

New South Wales Osteopaths Registration Board

Code of Conduct for Board Members

Introduction:

The NSW Osteopaths Registration Board fulfils the objects of the legislation by which it is established, that being the *Osteopaths Act 2001, NSW*. The Board also undertakes the functions which are provided in the legislation, the Object of which is

“to protect the health and safety of members of the public by providing mechanisms to ensure that osteopaths are fit to practise.”

This Code of Conduct for the Board Members has been prepared with reference to and in accordance with the “Conduct Guidelines for members of NSW Government Boards & Committees”, published by the NSW Premier’s Department, November 2001; and with the “Model Code of Conduct for NSW Public Agencies- Policies and Guidelines”, published by the NSW Premier’s Department, 1997.

Those “Conduct Guidelines” state that “all boards should have a code of conduct defining the standards of behaviour expected of their organization.”

The Board members of the NSW Osteopaths Registration Board acknowledge that, to influence behaviour, a Code must be an agreed document and one for which all those to whom it is intended to apply have a strong sense of ownership. As such, the Board members have had a joint involvement in the development and implementation process of this Code of Conduct, in the spirit of creating and abiding by a genuine and practical Code commanding due authority.

The Board does not regard this Code as a static document and undertakes to review the Code periodically and to make any additions or amendments as are reasonably required in order to reflect the changing circumstances.

Principles of Conduct for Board Members

Members of Government Boards and Committees as public officials are subject to the general principles of conduct that apply to public sector employees, as outlined in the “Model Code of Conduct for NSW Public Agencies- Policies and Guidelines”, published by the NSW Premier’s Department, 1997, as follows:

- **Responsibility and Impartiality**

The Board must comply with relevant legislative, industrial and administrative requirements of Government, in an impartial manner.

- **Respect for People**

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

- **Honesty, Integrity and Public Interest**

Board members must promote confidence in the integrity of the administration of the Osteopaths Registration Board. They should act honestly and in the public interest, rather than in their private interest.

- **Responsive Service**

Board members should have an understanding of their role, the role of the Minister for Health in relation to the Osteopaths Registration Board, the relationship to other Health Registration Boards and Government agencies (such as the Health Care Complaints Commission NSW), and to management. They should also have an understanding of who their stakeholders are- i.e. registered Osteopaths and consumers of Osteopathy services in NSW and throughout Australasia.

- **Economy and Efficiency**

Board members should look for ways to improve the Board’s organizational performance and achieve high standards of public administration. They should use their authority and available resources and information only for the work related purpose intended.

Personal and Professional Behaviour

Board members must act in accordance with the proper purpose of the *Osteopaths Act 2001* and without exceeding their powers.

Board members must perform their functions with integrity, impartiality, honesty, conscientiousness, care skill and diligence, and loyalty to the public interest.

Accountability for Public Expenditure

Board members must ensure the efficient and responsible expenditure of public funds in accordance with government legislation, policy and guidelines.

Accountability for Decision Making

The nature of work in the public sector requires a high standard of accountability, transparency and fairness.

Board members should attend all Board and relevant committee meetings as far as is possible, and allow the necessary time to prepare for meetings.

Decisions, reasons for decisions and processes of the Board must be documented and minutes of all official meetings must be prepared and retained as official records.

Guide to Ethical and Equitable Decision Making

Members of the Board acknowledge that they have been appointed by the NSW Minister for Health to fulfil a legislative function and as such, they are obliged to promote the interests of the Osteopaths Registration Board.

The interests of the Board are the advancement of the object of the *Osteopaths Act 2001, NSW* which is “*to protect the health and safety of members of the public by providing mechanisms to ensure that osteopaths are fit to practise.*”

Members of the Board should ensure that their decisions and conduct are reasonable, fair and appropriate to the circumstances, based on consideration of all the relevant facts, and supported by adequate documentation.

Members of the Board must not compromise themselves by allowing the interests of a group, section or person to decisively influence their decisions in circumstances where those interests are in conflict with the interests of the Board.

If a Board member is in genuine doubt about a particular matter, then he/she should act in what they understand to be in the interests and ideals of the Osteopaths Registration Board and not in accordance with what he/she understands to be in the interests of their's or another's specific interest group, section or person.

The following points may assist a Board Member in the correct decision making process:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with government policy and in line with the Osteopaths Registration Board objectives and Code of Conduct?
- What will the outcome be for the Board, for practicing Osteopaths, patients, relevant other parties and the public in general?
- Do these outcomes raise a conflict of interest or lead to private gain at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

Recognising Conflicts of Interest or Perceived Conflicts of Interest

Conflicts of interest exist when it is likely that a Board member could be influenced, or could be perceived to be influenced, by a personal (including but not limited to financial) interest in carrying out a Board duty.

Conflicts of interest that influence decision making, may constitute corrupt conduct.

Some related interests that may give rise to a conflict of interest include:

- financial interests (held by a Board member, or their family or friends) in a matter dealt with by the Board;
- personal beliefs or attitudes that influence the impartiality of advice given;
- personal relationships with the people the Board is dealing with or investigating, that goes beyond the level of a professional working relationship;
- secondary employment or business interests that compromises the integrity of the Board member's view on a relevant issue before the Board.

Disclosure of Interests

An individual Board member may often be the only person aware of the potential for conflict. It is therefore their responsibility to avoid any financial or other interest that could compromise the impartial performance of their Board duties, and disclose any

potential or actual conflicts of interest to the other Board members, as and when they arise.

If a Board member is uncertain whether a conflict or perceived conflict exists, he/she should discuss the related interest matter with the other Board members at a Board Meeting, so that it may be dealt with in the appropriate manner.

A Board member must disclose interests to the Board which include positions and financial interests (direct or indirect) in other businesses, organizations and/or interest groups, that may be relevant to the activities of the Board. Interests are deemed to include those of an associate, partner or close relative.

A register of such interests is to be maintained by the Registrar and reported to the Minister for Health, (as prescribed in the “Conduct Guidelines for members of NSW Government Boards & Committees”, published by the NSW Premier’s Department, November 2001).

Managing Conflicts of Interest or Perceived Conflicts of Interest

To resolve any conflicts of interest that occur, or could occur, the Board may decide from a range of options, depending upon the significance of the conflict. These options include:

- recording the details of the disclosure in the Meeting Minutes and taking no further action because the potential for conflict is minimal or has been eliminated by the disclosure or effective supervision; or
- the Board may require the particular Board member in question not to take part in any discussion of the Board relating to the interest or issue, and not vote on the matter. This may also include a requirement for the member to be absent from the room when any discussion or decision is taking place and not to receive any relevant board papers. This should be recorded in the Meeting Minutes; or
- in an extreme case the Board member may be required to relinquish his/her personal and/or financial interest giving rise to the (perceived) conflict; or
- in an extreme case a conflict of interests may require resignation by the Board member from the Board or relevant sub-committee.

Use of Official Information

A Board or Committee member must not disclose official information or documents acquired as a consequence of Board membership, other than as required by law (eg in

complying with a subpoena to produce documents or to give evidence in Court), or when the Board member has been given proper authority to do so.

Unauthorised disclosures may cause harm to individuals or give an individual or organization or business an improper advantage or disadvantage. The integrity or credibility of the Board and/or its parent Organisations may also be damaged if it appears unable to keep its information secure.

Official information must only be used for the Board work-related purpose intended and not for the personal benefit of any Board member.

Gifts and Benefits

Board members should not accept a gift or a benefit that it intended to, or is likely to cause them to act in a partial manner in the course of their Board duties.

Token gifts may be accepted under certain circumstances provided that there is no possibility that the recipient might be or might appear to be compromised in the process.

A Board member should advise the Chairman if they believe they have been offered a bribe, or if they have been offered or received an improper favour or benefit designed to influence any relevant decision or administrative issue.

In the event that the offering of gifts and benefits becomes a regular occurrence, the Board shall create a Register of Gifts, the maintenance of which will enable the receipt and disposal of gifts to be conducted in an open and transparent manner. Information recorded should include who made the offer, who received the benefit, the date, its value and the decision made upon its allocation.

Reporting Suspected Corrupt Conduct

The principal officers of the Osteopaths Registration Board NSW, being the Chairperson and the Registrar and Acting Registrar, are required to report corrupt conduct or suspected corruption, to ICAC- (Independent Commission Against Corruption).

Corrupt conduct can be generally understood as the dishonest or partial exercise of the Board's official functions by a Board Member. It may also involve the conduct of any third party, which adversely affects the honest and impartial exercise of a Board member's statutory functions.

For conduct to be considered corrupt under the ICAC Act definition, it has to be serious enough to involve criminal offence, a disciplinary offence, or be grounds for dismissal.

A report must be made to ICAC as soon as the principal officers or any of them have a reasonable suspicion that corrupt conduct may have occurred or may be occurring. Reports to ICAC must be made without advising the person(s) to whom the report relates and without publicity.

Board members can make reports to principal officers of the Board as appropriate in the circumstances.

Unless the principal officers of the Board feel that the matter is one that ought to be reported to an investigative body such as ICAC in accordance with their legal obligations, the matter may be dealt with through the existing complaints process within the Osteopaths Registration Board.

Board Members can also report directly to the following investigative bodies:

- Corrupt conduct should be reported to ICAC;
tel (02) 9318 5999
- Maladministration should be reported to the NSW Ombudsman;
tel (02) 9286 1000
- Serious and substantial waste of public money/resources should be reported to the NSW Auditor General.

The *Protected Disclosures Act* provides protection to public officials (Board Members) who voluntarily report suspected corrupt conduct, except in cases of malicious or vexatious allegations.

Relevant Legislation

- Osteopaths Act 2001 NSW;
 - Anti Discrimination Act 1977 NSW;
 - Freedom of Information Act 1989;
 - Health Care Complaints Act 1993;
 - Independent Commission Against Corruption Act 1989;
 - Occupational Health & Safety Act 1983;
 - Ombudsman Act 1974;
 - Protected Disclosures Act 1994;
 - Privacy Act;
 - Public Finance and Audit Act 1983;
 - Public Sector Management (General) Regulation 1996;
 - Public Sector Management (Goods and Services) Regulation 2000;
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Board member acknowledgement and agreement to be bound by this Code of Conduct:

<p>..... Mr Robert Fendall Date Signed:.....</p>	<p>..... Ms Kim Stewart Date Signed:.....</p>
<p>..... Ms Louise Adam Date Signed:.....</p>	<p>..... Mr Raymond Blaich Date Signed:.....</p>
<p>..... Ms Jennifer Paull Date Signed:.....</p>	<p>..... Dr Christine Ewan Date Signed:.....</p>
<p>..... Ms Karen Stott Date Signed:.....</p>	