



CODE OF CONDUCT FOR BOARD MEMBERS

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<i>Related Document Reference</i>	EHA Charter 3.2 & 3.3

1. Introduction

This Code of Conduct is a public declaration of the principles of good conduct and standards of behaviour that the Board Members of Eastern Health Authority ("EHA") have agreed to demonstrate.

The standards in this Code of Conduct are in addition to any statutory requirements of the *Local Government Act 1999* or any other relevant Act or Regulation applicable to Board Members in the performance of their role and responsibilities.

2. Statement of Commitment

We, the Members of the Board of EHA, are committed to discharging our duties conscientiously and to the best of our ability. We will not at any time make improper use of our position as a Board Member or of any information acquired in the course of our duties.

In the performance of our role we will act with honesty and integrity and conduct ourselves in a way that generates community trust and confidence in us as individuals and enhances the role and image of EHA.

In addition to all legislative requirements we, the Members of the Board of EHA, agree to abide by this Code of Conduct and have adopted the requirements as the standards of behaviour that we will observe in the performance of our role and responsibilities.

3. Principles of this Code of Conduct

As Members of the Board of EHA we will –

3.1 Role of a Board Member

- show commitment and discharge our duties conscientiously and to the best of our ability

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- act in a fair, honest and proper manner and according to the law
- act with reasonable care and be diligent in the performance of our duties and responsibilities
- act in good faith and not for improper or ulterior motives
- have due regard to the laws dealing with conflict of interest in relation to all our duties and behaviours and exercise the highest level of integrity expected of people holding public office
- not misuse our positions to gain an advantage for ourselves or others or to cause detriment to EHA
- at all times behave in a manner that maintains and enhances the image of EHA and/or does not reflect adversely on EHA, and
- be impartial in reaching decisions and accept the responsibilities associated with those decisions.

3.2 Relationships

- act in a reasonable, just and non-discriminatory manner when dealing with people
- seek to achieve a team approach when dealing with staff of EHA and an environment of mutual respect and trust
- treat staff of EHA with respect for and acceptance of their different roles in achieving EHA's objectives
- seek to establish a working relationship with fellow Board Members that recognises and respects the diversity of opinion and seeks to achieve the best possible outcomes for the community
- in our dealings with other Board Members and with staff members, ensure that our behaviour is not and cannot be interpreted to constitute bullying or harassment, and
- ensure that we uphold the values of EHA in all interactions.

3.3 Information

- not use information obtained as a result of our position as a Board Member for any purpose other than that required to fulfil our roles and responsibilities as a Board Member
- respect and maintain confidentiality, and not at any time release to any person or organisation any documents that the Board has resolved be

kept confidential or that have otherwise been delivered to us as a member of the Board with an indication that they are confidential

- ensure any information we give to the media in relation to the Board or decisions of EHA is accurate and not a misuse of information.

3.4 Communication

- be fair and honest in our dealings with individuals and organisations and behave in a manner that facilitates constructive communication between the Board of EHA and the community
- when making comments to the media, state clearly that we are expressing our personal opinion and not that of EHA (unless a member is authorised by the Board of EHA to speak on its behalf)
- when making personal comments, show respect for decisions of EHA, other Board Members and employees of EHA, and
- in our dealings with other Board Members, members of staff and the community, endeavour to ensure that our communication, written or verbal (or otherwise), is not offensive to any person or otherwise defamatory.

4. Complaints

A complaint about the behaviour of a Board Member under the Code of Conduct will be investigated and appropriate action taken to ensure the complaint is addressed and to reduce the likelihood of further breaches of the Code of Conduct occurring. The Board has adopted a procedure for handling such complaints.

Any person who believes a breach of this Code of Conduct may have occurred is encouraged to bring details to the attention of the Chief Executive Officer of EHA via telephone (8132 3600) or e-mail (mlivori@eha.sa.gov.au).

5. Further Information

The public may inspect this Code of Conduct for Board Members on EHA's website (www.eha.sa.gov.au) and at the principal office of EHA at 101 Payneham Road, St Peters.

Any queries in relation to this Code of Conduct should be directed to the Chief Executive Officer of EHA via telephone (8132 3600) or e-mail (mlivori@eha.sa.gov.au).

6. Statement of Adoption and Review

This Code of Conduct was adopted on 10 November 1999 and will be reviewed periodically.

EHA may at any time alter this Code of Conduct, or substitute a new Code of Conduct.

EASTERN HEALTH AUTHORITY

BOARD MEMBER COMPLAINTS HANDLING POLICY

1. Introduction

Eastern Health Authority ("EHA") has adopted a Code of Conduct for Board Members. The Code of Conduct is a public declaration of the principles of good conduct and standards of behaviour that the Members of the Board have agreed to demonstrate. The standards in the Code of Conduct are in addition to any statutory requirements of the *Local Government Act 1999* or any other relevant Act or Regulation applicable to Board Members in the performance of their role and responsibilities.

This policy sets out the processes to support Board Members in complying with this Code of Conduct and to address any complaints relating to the Code.

2. Behaviour Contrary to the Code of Conduct

EHA is committed to supporting members in complying with the Code of Conduct and to investigate and address any complaints made relating to the Code.

3. Complaint Handling Process**3.1 Making a Complaint**

A complaint made by any person that relates to an alleged breach of this Code of Conduct must:

- be made in writing;
- identify the provision(s) of the Code which it alleges have been breached and provide all available evidence that supports the allegation(s) of breach; and
- be delivered to the Chief Executive Officer of EHA (which includes any person acting in the Office of Chief Executive Officer of EHA).

Receipt of the complaint will be acknowledged to the complainant within 3 days of receiving the complaint.

3.2 Disclosure of complaint

The Board Member who is the subject of the complaint will be notified within 3 days of receipt of the complaint and of its substance, unless the complaint is referred to the Office for Public Integrity in accordance with the Independent Commissioner Against Corruption's *Directions and Guidelines for Public Officers*.

The complaint will be treated with strict confidentiality (subject to satisfying the requirements of Section 90(3) of the *Local Government Act 1999*) until such time as it has been fully investigated and finally determined. In particular, if the disclosure of information by the complainant has been made under the *Whistleblower's Protection Act 1993* then the identity of the complainant will remain confidential unless the person consents, except so far as may be necessary to ensure that the matters to which the information relates are properly investigated.

The complainant will be informed that he or she must also observe confidentiality with respect to the complaint.

On receipt of a complaint the Chief Executive Officer must bring the fact of the complaint (but not the detail of the allegations) to the attention of the Board at the next formal meeting of the Board and, it is to be received by the Board in confidence, subject to meeting one or more of the grounds under Section 90(3) of the *Local Government Act 1999*.

3.3 Assessment of Complaint

The Chief Executive Officer of EHA will consider whether the complaint raises a reasonable suspicion of:

- corruption in public administration;
- serious or systemic 'misconduct in public administration'; or
- serious or systemic maladministration in public administration,

(as those concepts are defined in the *Independent Commissioner Against Corruption Act 2012*).

If a reasonable suspicion of this nature is raised, then the complaint will be referred to the Office for Public Integrity in accordance with the Independent Commissioner Against Corruption's *Directions and Guidelines for Public Officers*. In these circumstances, an investigation of the complaint under clause 3.4 will only occur with the concurrence of either the Independent Commissioner Against Corruption or the Office for Public Integrity.

If there is no reasonable suspicion of this nature raised by the complaint, then the Chief Executive Officer will cause a proper investigation of the complaint by appointing an Independent Assessor from the previously agreed list adopted by EHA to conduct the investigation.

3.4 Investigation of Complaint by an Independent Assessor

The following processes will be followed with respect to assessment and investigation of complaints depending on the level of seriousness:

3.4.1 The Independent Assessor may determine that no further action should be taken with respect to an alleged breach where the Independent Assessor determines that the allegation is frivolous or vexatious. In this case the Independent Assessor will prepare a report to that effect and provide it to the Chief Executive Officer of EHA.

3.4.2 If the Independent Assessor identifies issues of substance that warrant further investigation:

3.4.2.1 the investigation will be a thorough and balanced assessment of the available evidence regarding the alleged breach, the relevant circumstances prevailing at the time of the alleged breach and any other factors deemed relevant to making a fair and reasonable judgement about the matter;

- 3.4.2.2 the Board Member who is the subject of the allegation(s) will be provided with a reasonable opportunity to explain his/her actions and to make a written submission on the allegations. Any such submission will be provided to the Independent Assessor;
- 3.4.2.3 the Independent Assessor must provide EHA with a final written report on the investigation undertaken within fourteen days of receiving written submissions from the person who made the complaint and/or the Board Member who is the subject of the complaint, or such longer period as the Board of EHA may determine;
- 3.4.2.4 if EHA, the Independent Assessor forms the view that additional time will be needed to conclude the investigation and finalise the report the Independent Assessor should bring this to the attention of EHA at the earliest convenience, but at the very least, before the expiration of the fourteen day timeframe; and
- 3.4.2.5 after receipt of the final report from the Independent Assessor, EHA must provide to the Board Member who is the subject of the complaint and to the person who made the complaint, a copy of the investigation report on a confidentiality basis.

3.5 Determination of Complaint

- 3.5.1 The final report of the Independent Investigator will be presented at a meeting of EHA in confidence (ie public excluded), subject to Section 90(3) of the *Local Government Act 1999* being satisfied. If the matter will be considered in confidence, then the Board can resolve to impose an order of confidentiality in respect of the final report. Exceptions to this order of confidentiality should provide for:
 - (a) the provision of the final report and Board's resolution in respect of the complaint to both the Board Member and the complainant; and
 - (b) if relevant, for the purpose of clause 3.5.4.5.
- 3.5.2 If the final report recommends the application of penalties, the Board Member, the subject of the allegation(s), will be provided with a reasonable opportunity to comment in writing upon the contents and findings contained in the report and on the appropriateness of the proposed penalty. Such comment must be taken into account by the Board of EHA when determining the complaint.
- 3.5.3 On receipt of the final report of the Independent Assessor the Board of EHA (excluding the Board member the subject of the complaint) will determine an appropriate penalty should there be a finding that there has been a breach of this Code of Conduct.
- 3.5.4 EHA has the power to impose the following penalties in relation to a finding of a breach of the Code of Conduct:
 - 3.5.4.1 censure the Board Member;

3.5.4.2 request a public apology from the Board Member in relation to the breach;

3.5.4.3 recommend the Board Member undertake a particular training course or receive appropriate instruction relevant to the breach;

3.5.4.4 EHA make a recommendation under clause 2.2(g) of the Charter to the Constituent Council of which the Board Member who is the subject of the complaint is a member, that the Constituent Council terminate the appointment of the Board Member;

and in any such case the Board may:

3.5.4.5 report the complaint to the Constituent Council's and provide the Constituent Councils with a copy of any report prepared by the Independent Assessor and

3.5.4.6 make a public announcement of the complaint made against the Board Member, the determination and the penalty (if any) imposed on the Board Member.

3.5.5 A copy of the Board 's resolution will be provided on a confidential basis to the Board Member and the complainant.

4. Confidentiality & Procedural Fairness

All deliberations by the Board of EHA and the Independent Assessor process in regard to an alleged breach of the Code of Conduct will be conducted in confidence, subject to satisfying the requirements of Section 90(3) of the *Local Government Act 1999*, and will be maintained as confidential until finally determined, at which time the Board of EHA must decide the ongoing status of the confidentiality order.

The principles of procedural fairness must be observed from the time of receipt of the complaint and during the investigation of the complaint to final determination. The final report is to show due process and the reasoning for any conclusions and recommendations.

5. Further Information

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