



**SOUTHERN PORTS**

ALBANY BUNBURY ESPERANCE

# **CODE OF CONDUCT AND ETHICS**

## DOCUMENT CONTROL

Version Number	Description	Reviewed by	Approved by	Revision Date	Issue Date
01	New Document	People and Organisation Manager	GM People and Organisation	20/06/2017	15/02/2018
02	Reformat to new template Addition of definitions. Relevant roles and responsibilities were added new procedures were added Review with reference to updated related procedures SPA changed for Southern Ports Change Code of conduct for Code of conduct and Ethics Changes based on consultation process	Organisational Development Manager	General Manager Human Resources	29/10/2019	25/11/2019
03	Update of breach reporting to provide clarity Expansion of scope to include Board Members. Additional minor changes for clarity.	IntelliPorts Human Resources and Organisational Design Lead	ELT / Board of Directors	14/05/2022	30/06/2022

## AUDIT

This procedure shall be reviewed / revised:

- Where a Risk Assessment / Audit identifies a need to review;
- Following a significant incident involving this procedure; or
- At least every 2 years.

## Statement by the CEO and Board of Directors

Southern Ports' Code of conduct and ethics sets out the rules by which we expect all of our employees to behave.

As a **team** we are all **accountable** to behave **respectfully, professionally** and with **Integrity**. Our Code of conduct and ethics is aligned to our mission and values, and informs everyone of Southern Ports' expectations and standards for interacting with our teammates, customers, suppliers and the general public.

It is important that we always apply our Code of conduct and ethics, ask questions if clarification is needed and speak up if we believe there may have been a breach.

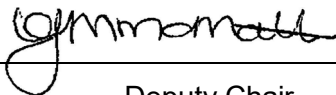
Approved by the Board at the Board meeting held on 30 June 2022.



Chair



Chief Executive Officer



Deputy Chair



John Barratt  
Jul 14, 2022 09:09:28

Director



Jane Cutler  
Jul 16, 2022 2:18 PM AWST

Director



Wiebke Ebeling  
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Robyn Fenech  
Jul 13, 2022 11:37 AM AWST

Director



Chris Sutherland  
Jul 19, 2022 9:04 AM PDT

Director

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## 1. SCOPE

This Code of Conduct and Ethics is applicable to all Southern Ports Employees and Board members.

The obligations and guidelines set out within this document apply to all work contexts and extend to all Southern Ports related events, which may be held onsite or offsite.

## 2. DEFINITIONS AND ACRONYMS

Term	Definition
<b>Bullying</b>	Bullying is repeated unreasonable or inappropriate behaviour that is directed towards an employee, or group of employees and creates a risk to health and safety
<b>Board Member</b>	A Director of the Southern Ports Authority Board validly appointed in accordance with s7(1) of the Port Authorities Act (WA) 1999, from time to time, including the Chair.
<b>Chair</b>	The chairperson of the Board, as appointed by the Minister from time to time in accordance with Schedule 2 (3) of the Port Authorities Act (WA) 1999.
<b>Code</b>	This document, The Code of Conduct and Ethics.
<b>Confidential</b>	Information generally known or ascertainable (identified) as Confidential, disclosure of which would cause unreasonable detriment to the owner of the information or another party  Information provided under an understanding that it would remain Confidential  The disclosure of information generally known or ascertainable as Confidential to other parties is considered a breach of Confidentiality.
<b>Corrupt Behaviour</b>	When an employee uses or attempts to use their position for personal advantage or to cause detriment to others
<b>Disciplinary Action</b>	A process to address misconduct or unacceptable performance, when other methods such as counselling and performance appraisal have not been successful. Disciplinary action may involve: <ul style="list-style-type: none"> <li>• Verbal warnings;</li> <li>• Written warnings; or,</li> <li>• Termination of a contract of employment</li> </ul>
<b>Discrimination</b>	Treating or proposing to treat someone unfavourably because of a personal characteristic protected by the law
<b>Diversity</b>	The individual characteristics people have that make them unique. These characteristics can include gender identity, race, ethnicity, religion, age, sexual orientation, physical abilities, and ideologies.

Term	Definition
<b>Employee</b>	Any person engaged under a contract of employment who performs work on an ongoing basis, under the direction and control of Southern Ports
<b>Equity / Equitable / Equitably</b>	Acting with equity; the creation of opportunities for equal access and success within the workplace
<b>Fraudulent Behaviour</b>	A dishonest activity that causes actual or potential financial loss to any person or organisation
<b>Gift</b>	Means an item willingly accepted by a Southern Ports employee or Board Member, without payment, as a consequence of working for Southern Ports.  A Gift can include but is not limited to Gift certificates or store vouchers, rewards or club memberships, movie, show or event passes, electrical goods, money, alcohol, accommodation, air travel and other items.
<b>Grievance</b>	Any grievance, problem or concern of an employee regarding their workplace, job or co-worker relationships.
<b>Harassment</b>	Unwanted, uninvited and inappropriate behaviour
<b>Integrity</b>	Using authorities responsibly for the purpose and in the manner for which they were intended.  Acting with honesty and transparency, making reasoned decisions without bias by following fair and objective processes.  Preventing and addressing improper conduct, disclosing facts without hiding or distorting them, and not allowing decisions or actions to be influenced by personal or private interests.
<b>Manager/Supervisor</b>	The person who is responsible for the day to day supervision/management /direction of an employee
<b>Victimisation</b>	The less favourable treatment of an employee for their participation in making, supporting or resolving a grievance or a breach of EEO standards, whether that participation was actual, intended or presumed. This includes a person or persons who have agreed to be witnesses in relation to a grievance

## 3. ROLES AND RESPONSIBILITIES

This section details the accountabilities of various stakeholders with regards the Code. Stakeholders may have multiple levels of accountability based on their role.

Position	Accountability
<b>CEO</b>	<ul style="list-style-type: none"> <li>• Ensure that all employees are treated in a fair and consistent manner</li> <li>• Ensure all personnel undertaking work for or on behalf of Southern Ports are aware of this Code and understand their obligations</li> <li>• Ensure managers and officers have access to adequate resources to enable the effective execution of their responsibilities and duties in relation to this Code</li> <li>• Support and promote the principles of this Code in the workplace</li> </ul>
<b>Executive responsible for Human Resources</b>	<ul style="list-style-type: none"> <li>• Enable, maintain and monitor employment relations at all levels</li> <li>• Ensure managers are aware of their responsibilities and duties regarding this Code through training and performance appraisals and audits</li> <li>• Ensure a fair disciplinary process</li> </ul>
<b>Human Resources Manager</b>	<ul style="list-style-type: none"> <li>• Periodically review this Code to ensure its efficiency and effectiveness in the workplace and applicability of current legislation</li> <li>• Periodically audit the implementation of this Code in the workplace</li> </ul>
<b>Managers and Supervisors</b>	<ul style="list-style-type: none"> <li>• Ensure the Code of conduct is accessible to all Employee and contractors</li> <li>• Act as a role model for appropriate standards of behaviour</li> </ul>
<b>Board Members</b>	<ul style="list-style-type: none"> <li>• Actively participate and comply with the requirements of this Code</li> <li>• Act with Integrity, impartiality, in good faith and in the best interests of Southern Ports or the State</li> <li>• Treat fellow Board Members, Employees of Southern Ports, and external parties fairly, Equitably and with respect</li> <li>• Report suspected breaches of this Code</li> </ul>

Position	Accountability
<b>All employees</b>	<ul style="list-style-type: none"> <li>Actively participate and comply with the requirements of this Code</li> <li>Act with Integrity, impartiality, in good faith and in the best interests of Southern Ports or the State</li> <li>Treat fellow Employees, Board Members, and external parties fairly, Equitably and with respect</li> <li>Report suspected breaches of this Code</li> </ul>

## 4. OUR COMMITMENTS

*We, the Employees and Board Members of Southern Ports, are committed to:*

- providing healthy and safe working conditions;
- an inclusive, collaborative and supportive work environment;
- complying with relevant laws and regulations;
- acting with Integrity and with regard to Southern Port's values;
- being scrupulous in our use of public money and accountable for official expenditure;
- safeguarding Southern Ports assets;
- safeguarding Southern Ports reputation and information;
- upholding ethical standards; and
- complying with our Code and continually improving our performance.

### 4.1. Personal Behaviour

#### 4.1.1. Safety, Health, Environment, and Wellness

*We, the Employees and Board Members of Southern Ports, are committed to providing healthy and safe working conditions and will:*

- stop work and seek assistance if we believe there is a situation that is not safe;
- identify, assess and take steps to control health safety and environmental hazards;
- be responsible for our safety and that of our colleagues;
- operate in a manner that does not negatively affect mental/physical illness or exacerbate a colleague's existing mental/physical health condition;
- comply with and know how to apply the requirements of our safety and health management system, and assist those working with us to do the same;
- use the personal protective equipment required for the task we are undertaking;
- be prepared for any emergencies at our workplace and ensure that visitors are familiar with emergency procedures;
- present to work in a fit state without impairment;
- handle and dispose of all materials properly, safely and lawfully; and
- immediately report any accidents, injuries, illnesses, unsafe or unhealthy conditions, incidents, spills or release of materials to the environment.



## 4.1.2. Performing Work

*We, the Employees and Board Members of Southern Ports, are committed to an inclusive, collaborative and supportive work environment and will:*

- contribute to a harmonious work environment by treating our colleagues with respect, courtesy, honesty and fairness;
- not behave in a manner that could be considered harassment or bullying;
- have proper regard for people's interests, rights, diversity and welfare;
- be aware of relevant diversity considerations and demonstrate respect when working with colleagues from diverse backgrounds;
- not unlawfully discriminate against each other;
- speak up if we believe someone is being harassed, bullied or discriminated against so that our Employees can make their best contribution to the company;
- behave in a manner that ensures personal relationships with colleagues do not negatively impact on our performance at work;
- be responsible when using social media to ensure that our opinions and comments are not associated with our role at Southern Ports;
- make decisions fairly, objectively and promptly considering all available information, legislation and the Southern Ports policies and procedures; and
- behave a manner that promotes constructive and cooperative relationships between Southern Ports and other agencies by providing timely, well considered information and policy advice.

## 4.2. Communication and Official Information

*We, the Employees and Board Members of Southern Ports, are committed to complying with laws and regulations and will:*

- not disclose official information or documents acquired during our employment, other than as required by law or where proper authorisation is given;
- ensure our personal and professional social media activities align with relevant Southern Ports social media procedures.
- maintain confidentiality over all Confidential information we encounter;
- not misuse official information for personal or commercial gain for ourselves or another, or to the detriment of another; and
- adhere to policies and all other lawful directives regarding communications with ministers, ministerial staff, lobbyists, members of the media and members of the general public.

## 4.3. Fraudulent and Corrupt Behaviour

*We, the Employees and Board Members of Southern Ports, are committed to act with Integrity and with regard to Southern Ports' values and will:*

- Comply with all laws and legislation
- conduct business in a professional, objective, and competitive manner;
- avoid business dealings and personal relationships that could cause, or create the appearance of, a conflict of interest;

- record all transactions accurately and in reasonable detail to reflect their true nature;
- not dishonestly obtain or attempt to obtain an unfair advantage or cause detriment for Southern Ports, ourselves or other entities; and
- report any information about actual or potentially Fraudulent, Corrupt or illegal activities to the appropriate authorities.

#### 4.4. Use of Public Resources

*We, the Employees and Board Members of Southern Ports, are committed to be scrupulous in our use of public money and accountable for official expenditure; and will:*

- make payments only to the person or organisation that actually provides the goods or services;
- use publicly funded resources conscientiously and efficiently. These include work facilities and equipment, vehicles, corporate credit cards and the purchase of goods and services;
- only use corporate credit cards for work-related expenditure;
- not use work time or resources for personal gain, financial or otherwise; and
- ensure any travel undertaken for official purposes is only done so when necessary.

#### 4.5. Protecting our Assets

*We, the Employees and Board Members of Southern Ports, are committed to safeguarding Southern Ports assets and will:*

- use our assets for their intended purpose;
- not take assets for personal use or benefit or for the benefit of others without appropriate permission;
- ensure that assets are never used for illegal purposes;
- apply proper commercial principles when we acquire or dispose of assets;
- protect our assets from waste, damage, misuse, loss, fraud and theft;
- where possible and safe to do so, prevent non-authorized personnel from accessing our facilities, information, data or other assets; and
- report any potential waste, damage, misuse, loss, fraud or theft of our assets.

#### 4.6. Record Keeping and use of Information

*We, the Employees and Board Members of Southern Ports, are committed to safeguarding Southern Ports reputation and information and will:*

- ensure records of our actions and decisions are filed in line with our [Record Keeping Plan](#) to ensure transparency;
- ensure the secure storage of sensitive or Confidential information; and
- not falsify, alter or damage records.

#### 4.7. Conflicts of Interest and Gifts and Benefits

*We, the Employees and Board Members of Southern Ports, are committed to upholding ethical standards and will:*

- ensure personal or financial interest do not conflict with our ability to perform our work in an impartial manner;

- award business based on merit, qualifications and experience using objective selection and evaluation criteria;
- ensure that if conflicts arise that they are managed carefully in the public interest;
- ensure acceptance of gifts, benefits or hospitality is in accordance with the Southern Ports Gift, Benefit and Hospitality Procedure;
- not accept in connection with our work any fee, commission, reward, gratuity or remuneration that is outside Southern Ports conditions of employment; and
- declare the following to our Manager or Supervisor;
  - relationships with internal and external stakeholders that Southern Ports is engaged with that go beyond the level of a professional working relationship
  - financial interests in any matter the Southern Ports is dealing with or being aware of friends or relatives with such an interest
  - shareholdings or other interests held by the Employee or the Board in a company or business directly, or as a member of another company or partnership or through a trust
  - outside employment, including voluntary roles, appointments or directorships, whether remunerated or not
  - the receipt of gifts or benefits.

### 4.8. Reporting Breaches of the Code

*We, the Employees and Board Members of Southern Ports, are committed to complying with our Code and continually improving our performance.*

#### 4.8.1. Reporting Methods

If a person believes that a breach of the Code has occurred, then they must immediately report the breach using the most appropriate method based on the nature of the breach:

- Where a breach is a general grievance such as management style, personal behaviours (discrimination, bullying etc.), or a safety incident, the matter is to be reported using the appropriate Southern Ports procedure such as the Grievance or Incident Reporting Procedures.

Board Members will report any breaches of this nature to the Company Secretary. In the absence of the Company Secretary, or in cases that relate to the conduct of the Company Secretary, the Chair will be the point of contact.

- Where a breach relates to a matter of public interest information and shows or tends to show wrongdoing by a public authority, public officer or public sector contractor performing a public function, the matter should be reported using the Public Information Disclosure (PID) process. Some examples of this may be:
  - improper conduct,
  - an offence under state law,
  - substantial unauthorised or irregular use of public resources,
  - substantial mismanagement of public resources,
  - substantial and specific risk to public health or safety or harm to the environment, or,
  - a matter of administration that can be investigated by the Ombudsman Western Australia.

Information regarding Public Interest Disclosure and names of Southern Ports PID Officer can be found in the [Public Interest Disclosure Procedure](#). Further details on public interest disclosures can be obtained on the following website: [A guide to public interest disclosures in WA public authorities \(www.wa.gov.au\)](#)

- Matters which are not specifically related to either of the above, including general questions or concerns regarding compliance with the Code can be raised with your Supervisor / Manager, or with a Human Resources team member

An Employee, Board Member, or external stakeholder may additionally report a breach of the Code to an appropriate external agency such as the Public Sector Commission for suspected minor misconduct, or the Corruption, Crime Commission for suspected major misconduct.

#### **4.8.2. Protection against Victimisation**

An Employee or Board Member who makes a report of a breach of the Code in good faith will be supported and protected by Southern Ports. Any Employee or Board Member who has reported a breach or is a witness to a reported breach in relation to the Code will not be discriminated against or suffer any other disadvantage for having made a report in good faith.

If an Employee or Board Member experience Victimisation as a result of reporting or being a witness to a breach of the Code, they should immediately report this to their Manager or a Human Resources representative in the case of an Employee, or the case of Board Member to the Chair or the Company Secretary.

#### **4.8.3. Further Reporting Requirements**

As part of the investigation process the CEO, as the Principal Officer under the *Corruption, Crime, and Misconduct Act 2003* may need to report the breach to the to the Public Sector Commission for suspected minor misconduct, or the Corruption, Crime Commission for suspected major misconduct. Depending on the nature of the breach, the matter may also need to be referred to the Police.

#### **4.8.4. Substantiated Breaches**

Any substantiated breach of this Code may result in disciplinary action being taken, in accordance with the Southern Ports Disciplinary Procedure for an Employee or utilising the appropriate channels for a Board Member.

## **5. RECORDS**

All training associated with the Code and the achieved competencies shall be recorded.

All Code documentation is to be archived as per the Recordkeeping Plan.

## **6. REFERENCE DOCUMENTATION**

This procedure should be read in conjunction with the following:

### **6.1. Southern Ports Documentation**

- Workplace Behaviour Procedure
- Disciplinary Procedure
- Gift, Benefit and Hospitality Procedure
- Grievance Procedure
- Public Interest Disclosure Procedure
- Acceptable Use of Social Media and Internet Procedure

## 6.2. Supplementary, Legislative and Regulatory Documentation

- Disability Discrimination Act 1992 (Cth)
- Equal Opportunity Act 1984 (WA)
- Equal Opportunity for Women in the Workplace Act 1999 (Cth)
- Fair Work Act 2009 (Cth)
- Fair Work Relations 2009 (Cth)
- Occupational Safety and Health Regulations 1996 (WA)
- Port Authorities Act 1999
- Privacy Act 1988 (Cth)
- Public and Bank Holidays Act 1972 (WA)
- Public Sector Act 1994
- Sex Discrimination Act 1984 (Cth)
- Workplace Agreements Act 1993 (WA)
- Human Rights and Equal Opportunity Commission Act 1986 (Cth)
- Industrial Relations Act 1979 (WA)
- Long Service Leave Act 1958 (WA)
- Minimum Conditions of Employment Act 1993 (WA)
- Occupational Safety and Health Act 1984 (WA)
- Racial Discrimination Act 1975 (Cth)
- Racial Hatred Act 1995 (Cth)
- Workers Compensation & Rehabilitation Act 1981 (WA)
- Workplace Gender Equality Act 2012 (WA)

## 7. APPENDICES

Appendix 1 - The Legislative Basis of our Code of Conduct and Ethics

Appendix 2 – The Quick Test

## Appendix 1 - The Legislative Basis of our Code of Conduct and Ethics

This Code of Conduct and Ethics explains how the Public Sector Code of Ethics principles, as stated below, and Southern Ports' own mission, goals and values, are to be incorporated in Southern Ports daily work practices.

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 organisation specific Codes of conduct. The Southern Ports Code is aligned with the seven areas of conduct provided within the Public Sector Commission's Conduct Guide and underpinned by the principles of the Public Sector Code of Ethics. The Public Sector Code of Ethics contains three fundamental principles. These are:

- Personal Integrity – We act with care and diligence and make decisions that are honest, fair, impartial and timely and consider all relevant information.
- Relationships with others – We treat people with respect, courtesy and sensitivity and recognise their interests, rights, safety and welfare.
- Accountability – We use the resources of the State in a responsible and accountable manner that ensures the efficient, effective and appropriate use of human, natural, financial and physical resources, property and information.

## Appendix 2 - The Quick Test

If you are uncomfortable with the answers to any of the questions below then it is possible that the behaviour, process or decision may be in breach of this Code and you should seek advice from your Manager, a member of the human resources team or a contact officer.

