



Health Professional Councils Authority

HP15/12550

## Health Professional Councils Code of Conduct for members

### Introduction

The health professional Councils and their associated regulatory bodies (Committees and Panels) are established under the *Health Practitioner Regulation National Law (NSW)* (the Law). The Councils and their associated regulatory bodies exercise their functions as prescribed in Part 5A of the Law and the provisions of Schedule 5C relating to Council members and procedures. Regulatory bodies are established and exercise their functions as prescribed in Part 8 of the Law.

### Scope

The Code of Conduct applies to all members of all health professional Councils and associated regulatory bodies (Committees and Panels).

### Purpose

The Code of Conduct outlines the fundamental values and principles that define expected standards of behaviour and operation. The Code guides members in fulfilling their obligations and statutory requirements.

### Definitions

**Council** means any health professional Council, governance committee or regulatory body established under the Health Practitioner Regulation and National Law (NSW) to regulate health practitioners in NSW.

**Director** is responsible for ensuring the Health Professional Councils Authority operates efficiently and effectively and provides the Councils with the services they require to carry out their statutory functions under the Health Practitioner Regulation National Law (NSW).

**Health Professional Councils Authority (HPCA)** is the body responsible for providing secretariat and support services to individual health professional Councils and the support functions and business units.

**Regulatory body** means Committees and Panels established under the Law.

**Members** include any member of a health professional Council, Committee or Panel.

### Values

The Council endorses the NSW public sector values of integrity, trust and accountability and the NSW Health CORE values – collaboration, openness, respect and empowerment.

### Personal and professional behaviour

In performing the duties attached with their office, members shall:

1. *Exercise and maintain* the highest possible standards of integrity and independence.
2. *Avoid* using their role to serve their own interests or promote any particular or individual interest(s).
3. Make decisions that *have regard for and uphold* the principle that all persons have a right to natural justice and fairness.

4. *Respect* as paramount confidences at all times where the interests so require.
5. *Comply* with any relevant legislative or administrative requirements in carrying out their functions.
6. *Observe* any official guidelines concerning the performance of their office.
7. *Avoid* waste and extravagance in the use of resources.
8. *Be aware* at all times that the Council is a statutory corporation whose authority vests in its collective membership and not in the individual member's office.
9. *Report self, staff and other members*, when becoming aware of an allegation, charge or conviction involving an under 18 year old to the President of the Council or the Director.

### **Professional standards**

Professional and legal members are to:

- maintain and enhance their professional standards and skills and keep up to date with best practice of their profession
- observe all laws, professional codes of conduct and ethics relating to their profession, and
- if professionally registered, report all changes in professional registration (such as the imposition of conditions on registration) to the President of the Council or the Director.

### **Principles of conduct**

Public confidence means that the public has the right to expect the highest integrity and competence in the fair, reasonable and equitable treatment of all people in the community.

Members are expected to perform their functions with integrity, impartiality, honesty, conscientiousness, care, skill, diligence and loyalty to the public interest.

### **Accountability**

Members must adhere to standards of conduct and ethics that maintain public confidence and trust. A high standard of accountability, transparency and fairness is essential.

### **Respect for the law and the system of Government**

Members must comply with and operate within:

- the provisions of the Law and other relevant legislation
- Government policy and administrative requirements, and
- always apply the law equally and without bias.

Members should have an understanding of their public duty and must act for the proper purpose and without exceeding their powers. They should understand their role, the role of the Minister and other regulatory and stakeholder authorities in relation to the functions of the Council and the HPCA.

### **Fairness and respect for people**

Members of the public, colleagues, fellow members and HPCA staff are to be treated fairly and consistently, in a non-discriminatory manner with proper regard for their rights and obligations.

Members should perform their duties in a professional and responsible manner, avoiding inappropriate conduct, discrimination and bullying and contributing to an environment which is courteous and respectful of all participants.

### **Honesty, integrity and public interest**

Members should always act honestly and in the public interest, rather than in their own private interests. In performing their duties they must promote confidence in the integrity of public administration.

## **Impartiality**

Although members may be nominated by a specific organisation, professional association or other body, they are not appointed to represent the views of any stakeholder or interest group but must represent the interests of the Council, Committee or Panel.

## **Confidentiality and communication of official information**

Members must not use or disclose official or confidential information or documents acquired as a consequence of membership of the Council or committee other than as required by law or when the member has been given proper authority to do so. They must not misuse official information for personal or commercial gain for themselves or for another and must respect the privacy and confidentiality of all information as it pertains to individuals.

## **Use official resources with economy and efficiency**

Members are accountable for official expenditure and should ensure the efficient and responsible expenditure of public funds. Publicly funded resources, including office facilities and equipment, vehicles, cab charge vouchers and other entitlements should be used diligently and efficiently and in accordance with Government policy.

In managing business activities members should resolve matters in a timely manner to ensure that meetings and proceedings are efficient and effective.

## **Participation in meetings**

Members should attend all meetings as far as possible and allow the necessary time to prepare for meetings. Members should be proactive and make a positive contribution to discussions and decision-making and abide by the majority decision once it has been taken.

## **Members of Council leave of absence**

The Executive Officer, President or relevant chair should be advised of unplanned absences as soon as possible. Leave of absence for planned absences of less than four Council meetings should be sought in advance from the President. For planned absences of four or more consecutive Council meetings, members must obtain a grant of leave from the Minister for Health, or will be deemed to have vacated their office.

## **Decision-making**

Decisions and actions should be reasonable, fair and appropriate to the circumstances, based on a consideration of the relevant facts and supported by adequate documentation.

Where possible members should ensure that decisions are consistent with previous decisions, providing detailed reasons where they are not followed and be aware of the objectives of the legislation or policy being applied.

## **Expertise**

Members must maintain and exercise a high level of skill and knowledge relevant to the discharge of their duties. To achieve this members should:

- regularly review and evaluate their own performance and capacity as a member
- engage actively in the objective assessment and evaluation of the Council's effectiveness and efficiency, and
- support and encourage the development of colleagues.

## **Record keeping and use of information**

Decisions, reasons for decision and processes must be documented to ensure transparency and minutes of all official meetings prepared and retained as official records.

Members must ensure the secure storage of sensitive or confidential information in all formats and comply with record keeping and information access legislation and policies.

## **Gifts and benefits**

Acceptance of gifts and benefits can place a public official in a position where they feel obliged to act contrary to rules of integrity, impartiality and honesty.

Members must not accept gifts or benefits that could place them under an actual or perceived financial or moral obligation to other organisations or to individuals. Money or gifts offered to obtain benefit is defined as a bribe and is illegal.

All offers of gifts or benefits should be advised to the President, Executive Officer or relevant chair.

Refer to the Gifts and Benefits Policy.

## **Conflicts of interest**

Members must disclose a potential, perceived or real conflict of interest. A member's interests include those of an associate or close relative. Members are to disclose:

- as soon as practicable (and in meetings) any conflict of interest when regulating health professionals, and
- in writing (email is acceptable) to the Executive Officer any memberships, consultancies, ownerships or other interests which might have the potential to conflict with the interests of the Council, its committees or regulatory bodies. (A Conflict of Interest Declaration Form is available.)

Members are requested to sign an annual Pecuniary Interest Declaration Form.

Members should, if engaged in another professional occupation or business, take care to ensure that those activities do not undermine the discharge of their responsibilities as a member.

Refer to the Conflict of Interest Policy.

## **Corrupt Conduct**

Members must not engage in corrupt conduct.

Corrupt conduct can be generally understood as the non-impartial or dishonest exercise of public official functions. It may also involve the conduct of non-public officials which adversely affects the honest and impartial exercise of a public official's functions. The *Independent Commission Against Corruption Act 1998* provides further information on reporting corrupt conduct. The *Public Interest Disclosure Act 1994* provides protection to public officials who voluntarily report suspected corrupt conduct.

The President of each Council is a Principal Officer for reporting of corrupt conduct.

Refer to the Council Reporting Corrupt Conduct Policy and Public Interest Disclosures Policy and Procedures.

## **Public comment and private views**

"Public comment" includes public speaking engagements (including comments on radio, television and social media), expressing views in letters, on personal websites, discussion forums and message boards, blog and microblogs or interviews with the media or in books or notices or where it is reasonably foreseeable that publication or circulation of comment will flow to the community.

Members must not in an official capacity make public comments on Council or HPCA matters unless authorised to do so. No member's individual views shall be disseminated or presented as the view of the Council.

When expressing private views, care should be taken to ensure that the target audience understands such views to be private and not the views of the Council or HPCA. Members should use an explicit disclaimer prepared by an HPCA legal officer.

### **Post service conduct**

After ceasing to be a member, it is expected that a former member should continue to uphold the principles and maintain the standards outlined in the Code of Conduct and behave in a way that upholds the standing and reputation of the Council, committee or regulatory body on which they served.

### **Relevant legislation and policy**

Relevant legislation and policy which relates to the above principles includes:

- *Health Practitioner Regulation National Law (NSW)*
- *Health Care Complaints Act 1993*
- *Anti Discrimination Act 1977*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002*
- *Government Information (Public Access) Act 2009*
- *Public Finance and Audit Act 1983*
- *Independent Commission Against Corruption Act 1988*
- *Public Interest Disclosure Act 1994*
- *Ombudsman Act 1974*
- NSW Health *Code of Conduct*, PD2015\_035
- NSW Department of Premier & Cabinet, *NSW Government Boards and Committees Guidelines*
- HPCA Gifts and Benefits Policy
- HPCA Conflict of Interest Policy
- Council Public Interest Disclosures Policy
- Council Reporting Corrupt Conduct Policy

### **Access**

Copies of the Code of Conduct are provided to all members. The Code is available on the Council and HPCA websites, Boardbooks – resources and from the Council Executive Officer.

### **Document control**

<b>Endorsed by</b>	<b>Date</b>	<b>Review date</b>	<b>File No.</b>	<b>Document No.</b>
Manager, Corporate Governance	2 May 2016	May 2018	12/215	HP15/12550



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## Health Professional Councils Code of Conduct

### DECLARATION

I have read and agree to abide by the Health Professional Councils Code of Conduct.

Name:

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Please print

Council/Committee/Panel:

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Position:

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

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

Please detach this page and return the signed and completed declaration to:

Manager, Corporate Governance  
Health Professional Councils Authority  
Level 6, 477 Pitt St, Sydney NSW 2000  
Locked Bag 20, Haymarket NSW 1258