

Queensland Law Reform Commission

Code of Conduct

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Introduction

BACKGROUND

Section 4 of the *Public Sector Ethics Act 1994* (Qld) sets out four ethics principles that are declared to be fundamental to good public administration:

- integrity and impartiality;
- promoting the public good;
- commitment to the system of government; and
- accountability and transparency.

The Act further identifies a number of associated ethics values for each ethics principle.

The *Public Sector Ethics Act 1994* (Qld) requires public sector entities, such as the Queensland Law Reform Commission (the 'Commission'), to have a code of conduct that applies to the entity and to the public officials of the entity in performing their official functions.

The purpose of this Code is to provide standards of conduct for the members of the Commission consistent with the ethics principles and the associated ethics values contained in the *Public Sector Ethics Act 1994* (Qld).

APPLICATION

This Code of Conduct applies to all members of the Commission appointed under the *Law Reform Commission Act 1968* (Qld) whether appointed as a full-time or part-time member.

It applies at all times when a member is performing official duties, including when a member is representing the Commission at conferences or training events, or at work-related social events.

This Code does not apply to an officer of the Commission Secretariat. As an employee of the Department of Justice and Attorney-General, such an officer is subject to the single Code of Conduct that applies to an employee of the Queensland Public Service.¹

¹

Queensland Government, *Code of Conduct for the Queensland Public Service*, Public Service Commission <<https://www.qld.gov.au/gov/code-conduct-queensland-public-service>>.

UPHOLDING THE CODE

As part of demonstrating his or her commitment to this Code, a member needs to identify and report conduct that is not consistent with this Code.

Ethics Principle 1: Integrity and Impartiality

ETHICS VALUES

1.1 Section 6 of the *Public Sector Ethics Act 1994* (Qld) provides:

6 Integrity and impartiality

In recognition that public office involves a public trust, public service agencies, public sector entities and public officials seek to promote public confidence in the integrity of the public sector and—

- (a) are committed to the highest ethical standards; and
- (b) accept and value their duty to provide advice which is objective, independent, apolitical and impartial; and
- (c) show respect towards all persons, including employees, clients and the general public; and
- (d) acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest; and
- (e) are committed to honest, fair and respectful engagement with the community.

STANDARDS OF CONDUCT

Commit to the highest ethical standards

1.2 A member of the Commission is required to take reasonable steps to ensure that his or her conduct meets the highest ethical standards when he or she is fulfilling his or her responsibilities.

1.3 A member will:

- take reasonable steps to ensure that any recommendation for law reform made by the Commission is objective, independent, apolitical and impartial;
- take reasonable steps to ensure that his or her decision-making is ethical;
- engage with others in a manner that is consultative, respectful and fair; and
- meet his or her obligations to report suspected wrongdoing, including conduct that is not consistent with this Code.

Manage conflicts of interest

1.4 A conflict of interest involves a conflict between the duty, as a member of the Commission to serve the public interest, and a member's personal interests. The conflict may arise from a range of factors including a member's personal relationships, his or her employment outside the Commission, his or her membership of special interest groups and his or her ownership of particular property.

1.5 Having a conflict of interest is not unusual and it is not wrongdoing in itself. However, failing to disclose and manage the conflict appropriately is likely to be wrongdoing.

1.6 As a public official, a member of the Commission is committed to demonstrating his or her impartiality and integrity in fulfilling his or her responsibilities. Accordingly, a member will:

- always disclose a personal interest that could, now or in the future, be seen as influencing the performance of his or her duties (which should usually be done by making a disclosure to the members at a Commission meeting);
- actively participate in developing and implementing resolution strategies for any conflict of interest; and
- take reasonable steps to ensure that any conflict of interest is resolved in the public interest.

Contribute to public discussion in an appropriate manner

1.7 The Chair of the Commission may make such public comment about the work of the Commission as he or she deems appropriate and consistent with the role of the Commission under the *Law Reform Commission Act*.

1.8 A member should refrain from making any public comment about the work of the Commission, without first consulting the Chair or other members.

1.9 Inquiries about the work of the Commission, whether by the media or otherwise, should be directed to the Chair.

1.10 If, in commenting on the work of the Commission, it is necessary to discuss government policy then the Chair or relevant member should use his or her best endeavours to ensure government policy is fairly represented.

1.11 Like any other citizen, a member of the Commission has the right to contribute to public discussions on community and social issues in his or her private capacity.

1.12 In doing so, a member will:

- take reasonable steps to ensure that any comment that he or she makes will be understood as representing his or her personal views, and not those of the Commission;
- maintain the confidentiality of information that he or she has access to because of his or her role, that is not publicly available; and
- be aware that personal comments about a public issue may compromise a member's capacity to perform the duties of his or her role in an independent and unbiased manner.

Manage participation in external organisations

1.13 Appointment as a member of the Commission does not remove a member's right to be active privately in a political party, professional or community organisation or trade union.

1.14 However, a member should be aware that participating in activities in the public arena, where he or she may be identified as a member of the Commission, can give rise to a perception of conflict of interest (see [1.4] above). Where this situation arises, a member will declare and manage his or her activities in accordance with [1.6] of this Code.

1.15 If a member is elected as a workplace representative or official of a professional or community organisation or trade union and is speaking publicly in that capacity, he or she will make it clear that his or her comments are made only on behalf of that organisation.

1.16 In all instances, a member will comply with the appropriate laws of privacy, confidentiality and information management.

Demonstrate a high standard of workplace behaviour and personal conduct

1.17 A member has a responsibility to conduct and present himself or herself in a professional manner, and demonstrate respect for all persons, whether other members of the Commission, officers of the Commission Secretariat, or members of the public.

1.18 A member will:

- treat other members, officers, and members of the public with courtesy and respect, be appropriate in his or her relationship with them, and recognise that others have the right to hold views which may differ from his or her own;
- take reasonable steps to ensure his or her conduct reflects his or her commitment to a workplace that is inclusive and free from harassment;
- take reasonable steps to ensure his or her fitness for duty, and the safety, health and welfare of himself or herself and others in the workplace, whether other members, officers, or members of the public;

- take reasonable steps to ensure that his or her private conduct maintains the integrity of the Commission and his or her ability to perform his or her duties; and
- comply with any legislative or policy obligations to disclose criminal charges and convictions.

Ethics Principle 2: Promoting the Public Good

ETHICS VALUES

2.1 Section 7 of the *Public Sector Ethics Act 1994* (Qld) provides:

7 Promoting the public good

In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, public service agencies, public sector entities and public officials—

- (a) accept and value their duty to be responsive to both the requirements of government and to the public interest; and
- (b) accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions; and
- (c) accept and value their duty to manage public resources effectively, efficiently and economically; and
- (d) value and seek to achieve excellence in service delivery; and
- (e) value and seek to achieve enhanced integration of services to better service clients.

STANDARDS

Commit to excellence in service delivery

2.2 The Commission is entrusted with public funds to carry out its functions.

2.3 A member of the Commission has a responsibility to:

- act fairly, courteously and effectively, and take reasonable steps to ensure that he or she uses the Commission's resources effectively, efficiently and economically; and
- treat complaints seriously and respond to constructive feedback as an opportunity for improvement.

Appropriate community engagement

2.4 Community participation is often beneficial to the Commission's work.

2.5 A member of the Commission has a responsibility, where appropriate and in accordance with his or her official duties, to:

- provide opportunities for consultation to assist in the Commission's work;
- assist members of the community, including people with disabilities and those who speak languages other than English, to participate in the Commission's reviews.

Ethics Principle 3: Commitment to the System of Government

ETHICS VALUES

3.1 Section 8 of the *Public Sector Ethics Act 1994* (Qld) provides:

8 Commitment to the system of government

- (1) In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public service agencies, public sector entities and public officials—
- (a) accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government; and
 - (b) are committed to effecting official public sector priorities, policies and decisions professionally and impartially; and
 - (c) accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.
- (2) Subsection (1) does not limit the responsibility of a public service agency, public sector entity or public official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy, or is a customary feature of the work of the agency, entity or official.

STANDARDS

Commit to our roles in the public sector

3.2 A member of the Commission will:

- accept that the elected government has the right to determine government policy and priorities;
- uphold the laws of State, Commonwealth and local governments;
- comply with all relevant policies and standards relating to the public sector, and
- adhere to the organisational values of the Commission and any policies and organisational documents of the Commission.

Proper communication with Members of Parliament

3.3 A member of the Commission has the right to communicate directly with a Member of Parliament on any issue affecting him or her as a private citizen. In communicating with a Member of Parliament as a private citizen, a member will maintain the confidentiality of information that is not publicly available, and that he or she has access to because of his or her role.

Ethics Principle 4: Accountability and Transparency

ETHICS VALUES

4.1 Section 9 of the *Public Sector Ethics Act 1994* (Qld) provides:

9 Accountability and transparency

In recognition that public trust in public office requires high standards of public administration, public service agencies, public sector entities and public officials—

- (a) are committed to exercising proper diligence, care and attention; and
- (b) are committed to using public resources in an effective and accountable way; and
- (c) are committed to managing information as openly as practicable within the legal framework; and
- (d) value and seek to achieve high standards of public administration; and
- (e) value and seek to innovate and continuously improve performance; and
- (f) value and seek to operate within a framework of mutual obligation and shared responsibility between public service agencies, public sector entities and public officials.

STANDARDS

Diligence in public administration

4.2 A member of the Commission aspires to the highest standards in law reform, and is responsible for the recommendations for law reform made by the Commission in its reports.

4.3 A member will:

- perform his or her role competently, responsibly and with proper diligence, care and attention;
- treat all people equitably and consistently; and
- exercise his or her lawful powers and authority with care and for the purpose for which these were granted.

Appropriate use of official resources, public property and facilities

4.4 A member of the Commission is accountable for all public resources that he or she uses in the course of his or her duties.

4.5 A member will:

- be economical, and avoid waste and extravagance in the use of public resources for proper purposes;
- use any public resource in accordance with relevant policies; and
- manage and care for public resources in accordance with relevant policies.

Appropriate use and disclosure of information provided to the Commission

4.6 Information created and used by the Commission may be subject to disclosure under the *Right to Information Act 2009* (Qld). The right to access information under that Act is balanced by necessary protections for certain information, including personal information.

4.7 The *Information Privacy Act 2009* (Qld) protects against the misuse of personal information. A member of the Commission has an obligation to take reasonable steps to ensure the lawful collection and handling of personal information.

4.8 In addition, a member will:

- use information provided to or collated by the Commission only for the purpose of the Commission's work;
- store such information securely, and limit access to those persons requiring it for legitimate purposes;
- not use confidential or privileged information to further personal interests; and
- continue to respect the confidentiality of such information when his or her appointment ends.

Commit to continuous performance improvement

4.9 The capacity of the public sector to deliver services to the community depends on a commitment to continuously improve the performance of public sector entities and their members.

4.10 A member of the Commission has a responsibility, having regard to his or her own role, to maintain and develop his or her professional skills and knowledge.