Author	Description
1	February 2024	Manager, Strategic Policy	1. Relevant legislation

1. Message from the Director General

This Code of Conduct sets out the standards of conduct for members of the Ministerial Advisory Council (the Council).

Under the *Disability Services Act 1993*, the Council is the advisory body and is answerable to the Minister for Disability Services.

I encourage the Ministerial Advisory Council on Disability to encourage all Western Australians to support the outcomes of the *A Western Australia for Everyone: State Disability Strategy 2020-2030* and its action plans to improve the quality of life for people whose lives are affected by disability. Our purpose is to facilitate easy access to infrastructure, services and information, together with inclusive participation in all aspects of universal community activity.

I value the Council's support in my role as Director General, being responsible and accountable for the delivery of disability services and the stewardship of the Department of Communities.

2. Message from the Chair

I expect that as a Council, we will individually and collectively conduct ourselves to the highest standards in accordance with this Code of Conduct. We will respect each other and value the diversity we bring to the Council. Members should arrive on time, prepared for discussion on all agenda topics and ready to contribute to a productive meeting. Although we are independent members, we stand by the decisions made as a Council.

We are role models in the community and the disability sector and have a duty to promote disability and the State Disability Strategy and its associated action plans. Meetings of the Council are a showcase of accessible meetings.

We will regularly review our actions and procedures and strive for continuous improvement. I therefore ask all members to sign the attached acknowledgement of having read and committed to this Code of Conduct and return it to the Secretariat.

3. Principles

The conduct of Council members must reflect the following principles:

1. Impartiality - Council members should never improperly confer an advantage or disadvantage on any person
2. Honesty and integrity - Council members should not place themselves in situations where their honesty and integrity may be questioned, should not

behave improperly while representing the Board and should avoid the appearance of such behaviour

3. Objectivity – At all times, Council members should make decisions based on merit
4. Accountability – Council members are accountable for their actions, the way they fulfill their responsibilities and should co-operate fully and honestly with any appropriate scrutiny
5. Independent decision making – Council members may consider the views of others but should reach their own conclusions on the issues before them
6. Duty to uphold the law – Council members should uphold the law and, on all occasions, act in accordance with the trust that the people with disability in Western Australia is entitled to place in them
7. Leadership – Council members should support and promote these principles by leadership, and by example, should act in a way that secures or preserves sector confidence.

4. Conduct areas

1. Personal behaviour

As Council members, we will understand the Council's role and public duties by actively learning and staying informed about:

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

As Council 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 Minister for Disability Services
- making decisions fairly, impartially and promptly and considering all available information, legislation, policies, procedures and ethical codes
- being accountable and transparent
- doing our job lawfully, with reasonable care and diligence and as efficiently and effectively as possible
- treating members of the public, stakeholders and fellow board members with respect, courtesy, honesty and fairness; having proper regard for their interests, rights, safety and welfare

- fulfilling the Council's statutory purposes and requirements and, to the extent permitted by the *Disability Services Act 1993*, serving the Government of the day
- maintaining and contributing to a harmonious, safe and productive work environment and professional relationships
- understanding the consequences of misconduct and actions that may be taken if we do not comply with the Code and associated policies.

As Council members, we will make an active contribution by:

- attending all Council meetings, and if we cannot attend, we will submit an apology. If we are likely to miss no more than two consecutive meetings, we may apply to the Chair for a leave of absence or, in the case of the Chair, application to the Minister for Disability Services.
- participating and working cooperatively with fellow Council members and stakeholders to achieve agreed goals
- diligently preparing for meetings by reading and considering papers circulated with the agenda
- abiding by and upholding the decisions of the Council
- expressing our concerns to the Chair about consultations, decisions or actions we believe may be contrary to the Council's public duty

2. Clearances and licences

As Council members we will ensure that we hold the following:

- A national police certificate clearance
- National Disability Insurance Scheme Worker Screening clearance
- Drivers Licence (if driving a Department of Communities vehicle)

Any circumstances or changes that affect the clearance or licence, arising after becoming a member of the Council, must be reported to the Chair.

3. Conflicts of interest

Council members have a duty to avoid or appropriately manage conflicts of interest.

As Council members, we will:

- keep our private commercial or political interests separate from our official Council role.
- Declare at the commencement of meetings, conflicts of interest for inclusion on the Conflicts of Interest Register and update the declaration when private or political interests change.

- adhere to the following process for managing conflicts of interest:
 - as soon as possible after becoming aware of an actual, perceived or potential conflict of interest in a matter being considered or about to be considered by the Council, advise the Chair (or in the case of the Chair to the deputy Chair) of the conflict of interest
 - declare the conflict of interest and disclose the nature of the interest at a meeting.
 - follow the process determined by the Chair (or in the case of the Chair, the deputy Chair) for managing the conflict of interest. This may involve removing yourself from discussion and decision making on the matter.
- ensure the Council meeting minutes record any issues of conflict of interest and the steps taken to manage the conflict, so they are transparent and capable of review.

4. Confidentiality

Council members have:

- a statutory duty of confidentiality under part 7 section 52 of the *Disability Services Act 1993* in relation to information obtained in the course of being a Council member.
- a fiduciary obligation not to take advantage of information acquired by virtue of their position.

As Council members, we will:

- maintain confidentiality and not divulge information deemed confidential or sensitive, other than as required by law or where proper authorisation is given. If we are unsure, we will seek direction from the Council chair
- not make improper use of information obtained during our Council duties, or use for direct or indirect personal or commercial gain, or to do harm to other people or the Council, for example, speculating on shares based on confidential information or disclosing the contents of any official papers to unauthorised persons
- respect confidential information and observe any restrictions agreed by the Council (subject to Freedom of Information Act 1992 requirements)
- respect the privacy of individuals and the security of personal information
- protect intellectual property
- raise concerns of improper communications or use of information with the chair, or other relevant authority

- not enter any contract or arrangement contrary to section 81 of the Financial Management Act 2006.

5. Communication protocols

- Public comment includes comment made in circumstances where it is reasonable to expect that the comment may reach the wider community. This may include comments made on the Internet, in speeches, on the radio or in the press.
- Members will not be required to, and are not authorised to, make public comments concerning the Council, the Department of Communities or the Minister for Disability Services. This is the role of the Minister or the Director General.
- Members who receive requests or queries from the media are to advise the Chair of the request, who will discuss the request with the Minister and/or the Director General Communities before any decision is made as to making a public comment and by whom.

6. Fraudulent or corrupt behaviour

Council members are public officers for the purposes of the *Corruption, Crime and Misconduct Act 2003*.

As Council members we will:

- Not engage in any fraudulent or corrupt behaviours
- Report any information about actual or potentially fraudulent, corrupt or illegal activities to the Chair or, if necessary, the Corruption and Crime Commission
- Report suspected breaches of the code of conduct to the Chair, or in the instance of the Chair to the Minister for Disability Services (see Part 5).

7. How to report fraud, corruption or misconduct

Further to clause 4(6), Communities encourages all staff, including Council members, to report any suspected fraud, corruption or misconduct by any of the following avenues:

- Misconduct.reporting@communities.wa.gov.au
- Public.interest.disclosure@communities.wa.gov.au
- Public Sector Commission – [Public Interest Disclosure](#) (minor corruption)
- [Corruption and Crime Commission](#) for serious misconduct
- [WA Police](#) for criminal matters
- [Ombudsman WA](#) for matters of administration affecting individuals
- [Equal Opportunity Commission WA](#) for discrimination matters

- The 24/7 Misconduct Reporting Hotline on 0466 511 957 which will be answered by a Public Interest Disclosure Officer

8. Compliance with a cross-government requirements

As Council members, we will comply with all across-government requirements, including:

- Treasurer's Instructions, including 'Risk management and security' – Treasurer's Instruction 825
- State Supply Commission policies – accountable authorities are required to purchase goods and services in accordance with State Supply Commission policies <http://www.ssc.wa.gov.au/>
- Western Australian Government purchasing card (corporate credit card) guidelines <http://www.finance.wa.gov.au/>

9. Use of public resources

As Council members, we will:

- Use the resources of the State, funds, employees and equipment effectively and economically, only for board business
- Comply with the applicable legislation, whole of government requirements and Communities' policies when using public resources
- Not use public resources for personal financial gain or party-political work
- Operate equipment and property in accordance with the manufacturer's specifications, maintain it in good condition and store securely
- Report any damage to, or loss of, property or equipment immediately to the Secretariat.

10. Travel and accommodation

As Council members, we will:

- Comply with *Premier's Circular: 2021/02 Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers* (and any replacement circular).
- Ensure any travel and/or accommodation is booked through the Secretariat.

11. Hospitality

As Council members, we will ensure:

- the responsible and efficient expenditure of public funds on hospitality, in line with applicable Communities' policies and requirements, if we are approving it or providing it.

- any hospitality provided by the board is consistent with the board's needs and public duty, in keeping with *Public Sector Commissioner's Circular: 2009-18 Guidelines for expenditure on official hospitality* (and any replacement circular).

12. Recordkeeping and use of information

Documenting decisions

As Council members, we will:

- accurately document Council decisions, events and transactions
- prepare and retain minutes for all official Council meetings, including recording any dissent.

Security of information

As Council members, we will:

- ensure recorded information under our control, in both paper and electronic form, is kept in a secure place, including when stored on laptops, tablets and USB devices
- be diligent in handling Council records and secure sensitive documents
- avoid discussing Council business in public places where there is a likelihood of being overheard
- dispose of duplicate copies of records and confidential waste (these may be returned to the Secretariat).

Amendment or falsification of records

As Council members, we will not:

- falsify, destroy, alter or damage any public record
- back-date information or remove folios from files.

13. Freedom of information

As Council members, we will:

- comply with the letter and spirit of the *Freedom of Information Act 1992* to assist the public to gain access to documents and to check personal information in documents
- allow prompt access and ensure personal information held is accurate, complete, up to date and not misleading
- record salient facts in documents
- avoid recording inappropriately disparaging remarks and unsubstantiated personal opinions about individuals on official documents.

14. Gifts and benefits

As Council members, we will:

- carefully consider any offers of gifts, benefits or hospitality and ensure any decision to accept is done openly, is consistent with our code and declared and recorded at the next Council meeting
- not accept gifts, benefits or hospitality that are likely to place us under an actual or perceived financial or moral obligation to other organisations or individuals if they could be seen by the public, knowing the full facts, as intended or likely to cause us to act in a particular way or deviate from our public duty
- not demand or accept in connection with our official duties any fee, Council commission, reward, gratuity or remuneration of any kind which is outside the scope of our entitlements
- not use our public position for personal profit or gain or to cause detriment to others

5. Breaches of the Code of Conduct

Reporting suspected breaches of the Code

As Council members, we will:

- Familiarise ourselves with the Council's reporting mechanisms
- Report suspected breaches of the code of conduct, initially to the Chair, or in the instance of the Chair, to the Minister for Disability Services.

Breaches of the Code of Conduct will be dealt with in a professional and appropriate manner according to the circumstance of each case, in line with Communities' policies. As a government advisory Council, the Minister for Disability Services will be advised of any breaches. In certain cases, the matter may be referred to the Public Sector Commission, Corruption and Crime Commission or the WA Police.

6. Roles and Responsibilities

Role of Council members

When accepting the appointment, Council members undertake a solemn obligation to perform their duties in an impartial, open, honest and accountable way to the benefit of the Minister for Disability Services and the community they serve.

The Council is also involved with the Western Australian Disability Advisory Council and members contribute to advice for the Minister for Disability Services.

Role of the Council Chair

At a meeting of the Council, the chairperson, or in his or her absence the deputy chair, is to preside; or in the absence of both those members, a member elected by the members present is to preside (*Disability Services Act 1993* Schedule 3 clause 3).

The Chair provides leadership and insight to ensure delivery of the Council's purpose through engagement with all members.

At meetings of the Western Australian Disability Advisory Council, the chair of the Council chairs the meeting and shares decision making responsibilities with the chair of the Disability Services Commission Board.

Conflicts of Interest

An **ongoing interest** could become a **conflict of interest** with a decision being made by the Council and members need to know how and when to manage these.

A **conflict of interest** is a situation arising from conflict between the performance of public duty and private or personal interests. While it is not wrong or unethical to have a conflict of interest, what is important is that it is identified and appropriately managed.

Members are expected to declare a conflict of interest with any agenda item at the beginning of the meeting and the Chairperson will decide how that conflict should be managed. For example, the Chairperson may direct that member to leave the meeting room during discussion and decision-making of an agenda item in which, that member has a personal or perceived interest.

An **ongoing interest** is a member's involvement in any matter or organisation that could potentially become or be perceived by others, as a conflict of interest later.

7. Mandatory Training Modules

It is a requirement that all Council Members will complete Governance e-Learning for WA Boards and Committees (an online training module on the Public Sector Commission website).

Board members are also required to complete Accountable and Ethical Decision Making, and Aboriginal and Torres Strait Island Culture Awareness (Communities' online training modules). This training will be arranged through the Secretariat.

8. Further Information

Members are encouraged to familiarise themselves with the information about Boards and Committees on the Public Sector Commission WA website.

For information specific to the Disability Services Commission and the Department of Communities, contact your Secretariat on mobile 0435 046 248 or at Boards_Committees@communities.wa.gov.au.

9. Review

The Code of Conduct will be reviewed annually.

Appendix 1 – Relevant legislation

Compliance with applicable legislation, which includes:

- *Disability Services Act 1993*
- *Corruption, Crime and Misconduct Act 2003*
- *Criminal Code*
 - *Chapter XII – Corruption and abuse of office*
- *Equal Opportunity Act 1984*
- *Freedom of Information Act 1992*
- *Industrial Relations Act 1979*
- *National Disability Insurance Scheme Act 2013*
- *National Disability Insurance Scheme (Worker Screening) Act 2020*
- *Work Health and Safety Act 2020*
- *Parliamentary Commissioner Act 1971*
- *Public Interest Disclosure Act 2003*
- *State Records Act 2000*