

Ethical practice and ethical relationships guide

Healthy Living NT (HLNT) has an obligation to treat all clients and business relationships objectively and fairly.

Healthy Living NT has legislative responsibility for proper resource management insofar as a chief executive and the Board must manage the affairs of the organisation in a way that promotes proper use of resources for which the chief executive and the Board are responsible. In this section, proper use refers to the efficient, effective and ethical use.

Legislative Framework

Associations Act NT

Under the Associations Act 2003, “officers”, including Board Members and employees (both current and former), of an incorporated association have a number of duties and responsibilities. In particular, officers must not, in the exercise of powers or the discharge of the duties of the office:

- commit an act with intent to deceive or defraud the association, members or creditors of the association or creditors of another person or for any fraudulent purpose;
- make improper use of information acquired by virtue of his or her position in the association so as to gain, directly or indirectly, a pecuniary benefit or material advantage for himself or herself or a related person (other than the class of people represented by the Association) or to cause detriment to the Association;
- make improper use of their position so as to gain, directly or indirectly, a pecuniary benefit or material advantage for themselves or a related person (other than the class of people represented by the Association) or to cause detriment to the Association.

ACNC Act

Under amendments to the Australian Charities and Not-for-Profits Commission (ACNC) Regulation 2013 Schedule 1, effective from 1 July 2013, Governance Standards for charitable organisations operating in Australia are prescribed. Specifically, Governance Standard 5 prescribes duties of responsible persons (defined as Board Members) which are:

- to act with reasonable care and diligence;
- to act honestly in the best interests of the charity and for its charitable purposes;
- not to misuse their position as a responsible person;
- not to misuse information they gain in their role as a responsible person;
- to disclose conflicts of interest;
- to ensure that the financial affairs of the charity are managed responsibly; and
- not to allow the charity to operate while it is insolvent.

ICAC Act NT

Under the Independent Commissioner Against Corruption Act 2017 (NT), as a recipient of public funding, Healthy Living NT is regarded as a Public Body under the Act, and its officers are regarded as Public Officers. All Board Members, employees, volunteers and contractors of HLNT are Public Officers.

In the implementation of this Act:

1. Healthy Living NT as a Public Body has responsibility to ensure:



- the proper and effective use of public funds under its administration;
- mandatory reporting of suspected serious Improper Conduct including Corrupt Conduct, Misconduct and Unsatisfactory Conduct or conduct that breaches public trust as defined by the Act; and
- the protection of the rights and responsibilities of whistle-blowers

2. As Public Officers, all HLNT Board Members, employees, volunteers and contractors of HLNT have a responsibility for mandatory reporting of suspected serious Improper Conduct including Corrupt Conduct, Misconduct and Unsatisfactory Conduct or conduct that breaches public trust as defined by the Act.

National Anti-Corruption Commission Act

Under the [National Anti-Corruption Commission Act 2022](#), as a provider of Commonwealth goods or services, Healthy Living NT is regarded as a contracted service provider. Board Members and employees are Public Officials under the NACC Act and are treated as a staff member of the Commonwealth agency that is responsible for the contract.

There are 4 types of corrupt conduct under the NACC Act. A person engages in corrupt conduct if:

1. they are a public official and they [breach public trust](#)
2. they are a public official and they [abuse their office](#) as a public official
3. they are a public official or former public official and they [misuse information](#) they have gained in their capacity as a public official
4. they do something that [adversely affects a public official's](#) honest or impartial exercise of powers or performance of official duties.

As a part of achieving these ideals, HLNT and its Board Members, employees and volunteers must act ethically in all activities. Efficient, effective and ethical relationships between HLNT and its customers, suppliers of goods and services, business and service partners, sponsors, etc are essential. This guide is not intended to create legal obligations between the parties, although it describes some legal obligations imposed by legislation.

The guide provides Board Members, employees, volunteers, suppliers, and business and service partners with basic information on HLNT's expectations when doing business. It is designed to enhance awareness of the issues involved and aims to encourage the highest level of ethical standards in client/supplier and business/service partner relationships.

All HLNT Board Members, employees and volunteers must act in accordance with the code of conduct set out by HLNT and underpinned by the *Associations Act NT 2003*, *ACNC Act*, *the ICAC Act NT 2017* and *the NACC 2022*.

HLNT believes the code of conduct is consistent with similar ideals practised within Australian businesses and is consistent with expectations of the wider community. In addition to this code of conduct, Healthy Living NT has an established Disclosure of Interests Policy which sets out processes for reporting and managing the conflicts of interest.

Complaints or concerns about Healthy Living NT or its staff

HLNT Members, employees, suppliers or business/service partners, who are concerned that a breach of the law or unethical behaviour by HLNT, its staff or Board Members has taken place and wish to have the circumstances examined, have a number of options available to them.

- Complaints or concerns about:
 - staff can be directed to the CEO or to the President;
 - the CEO can be directed to the President;
 - the President can be directed to the Treasurer;
 - the Association can be directed to the Board.
- Complaints or concerns can also be directed to:
 - the Attorney-General's Department or Licensing NT in respect of the Association's administration;

- the Independent Commissioner Against Corruption in respect of suspected serious Improper Conduct as defined by the ICAC Act NT;
- the National Anti-Corruption Commission in respect of corrupt conduct relating to administration of a Commonwealth program or funding or to the
- Health Complaints Commission.

Complaints about suppliers or business partners

HLNT expects that suppliers and business/service partners will provide a means of problem resolution should circumstance arise. In the first instance, complaints about suppliers should be directed to the Finance and Administration Manager, and if unresolved, to the CEO.

The code of conduct

The code of conduct set out below provides a framework for relationships between HLNT and its clients, suppliers, business and service partners.

All HLNT Board Members, employees and volunteers, when acting in the course of HLNT service, are obliged to:

- behave honestly and with integrity;
- act with care and diligence;
- treat everyone with respect, courtesy and compassion, with deference to cultural and religious diversity and without harassment;
- comply with all applicable Australian and Northern Territory laws;
- comply with all HLNT policies and values;
- comply with any lawful and reasonable direction given by someone in the Association who has authority to give direction;
- maintain appropriate confidentiality about dealings with any client of HLNT;
- disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with HLNT service;
- use HLNT resources in a proper manner;
- ensure that false or misleading information is not provided in response to a request for information that is made for official purposes in connection with the employee's HLNT employment;
- not make improper use of:
 - inside confidential information, or
 - the Member's or employee's duties, status, power or authority;
- neither order to gain, nor seek to gain, a benefit or advantage for themselves or for any other person, other than the class of people represented by the Association;
- behave in a way that upholds HLNT values and the integrity and good reputation of HLNT at all times;
- not give or disclose, directly or indirectly, any information about HLNT business or official knowledge except in the course of service with HLNT or with the CEO's or Board's express authority; and
- report suspected serious Improper Conduct to HLNT's nominated recipients or to the Independent Commissioner Against Corruption.

Healthy Living NT requires its Board Members, employees and volunteers to, within the scope of their specific delegations and roles:

- ensure HLNT's requirements for services and goods are met;
- obtain value for money;
- be open and fair in business dealings, subject to commercial-in-confidence, security and privacy considerations;
- observe HLNT's obligations under the terms and conditions of tender and of contract;

- regularly communicate with suppliers, including keeping them abreast of relevant developments;
- respond promptly to reasonable requests for advice and information;
- be fair and equitable in their treatment of all tenderers and suppliers;
- deal honestly with suppliers and be timely in paying accounts;
- avoid and declare situations where personal interests conflict, or may conflict, with public duty;
- neither solicit nor accept personal remuneration or other benefit from organisations seeking or having an official relationship with HLNT; and
- protect the interests of HLNT and its members and clients at all times.

Healthy Living NT expects that its suppliers and business/service partners will

- adequately protect commercial, confidential and security classified information
- deliver services and/or goods in accordance with accepted HLNT standards and requirements
- deliver value for money
- be open in business dealings, subject to commercial-in-confidence, security and privacy considerations
- observe supplier obligations under the terms and conditions of tender and of contract and, where appropriate, conduct their business in accordance with the Medicines Australia Code of Conduct.
- regularly communicate with HLNT representatives, including keeping them abreast of relevant developments and best practice
- avoid collusive practices
- disclose beneficial interests in contracts wherever appropriate
- avoid and declare situations where personal or business interests conflict, or may conflict, with HLNT interests
- comply with the requirements of the Privacy Act in the performance of any services for HLNT which require the collection and handling of personal information
- prevent the unauthorised release of privileged information including security classified information
- respond promptly to reasonable requests for advice and information
- not accept solicitations from or make offers to HLNT employees of financial or other benefits.

HLNT policies and strategies

The following information is intended to outline the general ideals of HLNT policy. For more specific information, refer to your direct supervisor or the CEO.

1. Gifts

Board Members and staff must not use their position to obtain a benefit for themselves or anyone else, other than the class of people represented by the Association. It is inappropriate to accept more than trivial gifts or mementos from clients, suppliers or contractors. If a supplier wishes to provide a personal gift, it should be of nominal value only (such as a calendar).

2. Sponsorships and trade displays

Suppliers regularly sponsor trade displays and meetings of professional bodies. Attendance by HLNT employees at sponsored meetings is acceptable and has become normal practice. Employees attending such meetings should ensure that the sponsorship does not interfere with or influence their normal decision-making responsibilities.

Such sponsorship must be declared at the time and reported in the Annual and Performance Reports.

3. Commercial-in-confidence

Information supplied by suppliers and HLNT is frequently classified 'in confidence' and on the strict understanding that it will not be disclosed to other than those with authority and a genuine need to know.

Under no circumstances are HLNT employees and suppliers or partners to allow commercial-in-confidence information to be made known to unauthorised persons.

4. Hospitality and entertainment

It is not appropriate for Board Members or employees to accept any offer of free entertainment or hospitality from a supplier where it could be regarded as substantial or could give rise to either an actual or perceived conflict of interest.

Examples of 'free entertainment' include but are not limited to dinners, corporate boxes, tickets to sporting or cultural events.

HLNT employees should ensure that in all dealings with suppliers, their actions are able to withstand public scrutiny.

Acceptance of offers of hospitality is only acceptable where it is provided on-site at the Association's offices for a number of staff and in conjunction with a substantial educational component. The hospitality must be secondary to the education component.

Attendance at external CPD activities where there is a broad range of other health professionals attending does not fall under this guideline.

5. Conflict of interest

A conflict of interest generally covers matters that give, or have the potential to give, rise to a direct or indirect financial interest or personal advantage to a particular Board Member or staff member. Types of interests that may be considered in determining whether or not they might conflict with official duties can include, but not be limited to:

- shareholdings or other interest in a company or business whether held by the employee as an individual or as a member of another company or partnership, or through a trust;
- interest in land or property;
- significant liabilities to organisations or individuals excluding indebtedness for home mortgages or for current and ordinary household and living expenses;
- outside employment, appointments or directorships, whether remunerated or not; and
- an association with another organisation (whether remunerated or not) that impinges upon, or has the potential to impinge upon, the operations and/or the best interests of HLNT.

HLNT officers must disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) in connection with HLNT service.

In accordance with the Associations Act 2003, ACNC regulations and HLNT's Disclosure of Interests Policy:

- 1) HLNT Board Members and senior officers must:
 - fully disclose any interests that have a potential to conflict with HLNT's interests on commencement, and
 - on becoming aware of an interest which has potential to become a conflict of interest, to disclose the nature and extent of the interest to the Board. The declaration must be minuted and the member must disclose the nature and extent of the interest at the next Annual General Meeting of the Association.

Once a Board Member or officer has declared an interest, they may participate in Board discussion at the discretion of the Board, but they may not participate in voting or decision making on the matter.

- 2) HLNT employees must, on becoming aware of an interest which has potential to become a conflict of interest, to formally disclose the nature and extent of the interest to the CEO.

Interests that are common to the class of people represented by the Association are not considered a conflict of interest under the Associations Act.

In order to avoid real or perceived conflict of interest:

- staff employed directly by Healthy Living NT are not eligible to apply for assistance or sponsor applications under the Bill Raby Diabetes Fellowship;

- Healthy Living NT is unable to act as an auspicing organisation for unincorporated associations seeking funding through the Bill Raby Diabetes Fellowship.

6. Product Selection, Demonstration and Promotion

HLNT sells products for people with diabetes for their diabetes needs but does not endorse specific products.

Within their scope of practice, HLNT staff should have the knowledge to sell products and ability to provide assistance and instruction to people purchasing products. The primary determinant guiding assistance with product selection is the suitability of the product for the client, including considerations such as client preference, budget, technical ability, literacy and education level, support services, visual acuity and manual dexterity.

Staff may suggest products that best meet the client's specified needs, but the decision of the client is final and will be respected and supported by HLNT.

Staff should ensure that when demonstrating equivalent products that they provide a fair and unbiased explanation of the advantages and disadvantages of each product, and do not allow personal or other preferences to become a factor in promotion or selection.

Prohibition on Financial Remuneration: No health professional staff of HLNT shall accept financial remuneration, directly or indirectly, from pharmaceutical or medical device companies or any other related industry entity for the purpose of commencing clients on branded diabetes management technology devices or for any other related endorsements. This policy is set in place to ensure that our professionals act solely based on the best interest of the client, without any financial influence.

HLNT will, on request or as required, assess specified products with a view to stocking them for sale to clients. Such assessments will include: need and likely demand, supplier bona fides and customer service support, demonstrated sustainability/appropriateness of the product in the NT environment, likely customer requirements, availability of equivalent products and commercial factors such as terms of trading, pricing structures, HLNT stock management and administration considerations etc.

Food or nutrition products will not be scientifically assessed by HLNT.

HLNT's decision on the stocking of a product will be communicated to the supplier. The reasons for the decision will not be made available and HLNT's decision is final.

Where products such as home blood glucose monitors are stocked, suppliers will be required to supply free of charge a minimum number of units for education and demonstration purposes.

Suppliers may provide HLNT with free consumables for clinical and demonstration use, however this is not mandatory. Staff will ensure that the provision of free consumables does not influence their practise in assisting with the selection of the most appropriate/suitable product for the individual client.

Suppliers may provide HLNT with visual and teaching aids, education material and minor ancillary items such as client product samples, pens, notepads etc. Staff should ensure that when using these items in public or education areas that there is no overt bias to a particular supplier. Additionally, education staff will minimise their use of items with overt company signage in consultation areas, particularly where the item does not have a significant educational value.

7. Client Referrals

Health professional staff employed by Healthy Living NT may refer or suggest external health professionals to clients based on an assessment of a client's personal preferences and clinical needs, and with full reference to the broader range of practitioners available. Healthy Living NT will not favour one practitioner or practice over others.

Healthy Living NT will not formally or informally refer any clients to services or practitioners hiring our facilities as a result of their use of HLNT facilities unless it is in accordance with the above paragraph.

8. References

HLNT will not provide false or misleading information in response to a request for information that is made for official purposes in connection with a person's HLNT employment.

Professional references for employees may only be provided by direct supervisors or the CEO, who have been explicitly authorised by the employee to provide such a reference.

Written references may only be provided with the explicit approval of the CEO.

9. Terms and conditions of tender and of contract

HLNT is responsible for ensuring that all procurement processes and contract management are transparent and accountable and are able to withstand full public scrutiny.

Tenderers, contractors and suppliers should ensure that they are aware of the terms and conditions of tender and of contract. During the tender process, social contact should be avoided. During contract negotiations, hospitality shall not be accepted.

Failure to adhere to these guidelines may have adverse consequences, including termination of contract. Alleged breaches will be examined on a case-by-case basis.

10. Privacy

HLNT Board Members, employees and volunteers are bound by HLNT's Privacy Policy, based on the Privacy Act as amended.

Amendments to the *Privacy Act 1988* include the:

- *Privacy Amendment (Private Sector) Act 2000*, which commenced on 21 December 2001, containing provisions that apply to agencies and their contractors in relation to personal information.
- The *Privacy Amendment (Enhancing Privacy Protection) Act 2012* (Privacy Amendment Act) which commenced on 12 March 2014 containing many significant changes to the Privacy Act.
- *Privacy Amendment (Notifiable Data Breaches) Act 2017 (Cth)* requiring organisations covered by the Australian Privacy Act 1988 (Privacy Act) to notify any individuals likely to be at risk of serious harm by a data breach.

Contractors should ensure that they are aware of and comply with the requirements of the Privacy Act in the performance of any services for HLNT which require the collection and handling of personal information.

Suppliers, contractors, substantive operational volunteers and advisory committee members may be required to sign a non-disclosure agreement if they are not already bound by Codes of Ethics or company policies.

Responsibility for Policy

The Board of Healthy Living NT is responsible for ensuring this policy is up to date and complied with.

Approval

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Circulation: All HLNT Board Members, staff and volunteers;
HLNT Website (public).

Sign off by: Association President, Ron O'Brien
Signature:

A handwritten signature in black ink, consisting of a series of loops and flourishes, positioned centrally on the page.

On behalf of Healthy Living NT Board