

# Podiatrists Registration Board of Tasmania

## Responsibility of Board Members

<b>Policy Number</b> 1/2003	<b>Date Implemented</b> 29 April 2003	<b>Replaces</b> N/A	<b>Review</b> 1/1/2005
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The main function of the Board is to act in the public interest by ensuring the highest possible standards in registered health professionals and by so doing protect the safety of the public. Although this function is not specifically stated in the *Podiatrists Registration Act 1995* it follows from the nature of the appointment of Board Members. The accountability of Board members has been clearly stated by Mr Justice Street, Chief Justice of New South Wales who noted that:

*The consideration which must in Board affairs govern each individual member is the advancement of the public purpose for which Parliament has set up the Board. A Member must never lose sight of this governing consideration [His] position as a Board Member is not to be used as a mere opportunity to serve the group which elected [him]. In accepting election by a group to membership of the Board [he] accepts the burdens and obligations of serving the community through the Board (1967, Bennetts v Board of Fire Commissioners of New South Wales).*

Justice Street observed that the loyalty of each member is to the Board to the exclusion of other considerations. He states that:

- Board members must not allow themselves to be compromised by looking to the interest of the group which nominated or elected them rather than to the interests for which the Board is established; and
- once a group has elected a person, that individual assumes office as a member of the Board and becomes subject to the overriding and predominant duty to serve the public interest and the interests of the Board's public functions. Should a conflict of interest arise for a member of the Board, this conflict must be declared and the member refrained from taking part in any decision-making process affected by the conflict of interest.

### 4.1 Disclosure of Interest

The Podiatrists Registration Act 1995 requires members to disclose any direct or indirect pecuniary interest. The relevant clause is reproduced below.

- (1) A member who has a direct or indirect pecuniary interest in a matter being considered by the Board must, as soon as practicable after the relevant facts come to the knowledge of the member, disclose the nature of that interest at a meeting of the Board.

- (2) A disclosure under subclause (1) is to be recorded in the minutes and the member must not, unless the Board exclusive of that members determines otherwise –
- (a) be present during any deliberations of the Board in relation to that matter; or
  - (b) take part in any decision of the Board in relation to that matter.

Approved

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Chairperson