



*Our Code of Conduct:*

*We are accountable to the Government, to the people of Western Australia and to each other to be ethical in our actions, our decisions and our behavior.*

# **Kimberley Ports Authority Code of Conduct**



**KIMBERLEY  
PORTS**  
AUTHORITY

## CODE OF CONDUCT

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1.0	October 2001	Original document issued	BrPA Board
1.1	June 2008	Update layout and formatting	Administration Manager
1.2	5 December 2008	Reviewed and updated	BrPA Board
1.3	June 2009	Addition of Conflict of Interest appendices and amendments to section 6, Gift register appendix section 7 and reference to policies section 11.	Board approved 17 June 2009
1.4	June 2012	Addition of item 3 definitions, item 4 amended Vision and Mission statements, item 7 addition of conflict of interest form, item 8 Gifts rewritten, items 9,10 and 12 addition of reference legislation, item 9.2 addition of Fitness for Work and change to internal contractor throughout document.	Board approved 21 June 2012
2.0	January 2015	References of BrPA changed to KPA. Item 1 ethics explanation updated; 2 adherence to the Code of Conduct added; 4 definitions of conflicts of interest amended; 5 all text updated; 10 and 11 moved to 7 and 8; 7 addition of Grievance policy reference; 9 last paragraph amended; 10 advantages defined; 11 addition of fraudulent and corrupt behaviour and approval by the CEO or Chair; 12 addition of first sentence, addition to second paragraph, inclusion of social media paragraph; 13 addition of reference to public records, paragraph on listening devices and reference to KPA Recordkeeping Policy and Procedures; 14 added new staff titles; 14.3 reference to the Business Travel Policy; 14.5 added KPA Business Travel Policy reference and text; 15 added reference to Risk Management Procedures; 15.1 added images taken with	Board approved 26 June 2015

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2.1	June 2016	Amended but not adopted.	No Board approval.
2.2	June 2017	Item 4 Definitions – Fraud and Corrupt conduct added; Item 5.1 and 5.2 vision and mission updated; item 5.4 values updated; Item 5.5 safety commitments added; Item 7 personal behaviours existing dot pints expanded and Grievance Policy changed to Fair Treatment Policy; Item 8 professional integrity paragraphs 2 and 3 slightly amended; Fraudulent and Corrupt behaviour moved to item 9; Item 14 FoI Act included; Item 15 HSE Coordinator changed to manager; and Appendix F gift decision form slightly amended.	Board approved
2.3	December 2019	No changes made by EEO Specialists due to legislation and Public Sector Commission's standards not changing. Name of CEO updated. Policy changed to procedure throughout. Item 9 & 10 PID officer changed to Administration Manager, item 15 removed Chair, 15.1 added Admin employees, item 16 changed to Risk Management Framework, item 17 added Fair Treatment Procedure.	CEO approved.
2.4	March 2022	Changed Administration to Governance manager throughout, Section 4 added minor and serious misconduct and PID definitions, Section 5 included customers in section, section 7 added Diversity Policy, section 8 renamed Corruption, Crime and Misconduct Act 2003 and added a statement on accountable and ethical decision making training, section 9 added CC and police reporting and further procedure references, section 12 added a statement on community expectations, section 13 amended social media statement, section 15 amended reporting issues, reference material, resource use and risk assessment and management statements, added business travel approval by manager, section 17 added reporting of breaches, reporting minor or serious breaches and added references, and amended Appendix D adding PAA sections on material personal interest for reporting Board conflicts of interests.	March 2022
2.5	May 2023	Minor change to Luke Westlake as CEO	N/A
2.6	August 2024	Item 1 added integrity training, Item 3 updated PSC Instructions reference and replaced ethics, item 4 fraud definition updated, item 5 mission and vision statements updated, Item 7 updated re WHS Act 2020, item 8 reporting misconduct, item 9 fraud definition changed and Fraud and Corruption Control, Detection and Response Plan added, item 10 form and register added, item 11 added GTE Act 2023, expanded Director actions when a conflict arises, and review of register, item 12 form and register name change and annual register amount removed, item 13 added Communication Plan, item 14 added Privacy Act 1998 and Information Statement, item 15 addition of Delegated Authority and Mobile Device Procedures, item 16 added Fraud and Corruption Control, Detection and Reponse Plan, item 16.1 added all workplace images to be approved, Appendix A replaced, Appendix C	August 2024

		<p>removed, replacement Appendix C amended, Appendix E replaced and Appendix F renamed.</p> <p>Post PSC review item 3 removed PSC ethics detail, item 4 corruption and fraud definitions amended to reflect AS 8001:2021, item 8 minor amendments, item 9 definitions amended, item 11 minor amendments, item 12 foreign gift acceptance added, item 17 added reporting links, Appendix B and C added review of changed circumstances and recording justification for conflict management.</p>	
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## **1. STATEMENT BY THE CEO**

Every day at the Kimberley Ports Authority (**KPA**) we make decisions and take actions that affect members of the public, our co-workers and public assets. The decisions and actions we take must be capable of withstanding public scrutiny. We are accountable to the Government, to the people of Western Australia and to each other to be ethical in our actions, our decisions and our behaviour.

This Code of Conduct aims to provide a guide to ethical decision making and action taken in the course of our work. Ethics is about having a set of moral principles that governs your behaviour. This Code embodies the principles contained in the Public Sector Code of Ethics and KPA's own vision, mission, goals and values.

For this Code of Conduct to be a success, everyone bound by the Code must:

- Familiarise themselves with the principles the Code of Conduct contains.
- Ensure their own behaviour and actions comply with the Code of Conduct.
- Promptly report any behaviour or actions in breach of this Code of Conduct.
- Attend integrity training.

If you have any questions about the Code of Conduct or its application to particular situations please raise them with a manager, supervisor or myself.

This Code is a "living document" and will require refining from time to time to ensure it remains relevant in a changing environment. Feedback and comment are very important in this process and I encourage everyone to become involved.

Luke Westlake

CHIEF EXECUTIVE OFFICER

## **2. TO WHOM AND WHEN DOES THE CODE OF CONDUCT APPLY?**

This Code of Conduct (**Code**) sets out the minimum standards of conduct and integrity required in all work contexts including related events that occur outside of business hours and/or away from KPA premises. This Code applies to Board Directors and to all employees (whether full time, part time or casual) regardless of your level within KPA. The Code also applies to contractors and consultants working on behalf of KPA. KPA expects all applicable people to comply with the Code at all relevant times.

## **3. THE LEGISLATIVE BASIS OF OUR CODE OF CONDUCT**

*Section 21 of the Port Authorities Act 1999 (WA)* requires all Port Authorities to develop and implement a code of conduct in consultation with the Public Sector Commission based on the principles set out in *section 9 of the Public Sector Management Act 1994 (WA)*. The Public Sector Commissioner's Instructions 40 outlines the Public Sector's Code of Ethics, which specifies the minimum standards of conduct for all public sector bodies, public sector employees and consultants to public sector bodies and serves as a foundation for an organisation's specific codes of conduct. The Public Sector Code of Ethics contains four fundamental principles covering integrity, impartiality, respect for others and trust and accountability.

This Code explains how these principles and KPA's own vision, mission, goals and values are to be incorporated in our daily work practices at KPA.

## **4. DEFINITIONS**

**Actual conflict** of interest means there is a real conflict of interest between a persons' public duties and their private interests.

**Commercially confidential** means the information to be protected must be specifically identified, be commercially sensitive - this means that the information should not generally be known or ascertainable as disclosure would cause unreasonable detriment to the owner of the information or another party and that the information is provided under an understanding that it would remain confidential.

**Contractor or consultant** means a person or corporate entity retained by KPA to assist KPA in the performance of its statutory obligations, such as project managers and short-term contract employees or consultants.

**Corrupt conduct** is a dishonest activity in which a person associated with an entity (eg director, executive, employee and an external party) acts contrary to the interests of the entity and abuses their position of trust in order to achieve personal advantage or advantage for another person or entity.

This can also involve corrupt conduct by an organisation, or a person purporting to act on behalf of, and in the interests of an organisation, in order to secure some form of improper advantage for the organisation either directly or indirectly.

**Discretionary authority** means an employee has the power to influence decisions on behalf of KPA, such as a purchasing officer.

**Employee** means a person who is engaged by KPA as either a full-time, part-time or casual staff member for remuneration (or similar).

**Fraud** is a dishonest activity causing actual or potential gain or loss to any person or organisation including theft of moneys or other property by persons internal and/or external to the organisation and/or where deception is used at the time, immediately before or immediately following the activity.

**Gift** means an item given to a KPA employee, contractor, or consultant without payment, as a consequence of working for KPA. A gift can include, but is not limited to gift certificates or store vouchers, movie, show or event passes, electrical goods, money, alcohol, accommodation, air travel and other items.

**Gift decision records** are an official record of the details of gifts received by or offered to an employee, contractor or consultant of KPA and how that gift was managed.

**Gift offered/giver** is the person, business or organisation who offers or provides a gift.

**Gift recipient** is the employee, contractor or consultant of KPA who receives a gift, or is offered a gift, whether on behalf of KPA or as an individual.

**High value gift** means anything valued over \$50.

**Inducement** means the offering, giving or soliciting of money or something of value in order to influence the judgement or conduct of an employee or any other person in a position of trust.

**Intellectual property** means the wide range of intangible property that is the result of the creative and intellectual effort of individuals and organisations. This includes inventions, literary and artistic works, computer programs, databases, broadcasts, films, sound recordings, plant varieties, trademarks and designs.

**Malicious reports** means reports provided with the intention of inflicting harm on an individual included in the report.

**Minor misconduct** according to the Corruption, Crime and Misconduct Act 2003 is when a public officer engages in conduct that:

- (i) adversely affects, or could adversely affect, directly or indirectly, the honest or impartial performance of the functions of a public authority or public officer whether or not the public officer was acting in their public officer capacity at the time of engaging in the conduct; or
- (ii) constitutes or involves the performance of his or her functions in a manner that is not honest or impartial; or
- (iii) constitutes or involves a breach of the trust placed in the public officer by reason of his or her office or employment as a public officer; or
- (iv) involves the misuse of information or material that the public officer has acquired in connection with his or her functions as a public officer, whether the misuse is for the benefit of the public officer or the benefit or detriment of another person.

**Perceived conflict** of interest can exist where a third party could form the view that a person's private interests could improperly influence the performance of their duties now or into the future.

**Potential conflict** of interest arises where a person has private interest that could conflict with their public duties.

**Public duty** means public officers must to act with integrity, impartiality, in good faith and in the best interests of KPA and the State.

**Public Interest Disclosure** is the disclosure of a wrongdoing in a Public Authority such as improper conduct, an act or omission that constitutes an offence under a written law; a substantial unauthorised or irregular use of, or substantial mismanagement of, public resources; an action or omission that involves a substantial and specific risk to injury to public health; prejudice to public safety, or harm to the environment.

**Serious misconduct** covers corrupt conduct by a public officer either deliberate or a failure to act in carrying out duties, taking advantage of their role or causing detriment to another person; or conduct that may result in a criminal offence punishable by two or more years of imprisonment.

**Unsolicited gifts** means unsought or not requested gifts.

## **5. OUR CODE OF CONDUCT - GUIDING PRINCIPLES AND VALUES**

Integral to this Code are KPA's vision, mission, goals, values and safety commitments which we must all continually strive to achieve.

### **5.1 Our Vision**

**"To be known as progressive partners who foster trade."**

### **5.2 Our Mission**

**"To responsibly grow and connect the Kimberley."**

### **5.3 Our Goals**

In implementing this vision, KPA's aims to adhere to the following goals:

- Safety: to maintain demonstrably high levels of Work, Health Safety and Environment (**WHS&E**) achievement and compliance;
- Sustainability: to operate in an economically, socially and environmentally sustainable manner (triple bottom line);
- Logistics Integration: to develop improved lines of communication, and to integrate ship/shore transport and labour systems;
- Port Management: to continuously improve the management of commercial operations and port development projects;
- Training: to train and motivate employees to realise their full potential; and
- Security: to continuously improve security management and integrity within all port and ship activities.

## **5.4 Our Values**

KPA's core values are based on respect for employees and all who come in contact with the organisation. KPA managers and staff will ensure that due regard is afforded to:

**Safety** - We make safety our number one priority.

**Respect** - We treat our customers, our community and each other with respect.

**Excellence** - We take pride in doing our jobs to the highest professional standard.

**Teamwork** - We work as a team to achieve our common goals.

**Service** - We seek to understand and serve the needs of our customers and community.

**Environment** - We care for our environment.

## **5.5 Our Safety Commitments**

KPA's safety commitments are the cornerstone of the WHS&E procedures that bind employees, contractors and customers to strive for a safe workplace.

- **Health** and Safety is the primary consideration in every facet of our business;
- **Explore** and champion new safety initiatives that will improve safety for all employees and challenge traditional thinking in order to find new and safer ways to operate;
- **Always** keep within our legislative obligations to minimise harm to the environment and ensure all incidents are reported and acted upon;
- **Relentlessly** pursue a safer and healthier workplace and be uncompromising with those who are unwilling to commit; and
- **Transparent** and consultative with our colleagues, contractors and customers on all matters relating to health and safety.

## **6. OUR COMMITMENT TO CUSTOMER SERVICE**

KPA prides itself on its customer focus. We are committed to providing reliable, efficient and commercially viable port services and facilities for our customers. When dealing with our customers and the public you should:

- Be respectful and courteous;
- Provide reliable and consistent services;
- Give consideration to their concerns and interests; and
- Ensure that our service meets or exceeds the service standards set out in our Customer Service Charter.

For further information please refer to:

*KPA Customer Service Charter*

## **7. PERSONAL BEHAVIOUR GENERAL PRINCIPLES**

KPA is committed to creating a work environment free from harassment, bullying, discrimination, victimisation and vilification. We are also committed to providing equal opportunity in all aspects of employment and in the provision of goods and services to customers.

It is your responsibility to:

- Treat members of the public and colleagues whom you come in contact with during the course of your duties with courtesy, respect, dignity and fairness; not engage in harassment, bullying, discrimination, victimisation and vilification against colleagues or members of the public;
- Perform your duties in a safe, honest, diligent and competent manner;
- Make decisions fairly, impartially and promptly;
- Comply with all lawful and safe work instructions and directions;
- Ensure all instructions and directions that you give to others are ethical, clear and reasonable; and
- Understand the consequences of misconduct and actions that may be taken if you do not comply with the code and associated policies.

For further information please refer to KPA's:

- Bullying and Harassment Procedure*
- Equal Opportunity Procedure*
- Occupational Health & Safety Procedure*
- Fair Treatment Procedure*
- Diversity Procedure*

Reference legislation:

- Work Health and Safety Act 2020*
- Equal Opportunity Act 1984*
- Fair Work Act 2009*

### **7.1 Smoking**

KPA is a "Smoke Free Workplace" to protect the health of everyone in the workplace.

Smoking is prohibited in:

- All indoor areas of KPA including rest rooms;
- All work areas on the wharf (including Gatehouse) and in the maintenance yard, except for designated smoking areas;
- All KPA vehicles, forklifts, cranes and other mobile equipment; and
- Near any flammable substance, including but not limited to the fuel tank farms and pipelines.

Smoking is only permitted in the designated smoking areas outside the head office, on the wharf, and in the maintenance yard when there are no tanker operations and when no other flammable situations exist.

For further information please refer to KPA's:

- Alcohol and Other Drugs Procedure*
- Vehicle Procedure*

### **7.2 Fitness for Work**

Employees have a duty of care, while at work, workers must take reasonable care for their own health and safety and that of others who may be affected by their actions or omissions. They must also:

- comply, so far as they are reasonably able, with any reasonable instruction given by the KPA to allow KPA to comply with WHS laws, and
- cooperate with any reasonable policy or procedure of the KPA relating to health or safety at the workplace that they have been notified about.

For further information please refer to KPA's:

*Alcohol and Other Drugs Procedure*

Reference Legislation:

*Work Health and Safety Act 2020*

### **7.3 Personal Presentation**

KPA wishes to project a professional image to the public at all times. You are required to wear uniforms and Personal Protective Equipment whenever prescribed and issued. You should present yourself at work in clean, neat clothing, having attended to your grooming and personal hygiene.

## **8. PROFESSIONAL INTEGRITY**

Government power derives ultimately from the people of Western Australia who expect us to carry out our functions with professional integrity and due regard for the public interest.

In carrying out your duties you may affect the welfare, rights or entitlements of community members. You are therefore responsible for ensuring that the powers you exercise are used lawfully, honestly and fairly and that you do not take improper advantage of your position and especially do not engage in any fraudulent or corrupt behaviour. If you have any doubt about whether a course of action of your own or others is inconsistent with our public duty, you should raise the matter with your supervisor, manager or the Chief Executive Officer, or if you are a Board Director or the Chief Executive Officer with the Chair of the Board.

You must not engage in any unethical, improper or unlawful conduct. If you think unethical, improper or unlawful conduct has or is occurring (including fraud and corrupt behaviours), it is an extremely serious matter and you are obliged to report it immediately. In the first instance it is recommended that you report the matter directly to the Chief Executive Officer. If you are the Chief Executive Officer or a Board Director you should report the matter directly to the Chair of the Board.

Alternatively, the matter can be reported to KPA's Governance Manager as the Public Interest Disclosure Officer (**PID Officer**). The process for making a report to the PID Officer is set out in KPA's PID Procedure. This procedure allows for the confidential reporting of matters and provides various protections to those who make genuine public interest disclosures.

The Corruption and Crime Commission (**CCC**), which administers the Corruption, Crime and Misconduct Act 2003 (WA), also provides a mechanism for the reporting of serious misconduct by public officers. The CCC should be contacted directly for advice on the procedures involved. The WA Police can also receive reports of serious misconduct.

The reporting of minor misconduct can be reported to the Public Sector Commission. KPA's PID outlines reporting agencies in further detail.

KPA employees should undertake accountable and ethical decision making training when there has been a large turnover of personnel, there has been a substantial change in relevant legislation, or this Code of Conduct has been updated. Board members undertake the PSC Governance e-learning for WA Government and Boards and Committees.

For further information please refer to KPA's: *Public Interest Disclosure Procedure*

Reference legislation: *Corruption, Crime and Misconduct Act 2003*

## **9. FRAUDULENT OR CORRUPT BEHAVIOUR**

Fraud is a dishonest activity that causes actual or potential loss or gain to a person or KPA including theft of moneys or other property by persons internal and / or external to KPA and / or where deception is used at the time, immediately before or following an activity. Corrupt conduct occurs when a KPA Director, employee, contractor or consultant uses or attempts to use their position of trust at KPA for personal advantage, acts contrary to the interests of KPA or to cause detriment to others.

Fraud includes any practice that involves deceit or other dishonest means by which a benefit is obtained from KPA. The benefits may be obtained by:

- Employees (known as internal or workplace fraud); or
- Persons external to KPA, either with or without assistance from a KPA employee (known as external or customer fraud).

Fraud can take many forms including (but not limited to):

- Theft or obtaining property, financial advantage or any other benefit by deception;
- Providing false or misleading information, or failing to provide information where there is an obligation to do so;
- Causing a loss, or avoiding or creating a liability by deception;
- Making, using or possessing forged or falsified documents;
- Unlawful use of computers, telephones, or other property or services, and
- Manipulating expenses or salaries.

Directors and employees:

- must not engage in any fraudulent or corrupt behavior; and
- must report any information about actual or potential fraud, corrupt or illegal activities to the the PID officer, the Corruption and Crime Commission and/or the police.

For further information please refer to KPA's: *Fraud and Corruption, Control, Detection and Response Plan*  
*Public Interest Disclosure Procedure*  
*Delegated Authority Procedure*  
*Procurement Procedure*

Reference legislation: *Corruption, Crime and Misconduct Act 2003*  
*Criminal Code*  
*Public Interest Disclosure Act 2003*

## **10. DEALING WITH CONFLICTS OF INTEREST - EMPLOYEES**

The existence of a conflict of interest can adversely affect public confidence in the integrity of KPA, its employees, consultants or contractors and Board Directors. Conflicts of interest arise or may appear to arise when personal or outside interests (such as investments, political views, relationships, voluntary work, private employment or membership of the other groups):

- influence;
- appear to influence; or
- have the potential to influence work related decisions or actions (see Appendix A for strategies in dealing with conflicts of interest).

You must inform your manager, or, in the case of the Chief Executive Officer, the Chair of the Board in writing (see Appendix B for a conflict of interest report record) of any personal or outside interest, including any private employment, which may conflict or be perceived to conflict with the performance of your work for KPA. Refer to Appendix A, Identifying and Responding to Conflicts of Interest, when completing a conflict of interest record. In accordance with governance requirements at KPA, if you believe that another person has a conflict of interest please report this to your Supervisor or Manager.

Having a conflict of interest is not wrong, but it needs to be managed in the public interest rather than in the interests of the individual. A conflict situation will require ongoing monitoring and may change over time. If you are uncertain as to whether a conflict of interest exists, you should discuss the matter with your manager or the Governance Manager as soon as you become aware of the potential for a conflict of interest to arise or be perceived to arise. In the case of the Chief Executive Officer potential conflicts of interest should be discussed with the Chair of the Board. Any conflict of interest which does arise will need to be reported to the Chief Executive Officer or Chair using the Conflict of Interest reporting form and recorded in the Conflict of Interest Register to ensure that the processes intended to address the conflict are appropriate, transparent and capable of review.

## **11. DEALING WITH CONFLICTS OF INTEREST – BOARD DIRECTORS**

Board Directors have responsibilities under Common Law, the *Statutory Corporations (Liability of Directors) Act 1996*, the *Port Authorities Act 1999* and the *Government Trading Enterprises Act 2023* in regard to reporting conflicts of interest. Identifying, declaring and managing conflicts of interest are essential to maintain public trust, ensure fair decision making and safeguard public resources.

Directors are expected to:

- Act honestly;
- Act loyally and in good faith;
- Exercise reasonable care and diligence;
- Act in the best interest of KPA;
- Not to fetter the future exercise of powers or discretions;

- Avoid being placed in a position of conflict of interest between any personal interest and their duties to KPA, and when necessary disclose all notifiable interests (as defined below);
- Exercise power for proper purposes including:
  - a duty not to make improper use of information; and
  - a duty not to make improper use of position.

A notifiable interest is a material personal interest which may prevent a Director from voting on a matter being considered by the Board. A material interest is one which might have the capacity to influence the vote of a particular Director upon the decision to be made, bearing in mind that the conflict of interest must be of a real or substantial kind.

Board Directors who have a notifiable interest in a matter involving KPA must, as soon as possible after the relevant facts have come to the director's knowledge, complete the Conflict of Interest Record form (Appendix C) to assist in determining the nature of a conflict of interest and disclose the nature of the interest to the Chair and at a meeting of the Board.

The Directors may pass a resolution that they are satisfied that a notifiable interest should not disqualify a Director from considering or voting on a declared matter.

If a Director has a material interest then the Director:

- must not receive any documentation related to their conflict of interest;
- must not vote whether at a meeting or otherwise on the matter; and
- must not be present while the matter is being considered at a meeting.

The recording of a conflict of interest is to be a standing item on the Board meeting agenda and any action taken in response to the declaration is to be noted. A conflict of interest register is to be maintained as a permanent record of declared conflicts and for future reference when sending out agenda papers to Directors, and reviewed annually for any changes in conflicts, see (Appendix D).

## **12. OFFER AND ACCEPTANCE OF GIFTS AND OTHER INCENTIVES**

You have a responsibility not to use your position or role at KPA to seek or obtain financial or other advantages, such as any fee, commission, reward or remuneration in excess of your contractual entitlements for yourself, your family or for some other individual or organisation (other than KPA). In addition, the acceptance of gifts, hospitality or other benefits can place you in a position of actual or potential conflict of interest by appearing to improperly influence your work related decisions and actions. For these reasons you should never solicit a gift, hospitality or any other benefit of any value.

Under no circumstances should a gift of money or a loan be accepted.

Employees offered gifts or inducements are to report them immediately to the Chief Executive Officer or in the case of the CEO and Directors to the Board Chair.

The details of any gifts offered (whether accepted or not) must be declared and recorded on a Gift, Benefits or Hospitality Decision Form (Appendix E). The Decision Form is to be submitted to the CEO, and in the case of the CEO and Directors to the Chair of the Board, for review and/or authorisation. Acceptance of any gift must be authorised before acceptance. All decisions made in regard to declining or accepting gifts are to be recorded on a Gift, Benefits or Hospitality Decision Register

(Appendix F) which is to be reviewed by the CEO on a six monthly basis. The Decisions Register is maintained by the Governance Manager.

All gifts offered to KPA Directors and employees who exercise discretionary authority in relation to the gift offerer are to be declined, unless approved in writing by the CEO or in the case of the CEO or a Board Director the Chair. All gifts offered to KPA Directors and employees who influence or are likely to influence, discretionary authority exercised by others in relation to the benefit, are to be declined, unless approved in writing by the CEO or in the case of the CEO or a Board Director the Chair.

Employees and Directors should use discretion when accepting gifts or benefits offered from a foreign entity or when travelling overseas on behalf of KPA. This should be balanced with the potential impact of declining a gift, which in some instances may offend the giver based on their cultural beliefs and customs. Electronic device gifts (including data storage devices) represent a particular threat, and should be stored away from work areas and security checked by KPA's ICT Systems Administrator before use.

Certain types of gifts such as unsolicited gifts and those of a low value under \$50 (such as pens, key rings, diaries or a low value bottles of alcohol) may be accepted by Directors and employees, who do not exercise discretionary authority, provided that they are received irregularly and the gift is reported by completing a Decision Form, entered on the register and approved by the CEO. Directors and employees may accept unsolicited hospitality such as an invitation to an organisation's office opening, Christmas function, meals when discussing official business, free meals (of a modest nature) when formally representing KPA at a conference or workshop; and invitations to appropriate after hours functions. Any low value hospitality accepted should be reported on the Decision Form and provided to the Governance manager for recording on the benefit register.

All other gifts, hospitality or other benefits offered should be refused unless you have the approval of the Chief Executive Officer or (in the case of the CEO and Board Directors) the Chair of the Board to accept the gift, hospitality or other benefit. All gifts or hospitality offered should be recorded for transparency purposes, be modest if accepted and in line with community expectations. The Gift, Hospitality or Benefit Decision Register is to be monitored by the Governance manager.

Any gifts which are retained become the property of KPA, unless declared otherwise by the Chief Executive Officer or the Chair of the Board. The Chief Executive Officer or Chair, in the case of the CEO and Board Directors, will decide whether the item should be retained by the recipient, by KPA or donated to another body.

The Chief Executive Officer for employees or Board Chair in the case of the CEO or Board Directors may approve the acceptance of a gift from an overseas customer where refusal would cause offence.

Gifts, hospitality or other benefits may only be given in accordance with KPA's Corporate Entertainment Procedure.

If you have any doubt as to whether gifts, hospitality or other benefits should be given or accepted, you should discuss the matter with your supervisor, manager, the Chief Executive Officer or if you are a Board Director or the CEO the Chair of the Board.

For further information please refer to KPA's: *Corporate Entertainment Procedure*

### **13. PUBLIC COMMENT**

All communications or dealings with the media are to be handled by the Chief Executive Officer or such other persons as the Chief Executive Officer or the Chair of the Board authorises from time to time.

In the course of your duties as a Director or employee you may be called upon to provide information to Parliament, Ministers, ministerial staff, lobbyists and/or the public. If you are in this situation you should only provide such information as you are authorised to provide. The information you provide should be confined to factual details only and be restricted to the issue or question at hand. You should refrain from giving your personal views and avoid speculation on future policy directions of either KPA or the Government.

Social media is not an approved form of communication and comments made in a personal capacity should not be seen to represent the views of KPA, where you are identified as a KPA employee. It is not appropriate to make disparaging remarks about KPA and/or its employees, consultants or contractors on any private social media sites.

For further information please refer to KPA's: *Communications Plan*

### **14. RELEASE AND USE OF PORT AUTHORITY INFORMATION**

In the course of performing your duties you may have access to sensitive and/or confidential information. For example specific details of the activities of any of KPA's customers (such as level of trade, contractual arrangements, development plans etc) are commercially confidential to that customer. Other examples of confidential information include: KPA policies and procedures, internal documents and personal information about other staff.

Sensitive and/or confidential information must not be used in an improper manner (for example for personal benefit or for the benefit of another individual or organisation) or disclosed without authorisation. This includes disclosing information to family members, friends or members of the public. For example it would be improper to discuss a customer's plans or proposals with friends before this information is publicly released.

You must ensure that sensitive and/or confidential information is stored securely at all times.

Information that is otherwise publicly available may be disclosed. If you are uncertain as to what constitutes publicly available information you should discuss the matter with the Chief Executive Officer or Chair of the Board, in the case of the CEO or Directors; before you use or disclose the information.

Both the *Freedom of Information Act 1992 (WA)* and the *Privacy Act 1998 (Cwth)* provide mechanisms by which the public can seek access to KPA information.

In accordance with these *Acts* KPA will:

- Provide access to information which is not classified as protected;
- Allow access promptly at the lowest possible cost, and
- Ensure personal information which it holds is accurate and complete.

It is important that when preparing any document that may become part of the public record that you deal only with the facts. Actions and decisions should be recorded to assist transparency. You should avoid recording disparaging remarks and personal opinions about individuals. Any records which you receive or create must be protected and managed with care in accordance with the *State Records Act 2000 (WA)*. Public records created cannot be falsified, destroyed, altered, back dated or damaged.

An employee cannot record a conversation, either visually or using a listening device, with another employee, contractor or consultant without their knowledge and consent (either implied or overt). If an employee does record a conversation without the consent of the other party to the conversation then they can be subject to disciplinary action up to and including dismissal. An exception is where the recording is reasonably necessary for the protection of the lawful interests of a party to the conversation such as where an employee is being harassed, bullied or discriminated against.

KPA will maintain employee records in accordance with statutory requirements. In relation to how records are managed please refer to KPA's Recordkeeping Procedures. The privacy of employees is respected and information contained on their personal files must be kept in strict confidence. Any employee may view their personnel file under supervision.

For further information please refer to KPA's: *Information Statement*  
*IT Security Management Procedure*  
*Recordkeeping Procedure*

Reference legislation: *State Records Act 2000,*  
*Surveillance Devices Act 1998*  
*Freedom of Information Act 1992*  
*Privacy Act 1998*

## **15. USE OF PORT AUTHORITY RESOURCES**

KPA resources including both physical property (such as land, buildings, vehicles and equipment) and intellectual property may only be used by authorised persons for approved purposes.

KPA resources may not be used for personal purposes, party political work, nor removed from KPA premises (other than in accordance with KPA procedures) without the authority of the Harbour Master, COO, CFO, GM Sustainability or Governance Manager, the Chief Executive Officer or Board Chair.

Portable equipment must be kept secure at all times and not left exposed in motor vehicles. Any damage, loss or faults to KPA resources must be reported immediately.

The purchase of goods and services and the disposal of KPA resources must occur in accordance with the procedures outlined in KPA's Procurement Procedures and Delegated Authority Procedures.

All intellectual property developed in the course of your duties belongs to KPA and should not be used for personal gain.

The engagement of any consultants must be approved in writing by the Chief Executive Officer.

For further information please refer to KPA's: *Computer and Communications Facilities Procedure*

*Mobile Device Procedure*  
*Procurement Procedures*  
*Delegated Authority Procedures*

### **15.1     **Telephones****

All of us need to make calls of a personal nature during working hours from time to time. In these circumstances the call should be local and the duration of the call should be kept to a minimum. Personal STD and international calls are only to be made in an emergency situation with the permission of your supervisor.

Images are not to be taken within KPA's workplace using personal telephones / devices or KPA provided telephones / devices unless approved by the CEO; or it is recording an incident, hazard or required for training or maintenance purposes and then should be reported to the GM Sustainability, Maintenance Superintendent or Harbour Master. Images are not to be used on social media or sent to other identities. Mobile telephones issued by KPA must be used in accordance with KPA's Mobile Telephone Procedure.

For further information please refer to KPA's: *Mobile Telephone Procedure*

### **15.2     **Motor Vehicles****

KPA vehicles and vehicles used by KPA employees for KPA business must be operated in accordance with the KPA Vehicle Procedure. Smoking is not permitted in KPA vehicles. Any parking, speeding or other infringements incurred by the driver of a KPA vehicle are the responsibility of that driver and should be reported to your supervisor. All accidents involving KPA vehicles or KPA employees while on KPA business are to be reported immediately to your supervisor.

For further information please refer to KPA's: *Vehicle Procedure*

### **15.3     **Corporate Credit Cards****

Corporate credit cards will be issued to authorised individuals for the payment of specified business expenses. Corporate credits cards must be issued and operated in accordance with the Corporate Credit Card Procedures.

For further information please refer to KPA's: *Corporate Credit Card Procedure*  
*Business Travel Procedure*

### **15.4     **Computer Facilities****

Computer facilities such as computer hardware, computer software/applications and email/internet access are provided by KPA to authorised users to enhance customer services, improve productivity and increase knowledge for business related purposes. KPA computer facilities must be used at all times in an efficient, effective and lawful manner. Limited personal use of computer facilities is permitted provided the usage complies with the guidelines set out in KPA's Computer and Communications Facilities Procedure. Computer, email and internet use is monitored through the use of a "user id" and password. All users should ensure that they log off or have secured their user ID by password before leaving their workstation.

For further information please refer to KPA's: *Computer and Communications Facilities Procedure*

### **15.5 Expenditure on Official Hospitality**

Corporate entertainment expenses should only be incurred where it is essential to facilitate the business of KPA. Only those types of entertainment expenses authorised by KPA's Corporate Entertainment Procedure may be incurred. Entertainment expenses may only be incurred by those persons authorised by the Corporate Entertainment procedure to incur such expenses.

For further information please refer to KPA's: *Corporate Entertainment Procedure*

### **15.6 Expenditure on Travel**

Employee business travel is only to be undertaken with the approval of their manager or CEO. Travel and travel related expenses are to be reasonable and necessarily incurred while undertaking approved business travel and procured in an accountable and cost effective manner.

For further information please refer to KPA's: *Business Travel Procedure*

## **16. RISK MANAGEMENT**

KPA is committed to establishing a comprehensive, integrated and systematic approach to managing risk in accordance with industry best practice. Circumstances which pose a risk should be identified and responded to in accordance with KPA's Risk Management Framework.

KPA has Governance included as a strategic risk and has assessed fraud, corruption, misconduct and / or breaches of confidentiality as an operational risk and has mitigating procedures in place.

For further information please refer to KPA's: *Fraud and Corruption Control, Detection and Response Plan*  
*Risk Management Framework*  
*Procurement Procedure*  
*Accounting Procedures*  
*Delegated Authority Procedure*

## **17. BREACHES OF THE CODE OF CONDUCT**

If a person believes that a breach of the Code has occurred then they must immediately bring the matter to the attention of Chief Executive Officer, the Governance Manager/PID officer or (in the case of the Chief Executive Officer and Board Members) to the Chair of the Board.

A person who reports a breach of the Code will not be victimised, penalised or disadvantaged as a result of making the report provided that the report is made honestly and fairly. Persons who make false or malicious reports will however be subject to disciplinary action and may be subject to legal action.

Any alleged breaches will be promptly, fully, and impartially investigated. Any person who is alleged to have breached the Code will be entitled to know the details of the allegations made against them and be given an opportunity to respond to those allegations. They will be entitled to be accompanied

by a support person at any meeting in relation to the investigation of the alleged breach. Any decision made will be fair and impartial and based on the evidence collected.

All persons involved in the investigation of an alleged breach of the Code, including any witnesses must keep information about the alleged breach confidential except where disclosure is required for the purposes of the investigation or by law. Breach of confidentiality is a disciplinary offence and will be dealt with accordingly.

Anyone found to have breached the Code or the law or to have made a false or malicious report will be subject to disciplinary action which may extend to termination of employment (or in the case of contractors or consultants and Board Directors - the termination of their engagement). Depending on the nature of the alleged breach of the Code the breach may be reported to the PID Officer, if it constitutes minor misconduct it can also be reported direct to the Public Sector Commission <https://www.wa.gov.au/organisation/public-sector-commission/reporting-minor-misconduct> and for serious misconduct it should be reported to the Corruption and Crime Commission at [https://www.ccc.wa.gov.au/report\\_misconduct](https://www.ccc.wa.gov.au/report_misconduct) and/or the Police.

Breaches of the Code of Conduct are reported to the KPA Board Governance, Human Resources and Sustainability sub-Committee, the Public Sector Commission through annual surveys, recorded in KPA's Annual Report and reported to the Minister for Ports under section 23(1) of the Port Authorities Act.

For further information please refer to KPA's:

*Fair Treatment Procedure*  
*Public Interest Disclosure Procedure*

*Reference legislation:*

*Corruption, Crime and Misconduct Act  
2003*

## **18. REVIEW OF THE CODE OF CONDUCT**

The Code is a "living document", and will be updated and amended as required to reflect changes in circumstance, policies and government directives, or as a result of previously unforeseen ethical issues that may arise. Comments and suggestions for improvement of the Code are sought and should be directed to the Chief Executive Officer or the Governance Manager.

## **19. WHERE TO GO FOR FURTHER INFORMATION**

A Code of Conduct cannot cover every possible situation. If you are unsure of the appropriate action to take in a particular situation consult the resources referred to in the Code and any other relevant KPA procedures and discuss the matter with your supervisor, manager, the Chief Executive Officer or (in the case of the Chief Executive Officer and Board Directors) the Chair of the Board.

## **20. APPENDIX A – IDENTIFYING AND MANAGING CONFLICTS OF INTEREST**

 <b>KIMBERLEY PORTS AUTHORITY</b>	<b>CODE OF CONDUCT</b>	File ref: STM022/210779 Version: V2.6 Issue date: May 2024
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## APPENDIX A- IDENTIFYING AND MANAGING CONFLICTS OF INTEREST

While there is no one right way to identify every situation, the 6Ps tool is a good starting point to consider if a conflict of interest exists.

6 Ps	Questions to ask
<b>Public duty versus personal interest</b>	<ul style="list-style-type: none"> <li>Do I have a personal interest that may conflict or be seen to conflict with my public duty – roles and responsibilities – in this situation?</li> <li>What does my public duty require (for example, legislation, code of ethics, authority code of conduct and policies)?</li> </ul>
<b>Potentialities</b>	<ul style="list-style-type: none"> <li>Could there be benefits for me or someone important to me now or in the future that could cast doubt on my impartiality?</li> </ul>
<b>Perception</b>	<ul style="list-style-type: none"> <li>How will my involvement in the decision/action be viewed by others if they knew about my public duties and my interests?</li> <li>Would a neutral/reasonable person think these personal interests could conflict with my public duties?</li> <li>How damaging could perceptions be to me or my authority?</li> </ul>
<b>Proportionality</b>	<ul style="list-style-type: none"> <li>Does my involvement in the decision appear fair and reasonable in all the circumstances?</li> </ul>
<b>Presence of mind</b>	<ul style="list-style-type: none"> <li>If I ignore a conflict of interest, what are the consequences for me, others, my colleagues, the public and my authority?</li> <li>Would my involvement withstand public scrutiny?</li> <li>Who should I be discussing this with?</li> </ul>
<b>Promises</b>	<ul style="list-style-type: none"> <li>Have I made any promises or commitments in relation to the matter?</li> </ul>

The 6Rs table below has management strategies to consider when completing a Conflict of Interest form. These are a guide only and do not replace any legislative requirements for how conflicts of interest are to be disclosed and managed. Often a combination of strategies is needed.

6 Rs	Description
<b>Record/Register</b>	<ul style="list-style-type: none"> <li>Record the disclosure of a conflict of interest in a register or some other manner.</li> <li>Exercise caution in determining whether this is a suitable management strategy or just the first step and other management strategies are required.</li> <li>Where significant risks are posed by a conflict of interest, recording/registering is the minimum requirement and is accompanied by another management strategy.</li> </ul>

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6 Rs	Description
<b>Restrict</b>	<ul style="list-style-type: none"> <li>Restrict an officer's involvement in the matter to separate them from parts of the activity/issue that give rise to the conflict.</li> <li>This may mean refraining from being part of the debate, abstaining from voting on decisions, and/or limiting access to information relating to the conflict of interest.</li> <li>This strategy is useful for situations that occur infrequently and where it is possible to separate parts of the activity involved.</li> </ul>
<b>Recruit</b>	<ul style="list-style-type: none"> <li>Recruit an independent third party to oversee part or all of the process or review the decision making process.</li> <li>This strategy is useful when it is not possible to restrict an officer's involvement as they are the only one available or only one with the required skills or knowledge, or the conflict is perceived rather than actual but the impact could be significant.</li> <li>The third party can fill in for the person or assist with the process and attest that it was above board and impartial. Getting the right third party is important as their credibility is what provides assurance to the public.</li> <li>This strategy is not realistic where the conflict is ongoing.</li> </ul>
<b>Remove</b>	<ul style="list-style-type: none"> <li>Remove involvement in the matter altogether. This could be the best option when ad hoc or recruitment strategies are not feasible or appropriate.</li> <li>This may be difficult to apply where a conflict is ongoing and impacts substantial parts of the role, as it can result in an officer not being able to carry out their role.</li> </ul>
<b>Relinquish</b>	<ul style="list-style-type: none"> <li>Relinquish personal interests that are creating the conflict.</li> <li>This strategy ensures there is no conflict with an officer's public duty. Examples include relinquishing shares or membership of a club/association.</li> <li>No one can or should be forced to give up a personal interest. It is up to the officer to decide whether their work commitments outweigh the attachment to the personal interest and to work with the authority to apply the appropriate management strategy.</li> </ul>
<b>Resign</b>	<ul style="list-style-type: none"> <li>Resigning may be the only strategy if the conflict of interest cannot be managed in any other way, particularly where conflicting personal interests cannot be relinquished and the conflict is ongoing.</li> </ul>

## **21. APPENDIX B – CONFLICT OF INTEREST RECORD**

## APPENDIX B – EMPLOYEE CONFLICT OF INTEREST ASSESSMENT GUIDE AND RECORD

Please complete with reference to the Identifying and Responding to Conflicts of Interest in the Western Australian Public Sector (*Appendix A*).

Reporting individual to complete this section (with assistance from your manager or the Governance Manager).

**Step 1:** Describe the nature of the matter or issue that is the subject of the possible conflict of interest.

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**Step 2:** Detail any KPA procedure or legislation that may dictate the required response to managing the conflict of interest.

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**Step 3:** Determine if a conflict of interest situation exists. (Consider all the items on the checklist to ensure all relevant factors and risks are identified).

### PRIVATE INTEREST:

Do I have any significant ties, obligations, financial relationships, affiliations with organisations, clubs, groups or individuals who stand to gain or lose from this matter? Yes No

Do I, or anyone associated with me, have a private business (or secondary employment) interest in this matter? Yes No

Do I have significant family or other relationships with clients, contractors or other staff involved in the matter? Yes No

Does the matter fall within the definition of a financial (pecuniary) interest as defined in legislation and regulations? (Such as owning shares, or a family member being involved in a company that has tendered for work at KPA.) Yes No

### POTENTIAL BENEFITS:

Could I, or anyone associated with me, benefit now or in the future from my decision or action in relation to this matter? Yes No

Could I, or anyone associated with me, be detrimentally affected now or in the future by my decision or action in relation to this matter? Yes No

Have I received a benefit, gift, donation or hospitality (meals, drinks, tickets etc) from someone who stands to gain or lose from a decision or action in relation to this matter? Yes No

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Could this matter have an influence on my future employment opportunities?    Yes    No

**PERCEPTIONS:**

Would it appear to a neutral person that my private interests were in conflict with my public duty?    Yes    No

Do I hold any private or professional views and biases that may lead others to conclude I am not an appropriate person to deal with this?    Yes    No

Are there perception risks for KPA or myself if I remain involved?    Yes    No

Would I think it was wrong or improper if I saw someone else doing this?    Yes    No

**PROPORTIONALITY:**

If I am not involved, will this ensure impartiality, fairness and protect the public interest?    Yes    No

Is my involvement possibly illegal?    Yes    No

Is my involvement contrary to any KPA standard procedures?    Yes    No

**PUBLIC SCRUTINY TEST:**

Is the matter one of great public interest? Is it controversial and likely to attract significant public attention?    Yes    No

Would I feel ashamed if my private interest was exposed on the News or the front page of a newspaper?    Yes    No

Would I find it hard to defend and justify my actions and/or involvement if questioned publicly?    Yes    No

Could my involvement result in negative consequences for others, KPA, or myself?    Yes    No

**PROMISES & OBLIGATIONS:**

Have I made any promises or commitments, been involved in or contributed privately (outside of work) to this matter?    Yes    No

Do I have a current or previous relationship with an interested party that would place me under an obligation?    Yes    No

Do I have affiliations past or present (political, union, professional, religious etc.) that place me under an obligation?    Yes    No

**Step 4:** The identified conflict of interest is a:

☐ Actual conflict, means where a real conflict of interest between a persons' public duties and their private interests.

☐ Perceived conflict, means where a third party could form the view that a person's private interests could improperly influence the performance of their duties now or into the future.

☐ Potential conflict, means where a person has private interest that could conflict with their public duties.

**Step 5:** The type of conflict of interest is a

☐ Financial conflict                      ☐ Partiality conflict                      ☐ Role conflict

*Management or CEO to complete during the interview with reporting individual.*

**Step 6:** Proposed strategy and plan to resolve or manage the conflict of interest (with reference to *Appendix A*).

- Register - the Conflict (completed form to be given to Governance Manager for recordkeeping purposes and registration).

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- Restrict - place limits (if applicable) on the extent and / or type of involvement in the matter. List steps taken (if any).

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- Recruit - involve (if applicable) another manager or the CEO to oversee or review the process. List details of third party and their role.

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- Remove - withdrawal (if applicable) from all involvement in the matter for as long as the conflict exists. Details extent of removal and duration.

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- Relinquish - give up (if applicable) the private interest involved. Detail action taken to disengage from the private interest and when.

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- Resign - resign (if applicable) from KPA. Detail reason and effective date of resignation.

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- Detail why a specific management strategy was selected.

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- Detail any further action and monitoring required.

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Review Date: \_\_\_\_\_

Should a previously reported conflict of interest change in nature a new conflict of interest form should be completed and submitted.

**COMPLETED BY:**

Full Name: \_\_\_\_\_ Position: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**APPROVED BY:**

Full Name: \_\_\_\_\_ Position: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**VERIFICATION BY CEO:**

Full Name: \_\_\_\_\_ Position: Chief Executive Officer  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **22. APPENDIX C – BOARD CONFLICT OF INTEREST RECORD**

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## APPENDIX C – BOARD CONFLICT OF INTEREST ASSESSMENT GUIDE AND RECORD

When considering reporting a material personal interest Directors should refer to Division 5, Section 58 of the Government Trading Enterprises Act 2023 in relation to reporting a material personal interest. Please complete with reference to the Identifying and Managing a Conflict of Interest (*Appendix A*).

*Reporting individual to complete this section*

**Step 1:** Describe the nature of the matter or issue that is the subject of the possible conflict of interest.

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**Step 2:** Detail any KPA procedure or legislation that may dictate the required response to managing the conflict of interest.

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**Step 3:** Determine if a conflict of interest situation exists. (Consider all the items on the checklist to ensure all relevant factors and risks are identified).

### PRIVATE INTEREST:

Do I have any significant ties, obligations, financial relationships, affiliations with organisations, clubs, groups or individuals who stand to gain or lose from this matter? Yes No

Do I, or anyone associated with me, have a private business (or secondary employment) interest in this matter? Yes No

Do I have significant family or other relationships with clients, contractors or other staff involved in the matter? Yes No

Does the matter fall within the definition of a financial (pecuniary) interest as defined in legislation and regulations? (Such as owning shares or a family member being involved in a company that has tendered for work at KPA.) Yes No

### POTENTIAL BENEFITS:

Could I, or anyone associated with me, benefit now or in the future from my decision or action in relation to this matter? Yes No

Have I received a benefit, gift, donation or hospitality (meals, drinks, tickets etc) from someone who stands to gain or lose from a decision or action in relation to this matter? Yes No

Could this matter have an influence on my future employment opportunities? Yes No

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#### PERCEPTIONS:

Would it appear to a neutral person that my private interests were in conflict with my public duty?	Yes	No
Are there perception risks for KPA or myself if I remain involved?	Yes	No
Would I think it was wrong or improper if I saw someone else doing this?	Yes	No

#### PROPORTIONALITY:

If I am not involved, will this ensure impartiality, fairness and protect the public interest?	Yes	No
Is my involvement possibly illegal?	Yes	No
Is my involvement contrary to any KPA standard procedures?	Yes	No

#### PUBLIC SCRUTINY TEST:

Is the matter one of great public interest? Is it controversial and likely to attract significant public attention?	Yes	No
Would I find it hard to defend and justify my actions and/or involvement if questioned publicly?	Yes	No
Could my involvement result in negative consequences for others, KPA, or myself?	Yes	No

#### PROMISES & OBLIGATIONS:

Have I made any promises or commitments, been involved in or contributed privately (outside of work) to this matter?	Yes	No
Do I have a current or previous relationship with an interested party that would place me under an obligation?	Yes	No
Do I have affiliations past or present (political, union, professional, religious etc) that place me under an obligation?	Yes	No

**Step 4:** The identified conflict of interest is a

☐ Actual conflict
                    
 ☐ Perceived conflict
                    
 ☐ Potential conflict

**Step 5:** The type of conflict of interest is a

☐ Financial conflict
                    
 ☐ Partiality conflict
                    
 ☐ Role conflict

*Chair to complete during the interview with reporting individual.*

**Step 6:** Proposed strategy and plan to resolve or manage the conflict of interest (with reference to Appendix A.

- Register - the Conflict (completed form to be given to Governance Manager for recordkeeping purposes and inclusion on the Conflict of Interest register).
- Restrict - place limits on the extent and / or type of involvement or withdrawal of involvement in the matter. Steps to be taken may include one or all of the following:

- Do not receive any documents or Board papers in relation to the matter ☐
- Withdraw from any Board discussion on the matter ☐
- Leave the Board meeting while the matter is being discussed or a recommendation is being considered and voted on ☐

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- Relinquish - give up (if applicable) the private interest involved. Detail action taken to disengage from the private interest and when.

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- Resign - resign (if applicable) from KPA. Detail reason and effective date of resignation.

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- Detail why a specific management strategy was selected.

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- Detail any further action and monitoring required.

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- Review Date: \_\_\_\_\_

Should a previously reported conflict of interest change in nature a new conflict of interest form should be completed and submitted.

**COMPLETED BY DIRECTOR:**

Full Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**APPROVED BY CHAIR:**

Full Name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **23. APPENDIX D – CONFLICT OF INTEREST REGISTER TEMPLATE**



## CONFLICT OF INTEREST REGISTER

Issue date: May 2024

[illegible]

**24. APPENDIX E – RECORD OF GIFT, BENEFIT OR HOSPITALITY DECISION FORM**

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## APPENDIX E – GIFT, BENEFIT OR HOSPITALITY DECISION FORM

This declaration supports KPA's Code of Conduct.

Director or Employee to complete			
Details			
Surname		First name	
Position title		Department	
Description of offer			
Date of offer			
Description of offer			
Estimated or actual value (attach any information that confirms value)			
Description of person/organisation making/made offer			
Name of person making/made offer			
Position of person making/made offer (if known and applicable)			
Name of the organisation making/made offer			
Nature of KPA's relationship with person/organisation making/made offer		<input type="checkbox"/> Client/customer <input type="checkbox"/> Member of public <input type="checkbox"/> Supplier/contractor <input type="checkbox"/> Other (describe)	

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Director or Employee assessment			
Why is the offer being made/has been made? Consider expectations eg: the relationship, influence, favours and trust.			
Could accepting the offer create an actual, potential or perceived conflict of interest <sup>1</sup> ?  For example, are you/KPA about to make a decision about the person/organisation that could lead to a favourable outcome for them?		<input type="checkbox"/> Yes If yes, ensure decision reflects appropriate management strategy, and consider if conflict of interest declaration is also required.  <input type="checkbox"/> No <input type="checkbox"/> Unsure	
Does accepting an offer of hospitality have a link or obvious benefit to either KPA or government priorities or objectives?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure	
Have any previous offers been made to you/KPA by the same person/organisation in the last 12 months?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unsure	
Have you already accepted/declined the offer?		<input type="checkbox"/> Yes <input type="checkbox"/> No  Date accepted/declined:	
Do you want to accept the offer? If <b>yes</b> , why?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Director or Employee declaration			
I declare the information I am providing in this declaration is true and accurate to the best of my knowledge.			
Signature		Date	

<sup>1</sup> **Actual conflict of interest** is where a personal interests and public duty conflict. These are happening now and require management.

**Potential conflict of interest** is where a personal interest and public duty are likely to conflict sometime in the future.

**Perceived conflict of interest** is where a third party could form the view that a personal interest could improperly influence a decision or action now or in the future.

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<b>CEO or Chair to complete</b>			
Surname		First name	
<p>I have reviewed the information provided and recommend the following action:</p> <p><input type="checkbox"/> Offer be declined</p> <p><input type="checkbox"/> Gift or benefit be returned to person/organisation</p> <p><input type="checkbox"/> Gift or benefit be retained by the Director/employee</p> <p><input type="checkbox"/> Gift or benefit be retained by KPA</p> <p><input type="checkbox"/> Gift or benefit be disposed of by KPA (e.g. donated to charity)</p> <p><input type="checkbox"/> Hospitality be accepted</p> <p><input type="checkbox"/> Other (detail)</p>			
<p>I confirm that to the best of my knowledge the offer or its acceptance:</p> <p><input type="checkbox"/> will not create/has not created an actual, potential or perceived conflict of interest</p> <p><input type="checkbox"/> where hospitality is accepted, it has a link or obvious benefit to either KPA or government priorities and objectives; and creates no actual, potential or perceived conflict of interest.</p>			
<p>Approved value (if applicable):</p>  <p>I have submitted this declaration for inclusion on the gifts, benefits and hospitality register.</p>			
Signature		Date	

## **25. APPENDIX F – GIFTS, BENEFIT OR HOSPITALITY REGISTER TEMPLATE**



## REGISTER OF GIFTS, BENEFITS OR HOSPITALITY

Issue date: May 2023

[illegible]