

Code of Conduct

Message from the Chairperson

Voluntary assisted dying has been made available to the people of Western Australia (WA) through the implementation of the *Voluntary Assisted Dying Act 2019* (the Act). The Voluntary Assisted Dying Board (the Board) is established by the Act and has advisory and monitoring functions in relation to voluntary assisted dying in WA. The Board will report to the Minister for Health and the Parliament on the operations of voluntary assisted dying in WA and advise on system-wide quality and safety improvements.

The members of the Board while selected for their expertise, are not representative of organisations or other bodies, and come together to express that expertise in the best interest of the Board in monitoring and advising about voluntary assisted dying in WA. This Code of Conduct sets out the responsibilities and obligations of members of the Board and is the foundation on which the Board can provide good governance to its role.

This Code of Conduct applies to the members during Board meetings, when representing the Board in any capacity, and in any situation that involves a matter that is before, or is likely to be before, the Board. Each member is expected to read and familiarise themselves with this Code of Conduct.

Values of the Board

In all our operations and relationships, we will uphold the Principles outlined in the Act:

- (a) every human life has equal value;
- (b) a person's autonomy, including autonomy in respect of end of life choices, should be respected;
- (c) a person has the right to be supported in making informed decisions about the person's medical treatment, and should be given, in a manner the person understands, information about medical treatment options including comfort and palliative care and treatment;
- (d) a person approaching the end of life should be provided with high quality care and treatment, including palliative care and treatment, to minimise the person's suffering and maximise the person's quality of life;
- (e) a therapeutic relationship between a person and the person's health practitioner should, wherever possible, be supported and maintained;
- (f) a person should be encouraged to openly discuss death and dying, and the person's preferences and values regarding their care, treatment and end of life should be encouraged and promoted;
- (g) a person should be supported in conversations with the person's health practitioners, family and carers and community about treatment and care preferences;

- (h) a person is entitled to genuine choices about the person's care, treatment and end of life, irrespective of where the person lives in Western Australia and having regard to the person's culture and language;
- (i) a person who is a regional resident is entitled to the same level of access to voluntary assisted dying as a person who lives in the metropolitan region;
- (j) there is a need to protect persons who may be subject to abuse or coercion;
- (k) all persons, including health practitioners, have the right to be shown respect for their culture, religion, beliefs, values and personal characteristics.

Board members commit to:

- upholding the principles of the Public Sector Commissioner's Instruction No. 7: Code of Ethics and this Code of Conduct; and
- taking responsibility for contributing in a constructive and positive way to enhance good governance and the Board's integrity.

Conduct areas

1. Personal behaviour

As Board members, we will put the public interest first, ahead of our own personal and pecuniary interests, and act with loyalty, in good faith, ethically and with integrity by:

- fulfilling our Board's statutory purposes and requirements as per the Act;
- exercising our powers and discharging our duties in the best interests of Western Australians;
- making decisions fairly, impartially and promptly and considering all available information, legislation, policies, procedures and ethical codes;
- being accountable and transparent;
- doing our job lawfully, with reasonable care and diligence and as efficiently and effectively as possible;
- treating members of the public, stakeholders and fellow Board members with respect, courtesy, honesty and fairness; having proper regard for their interests, rights, safety and welfare;
- maintaining and contributing to a harmonious, safe and productive work environment and professional relationships including practising proactive self-care and reflective self-practice; and
- understanding the consequences of misconduct and actions that may be taken if we do not comply with the code and associated policies.

As Board members, we will make an active contribution by:

- attending all Board meetings either in-person or virtually. If we cannot attend, we will submit an apology. If we are likely to miss several consecutive meetings, we may apply for a leave of absence;
- participating and working cooperatively with fellow Board members and stakeholders to achieve agreed goals;
- diligently preparing for meetings by reading and considering papers circulated with the agenda; and

- expressing our concerns to the Chairperson, or the presiding member about consultations, decisions or actions we believe may be contrary to the Board's statutory requirements.

2. Communication and official information

Use of confidential information

As Board members, we will:

- maintain confidentiality and not directly or indirectly, record, use or disclose information obtained as Board members, other than as outlined in s.103(2) and s.103(3) of the Act. If we are unsure, we will seek direction from the Board Chairperson;
- not make improper use of information obtained in the course of our Board duties, or use for direct or indirect personal or commercial gain, or to do harm to other people or the Board, for example, disclosing the contents of any official papers to unauthorised persons;
- respect confidential information and observe any restrictions agreed by the Board (subject to *Freedom of Information Act 1992* requirements);
- respect the privacy of individuals and the security of personal information; and
- raise concerns of improper communications or use of information with the Chairperson or presiding member.

Communication and public comment

As Board members, we will:

- adhere to applicable legal requirements, policies and all other lawful directives regarding communication with Parliament, Ministers, ministerial staff, lobbyists, the media and members of the public; and
- only make public comment on behalf of the Board to the media or outside organisations when authorised to do so.

3. Fraudulent or corrupt behaviour

As Board members, we will:

- not engage in any fraudulent or corrupt behaviour;
- report any information about actual or potentially fraudulent, corrupt or illegal activities to the Board Chairperson or presiding member;
- report suspected breaches of this Code of Conduct; and
- abide by our Board's risk management plan and accountability requirements.

4. Use of public resources

As Board members, we will:

- use public resources scrupulously;
- use the resources of the State, funds, employees and equipment effectively and economically, only for Board business;
- be accountable for all expenditure including hospitality and travel;
- comply with applicable legislation, whole of government requirements and Board policies when using public resources; and
- not use public resources for personal financial gain.

Travel and accommodation

As Board members, we will:

- understand our Board's arrangements for the reimbursement of travel and accommodation expenses as per the *Remuneration for Government Boards and Committees: Reimbursement of travel expenses* (<https://www.wa.gov.au/organisation/public-sector-commission/remuneration-government-boards-and-committees>) and *Premier's Circular 2021/02: Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers*

5. Record keeping and use of information

Documenting decisions

As Board members, we will:

- ensure we follow procedures to accurately document Board decisions; and
- prepare and retain minutes for all official Board meetings.

Security of information

As Board members, we will:

- ensure recorded information under our control, in both paper and electronic form, is kept in a secure place, including when stored on laptops, tablets and USB devices;
- be diligent in handling Board records and secure sensitive documents, rather than leaving out in the workplace, meeting rooms, at home or in vehicles where non-Board members might access them;
- avoid discussing Board business in public places where there is a likelihood of being overheard; and
- dispose of confidential waste in accordance with record keeping and archive procedures.

Amendment or falsification of records

As Board members, we will not:

- falsify, destroy, alter or damage any public information; and
- back-date information.

Freedom of information

As Board members, we will:

- comply with the letter and spirit of the *Freedom of Information Act 1992* to assist the public to gain access to documents;
- allow prompt access and ensure information held is accurate, complete, up to date and not misleading; and
- record salient facts in documents.

6. Conflicts of interest and gifts and benefits

Disclosure of conflicts of interest

As Board members, we will:

- proactively manage conflicts of interest;
- ensure that any conflicts are recorded in the conflict of interest register;
- keep our private commercial or political interests separate from our official Board role;
- as soon as practicable after identification of a conflict of interest in a matter being considered by the Board, including a material personal interest, disclose the nature of the interest at a Board meeting; and
- adhere to the requirements outlined in Part 9, Division 7 of the Act.

Gifts and benefits

As Board members, we will:

- not demand or accept in connection with our official duties any fee, commission, reward, gratuity or remuneration of any kind which is outside the scope of our entitlements; and
- not use our public position for personal profit or gain or to cause detriment to others.

7. Reporting suspected breaches of the code

As Board members, we will:

- where appropriate report suspected breaches of the Code of Conduct to the Chairperson, or the Deputy Chairperson in the event that the Chairperson is unavailable, or the suspected breach involves the Chairperson;
- where the matter meets the definition of minor misconduct report the matter to the Public Sector Commission; and
- where the matter meets the definition of serious misconduct report the matter to the Corruption and Crime Commission.

Consequences of Breaching the Code

The range of consequences that may occur for breaches of this Code of Conduct will depend on the nature and seriousness of the breach (i.e. minor misconduct, serious misconduct or other).

Applicable Legislation and Other References

In addition to this Code of Conduct, the Board is subject to a number of other legislative and public sector requirements, summarised below.

Legislation

- *Voluntary Assisted Dying Act 2019*
- *Criminal Code*
 - Section 82 – Bribery of a public officer
 - Section 83 – Corruption
 - Section 85 – Falsification of record by public officer
- *Criminal Code Act 1995 (Cth)*
 - 474.29A
 - 474.29B
- *Corruption, Crime and Misconduct Act 2003*
 - Section 4 – Misconduct
 - Section 25 – Any person may report misconduct
 - Section 28 - Certain officers obliged to notify serious misconduct

- Section 45H – Certain officers obliged to notify minor misconduct
- *Equal Opportunity Act 1984*
- *Freedom of Information Act 1992*
- *Public Sector Management Act 1994*
 - Section 9 – Principles of conduct by public sector bodies etc
- *Public Interest Disclosure Act 2003*
- *State Records Act 2000*

Whole of government requirements

- Public Sector Commissioner's Instruction No. 7: Code of Ethics
- Public Sector Commissioner's Instruction No. 8: Codes of Conduct and Integrity Training
- Premier's Circular: 2022/02 State Government Boards and Committees
- *Remuneration for Government Boards and Committees: Reimbursement of travel expenses* (<https://www.wa.gov.au/organisation/public-sector-commission/remuneration-government-boards-and-committees>)
- *Premier's Circular 2021/02: Guidelines for official air travel by Ministers, Parliamentary Secretaries and Government Officers*

Other material

- Public Sector Commission - Governance Manual for Western Australian Government Boards and Committees