



## Code of conduct PC011

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## Purpose and scope

The Australian Health Practitioner Regulation Agency (Ahpra) Code of conduct (the 'code') outlines the standards of behaviour expected of employees.

The code supports Ahpra's vision and purpose and should be read in conjunction with agency policies, procedures and guidelines, which are available on the intranet.

## Coverage

The code covers all Ahpra employees, contractors and agency staff. The term 'employee' is used in the code to cover these groups. The term 'manager' applies to staff members who have delegated authority to supervise others and provide management direction.

## Introduction

Across Ahpra we are united by a simple, common purpose; to deliver a regulatory scheme trusted and valued by the community and respected by health practitioners for protecting the public.

Our code has been developed to ensure that we also have unified and consistent standards of behaviour expected of everyone who works at Ahpra. It applies to all employees, working in all roles and at all levels of our organisation. We are all responsible for meeting the expectations outlined in the code.

This document provides us with an ethical framework to guide our actions and decisions. It also provides consistency in determining what is and what isn't acceptable behaviour, while helping us to build a safer, more supportive and productive place to work.

The code will help us build a values-based organisation with a safe and inclusive culture.

It provides a framework for appropriate behaviour during our interactions with the public, stakeholders and each other, and outlines the standards required to guide our decisions, actions and ethical behaviour in the performance of our duties.

To meet these expectations, we are all responsible for understanding the requirements of the code, which must be read in conjunction with all policies, procedures and guidelines. We are all accountable for our actions and behaviours, including any failure to take action. You must seek guidance from your manager if you require further clarification or support, or if you find yourself in a position where you are unsure how to act.

## Ahpra responsibilities

Ahpra conducts its business with efficiency, fairness, impartiality and integrity. Ahpra's responsibilities include but are not limited to:

- facilitating understanding of this code by providing appropriate training and avenues to seek clarification as required
- providing you with access to current policies, procedures and guidelines that you are required to comply with. This includes timely notification and consultation on any changes to these policies, procedures and guidelines which may impact you, prior to these changes being made
- providing you with avenues to raise concerns in relation to breaches of this Code which will be managed in accordance with procedural fairness and provide you with protection against victimisation
- acting in accordance with Ahpra values and this code in the management of functions and activities of the agency, and
- facilitating the implementation of policies and programs to create a safe work environment free from bullying, harassment and discrimination.

## Employee responsibilities

You are responsible for familiarising yourself with the code, policies, procedures and relevant legislation and complying with them. You are also responsible for making enquiries if you are unsure how to act.

You need to be aware that the reputation of Ahpra can be affected by your actions at work and, in certain circumstances, by your conduct outside the workplace.

You must:

- treat our customers, stakeholders and colleagues fairly, consistently and with respect
- behave in a lawful, professional and reasonable manner
- comply with all Ahpra policies, procedures and guidelines as well as legislative and industrial requirements that apply to you
- understand the duties, responsibilities and accountabilities of your role, and perform these safely, honestly, courteously and fairly
- make impartial decisions that demonstrate Ahpra's values and promote public confidence
- comply with reasonable requests, directions and instructions given in the course of your duties by any person with authority to do so
- maintain the integrity, confidentiality and security of corporate information
- report unethical, dishonest and/or corrupt conduct, and
- present and conduct yourself in a professional manner.

You must not engage in discrimination, bullying and harassment.

Nothing in this code affects your right to participate in lawful industrial action.

## Manager responsibilities

In addition to employee responsibilities, managers are responsible for the fair and effective management of their staff.

You must:

- provide a safe, encouraging and supportive work environment that recognises and values diverse abilities and contributions
- foster a clear sense of direction and purpose, set realistic goals, timelines, workloads, and ensure employees have the appropriate information and training to complete work
- trust employees to manage their work autonomously and provide support when needed
- assess performance and provide constructive feedback and development opportunities, address any performance issues promptly, directly and confidentially with the employee concerned, and
- consult genuinely with employees and adhere to legal and industrial obligations.

## Ethical decision making

We must ensure that our decisions:

- are made lawfully, ethically and impartially
- promote Ahpra's values

- align with overall organisational objectives, and
- are in the public interest.

You must consider the implications of your conduct, decisions and actions for yourself, your stakeholders, customers and colleagues. Any information or advice you give or any decisions you make must not lead to personal gain ahead of public interest.

If you have delegations to make decisions on behalf of Ahpra, the decisions must be able to withstand external scrutiny. This includes holding and maintaining adequate records of decisions and actions, including the reasons for those decisions.

## Conflicts of interest

An actual, potential or perceived conflict of interest exists when you could be influenced by a personal interest in the course of performing your duties under the National Law. Conflicts of interest that affect impartial decision making may constitute corrupt conduct. A conflict or potential conflict could arise through a range of personal interests or connections including family, friends and associates, or as a result of financial, employment and/or community or political interests or activities.

While you would not normally be required to declare these associations, you may be the only person aware of any actual, potential or perceived conflict so you are responsible for identifying, disclosing or managing such conflicts in a transparent manner.

As an employee you should avoid activities that involve or could appear to involve a conflict between personal interests and the interests of Ahpra and disclose to a manager any actual or apparent conflict of interest that arises.

When considering whether there is a conflict, it is important to consider your role, the nature of the work and how others may perceive the situation.

Where a conflict of interest may compromise your ability to perform your role in an impartial manner, the matter must be declared. Together with your manager, you should identify methods for managing the conflict and monitor and comply with the agreed approach in accordance with the [conflict of interest policy and procedure RM007](#).

## Gifts and benefits

The acceptance of gifts and benefits has the potential to affect current and future impartial decision making. Gifts or benefits that pass between colleagues or come from external organisations may be perceived as being used to create favourable impressions and gain preferential treatment. You must not ask for gifts, benefits or hospitality for yourself or anyone else in connection with your employment.

Employees must comply with the [gifts, benefits and hospitality policy AManC03](#) including obtaining approval from the relevant manager, completion of a declaration form and recording in the gifts and benefit register.

## Secondary employment

When considering secondary employment, paid or voluntary, you must assess whether it may adversely impact the performance of your duties and responsibilities with Ahpra or give rise to an actual, potential or perceived conflict of interest.

You must obtain written approval from the relevant delegate as per the [HR Delegations HR003](#) before engaging in any form of secondary employment outside of Ahpra. This also applies to new employees who, upon joining Ahpra, have outside employment that they wish to continue.

If you gain approval, your employment with Ahpra must take precedence in that:

- the secondary employment is performed wholly in your own time
- you present for work fit for duty and your secondary employment must not result in a breach of any legislative requirements with regard to work times and rest periods

- the secondary employment does not involve the use of Ahpra's intellectual property, confidential information or resources
- you do not refer to your Ahpra role when performing work and you do not provide Ahpra contact details as a contact point for your secondary employment, and
- you promptly notify your manager if there is a change or proposed change in the circumstances of your secondary employment as approved.

Secondary employment will not normally be refused unless it impacts on your ability to perform your duties with Ahpra.

## Health, safety and wellbeing

Ahpra is committed to leading with care and providing a safe workplace for our employees, stakeholders and customers.

As an employee you must:

- take reasonable care of your own health and safety,
- take reasonable care that your conduct does not adversely affect the health and safety of others,
- report, in writing, any hazards, incidents, near-hit incidences or safety risks as they occur or are identified,
- report, in writing, any injuries or illnesses that have arisen within the workplace, that can be affected by the workplace, or that impact on your ability to perform your role in full,
- comply, so far as you are able, with any reasonable health, safety and wellbeing direction, including the participation in mandatory training and drills, and
- cooperate with reasonable, notified health, safety and wellbeing policies and procedures.

As an employee, you play a role in creating and maintaining a safe work environment. You must be familiar with and adhere to Ahpra's safety policies, procedures and guidelines that provide additional information on your obligations under relevant legislation.

Ahpra will take necessary steps to support employees recovering from an illness or injury while at work in a safe and informed manner to promote an active recovery wherever it is reasonable practicable to do so.

## Drugs and alcohol

You are responsible for your conduct at work and should not be adversely affected by alcohol or drugs. This includes prescribed, over-the-counter and complementary medication which may impair your ability to perform your duties or pose a risk to your safety or that of others, either at work or while representing Ahpra in an official capacity.

Prohibited drugs are not to be consumed while at work or while representing Ahpra in an official capacity.

You should inform your manager where you have reason to suspect anyone working for Ahpra may be adversely affected by alcohol or drugs.

Smoking is not permitted at any time on Ahpra premises, this includes the use of e-cigarettes.

Compliance with state-based legislation around designated smoking areas is expected.

## Bullying, harassment and discrimination

Ahpra is committed to providing a safe, flexible and respectful environment that is free from all forms of bullying, harassment and discrimination. Everyone has the right to be treated fairly and with dignity, courtesy and respect and Ahpra will not tolerate bullying, harassment or discrimination of any kind.

The way such behaviour will be managed is set out in the [bullying, harassment and discrimination policy PC006](#) and the [unsatisfactory performance and conduct policy PC009](#).

## Criminal conduct

If you are charged with, or convicted of, an offence which may affect your ability to carry out part or all of your role, you must immediately notify your manager.

If you are charged or convicted with a serious criminal offence, whether or not it is related to work, you must immediately notify your manager. You may be suspended from duty pending the outcome of disciplinary or legal proceedings. A serious criminal offence means an offence that is punishable by imprisonment.

If there is evidence that you may have committed a criminal offence at work or related to work, Ahpra may take disciplinary action, including termination of employment, as well as notify the police or other relevant external authority.

## Corrupt conduct and public interest disclosures

Our stakeholders expect us to perform our duties honestly, ethically and in the public interest. Corrupt behaviour will not be tolerated.

Corrupt conduct is deliberate or intentional wrongdoing, not negligence or a mistake. It is illegal and may have serious consequences. Corrupt conduct in the course of your employment may include, but is not limited to:

- offering or accepting bribes, commissions or unauthorised payments
- blackmail
- criminal activity including, but not limited to, fraud or theft, comprising the abusive or fraudulent use of official material, finances or information
- the dishonest use of your role for personal gain or the advantage of others, or where a member of the public influences, or tries to influence you to use your role in a way that is dishonest, biased or breaches public trust
- acting dishonestly or unfairly, or breaching public trust, and/or
- unauthorised disclosure of corporate information or material.

If you have reasonable grounds to suspect anyone working for Ahpra may have engaged in dishonest, unethical or corrupt conduct, you must report it. A manager who receives a report that may qualify as a protected disclosure must advise and encourage the reporter to make a report directly to one of the delegated contacts, so that the reporter may be protected under the *Public Interest Disclosures Act 1994*.

## Confidential information and privacy

Protecting our information appropriately is good security practice and provides confidence and credibility in Ahpra's ability to keep information secure. Unauthorised disclosure may cause harm to individuals or give an individual or organisation an improper advantage.

In the course of your duties, you may handle or use confidential information. Confidential information, in any form, must not be disclosed to any party without official approval.

You must comply with privacy and confidentiality obligations during and beyond your employment by adhering to all applicable laws, privacy legislation and policies including the privacy policy and the [confidentiality agreement HR041](#).

Confidential information must be kept secure, and care must be used when taking it out of the workplace. You are responsible for any loss or unauthorised release of confidential information from your possession.

The recording of any conversations is prohibited without the explicit consent of all parties involved. Failure to comply with this may result in disciplinary action, including termination of employment.

## Public comment

While you have the right to make public comment in a personal capacity, you must not make any public comment that could be connected to your employment with Ahpra without authorisation or where views expressed could damage the reputation of Ahpra or the work we do.

Public comment includes, but is not limited to:

- public speaking engagements
- comments in the media, and
- profiles or activities on social media and/or expressing views on any other medium where it is expected that the comments will spread to the community at large.

While you do have the right to make public comment, if doing so in a capacity that has not been authorised you must state that the opinions are your own and that you are making comment as an individual citizen or as a representative of another organisation.

You must not make any comment on behalf of Ahpra unless authorised to do so by a delegated officer and any insignia that may identify you as an Ahpra staff member must not be visible. All media enquiries must be referred to Ahpra's Communications team. Making public comment or releasing information must only occur in accordance with Ahpra's policies and procedures.

While making public comment, you must not disclose issues of a confidential nature except for lawful or public interest purposes. You may disclose official information that would normally be publicly available but should only disclose other official information or documents:

- where proper and delegated authority has been given
- when required or authorised to do so by law, or
- when called to give evidence in court.

In these cases, comments made must be confined to factual information. Opinions on Ahpra's policies or decisions must be avoided unless required by law.

## Use of official resources

Official resources include computers, laptops, telephones, mobile phones, faxes, photocopiers, email, the intranet and the internet.

You are expected to be economical and considerate in the use and management of official resources. Minimal personal use of official resources, is permitted, as long as this does not interfere with the performance of your work and complies with relevant policies and procedures. You are responsible and accountable for the security of any official property issued to you and are expected to be considerate and economical in its use.

You must not use official resources to offend, discriminate against or harass work colleagues or the public. This includes but is not limited to accessing, viewing, sending, storing, transmitting, creating or downloading illegal, offensive or discriminatory material.

You must not use or allow Ahpra funds, property, equipment or other resources to be used for personal benefit or for purposes other than that for which they were provided.

## Intellectual property

In the course of your duties, you may be authorised to use or be involved in the development of intellectual property and confidential information. You must not use this for non-work related purposes, including any approved secondary employment.

Intellectual property which is created using Ahpra's facilities, resources or information will be owned by Ahpra even if it is not within the scope of your employment or is created in your own time.

Intellectual property remains the property of Ahpra unless there is an agreement in writing with a delegated authority to the contrary.

## Breaches

You are required to read, understand and undertake and agree to abide by this code. You should report any concerns about a breach of this code to your manager. If you are not comfortable reporting the breach to your manager, you should refer the matter to a more senior staff member or a member of the people and culture team. Any reports will be treated seriously and managed under the principles of procedural fairness and in accordance with Ahpra's policies and procedures.

Ahpra is committed to protecting any person who raises concerns about a breach of the code from victimisation or retaliation. Any attempt to take adverse action against a person who raises a legitimate concern will be treated seriously and may be a breach of the code.

If you are found to be in breach of this code, you may be subject to disciplinary action, up to and including termination of your employment. Breaches of the law may also lead to prosecution.

## Related documents

- Enterprise Agreement 2019 – 2022
- Health Practitioner Regulation National Law
- People policy
- Bullying, harassment and discrimination policy
- Health, safety and wellbeing policy
- Unsatisfactory performance and conduct policy
- Discipline policy
- Grievance resolution policy
- Privacy policy
- Gifts, benefits and hospitality procedure
- Conflict of interest policy and procedure

## Relevant legislation

Note: all Commonwealth hyperlinks go to search page that covers legislation and amendments rather than directly to the legislation.

[Age discrimination Act 2004 \(Cth\)](#)

[Australian Human Rights Commission Act 1986 \(Cth\)](#)

[Disability Discrimination Act 1992\(Cth\)](#)

[Equal Opportunity Act 2010 \(Vic\)](#)

[Fair work act 2009 \(Cth\)](#)

[FOI Act 1982](#)

[Health Practitioner Regulation National Law 2010](#)

[Occupational Health and Safety Act 1984 \(WA\)](#)

[Occupational Health and Safety Act 2004 \(Vic\)](#)

[Privacy Act 1988 \(Cth\)](#)

[Racial and religious tolerance Act 2001 \(Vic\)](#)

[Racial discrimination Act 1975 \(Cth\)](#)

[Archive Act 1983](#)

[Sex discrimination Act 1984 \(Cth\)](#)

[Public Interests Disclosures Bill \(Whistleblowers\) 2002\(Cth\)](#)

[Work Health and Safety \(National Uniform Legislation\) Act 2011 \(NT\)](#)

[Work Health and Safety Act 2010 \(Cth\)](#)

[Work Health and Safety Act 2011 \(NSW\)](#)

[Work Health and Safety Act 2011 \(Qld\)](#)

[Work Health and Safety Act 2011\(ACT\)](#)

[Work Health and Safety Act 2012 \(SA\)](#)

[Work Health and Safety Act 2012 \(Tas\)](#)

[Workplace Gender Equality Act 2012 \(Cth\)](#)

## Document control

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