

# *NSW PHYSIOTHERAPISTS REGISTRATION BOARD*

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*April 1998*

## **Code of Conduct**

### **1. INTRODUCTION**

The maintenance of public confidence in the system of professional registration requires members of the Physiotherapists Registration Board to both exhibit and be seen to exhibit, the highest ethical standards in carrying out their duties. This Code provides a framework to support and promote the making of ethical decisions in all areas where the Board has a role or function.

### **2. ETHICAL OBLIGATIONS**

All Board members should perform the duties of their office to the best of their ability to advance and enhance the functions for which the Board is established, pursuant to the Physiotherapists Registration Act 1945, and adhere to the following principles:

- 2.1 Public Interest:** Board Members have an obligation to place the interests of the community ahead of the interests of their profession or nominating organizations.
- 2.2 Integrity:** Board members have an obligation to act with integrity and impartiality in the best interests on the community as a whole.
- 2.3 Respect for Persons:** Board members have an obligation to treat members of the public and members of the Physiotherapy profession honestly, fairly and with proper regard for their respective rights and entitlements.
- 2.4 Diligence:** Board members have an obligation to work diligently to achieve a high standard of public administration in relation to the duties and responsibilities of the Board.

### **3. PROFESSIONAL CONDUCT**

#### **3.1 Role of the Board**

The main function of the Board is to protect the safety of the public of NSW by maintaining the standards of registered physiotherapists. The main function is recognised in the case of Bennets v Board of Fire Commissioners of New South Wales (1967) and Board members should be familiar with the findings and implications of this case. Board members should also have a working knowledge of the NSW Physiotherapists Registration Act.

#### **3.2 Duty to Act Fairly and Within Power**

Quasi-judicial authorities such as the Physiotherapists Board have a duty to act fairly and properly. This means all actions should be undertaken with regard to the powers granted to the board and the nature of the problem at hand. Decisions must be made with regard to the relevant legal criteria, *and those alone*.

The Board also has a duty to come to an independent decision and not act under the direction of some outside person or body. In this respect general policies should be applied by the Board on a case by case basis, with due regard to the particular facts of each case, to avoid unlawfully limiting its discretion.

### **3.3 Natural Justice**

When making decisions which will affect the rights of individuals the Board should observe the principles of natural justice. These require adequate notice to individuals likely to be affected by any contemplated decisions, and providing those individuals with an opportunity to present relevant evidence and arguments and to comment before the Board. Natural justice also requires an absence of bias, partiality or interest on the part of the Board and its committees and the reaching of a decision in good faith after consideration of the evidence and other material in the case.

### **3.4 Conflicts of Interest**

Should a real, perceived or potential conflict of interest arise for a Board member, this conflict must be declared to the Board. The member should offer to refrain from taking part in any decision-making process affected by the conflict of interest. His or her participation in the decision-making process, however, may be at the discretion of the Board.

### **3.5 Accountability**

In the performance of its duties, the Board is accountable to a range of public accountability offices, including:

- c the Office of the Ombudsman, in relation to the administration of the Act;
- c the Independent Commission Against Corruption;
- c the Auditor General's Office, in relation to the proper preparation of accounts and expenditure;
- c the courts in relation to the exercise of its powers and statutory obligations.

### **3.6 Financial Accountability**

The Board has a duty of care to manage public funds appropriately and in accordance with relevant Acts and regulations. The Board is required to provide annual reports and financial statements to the Minister under the Public Finance and Audit Act 1983. The annual report contains statistics and other details concerning the Board's activities. This material, together with the Board's financial statements, is tabled in Parliament.

### **3.7 Gifts**

Board Members must not solicit or accept gifts or benefits where the receipt or expectation of such a gift might in any way tend to influence, or appear to influence, the Member in his/her official capacity.

## **4. PROTECTION OF PRIVACY, OFFICIAL INFORMATION AND PUBLIC COMMENT**

### **4.1 Confidentiality**

Board members are subject to strict confidentiality provisions. Documents and information obtained by Board members in the course of performing their duties are confidential and may not be disclosed to third parties unless:

- C the Board has expressly approved the disclosure or release of information;
- C the documents are the Minutes of the Board. Minutes of Board Meetings are public documents and available in accordance with government policy,
- C there is other lawful direction, such as a subpoena or court order requiring release;
- C disclosure is allowed pursuant to the Freedom of Information Act. This Act entitles the public, subject to specified exemptions to protect the proper operation of the Board, to have access to the Board's documents.

#### **4.2 Public Comment**

As members of the community, Board members have a right to make public comment and enter into public debate on political and social issues. Board members however, also have a duty to the Board. Therefore:

- C members should not, in an official capacity, make public comments on Board matters unless authorised by the Board to do so;
- C members should not disseminate or present their individual views as the view of the Board;
- C members should take steps to ensure that a public comment made in a private capacity does not give rise to a public perception that it is in some way an official comment of the Board;

Where individual Board members are in any doubt as to the propriety of a proposed comment they should consult the Chairperson, and should observe any directions made governing public comment relating to the Physiotherapists Board.

#### **4.3 Use of Official Information**

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

### **5. CONCLUSION**

This Code of Conduct provides a measure against which the behaviour of members of the Physiotherapists Board can be assessed to ensure the highest standard of ethical behaviour in the conduct of their activities.

### **6. ACKNOWLEDGEMENT**

The generosity of the Physiotherapists Board of Queensland in allowing access to and use of information about its Code of Conduct is gratefully acknowledged.

**NSW Physiotherapists Registration Board** (For review in 2001)