

# **Podiatrists Registration Board of Tasmania**

## **Code of Conduct for Board Members and Staff**

<b>Policy Number</b> 4/2002	<b>Date Implemented</b> 30/8/2002	<b>Replaces</b> N/A	<b>Review</b> 1/1/2005
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### **1 Introduction**

This Code of Conduct is intended to be used as a guide to promoting and maintaining the highest standards of ethical behaviour by members of the Podiatrists Registration Board of Tasmania and its staff. In registering podiatrists, the Board has an obligation to operate in an ethical and responsible manner. The Code is intended to provide the Board with a framework that assists in making ethical decisions, thereby informing operational standards.

### **2 Ethical Obligations**

#### **2.1 Respect for the Law and System of Government**

The laws of Tasmania and Australia shall be upheld and the decisions and policies of the Government implemented. Board members and their staff shall not be party to breach, evasion, or subversion of these laws, decisions and policies.

#### **2.2 Respect for persons**

Members of the public and staff members shall be treated honestly and fairly, and with proper regard for their rights and entitlements, duties and obligations.

#### **2.3 Integrity**

Board members and their staff shall at all times seek to maintain or enhance public confidence in the integrity of government administration, and to advance the common good of the community which they serve, recognising that public office involves a public trust for which they may be held accountable.

In particular, their powers and position should not be used improperly for personal advantage, and any conflict between personal interests and official duty which may arise should be resolved in favour of the public interest.

Board members have an obligation to be conscientious in the performance of their official duties and scrupulous in the use of official information, equipment, resources and facilities.

## **2.4 Diligence**

Due diligence, care and attention should be exercised at all times in seeking to achieve high standards of public administration in relation to the duties and responsibilities of the Board.

## **2.5 Economy and Efficiency**

Waste, abuse and extravagance in the provision or use of public resources should be avoided and fraud and corruption should be exposed when identified.

## **3 Professional Conduct**

Board members and their staff must determine and accept personal and professional standards that go beyond the professional requirements of the law. The aim of these high standards is to promote a superior level of ethical and professional conduct with the Podiatry profession and to protect and advance the public interest.

## **4 Accountability of the Board**

Although the Board is established to administer the *Podiatrists Registration Act 1995* on behalf of the Crown, its members have been granted significant powers in determination of eligibility for entry into those professions and in the regulation of the conduct of registered practitioners. Given these broad ranging powers and their implications for public policy, it is important to ensure that the Board members exercise their powers and functions with an appropriate degree of accountability to the public and, through the Minister, to the Parliament.

### **4.1 Accountability to the Board**

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.

#### **4.2 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.

#### **4.3 Accountability to the Public**

The inclusion on the Board of persons who are not podiatrists is one means of ensuring an increase in public accountability.

The establishment of the Health Complaints Commissioner and its relationship with the Board is a mechanism for further enhancing the accountability of the Board for the exercise of its complaints and disciplinary functions.

There is an obligation to observe the rules of natural justice in decision making processes. The rules of natural justice are essentially about procedural fairness and provide that persons affected by a decision are entitled to know the case against them and to be given the opportunity to respond to any accusations.

The *Freedom of Information Act 1992* provides another level of accountability by entitling the public to have access to the Board's documents, including Minutes of Meetings and Board policies.

The various appeal mechanisms available from decisions of the Board provide a further level of Board accountability. The Board also approves policies from time to time and these are available to the public on request as further measure of the accountability of the Board to the public.

#### **4.4 Accountability to the Minister**

The Board is required to provide annual reports and financial statements to the Minister under the Podiatrists Registration Act 1995. The annual report contains statistics and other details concerning the Board's activities and, together with the Board's financial statements, is tabled in Parliament. The Board also has a duty of care to manage public funds appropriately and in accord with relevant Acts and regulations.

### **5. Protection of Privacy, Official Information and Public Comment**

#### **5.1 Use of Official Information**

Official information should not be used by Board members and Board staff to improperly gain any kind of advantage for themselves, or for another person or organisation.

Unless approved by the Board, members and staff of the Board presenting material at meetings or lectures sponsored by individuals or organisations should not accept fees where:

- individuals utilise a skill, knowledge or information derived directly from their employment with the Board rather than a professional/specialist skill;
- the Board has ownership of the intellectual or physical property involved.
- there may be a breach of the common law principles of the employee's duty of fidelity to the interests of their employer, including the use of the employer's materials or property.

Board members and Board staff have a duty of care to protect confidential and sensitive information and shall apply the appropriate security procedures to protect the confidentiality of classified information and documentation.

#### **5.2 Release of Official Information**

Board members and Board staff are not prohibited from disclosing official information which would normally be given to any member of the public seeking that information. However, official information of a confidential or privileged nature should not be disclosed to unauthorised persons or organisations, except with the approval of the Board or as delegated to the Registrar or other staff.

### **5.3 Public Comment**

As members of the community, Board members and Board staff have a right to make public comment and enter into public debate on political and social issues in accordance with Board policy. However, there are circumstances where public comment or debate by Board members and their staff is not acceptable. These include circumstances where:

- a public comment made in a private capacity gives rise to public perception that it is in some way an official comment of the Board.
  - the individual is directly involved in advising on or directing the implementation or administration of Board policy, and the public comment would compromise the individual's ability to do so;
  - a public comment amounts to criticism sufficiently strong or persistent to give rise to a perception that the officer is not prepared to implement or administer the policies of the Board;
  - a public comment on Board administration causes serious disruption in the work place;
- and
- a public comment amounts to a personal attack.

Where individual Board or staff members are in any doubt as to the propriety of a proposed comment they should consult the Chair or the Registrar, and should observe any directions made governing public comment relating to the Podiatrists Registration Board.

### **5.4 Response to Complaints**

In managing complaints the Board has a responsibility to:

- provide easy access to a complaint handling procedure that ensures efficiency, fairness and unbiased attention, no matter the persons involved or nature of the complaint;
- respond within an appropriate time to all complaints; and
- keep the complainant and registrant against whom the complaint is lodged informed of all relevant processes and outcomes pertaining to the complaint.

## **6. Responsibilities of Board Members**

Individual Board members are expected to undertake their duties in a responsible manner and one which contributes to the Board's effective decision making processes. Members should at all times act with honesty and due care and diligence in the exercise of their powers. It is suggested that all Board members ensure that they:

- (a) Are aware of the ongoing nature of Board business and remain abreast of this.
- (b) Take an active part in Board meetings and all decision making processes.
- (c) Question as, and when appropriate, so as to ensure that they are informed on issues.
- (d) Question and consider the impact of all decisions made.
- (e) Request, through the Chair, outside professional advice when they have insufficient information to properly allow them to make an informed decision.

In addition to the general responsibilities of all Board members, the Chairperson has additional responsibilities. These responsibilities relate to their leadership and spokesperson role for the Board. Specific details in relation to the conduct of Board and Committee meetings is contained within the Schedules at the rear of the Act.

## **7. Protection from Liability**

Section 14 of the Act provides protection for staff and members of Board committees in relation to personal liability for any action or decision. Specifically, the Section states that:

*A person who is an employee of the Board or a member of a committee does not incur any personal liability for an act done or purported or omitted to be done by the person in good faith for the purpose of administering or executing this Act.*

Similar provision is contained within the *Statutory Authorities (Protection from Liability of Members) Act, 1993* for the protection of Board members in relation to personal liability.

## **8. Confidentiality**

Board members, through their work on committees, are exposed to a great deal of confidential information in regard to podiatrists and applications for registration/enrolment. It is expected that all staff, Board and committee members will maintain the strictest confidentiality about any knowledge they may gain through their association with the Board.

**9. Preparation for Board Meetings**

The Agenda and background materials are sent out at least seven days in advance of Board meetings. Members are expected to thoroughly review the material in order to contribute constructively to Board discussions and decision making.

Board members may add items to the agenda prior to a meeting if they believe an issue requires Board discussion. Members who wish to add agenda items prior to a meeting should contact the Secretary. Members may also raise additional items for discussion under *Other Business*. Members wishing to do so should raise the item with the Chairperson at the beginning of the meeting.

**10. Board Member Expenses**

Board members are entitled to be paid such remuneration, including travelling and subsistence allowances, as the Minister determines. Currently this includes the cost of travel, accommodation and other personal expenses.

Approved

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Chairperson