

Building and Construction Consultative Committee Code of Conduct

September 2022

Introduction

The Building and Construction Consultative Committee (BCC Committee) was established by a Cabinet decision on 31 January 2022. The primary role of the Committee is to provide a forum for a high level dialogue between the Western Australian Government, employers, representative associations and unions on significant issues in the commercial construction sector.

The BCC Committee does not have a role in any formal adjudication or dispute resolution procedures established under building and construction legislation.

The Objectives of the BCC Committee are to:

- a) consult on and advise the Minister for Industrial Relations (the Minister) on issues of industrial relations, safety, diversity, and workforce management;
- b) consult on and advise the Minister for Industrial Relations on economic issues relating to the building industry; and
- c) promote an environment that will stimulate building activity, skills development and jobs growth.

The BCC Committee operates in the public sector environment and is guided by the 7 principles of governance as contained in the Governance Manual for WA Government Boards and Committees¹.

This Code of Conduct provides specific guidance to BCC Committee members regarding conduct, further to the general principles outlined in the *Code of Ethics*² in the Public Sector Commissioner's Instruction 7.

Message from the Chairperson

All public sector bodies in Western Australia, including public sector committees and boards, are required to have a Code of Conduct. A well-developed Code of Conduct can build and sustain the BCC Committee's ethical culture by:

- protecting the integrity and reputation of the BCC Committee; and
- informing stakeholders about how the BCC Committee operates.

I encourage all members of the BCC Committee to read and be familiar with our Code of Conduct, and to comply with the Code in all activities and endeavours related to the BCC Committee. Keep in mind that the Code applies to BCC Committee meetings, and to any other visits, events or activities at which members represent the BCC Committee.

Members of the BCC Committee have a unique opportunity to advise and influence senior government decision-makers. Following the Code of Conduct will ensure that we are accountable and ethical in undertaking this role.

¹ <https://www.wa.gov.au/government/publications/governance-manual-western-australian-government-boards-and-committees>

² <https://www.wa.gov.au/government/publications/commissioners-instruction-7-code-of-ethics>

Commitments

Members of the BCC Committee commit to:

- upholding the principles of the Code of Ethics in the Public Sector Commissioner's Instruction 7 and this Code of Conduct; and
- taking responsibility for contributing in a constructive and positive way to enhance good governance and the BCC Committee's reputation.

Conduct areas

1. Personal conduct

- 1.1 As BCC Committee members, we will understand our Committee's role and public duties by actively learning and staying informed about:
 - the role and purpose of our BCC Committee and the statutory, regulatory and policy requirements that apply when carrying out our public duties;
 - the political and social environment in which our BCC Committee operates; and
 - all relevant issues and activities affecting our BCC Committee.
- 1.2 As BCC Committee members, we will put the public interest first, ahead of our own personal and pecuniary interests, and act with loyalty, in good faith, ethically and with integrity by:
 - exercising our powers and discharging our duties in the best interests of the BCC Committee of which we are members;
 - making decisions fairly, impartially and promptly, and considering all available information, legislation, policies, procedures and ethical codes;
 - being accountable and transparent;
 - fulfilling our role lawfully, with reasonable care and diligence, and as efficiently and effectively as possible;
 - treating members of the public, stakeholders and fellow BCC Committee members with respect, courtesy, honesty and fairness, having proper regard for their interests, rights, safety and welfare;
 - fulfilling our BCC Committee's purposes and requirements, and to the extent permitted by the BCC Committee's Terms of Reference, serving the Government of the day;
 - maintaining and contributing to a harmonious, safe and productive work environment and professional relationships; and
 - understanding the consequences of misconduct and actions that may be taken if we do not comply with the Code of Conduct and any associated policies.
- 1.3 As BCC Committee members, we will make an active contribution by:
 - attending all BCC Committee meetings, submitting an apology if we cannot attend, and applying for a leave of absence if we are likely to miss several consecutive meetings;
 - participating and working cooperatively with fellow BCC Committee members and stakeholders to achieve agreed goals;
 - diligently preparing for meetings by reading and considering papers circulated with the agenda; and
 - expressing our concerns to the Chairperson or other relevant authority about consultations, decisions or actions we believe may be contrary to the BCC Committee's public duty.

2. Communication and official information

Use of confidential information

2.1 As BCC Committee members, we will:

- maintain confidentiality and not divulge information deemed confidential or sensitive, other than as required by law or where proper authorisation is given, and if unsure seek direction from the BCC Committee Chairperson;
- not make improper use of information obtained in the course of our BCC Committee duties, or use for direct or indirect personal or commercial gain, or to do harm to other people or the BCC Committee, for example disclosing the contents of any official papers to unauthorised persons;
- respect confidential information and observe any restrictions agreed by the BCC Committee (subject to *Freedom of Information Act 1992 (WA)* requirements);
- respect the privacy of individuals and the security of personal information;
- protect intellectual property;
- raise concerns about improper communications or use of information with the BCC Committee Chairperson or other relevant authority; and
- not enter into any contract or arrangement contrary to section 81 of the *Financial Management Act 2006 (WA)* (that is, a contract or arrangement that would prevent or inhibit the provision by the Minister to Parliament of information concerning any conduct or operation of the agency).

Communication and public comment

2.2 As BCC Committee members, we will:

- adhere to applicable legal requirements, policies and all other lawful directives regarding communication with Parliament, Ministers, ministerial staff, lobbyists, the media and members of the public;
- report any contact made by lobbyists in relation to BCC Committee business to the BCC Committee Chairperson;
- only make public comment on behalf of the BCC Committee to the media or outside organisations when authorised to do so by the BCC Committee Chairperson; and
- understand how we may use social media in an official capacity, if at all, by consulting with the BCC Committee Chairperson.

3. Fraudulent or corrupt behaviour

3.1 As BCC Committee members, we will:

- not engage in any fraudulent or corrupt behaviour;
- report any information about actual or potentially fraudulent, corrupt or illegal activities to the BCC Committee Chairperson, the Public Interest Disclosure (PID) Officer³ or, if necessary, the Corruption and Crime Commission; and
- report suspected breaches of this Code of Conduct to the BCC Committee Chairperson.

³ Information about the PID process can be provided by DMIRS Secretariat or Human Resources.

4. Use of public resources

4.1 As BCC Committee members, we will:

- use the resources of the State, funds and employees and equipment effectively and economically, only for BCC Committee business;
- comply with applicable legislation, whole of government requirements and BCC Committee policies when using public resources;
- not use public resources for personal financial gain or party political work; and
- ensure requests by an external party to use BCC Committee facilities are referred to the BCC Committee Chairperson for approval.

Providing hospitality

4.2 As BCC Committee members, we will not expend public funds on hospitality unless directed or authorised by the BCC Committee Chairperson and in doing so will follow applicable WA Government policies and requirements.

5. Record keeping and use of information

Documenting decisions

5.1 As BCC Committee members, we will ensure we follow procedures to accurately document BCC Committee decisions, events and transactions.

Security of information

5.2 As BCC Committee members, we will:

- ensure recorded information under our control in both paper and electronic form, is kept in a secure place, including when stored on laptops, tablets and USB devices;
- be diligent in handling BCC Committee records and secure sensitive documents, rather than leaving them out in the workplace, meeting rooms, at home or in vehicles where non-BCC Committee members might access them;
- avoid discussing BCC Committee business in public places where there is a likelihood of being overheard; and
- dispose of duplicate copies of records and confidential waste in accordance with good record keeping and archive practices and WA Government policies.

Amendment or falsification of records

5.3 As BCC Committee members, we will not:

- falsify, destroy, alter or damage any public record; and
- back-date information or remove folios from files or minutes of meetings.

6. Conflicts of interest and gifts and benefits

Conflicts of interest

6.1 As BCC Committee members, we will:

- keep our private commercial or political interests separate from our official BCC Committee role;
- openly declare, in the first instance to the Chairperson or, in the case of the Chairperson, to the Minister (and to the Secretariat supporting the BCC Committee for record keeping purposes), matters relating to a private interest that may conflict, or be perceived to conflict, with our public duty;

- follow any legislated requirements for managing conflicts as well as management strategies contained in relevant BCC Committee policies, such as a conflict of interest policy, which may involve removing ourselves from discussion and decision-making on the matter; and
- ensure the BCC Committee meeting statements of outcome record any issues of conflict of interest and the steps taken to manage the conflict, so they are transparent and able to be reviewed.

Gifts and benefits

6.2 As BCC Committee members, we will:

- carefully consider any offers of gifts, benefits or hospitality and decline such offers wherever possible;
- ensure any decision to accept or decline is done openly, placed on the record, and is consistent with our Code, conflicts of interest or gifts, benefits and hospitality policy where such a policy applies;
- in any event refuse to accept gifts, benefits or hospitality –
 - likely to place us under an actual or perceived financial or moral obligation to other organisations or individuals; or
 - if they could reasonably be seen by the public, knowing the full facts, as intended or likely to cause us to act in a particular way or deviate from our public duty;
- ensure that a Register of all gifts accepted is maintained for the BCC Committee, and any such gifts are of token value only;
- not demand or accept in connection with our official duties any fee, commission, reward, gratuity or remuneration of any kind which is outside the scope of our entitlements; and
- not use our public position for personal profit or gain or to cause detriment to others.

7. Reporting suspected breaches of the Code of Conduct

7.1 As BCC Committee members, we will report any suspected breaches of the Code of Conduct to the BCC Committee Chairperson or the Secretariat supporting the BCC Committee as appropriate.

8. Review of the Code of Conduct

8.1 The Code of Conduct will be subject to review at intervals no greater than five years.