

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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Variation Record:

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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	Board approved 26 June 2015

		images taken with mobile phones; 16 amended third paragraph. Appendix B and D updated, Appendix F inclusion of Board Directors and discretionary gift acceptance.	
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

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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.

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 7 and 8 outlines the Public Sector's Code of Ethics, which specifies the minimum standards of conduct and integrity applicable to all public sector bodies, public sector employees and consultants to public sector bodies and serves as a foundation for organisations specific codes of conduct. The Public Sector Code of Ethics contains three fundamental principles.

These are:

Personal Integrity – act with care and diligence and make decisions that are honest, fair, impartial and timely and consider all relevant information.

Relationships with Others – treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.

Accountability – use the resources of the State in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information.

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 occurs when a public sector employee uses or attempts to use their position for personal advantage or to cause detriment to others.

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 that causes actual or potential financial loss to any person or organisation.

Gift means an item willingly 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 includes behaviour that is not honest or impartial, misuse of workplace information for personal benefit and an employee's breach of trust.

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 the safest and most competitive ports network in regional Australia."

5.2 Our Mission

"The facilitation of maritime trade to deliver sustainable economic and social benefits for stakeholders across our region."

5.3 Our Goals

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

- Safety: to maintain demonstrably high levels of Health Safety and Environment (**HSE**) 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 HSE policies 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: *Occupational Health & Safety Act 1984*
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 under Section 20 of the Occupational Safety & Health Act 1984, to take reasonable care not to expose themselves or others to unnecessary health or safety risks. An important part of this duty is the employee's responsibility to ensure that he or she is in a fit state to work. Fit for work means a state of physical, mental and emotional health that enables a person to perform work in a manner that does not pose a risk, compromise or threaten the health and safety of themselves or others.

For further information please refer to KPA's: *Alcohol and Other Drugs Procedure*

Reference Legislation:

Occupational Safety & Health Act 1984

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, 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 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.

KPA employees and Board members should undertake accountable and ethical decision making training when there has been a large turnover of personnel or there has been a substantial change in relevant legislation or this Code of Conduct.

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 financial loss to a person or organisation. Corrupt conduct occurs when a KPA Director, employee, contractor or consultant uses or attempts to use their position at KPA for personal advantage or to cause detriment to others. Corrupt conduct includes official misconduct, bribery, fraud, theft and forgery. Fraudulent and corrupt conduct are

extreme examples of misconduct and should be reported to the Corruption and Crime Commission and/or police.

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 Governance manager as the PID officer, the Corruption and Crime Commission and/or the police.

For further information please refer to KPA's: *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 C, Conflict of Interest Guidelines, when completing a conflict of interest record. In accordance with governance requirements for 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 may change over time and may need ongoing monitoring. 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 and documented 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* and the *Port Authorities Act 1999* in regard to reporting conflicts of interest.

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;
- Ensure their duties as a director prevail over their duties as a public service officer, where applicable;
- 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 D) 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 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 items to Directors, see (Appendix E).

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 Decision Form (Appendix F). The Gift 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 Decision Register (Appendix G) which is to be reviewed by the CEO on a six monthly basis. The Gift Decisions Register is maintained by the Governance Manager and should be reviewed by the internal auditors.

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 gift, are to be declined, unless approved in writing by the CEO or in the case of the CEO or a Board Director the Chair.

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 Gifts Decision Form and entered on the register. 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 Gift Decision Form and provided to the Governance manager for recording on the gift 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 Decision Register is to be monitored by the Governance manager to ensure the annual monetary value of gifts offered or accepted from one gift giver or retained by a particular employee does not exceed \$500.

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, 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.

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 publically released.

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

Information that is otherwise publically available may be disclosed. If you are uncertain as to what constitutes publically 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: *IT Security Management Procedure*
Recordkeeping Procedure

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

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 Harbourmaster; Engineer; CFO, HSER or Governance Managers, 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.

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
Procurement 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, the call should be made using a land line 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 taken on KPA issued mobile phones are the property of KPA and may only be forwarded to the KPA HSER Manager and Harbourmaster if recording a hazard or incident, all other images should be sent to Administration employees for filing. 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, misconduct and / or breaches of confidentiality as an operational risk and has mitigating procedures in place.

For further information please refer to KPA's: *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 such as defamation proceedings.

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 to the Public Sector Commission and for serious misconduct it should be reported to the Corruption and Crime Commission and/or the Police.

Breaches of the Code of Conduct are reported to the KPA Board Governance and Human Resources 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:
2003

Corruption, Crime and Misconduct Act

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, the Chief Executive Officer or (in the case of the Chief Executive Officer and Board Directors) the Chair of the Board.

20. APPENDIX A – CONFLICT OF INTEREST RESPONSE STRATEGY

21. APPENDIX B – CONFLICT OF INTEREST RECORD

22. APPENDIX C – CONFLICT OF INTEREST GUIDELINES

23. APPENDIX D – BOARD CONFLICT OF INTEREST RECORD

24. APPENDIX E – CONFLICT OF INTEREST REGISTER TEMPLATE

25. APPENDIX F – RECORD OF GIFT DECISION FORM

26. APPENDIX G – GIFTS REGISTER TEMPLATE



Conflict of Interest Response Strategy

RESPONSE STRATEGY	WHEN TO USE	WHEN NOT TO USE	EXAMPLES
1. REGISTER = to formally register or record the details of a conflict of interest.	<ul style="list-style-type: none"> In all instances where a COI is identified. 	Should not be used as the only strategy where: <ul style="list-style-type: none"> The COI risk is significant or high. Continued involvement would convey a strong perception of bias. There are legislative or policy provisions requiring removal or relinquishment. 	<ul style="list-style-type: none"> Declare interest, line manager provides supervision of ongoing involvement. Involved parties informed of conflict, agency assessment and management strategy. Declaration forms, records of minutes, registers.
2. RESTRICT = place limits on the extent and/or type of involvement in the matter.	<ul style="list-style-type: none"> Where it is feasible to separate out discrete activities or parts of the process. COI is a one off or infrequent occurrence. 	<ul style="list-style-type: none"> COI is ongoing and would result in the person not being able to carry out their job. 	<ul style="list-style-type: none"> Not being involved in criteria setting, decision making stages or voting. Refraining from taking part in debate or discussions about the issue. Denying access to sensitive documents or information.
3. RECRUIT = involve an independent 3 rd party to oversee or review the process.	<ul style="list-style-type: none"> When a perceived as opposed to actual COI is involved. When it's not appropriate or desirable for person with the COI to be removed from the process. When the effects of a COI are more significant and require more proactive management. 	<ul style="list-style-type: none"> When COI is serious and ongoing making ad hoc recruiting unworkable. Suitable 3rd party cannot be sourced. Involvement of 3rd party not appropriate for the proper handling of the matter. 	<ul style="list-style-type: none"> Decision reviewed by an independent 3rd party. Engage a probity auditor / independent 3rd party to oversee the integrity of the process. Increasing number of decision makers to balance influence of person with a COI.



RESPONSE STRATEGY	WHEN TO USE	WHEN NOT TO USE	EXAMPLES
4. REMOVE = withdraw from all involvement in the matter for as long as conflict exists.	<ul style="list-style-type: none">Ongoing serious COIs where ad-hoc or recruitment strategies are not feasible or appropriate.	<ul style="list-style-type: none">When COI and its effect are of low risk or significance.Where person is prepared to relinquish the relevant private interest.	<ul style="list-style-type: none">Removing person from all involvement.Abstain from any discussion about the matter.Rearrange duties or responsibilities to a non-conflicting function.Transfer to another project or work area.Remove person from any situation where they could potentially exert a covert influence on the actions or decisions.
5. RELINQUISH = give up the private interest involved.	<ul style="list-style-type: none">When commitment to public duty outweighs attachment to the private interest.Person affected prefers to relinquish as opposed to changing work arrangements.	<ul style="list-style-type: none">Person unable or unwilling to relinquish the private interest.When COI and its effect are of low risk or significance.	<ul style="list-style-type: none">Sell shares or financial interest that is creating the conflict.Withdraw from membership of the club, association, Board etc.Assigning private interest to a blind trust or blind management.
6. RESIGN = resign from the agency position.	<ul style="list-style-type: none">When COI cannot be resolved in any other way.When conflicting private interest cannot be relinquished.	<ul style="list-style-type: none">When COI and its effect are of low risk or significance.When other options exist that are workable.	<ul style="list-style-type: none">Resign from position in an agency.Transfer to another agency.Early retirement.

APPENDIX B – EMPLOYEE CONFLICT OF INTEREST ASSESSMENT GUIDE AND RECORD

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

Reporting individual to complete this section (with assistance from a grievance officer/manager if required).

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

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

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
---	-----	----

 KIMBERLEY PORTS AUTHORITY <i>Broome Port Services</i>	CODE OF CONDUCT	File ref: STM022/ Version: 2.5 Issue date: May 2023
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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.

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☐ 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, CEO or 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 the Conflict of Interest Response Strategy *Appendix C*).

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

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

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

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

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

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

- Detail any further action and monitoring required.

Review Date: _____

COMPLETED BY:

Full Name: _____ Position: _____

Signature: _____ Date: _____

APPROVED BY:

Full Name: _____ Position: _____

Signature: _____ Date: _____

VERIFICATION BY CEO:

Full Name: _____ Position: Chief Executive Officer

Signature: _____ Date: _____



Conflicts of Interests

Guidelines for the Western Australia Public Sector

“A conflict of interest is a situation arising from conflict between the performance of public duty and private or personal interests.”

“It isn’t wrong or unethical to have a conflict of interest, what is important is that it is identified and appropriately managed”

The Integrity Coordinating Group

The Integrity Coordinating Group (ICG) was formed to promote and strengthen integrity in Western Australian public authorities. ICG members support integrity through their independent roles under their own legislation, and also work collaboratively across the public sector.

Integrity in decision making

Decision makers need to demonstrate integrity by:

- serving the public interest
- using powers responsibly
- acting with honesty and transparency
- addressing improper conduct.

The Integrity in Decision Making guidelines

ICG supports building the capacity of public authorities, and their employees, to demonstrate integrity when making decisions.

These guidelines provide public authorities with information and practical tools about integrity in decision making, which can be used to strengthen and sustain their decision making processes.

What is a conflict of interest?

A conflict of interest is a situation arising from conflict between the performance of public duty and private or personal interests.

Conflicts of interest may be actual, or be perceived to exist, or potentially exist at some time in the future.

Perception of a conflict of interest is important to consider because public confidence in the integrity of an organisation is vital.

Is it wrong to have a conflict of interest?

No. It is not necessarily wrong or unethical to have a conflict of interest. However, identifying and managing the situation is important.

Public officers have a responsibility to always serve the public interest in performing their duties. Personal interests, whether these are financial, or relate to family, friends or associates, should not influence public duty.

It is not always possible to avoid a situation where a conflict of interest exists, particularly in small communities, or some specialist industries. It is vital that these situations are correctly managed to ensure the public interest is protected.

Who is responsible for identifying and managing conflicts of interest?

Although CEOs and senior managers have a particularly important role in ensuring conflict of interest situations are managed appropriately within an organisation, identifying a conflict of interest is an individual responsibility.

How can officers identify if a conflict of interest exists?

There is no one 'right' way to identify every situation, however a good starting point is for officers to consider the 6 Ps:

The 6 Ps

Public duty versus private interests

Do I have personal or private interests that may conflict, or be perceived to conflict with my public duty?

Potentialities

Could there be benefits for me now, or in the future, that could cast doubt on my objectivity?

Perception

Remember, perception is important. How will my involvement in the decision/action be viewed by others?

Proportionality

Does my involvement in the decision appear fair and reasonable in all the circumstances?

Presence of mind

What are the consequences if I ignore a conflict of interest? What if my involvement was questioned publicly?

Promises

Have I made any promises or commitments in relation to the matter? Do I stand to gain or lose from the proposed action/decision?

How can conflicts of interest be managed appropriately?

There are many ways to effectively manage conflicts of interest. The choice of strategies will be dependent on the operating environment, legislative requirements and practical solutions. Often a combination of strategies will be required.

The 6 Rs

The major options, or 6 Rs¹, for officers and supervisors to manage conflicts of interest are:

Record/Register

Recording the disclosure of a conflict of interest in a register is an important first step, however this does not necessarily resolve the conflict. It may be necessary to assess the situation and determine whether one or more of the following strategies is also required:

Restrict

It may be appropriate to restrict your involvement in the matter, for example, refrain from taking part in debate about a specific issue, abstain from voting on decisions, and/or restrict access to information relating to the conflict of interest. If this situation occurs frequently, and an ongoing conflict of interest is likely, other options may need to be considered.

Recruit

If it is not practical to restrict your involvement, an independent third party may need to be engaged to participate in, oversee, or review the integrity of the decision-making process.

Remove

Removal from involvement in the matter altogether is the best option when ad hoc or recruitment strategies are not feasible, or appropriate.

Relinquish

Relinquishing the personal or private interests may be a valid strategy for ensuring there is no conflict with your public duty. This may be the relinquishment of shares, or membership of a club or association.

Resign

Resignation may be an option if the conflict of interest cannot be resolved in any other way, particularly where conflicting private interests cannot be relinquished.

Are there laws relating to conflicts of interest?

Conflicts of interest need to be considered within an ethical framework that requires public officers to act with integrity, impartiality, in good faith, and in the best interests of the organisation they serve. In some cases, organisations are required by law to manage conflicts of interest in a particular way.

The key legislation applicable to conflicts of interest includes:

- *Public Sector Management Act 1994*²
- Western Australian Public Sector Code of Ethics
- *Financial Administration and Audit Act 1985* (FAAA)
- *State Supply Commission Act 1991*
- *Local Government Act 1995* and associated regulations
- *Members of Parliament (Financial Interests) Act 1992*

What are some of the conflict of interest risk areas?

Almost all functions performed in the public sector can potentially lead to conflict of interest situations.

Identifying areas of risk in the organisation is the first step to managing conflicts of interest.

Some common risk areas³ include:

- managing procurement processes, tenders and contracts
- sponsorship from the private sector
- allocation of grants for community-based services
- dual roles as a public officer
- boards and Committees with representative members
- gifts, benefits and hospitality
- filling a public sector vacancy
- secondary employment.

How should organisations deal with conflicts of interest?

The Organisation for Economic Co-operation and Development (OECD) promotes four core principles⁴ for organisations to deal with conflict of interest situations, to promote integrity, and for maintaining public confidence:

- Serving the public interest
- Supporting transparency and scrutiny
- Promoting individual responsibility and personal example
- Engendering an organisational culture which is intolerant of conflicts of interest

Organisations should consider incorporating these principles in a policy⁵ on conflicts of interest, or include a section on managing conflicts of interest in the organisation's Code of Conduct.

Where can officers get additional information or advice?

The best starting point is to discuss the situation with a supervisor, or senior colleague. There may be specific legislative or policy requirements that need to be considered, as well as the agency Code of Conduct.

For additional information and enquiries visit:

www.publicsector.wa.gov.au/icg

References

¹The 6 Rs have been adapted from: Crime and Misconduct Commission/Independent Commission Against Corruption (2004) Managing Conflicts of Interest in the Public Sector: Toolkit (available at www.cmc.qld.gov.au)

²Under s.9 of the Act, all public sector bodies and employees must comply with public sector standards and the Western Australian Public Sector Code of Ethics and any applicable code of conduct

³For further information refer to Conflict of Interest Scenarios (available at www.publicsector.wa.gov.au/icg)

⁴OECD (2003) Recommendation of the Council on guidelines for managing conflict of interest in the public service (available at www.oecd.org/dataoecd/13/22/2957360.pdf)

⁵Guidance on developing a policy is available in Crime and Misconduct Commission/Independent Commission Against Corruption (2004) Managing Conflicts of Interest in the Public Sector: Toolkit (available at www.cmc.qld.gov.au)

Acknowledgements

ICG is grateful for the support of Queensland's Crime and Misconduct Commission (CMC) and the New South Wales Independent Commission Against Corruption (ICAC), and acknowledges that much of the content developed by CMC/ICAC in Managing Conflicts of Interest in the Public Sector: Toolkit has been adopted by ICG, with some modification and adaptation for the Western Australian environment.

Disclaimer

This information does not constitute legal advice and ICG accepts no liability for the accuracy of the information, or for any act or omission done in reliance on the information provided, or for any consequences, whether direct or indirect, of any such act or omission.

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CORRUPTION
AND CRIME
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Commission

APPENDIX D – BOARD CONFLICT OF INTEREST ASSESSMENT GUIDE AND RECORD

When considering reporting a material personal interest Directors should refer to Schedule 2, Section 8 (1) (a) and (b) of the Port Authorities Act 1999 in relation to being able to vote on a matter or being present at a meeting where a matter is discussed. Please complete with reference to the Identifying and Managing Conflicts of Interest in the Western Australian Public Sector (*Appendix C*)

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.

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


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.

- Detail any further action and monitoring required.

- Review Date: _____

COMPLETED BY DIRECTOR:

Full Name: _____ Position: _____

Signature: _____ Date: _____

APPROVED BY CHAIR:

Full Name: _____ Position: _____

Signature: _____ Date: _____



CONFLICT OF INTEREST REGISTER

Issue date: May 2023

[illegible]

 KIMBERLEY PORTS AUTHORITY <i>Broome Port Services</i>	<h2>RECORD OF GIFT DECISION FORM</h2>	File ref: STM022/
		Version: V2.5
		Issue date: May 2023

All employees and Directors are required to complete this form if they are offered a gift. Once completed, the form must be signed by the CEO or in the case of the CEO and Directors by the Chair and recorded on the Gift Decision Register.

GIFT RECIPIENT	
Name of Director or employee being offered gift:	
Position:	

GIFT-OFFERER	
Name of person who is making the offer:	
Business/Organisation:	

DESCRIPTION OF GIFT-OFFER

Value

RELATIONSHIP WITH GIFT-OFFERER	
Does KPA or intended recipient of the gift have discretionary authority in relation to the gift-offerer? (Such as purchasing discretion).	
Circle Applicable	
<p style="text-align: center;">YES</p> <p style="text-align: center;">Discretionary authority exists</p> <p style="text-align: center;">Gift-offer must be:</p> <p style="text-align: center; color: red;">DECLINED</p> <p><input type="checkbox"/> Declined</p> <p><input type="checkbox"/> Acceptance approved by CEO or Chair</p>	<p style="text-align: center;">NO</p> <p style="text-align: center;">No discretionary authority exists</p> <p style="text-align: center;">Was the gift declined or accepted?</p> <p style="text-align: center;"><input type="checkbox"/> Declined <input type="checkbox"/> Accepted</p> <p style="text-align: center;">Accepted with CEO or Chair approval</p> <p style="text-align: center;"><input type="checkbox"/> CEO <input type="checkbox"/> Chair</p>

Employee's Signature: _____ Date: _____

CEO/Chairman Authorisation/Approval: _____ Date: _____



REGISTER OF GIFTS

Issue date: May 2023

[illegible]