

**Corporate Governance Attestation Statement for
St Vincent's Health Network
2021/2022**



Health

CORPORATE GOVERNANCE ATTESTATION STATEMENT ST VINCENT'S HOSPITAL SYDNEY LIMITED (SVHS) operating as the ST VINCENT'S HEALTH NETWORK (SVHN)

The following corporate governance attestation statement was endorsed by a resolution of the SVHN Board at its meeting on 13 October 2022.

The Board is responsible for the corporate governance practices of SVHN. This statement sets out the main corporate governance practices in operation within the organisation for the 2021/2022 financial year.

A signed copy of this statement is provided to the Ministry of Health.

Signed:



Mr Paul McClintock AO
Chairperson
St Vincent's Health Australia

Date 19 January 2023



Associate Professor Anthony M. Schembri AM
Chief Executive Officer
St Vincent's Hospital Sydney Limited

Date 19 January 2023

ESTABLISH ROBUST GOVERNANCE AND OVERSIGHT FRAMEWORKS

Role and function of the Board

St Vincent's Health Australia (SVHA) is a group of not-for-profit, non-listed companies operating under the stewardship of Mary Aikenhead Ministries.

SVHA is governed by a Board that sets our strategic direction. Our group executive manages the daily operations of the organisation to the highest standards. We all work together to realise the mission of our founders to serve all in need of care.

The SVHA Board sits as the Board of SVHA and of the seven subsidiary companies that operate private and public health facilities and services and aged care services, including SVHS.

The Board closely monitors the organisation's performance, and ensures that we achieve our mission to bring God's love to those in need through the healing ministry of Jesus.

It also governs the SVHA group of companies in compliance with the *Corporations Act 2001* (Cth), the *Australian Charities and Not-for-profits Commission Act 2012* (Cth), Canon law and all other relevant civil legislation.

SVHS operating as SVHN is an affiliated health organisation in respect of its recognised services and establishments under the *Health Services Act 1997* (NSW). This statement applies to SVHS only to the extent of its activities as an affiliated health organisation.

The Board must at all times operate within the Mary Aikenhead Ministries Ethical Framework and the Catholic Health Australia Code of Ethical Standards of Health and Aged Care Services in Australia (2001).

The Board also conducts itself and considers its decisions in accordance with the principles of Catholic Social Teaching, including:

- the dignity of the human person
- solidarity and service
- the common good
- a preference for the poor
- responsible stewardship of resources
- subsidiarity

All directors serve as independent non-Executive directors and are appointed by the Trustees of Mary Aikenhead Ministries.

The Board has in place practices that ensure that the primary governing responsibilities of the Board are fulfilled in relation to:

- A** Ensuring clinical and corporate governance responsibilities are clearly allocated and understood;
- B** Setting the strategic direction for the organisation and its services;
- C** Monitoring financial and service delivery performance;
- D** Maintaining high standards of professional and ethical conduct;

-
- E Involving stakeholders in decisions that affect them; and
 - F Establishing sound audit and risk management practices.

Board Meetings

For the 2021/2022 financial year the Board consisted of a Chair and nine members appointed by the Trustees of Mary Aikenhead Ministries. The Board met seven times during this period.

Authority and role of senior management

The SVHA Delegations Manual establishes the delegations from the Board to the SVHA Public Hospitals Division to the level of the CEO of the SVHA Hospital Division.

All financial and administrative authorities that have been delegated by the Chief Executive Officer (Hospital Division) are articulated within the SVHA Public Hospitals Division Delegated Levels of Authority Manual (Delegations Manual).

The roles and responsibilities of the Chief Executive Officer and other senior management within the organisation are also documented in written position descriptions.

Regulatory responsibilities and compliance

The Board is responsible for and has mechanisms in place to ensure that relevant legislation and regulations are adhered to within all facilities and units of the organisation, including statutory reporting requirements.

The Board also has a mechanism in place to gain reasonable assurance that the organisation complies with the requirements of all relevant government policies and NSW Health policy directives and policy and procedure manuals as issued by the Ministry of Health, subject to the qualifications set out in this document.

ENSURING CLINICAL AND CORPORATE GOVERNANCE RESPONSIBILITIES ARE CLEARLY ALLOCATED AND UNDERSTOOD

The Board has in place frameworks and systems for measuring and routinely reporting on the safety and quality of care provided to the communities the organisation serves.

These systems and activities reflect the principles, performance and reporting guidelines as detailed in NSW Health policy directive 'Patient Safety and Clinical Quality Program' (PD2005_608).

A Medical and Dental Appointments Advisory Committee is established to review the appointment or proposed appointment of all visiting practitioners and specialists. The Credentials Subcommittee provides advice to the Medical and Dental Appointment Advisory Committee on all matters concerning the clinical privileges of visiting practitioners or staff specialists.

The Chief Executive Officer has mechanisms in place to ensure that the relevant registration authority is informed where there are reasonable grounds to suspect professional misconduct

or unsatisfactory professional conduct by any registered health professional employed or contracted by the organisation.

SETTING THE STRATEGIC DIRECTION FOR THE ORGANISATION AND ITS SERVICES

The Board has in place strategic plans for the effective planning and delivery of its services to the communities and individuals served by the organisation. This process includes setting a strategic direction for both the organisation and the services it provides within the overarching goals and priorities of the NSW State Health Plan: Towards 2021 and the NSW Health Future Health Strategic Framework 2022-2032.

Organisational-wide planning processes and documentation is also in place, with a 3 to 5 year horizon, covering:

- A** Asset management – Designing and building future-focused infrastructure
- B** Information management and technology – Enabling eHealth
- C** Research and teaching – Supporting and harnessing research and innovation
- D** Workforce development – Supporting and developing our workforce
- E** Aboriginal Health Action Plan – Ensuring health needs are met competently

MONITORING FINANCIAL AND SERVICE DELIVERY PERFORMANCE

Role of the Board in relation to financial management and service delivery

The Board is responsible for ensuring compliance with the NSW Health Accounts and Audit Determination (as varied from time to time) and the annual Ministry of Health budget allocation advice, subject to the qualifications set out in at the end of this document.

The Board is also responsible for ensuring that the financial and performance reports it receives and those submitted to its Finance and Investment Committee and the Ministry of Health are accurate and that relevant internal controls for the organisation are in place. To this end, the Board certifies that:

- The financial reports submitted to the Finance and Investment Committee and the Ministry of Health represent a true and fair view, in all material respects, of the organisation's financial condition and the operational results are in accordance with the relevant accounting standards.
- The recurrent budget allocations in the Ministry of Health's financial year advice can be reconciled to allocations distributed to organisation units and cost centres.
- Overall financial performance is monitored and reported to the Finance and Investment Committee of the organisation.
- Information reported in the Ministry of Health quarterly reports reconciles to and is consistent with reports to the Finance and Investment Committee.
- All relevant financial controls are in place.
- Creditor levels comply with Ministry of Health requirements.
- Write-offs of debtors have been approved by duly authorised delegated officers.
- The organisation did not incur any unfunded liabilities during the financial year.
- The Chief Financial Officer and Director of Corporate Services (or Director of Finance where applicable) has reviewed the internal liquidity management controls and practices and they comply with Ministry of Health requirements.

The external SVHA Auditor reviews controls and verifies financial performance and position as part of its audit program on an annual basis.

Service and Performance agreements

A written Service Agreement was in place during the financial year between the Board and the Secretary, NSW Health. There are also performance agreements in place between the SVHA Chief Executive Officer (Hospital Division) and the Chief Executive Officer, SVHS, and all Executive members of SVHS employed within the organisation.

The Board has mechanisms in place to monitor the progress of matters contained within the Service Agreement. Processes are in place to regularly review performance.

The written Service Agreement refers to memorandum of understanding which are referred to in that agreement collectively as the “2003 MOUs”. The 2003 MOUs continue to apply subject to the matters set out in the written Service Agreement.

The SVHA Finance and Investment Committee

The Board has established a Finance and Investment Committee to assist the Board to monitor that the operating funds, capital works funds and service outputs required of the organisation are being managed in an appropriate and efficient manner.

The Finance and Investment Committee is chaired by Mr Paul O’Sullivan. The Chief Executive Officer (Hospital Division) attends all meetings of the Finance and Investment Committee unless on approved leave.

The Finance and Investment Committee receives regular reports that include:

- Financial performance of SVHN
- Financial position of SVHN
- The income and expense impact of Special Purpose and Trust Funds
- Activity performance against indicators and targets in the performance agreement for the organisation
- Advice on the achievement of financial targets identified in the performance agreement for the organisation
- Year to date investments made on capital works.

Letters to management from an independent External Auditor, Minister for Health, and the NSW Ministry of Health relating to significant financial and performance matters are also tabled at the Audit and Risk Committee.

MAINTAINING HIGH STANDARDS OF PROFESSIONAL AND ETHICAL CONDUCT

SVHS operates under the SVHA Code of Conduct (the Code) with respect to its staff.

The Code is distributed to all new staff and is included on the agenda of all staff induction programs and is available on the St Vincent’s website. The Board has systems and processes in place to ensure the Code is periodically reinforced for all existing staff. Ethics education is also part of the organisation’s learning and development strategy.

SVHS supports the NSW Ministry of Health's core values in the operation of SVHN – which are currently Collaboration, Openness, Respect and Empowerment. However, the values of SVHS are determined by the Board of SVHA and are set out in the Code as amended from time to time.

All decisions within SVHA are made in accordance with the frameworks of Mary Aikenhead Ministries, the Mission and Values of SVHA, Catholic teaching and the Code of Ethical Standards for Catholic Health and Aged Care Services in Australia.

The Chief Executive Officer, SVHS, as the principal officer for the organisation, has reported all matters that he is aware of and that are suspected on reasonable grounds to concern corrupt conduct to the Independent Commission Against Corruption, and has provided a copy of those reports to the Ministry of Health.

For the reporting period the Organisation reported one (0) case of corrupt conduct.

Policies and procedures are in place to facilitate the reporting and management of inappropriate behaviours within the organisation in accordance with state policy and legislation, including establishing reporting channels and evaluating the management of these behaviours.

For the reporting period the organisation reported zero (0) of public interest disclosures. As set out in response to Item 19, SVHS is of the view that it is not subject to the *Public Interest Disclosures Act 1994* (NSW) as it does not satisfy the definitions of 'public authority' or 'public official' under the Act.

INVOLVING STAKEHOLDERS IN DECISIONS THAT AFFECT THEM

The Board is responsible for ensuring that the rights and interests of the organisation's key stakeholders are incorporated into the plans of the organisation and that they are provided access to balanced and understandable information about the organisation and its proposals.

SVHS has a Consumer and Community Participation Policy and Procedure and has a Consumer and Community Participation Coordinator. Consumers and staff were involved in the development of the SVHNS Consumer Engagement Framework, identifying a central vision and five key strategic priorities to improve and diversify the ways the organisation involves consumers in decision-making processes. The organisation meets all the requirements of the National Safety and Quality Health Service Standards in relation to consumers in relation to standard two, 'Partnering with Consumers'. SVHS has established a range of key quality and safety committees all with consumer representation, including Clinical Council. The Terms of Reference for Committees include a membership for consumers. Consumers have completed Consumer Representative training offered by Health Consumers NSW.

In line with the SVHN Consumer Engagement Framework, the Consumer and Community Participation Coordinator is scoping opportunities to increase diversity in representation amongst Consumer Representatives. This includes people from culturally and linguistically diverse communities, First Nations people, young people, people with disabilities and people from LGBTQIA+ communities.

Consumers are involved in the design and redesign of the health service through participation in numerous committees representing safety and quality, stream meetings and projects, and departmental reviews. They are also involved in collaborative workshops and focus groups

exploring specific topics and issues. Additionally, patients contributed stories of their personal experience of the discharge process and outpatients service, providing valuable feedback on the redesign and planning of each.

A Consumer Representative presented education on Engaging the Consumer in Clinical Practice Improvement outlining that consumer representatives can identify needs, provide information about services, and assist cultural diversity. The patient stories are a means of education as is the attendance and membership of committees.

Information on the key policies, plans and initiatives of the organisation and information on how to participate in their development are available to staff and to the public at <https://svhs.org.au/home/patients-and-visitors/person-centred-care>

ESTABLISHING SOUND AUDIT AND RISK MANAGEMENT PRACTICES

Role of the Board in relation to audit and risk management

The Board is responsible for supervising and monitoring risk management by the organisation and its facilities and divisions, including the organisation's system of internal control. The Board receives and considers all reports of the external and internal auditors for the organisation, and through the Audit and Risk Committee ensures that audit recommendations and recommendations from related external review bodies are implemented.

The organisation has a current Risk Management Policy and Procedure. These documents cover all known risk areas including:

- Leadership and management
- Clinical care
- Health of population
- Finance (including fraud prevention)
- Information Management
- Workforce
- Security and safety
- Facilities and asset management
- Emergency and disaster planning
- Community expectations

Audit and Risk Committee

The Board has established an Audit and Risk Committee, with the following core responsibilities or equivalent:

- To assess and enhance the organisation's corporate governance, including its systems of internal control, ethical conduct and probity, risk management, management of information and internal audit.
- To ensure that appropriate procedures and controls are in place to provide reliability in the organisation's financial reporting, safeguarding of assets, and compliance with the organisation's responsibilities, regulatory requirements, policies and procedures.

-
- To oversee and enhance the quality and effectiveness of the organisation's internal audit function, providing a structured reporting line for the SVHA Auditor and facilitating the maintenance of their independence.
 - Through the internal audit function, to assist the Board to deliver the organisation's outputs efficiently, effectively and economically, so as to obtain best value for money and to optimise organisational performance in terms of quality, quantity and timeliness.
 - To maintain a strong and candid relationship with external auditors, facilitating to the extent practicable, an integrated internal/external audit process that optimises benefits to the organisation.

The SVHA Audit and Risk Committee comprises three Board directors who are not employees of, or contracted to, provide services to the organisation.

The Chairperson of the SVHA Audit and Risk Committee is Ms Anne McDonald. The Chief Executive Officer (Hospital Division) attends all meetings of the Audit and Risk Committee unless on approved leave.

The Audit and Risk Committee met on five occasions during the financial year.

QUALIFICATIONS TO THE GOVERNANCE ATTESTATION STATEMENT

Item 1: Establish robust governance and oversight frameworks – By-laws

Qualification

SVHS operating as SVHN has adopted by-laws other than the NSW Ministry of Health By-laws with the approval of the Ministry in accordance with the requirements under Section 63 of the *Health Services Act 1997* (NSW).

Progress

Approved by the NSW Ministry of Health.

Remedial Action

Nil required.

Item 2: Establish robust governance and oversight frameworks – Delegations of authority

Qualification

SVHS operates under the Delegations Manual as amended from time to time.

SVHS does not adopt the NSW Health's Delegations of Authority – Local Health Districts and Speciality Health Networks Policy Directive (currently PD2012-059).

The Delegations Manual specifically requires SVHS to adhere to applicable NSW Ministry of Health policies and directives in addition to any delegations obligations set out in the manual.

Progress

N/A

Remedial Action

N/A

Item 3: Establish robust governance and oversight frameworks – Corporate Governance Standards

Qualification

SVHA companies adopt the ASX Corporate Governance Principles and Recommendations where they can be applied to a company limited by guarantee.

Progress

Nil Required

Remedial Action

Nil Required

Item 4: Maintain high standards of professional and ethical conduct - Code of Conduct

Qualification

SVHS operates under the SVHA Code of Conduct with respect to its staff. The SVHA Code of Conduct is provided at the time staff are employed and is available on the SVHA website.

Progress

Nil Required

Remedial Action

Nil Required

Item 5: Maintain high standards of professional and ethical conduct – Core Values

Qualification

SVHS supports the NSW Ministry of Health core values in the operation of SVHN – which are currently Collaboration, Openness, Respect and Empowerment.

However, the values of SVHS are determined by the Board of SVHA and are set out in the SVHA Code of Conduct as amended from time to time.

Progress

Nil Required

Remedial Action

Nil Required

Item 6: Maintain high standards of professional and ethical conduct – NSW Ministry of Health – employment related policy directives

Qualification

SVHS staff are employees of SVHS and are not employees of the NSW State Government. SVHS is subject to the *Fair Work Act 2009* (Cth) as well as applicable awards, industrial agreements, legislative and contractual and common law requirements and internal SVHA group requirements including the Delegations Manual.

SVHS adopts its own policy documentations or a modified version of NSW Ministry of Health policies to enable compliance with the above requirements.

Progress

Communicated to NSW Ministry of Health on 21 April 2017.

Remedial Action

Nil Required

Item 7: Monitor financial and service delivery performance - Finance and Audit – Government Sector Audit Act 1983 (NSW)

Qualification

SVHS is of the view that it is not directly subject to the *Government Sector Audit Act 1983* (NSW). SVHS prepares audited accounts as part of the SVHA Group in compliance with the *Corporations Act 2001* (Cth) (and not through the NSW Ministry of Health or Auditor General).

Progress

Nil Required

Remedial Action

Nil Required

Item 8: Monitor financial and service delivery performance – Policy directives – Finance

Qualification

SVHS applies the key directives and policies such as the Accounts and Audit Determination, the Fees Procedures Manual and the Accounting Manual in the context of:

- its operation as an affiliated health organisation;
- its reporting requirements to the Ministry under the annual Service Agreement;
- SVHS not being subject to the Public Finance and Audit Act 1983;
- SVHS being subject to the *Corporations Act 2001* (Cth) and the fact that accounts are prepared as part of the SVHA Group;
- The Delegations Manual.

Progress

Communicated to NSW Ministry of Health on 21 April 2017.

Remedial Action

Nil Required

Item 9: Monitor financial and service delivery performance - Policy directives - Procurement

Qualification

SVHS forms part of SVHA procurement group activities and governance. SVHS elects to participate in NSW State Contracts (not mandatory). SVHS may elect to leverage benefits of technical expertise and technology advances from Corporate Pillars e-Health and HealthShare. SVHS also conducts procurement at a local level, under SVHA group contracting and through the Catholic Negotiating alliance. SVHS also provides services to and receives services from other members of the SVHA group.

SVHS is committed to the key principles set out in the NSW Procurement Policy PD2022_020 and other relevant policy directives relating to appropriate governance, compliance with laws, effective competition, appropriate procurement processes, transparency in the process, security and confidentiality, identification and resolution of conflicts, accountability, probity, ethical conduct and appropriate contracting.

SVHS operates under the SVHA group procurement policies and utilises SVHS or SVHA template contracts and tender documentation. It also operates under the Delegations Manual.

With respect to the application of NSW Ministry of Health procurement policy and in respect of the Accounts and Audit Determination as it relates to procurement, SVHS notes the terms of the letter dated 13 October 2011 from the Ministry's then Director General.

Progress

Communicated to NSW Ministry of Health on 21 April 2017.

Remedial Action

Nil Required

Item 10: Establish sound audit and risk management practises – Compliance with legislation and policy

Qualification

SVHS operates a comprehensive legislative compliance program as part of the SVHA group. The legislative compliance program operates through software administered by Law Compliance and requires responsible executives to report against applicable legislation. Matters of non-compliance are reported to the SVHA Group Executive and SVHA Board on a case by case basis.

Progress

Communicated to NSW Ministry of Health on 21 April 2017.

Remedial Action

Nil Required

Item 11: Establish sound audit and risk management practises – Significant Legal Matters

Qualification

The Significant Legal Matters and Management of Legal Services PD2017-003 policy applies to SVHS as an affiliated health organisation. The key obligation is to ensure that General Counsel is notified of Significant Legal Matters.

SVHS as an affiliated health organisation can conduct its own legal matters. However, notification ensures General Counsel is aware of matters that may have implications for the broader health administration, or otherwise be relevant to the functions of the Minister for Health or the NSW Ministry of Health.

Progress

Communicated to NSW Ministry of Health on 21 April 2017.

Remedial Action

Nil Required

Item 12: Establish sound audit and risk management practises – Privacy and GIPA

Qualification

SVHS is of the view that it is not subject to the *Privacy and Personal Information Protection Act 1988* (NSW). SVHS adopts privacy policies and procedures consistent with applicable legislation. It also adopts the NSW Ministry of Health Privacy Manual as it relates to the operation of the *Health Records and Information Privacy Act 2002* (NSW) and the *Privacy Act 1988* (Cth).

SVHS is not a “public authority” for the purposes of the *Government Information (Public Access) Act 2009* (NSW) (**GIPA**) and has advised the NSW Ministry of Health of this including its position with respect to applicable NSW Health policies relating to GIPA.

Progress

Communicated to NSW Ministry of Health on 21 April 2017.

Remedial Action

Nil Required

Item 13: Establish sound audit and risk management practises - *State Records Act 1988* (NSW)

Qualification

SVHS has formed the view that there is some ambiguity about whether it is a “public office” under the *State Records Act 1988* (NSW). Notwithstanding that view, SVHS adopts best practice in records management and has and will continue to comply with the *State Records Act 1988* with respect to its recognised establishments and recognised services.

Progress

Communicated to NSW Ministry of Health on 21 April 2017.

Remedial Action

Nil Required

Item 14: Establish sound audit and risk management practises – Information Technology Services

Qualification

Information Technology Services are provided to SVHS through SVHA. SVHA is subject to legislative and common law requirements, as well as internal SVHA group requirements including the SVHA Delegations Manual. SVHS does utilise some NSW Health IT services including Oracle and HETI Online.

SVHA adopts its own policies for Information Technology Services which align (where applicable) with NSW Ministry of Health policies.

Progress

Nil required

Remedial Action

Nil Required

Item 15: Establish sound audit and risk management practises – Identifying and managing gaps in relation to compliance by SVHS with NSW Ministry of Health policies

Qualification

SVHS is bound by NSW Ministry of Health policy directives to the extent applicable to SVHS as an affiliated health organisation and public health organisation, and to the extent that it can comply under prevailing legislation. In reviewing and adopting NSW Ministry of Health policy directives any necessary local variations are incorporated to reflect the SVHA context and legislative framework.

SVHS and the NSW Ministry of Health agree that there are a number of NSW Ministry of Health policies which are listed as having variable applicability to an affiliated health organisation.

Progress

Nil Required

Remedial Action

Nil Required

Item 16: Establish sound audit and risk management practises – Risk Management Policy and Framework

Qualification

The Enterprise-Wide Risk Management Policy PD2022_023 is stated to apply to affiliated health organisations (amongst others).

SVHS has adopted the SVHA Risk Management Policy and Procedure. This document aligns with the principles underlying PD2022_023 but provides for escalation and management of organisational risk to and from the SVHA Board.

Progress

Nil Required

Remedial Action

Nil Required

Item 17: Establish sound audit and risk management practises – Manual Protecting People and Property

Qualification

SVHS' Security Escort System does not possess certain features outlined in NSW Ministry of Health's manual 'Protecting People and Property: NSW Health Policy and Standards for Security Risk Management in NSW Health Agencies Chapter 11.

An independent subject matter expert has analysed the existing system against a number of other supporting criteria, including by conducting repeated multiple alarm activation tests on site, and upon an audit of the results attest performance standards as being fit for intended purpose and compliant with Chapter 11.

Progress

Correspondence, including independent letter of certification, submitted to the Secretary, NSW Ministry of Health in November 2018.

Remedial Action

Nil Required

Item 18: Establish sound audit and risk management practises – Internal Audit

Qualification

The Internal Audit Policy Directive PD2022_022 is stated to apply to affiliated health organisations (amongst others).

SVHS operates under the SVHA Internal Audit Policy and the internal audit function and processes overseen by SVHA. The SVHA Internal Audit Policy aligns with the principles underlying PD2022_022 but has been developed to apply across SVHA's facilities and provides for the monitoring of SVHA's internal audit framework by the SVHA Board Audit and Risk Committee.

Progress

Nil Required

Remedial Action

Nil Required

Item 19: Establish sound audit and risk management practises – Assurance Process for Construction Procurement

Qualification

The NSW Government's 'Assurance Process for Construction Procurement' does not apply to SVHN as an affiliated health organisation. In addition to what is outlined in Item 9 regarding SVHS' position on procurement policy, it should also be noted that SVHS acts in accordance with SVHA's Major Capital Development Policy and Guidelines given it is part of a broader corporate group.

Progress

Nil Required

Remedial Action

Nil Required

Item 20: Establish sound audit and risk management practises - Smoke-free Health Care Policy

Qualification

Express powers to make *Smoke Free Environment Act 2000* (NSW) by-laws are given to Local Health Districts under the *Health Services Act 1997* (NSW). However, the same express powers are not given to affiliated health organisations. In line with this, the NSW Health Smoke-Free Health Care Policy PD2015_003 applies to affiliated health organisations, except in relation to the creation of by-laws. This was raised by SVHS by letter to the NSW Ministry of Health in 2017 seeking clarification regarding SVHS' ability to make by-laws to regulate or prohibit smoking at premises under its control. Clarification was provided by the NSW Ministry of Health confirming the position under the legislation and PD2015_003, that SVHS does not have the power to make smoke free by-laws.

SVHS has adopted and complies with PD2015_003 to the extent authorised. SVHS premises are smoke-free, with appropriate measures taken to ensure compliance with the policy.

Progress

Correspondence with Secretary, NSW Ministry of Health in 2017.

Remedial Action

Nil Required

Item 21: Establish sound audit and risk management practises - Public Interests Disclosures

Qualification

SVHS is of the view that as an affiliated health organisation it is not subject to the *Public Interest Disclosures Act 1994* (NSW) or Public Interest Disclosures PD2016_027 as it does not satisfy the definitions of 'public authority' or 'public official' under the *Public Interest Disclosures Act 1994* (NSW). SVHA and its facilities are subject to the Whistleblower regime under the *Corporations Act 2001* (Cth) and the SVHA Whistleblower Policy. SVHS manages concerns of inappropriate behaviour on the part of its staff through internal People and Culture processes and by reporting to external bodies where appropriate and/or as required. This includes reporting inappropriate conduct of health practitioners to organisations such as AHPRA, the Health Care Complaints Commission and the Independent Commission Against Corruption. SVHS also reports any significant legal issues to the NSW Ministry of Health in accordance with The Significant Legal Matters and Management of Legal Services PD2017-003.

As SVHS is not a "public authority" for the purposes of the *Government Information Public Access Act 2009* (NSW) (**GIPA**) SVHS does not report Government Information Contraventions.

Progress

Nil Required

Remedial Action

Nil Required

Mr Paul McClintock AO
Chairperson
St Vincent's Health Australia



Date 19 January 2023

A.M. Scl.

Associate Professor M. Anthony Schembri AM

Chief Executive Officer
St Vincent's Hospital Sydney Limited

Date 19 January 2023