

Queensland



# **PUBLIC SECTOR ETHICS ACT 1994**

**Reprinted as in force on 2 October 1998  
(includes amendments up to Act No. 59 of 1997)**

**Reprint No. 2**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 2 October 1998. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- reorder provisions consistent with current drafting practice (s 30A)
- use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



**PUBLIC SECTOR ETHICS ACT 1994**

**TABLE OF PROVISIONS**

Section		Page
	<b>PART 1—PRELIMINARY</b>	
1	Short title .....	3
2	Definitions .....	3
3	Act binds all persons .....	6
	<b>PART 2—ETHICS PRINCIPLES FOR PUBLIC OFFICIALS</b>	
4	Declaration of ethics principles .....	7
	<b>PART 3—ETHICS OBLIGATIONS FOR PUBLIC OFFICIALS</b>	
	<i>Division 1—Nature, purpose and application of ethics obligations</i>	
5	Nature and purpose of obligations .....	7
6	Application of obligations .....	7
	<i>Division 2—The obligations</i>	
7	Respect for the law and system of government .....	8
8	Respect for persons .....	8
9	Integrity .....	8
10	Diligence .....	9
11	Economy and efficiency .....	9
	<b>PART 4—CODES OF CONDUCT FOR PUBLIC OFFICIALS</b>	
	<i>Division 1—Codes of conduct</i>	
12	Nature and purpose of codes .....	9
13	Application of codes .....	9
14	Contents of codes .....	10
	<i>Division 2—Preparation and approval of codes of conduct</i>	
15	Preparation of codes of conduct .....	11
16	Consultations in preparation of codes .....	11

---

17	Approval of codes . . . . .	11
	<i>Division 3—Public officials to comply with codes</i>	
18	Compliance with codes . . . . .	12
	<b>PART 5—ADDITIONAL RESPONSIBILITIES OF CHIEF EXECUTIVE OFFICERS</b>	
19	Access to ethics principles and obligations and codes of conduct . . . . .	12
20	Inspection of codes of conduct . . . . .	12
21	Education and training . . . . .	13
22	Procedures and practices of public sector entities . . . . .	13
23	Implementation statements . . . . .	13
	<b>PART 6—DISCIPLINARY ACTION FOR CONTRAVENTION OF APPROVED CODES OF CONDUCT</b>	
24	Disciplinary action . . . . .	14
	<b>PART 7—MISCELLANEOUS</b>	
25	Regulation making power . . . . .	14
	<b>ENDNOTES</b>	
1	Index to endnotes . . . . .	15
2	Date to which amendments incorporated . . . . .	15
3	Key . . . . .	16
4	Table of earlier reprints . . . . .	16
5	Tables in earlier reprints . . . . .	16
6	List of legislation . . . . .	17
7	List of annotations . . . . .	17

# PUBLIC SECTOR ETHICS ACT 1994

[as amended by all amendments that commenced on or before 2 October 1998]

## An Act about public sector ethics and conduct

### PART 1—PRELIMINARY

#### Short title

1. This Act may be cited as the *Public Sector Ethics Act 1994*.

#### Definitions

2. In this Act—

“**agricultural college**” means an agricultural college under the *Agricultural Colleges Act 1994*.

“**approved code of conduct**” means a code of conduct approved under section 17.

“**chief executive officer**” of a public sector entity means—

- (a) for the Parliamentary Service—the clerk of the Parliament; or
- (b) for the administrative office of a court or tribunal—the chief executive of the department in which is administered the legislation under which the court or tribunal is established; or
- (c) for a department—the chief executive of the department; or
- (d) for a local government—the local government’s chief executive officer; or
- (e) for a university or university college—the vice-chancellor of the university or university college; or
- (f) for another public sector entity—the person prescribed by

regulation or, if no person is prescribed, the person responsible to the Minister for the management of the entity.

**“chief executive officer”** of a local government includes the town clerk of Brisbane City Council.

**“commission of inquiry”** means a commission of inquiry under the *Commissions of Inquiry Act 1950*, and includes an inquiry under commission mentioned in section 4(2) of that Act.

**“conduct obligation”** means an obligation stated in an approved code of conduct that must be complied with by public officials.

**“corporatised corporation”** has the same meaning as in the *Local Government Act 1993*, chapter 7A, part 6.<sup>1</sup>

**“ethics obligations”** see section 5(2).

**“ethics principles”** see section 4.

**“judicial officer”** includes a registrar or deputy registrar of a court or tribunal performing delegated judicial tasks.

**“local government legislation”** means—

(a) the following Acts—

- *City of Brisbane Act 1924*
- *Community Services (Aborigines) Act 1984*
- *Community Services (Torres Strait) Act 1984*
- *Local Government Act 1993*; or

(b) an Act prescribed by regulation.

**“maladministration”** means maladministration within the meaning of the *Whistleblowers Protection Act 1994*.

**“Parliamentary Commissioner”** means the Parliamentary Commissioner for Administrative Investigations.

**“public official”** means—

(a) an officer or employee of a public sector entity; or

---

<sup>1</sup> The *Local Government Act 1993* has been renumbered in reprint 4. To reflect the renumbering, chapter 7A, part 6 is now chapter 8, part 7.

*Public Sector Ethics Act 1994*

---

- (b) a constituent member of a public sector entity, whether holding office by election or selection;

but does not include a judicial officer or local government councillor.

**“public sector entity”** means any of the following—

- (a) the Parliamentary Service;
- (b) the administrative office of a court or tribunal;
- (c) a department;
- (d) a local government;
- (e) a university, university college, State college or agricultural college;
- (f) a commission, authority, office, corporation or instrumentality established under an Act or under State or local government authorisation for a public, State or local government purpose;
- (g) an entity, prescribed by regulation, that is assisted by public funds;

but does not include any of the following—

- (h) a GOC;
- (ha) a corporatised corporation;
- (i) the following entities under, or within the meaning of, the *Education (General Provisions) Act 1989*—
  - (i) a parents and citizens association;
  - (ii) a school that is not a State school;
  - (iii) an advisory committee;<sup>2</sup>
  - (iv) an international educational institution;<sup>3</sup>
- (j) an entity prescribed by regulation.

**“responsible authority”**, for a public sector entity, means—

- (a) for the Parliamentary Service—the speaker; or

---

<sup>2</sup> See *Education (General Provisions) Act 1989*, section 12.

<sup>3</sup> See *Education (General Provisions) Act 1989*, section 144.

*Public Sector Ethics Act 1994*

---

- (b) for the administrative office of a court or tribunal—the Minister responsible for administering the Act under which the court or tribunal is established; or
- (c) for a department—the Minister administering the department; or
- (d) for a university or university college—the council of the university or university college; or
- (e) for a local government—the local government; or
- (f) for another public sector entity established under an Act—the Minister administering the Act; or
- (g) for another public sector entity—the Minister administering the entity.

**“State college”** has the same meaning as in the *Vocational Education, Training and Employment Act 1991*.

**“State educational institution”** has the same meaning as in the *Education (General Provisions) Act 1989*.

**“tribunal”** means—

- (a) a tribunal constituted by a person acting judicially; or
- (b) a body or person performing a function under an Act to hear appeals by employees about dismissal from employment, disciplinary action or other unfair treatment; or
- (c) a commission of inquiry; or
- (d) a Misconduct Tribunal under the *Misconduct Tribunals Act 1997*.

### **Act binds all persons**

3. This Act binds all persons, including the State.



## **PART 2—ETHICS PRINCIPLES FOR PUBLIC OFFICIALS**

### **Declaration of ethics principles**

**4.(1)** The ethics principles mentioned in subsection (2) are declared to be fundamental to good public administration.

**(2)** The “**ethics principles**” for public officials are—

- respect for the law and the system of government
- respect for persons
- integrity
- diligence
- economy and efficiency.

## **PART 3—ETHICS OBLIGATIONS FOR PUBLIC OFFICIALS**

### *Division 1—Nature, purpose and application of ethics obligations*

#### **Nature and purpose of obligations**

**5.(1)** In recognition of the ethics principles, ethics obligations are to apply to public officials.

**(2)** The obligations mentioned in division 2 are the “**ethics obligations**” for public officials.

**(3)** The ethics obligations are intended to provide the basis for codes of conduct for public officials and are not of themselves legally enforceable.

#### **Application of obligations**

**6.** The ethics obligations apply to all public officials.

***Division 2—The obligations*****Respect for the law and system of government**

**7.(1)** A public official should—

- (a) uphold the laws of the State and Commonwealth; and
- (b) carry out official public sector decisions and policies faithfully and impartially.

**(2)** Subsection (1)(b) does not detract from a public official's duty to act independently of government if the official's independence is required by legislation or government policy, or is a customary feature of the official's work.

**Respect for persons**

**8.(1)** A public official should treat members of the public and other public officials—

- (a) honestly and fairly; and
- (b) with proper regard for their rights and obligations.

**(2)** A public official should act responsively in performing official duties.

**Integrity**

**9.(1)** In recognition that public office involves a public trust, a public official should seek—

- (a) to maintain and enhance public confidence in the integrity of public administration; and
- (b) to advance the common good of the community the official serves.

**(2)** Having regard to the obligation mentioned in subsection (1), a public official—

- (a) should not improperly use his or her official powers or position, or allow them to be improperly used; and
- (b) should ensure that any conflict that may arise between the

official's personal interests and official duties is resolved in favour of the public interest; and

- (c) should disclose fraud, corruption and maladministration of which the official becomes aware.

### **Diligence**

**10.** In performing his or her official duties, a public official should—

- (a) exercise proper diligence, care and attention; and  
(b) seek to achieve high standards of public administration.

### **Economy and efficiency**

**11.** In performing his or her official duties, a public official should ensure that public resources are not wasted, abused, or used improperly or extravagantly.

## **PART 4—CODES OF CONDUCT FOR PUBLIC OFFICIALS**

### *Division 1—Codes of conduct*

#### **Nature and purpose of codes**

**12.(1)** In recognition of the ethics obligations for public officials, codes of conduct are to apply to public officials in performing their official functions.

**(2)** The purpose of a code of conduct is to provide standards of conduct for public officials consistent with the ethics obligations.

#### **Application of codes**

**13.(1)** A code of conduct must relate to a particular public sector entity,

and applies to all public officials of the entity.

(2) However, a code of conduct may make different provision, consistent with the ethics obligations, for different types of public officials.

### **Contents of codes**

**14.(1)** A code of conduct for a public sector entity may contain anything the responsible authority for the entity considers necessary or useful for achieving the purpose of a code of conduct.

(2) In particular, a code may provide obligations public officials must comply with.

(3) A code also may contain—

- (a) information explaining the purpose of—
  - (i) the ethics obligations generally or a particular ethics obligation; or
  - (ii) the conduct obligations generally or a particular conduct obligation; and
- (b) information explaining the object intended to be achieved by the application of—
  - (i) the ethics obligations generally or a particular ethics obligation; or
  - (ii) the conduct obligations generally or a particular conduct obligation; and
- (c) guidelines about the application of an ethics or conduct obligation; and
- (d) examples of the operation of an ethics or conduct obligation; and
- (e) explanatory notes about an ethics or conduct obligation; and
- (f) references to Acts applying to public officials in performing their official functions.

***Division 2—Preparation and approval of codes of conduct*****Preparation of codes of conduct**

**15.** The chief executive officer of a public sector entity must ensure that a code of conduct is prepared for the entity.

**Consultations in preparation of codes**

**16.(1)** This section applies to the preparation of a code of conduct for a public sector entity.

**(2)** The public sector entity's chief executive officer must ensure that consultation about the code takes place, or reasonable steps are taken to consult about the code, with—

- (a) the public officials to whom the code is to apply; and
- (b) industrial organisations representing the interests of any of the officials; and
- (c) other appropriate entities representing the interests of any of the officials.

**Approval of codes**

**17.(1)** The responsible authority for a public sector entity may approve a code of conduct prepared by the entity's chief executive officer.

**(2)** The responsible authority may approve the code of conduct only if it is accompanied by a written statement by the chief executive officer outlining—

- (a) the nature and extent of the consultations that took place during the preparation of the code; and
- (b) the outcome of the consultations.

**(3)** In deciding whether to approve the code of conduct, the responsible authority must have regard to the statement.

***Division 3—Public officials to comply with codes*****Compliance with codes**

**18.** A public official of a public sector entity must comply with the conduct obligations stated in the entity's code of conduct that apply to the official.

**PART 5—ADDITIONAL RESPONSIBILITIES OF  
CHIEF EXECUTIVE OFFICERS****Access to ethics principles and obligations and codes of conduct**

**19.** The chief executive officer of a public sector entity must ensure that each public official of the entity has reasonable access to a copy of the ethics principles and obligations for public officials and the conduct obligations stated in the entity's code of conduct that apply to the official.

**Inspection of codes of conduct**

**20.(1)** The chief executive officer of a public sector entity must keep available for inspection by any person an appropriate number of copies of the entity's approved code of conduct.

**(2)** In particular, the chief executive officer must permit any person—

- (a)** to inspect the code of conduct without fee; and
- (b)** to take extracts from the code without fee; and
- (c)** to obtain a copy of the code, or any part of the code, on payment of the fee prescribed by regulation.

**(3)** The chief executive officer also must keep available copies of the code for purchase by any person, at a price prescribed by regulation.

**(4)** The copies must be available during office hours on business days at—

- (a)** the entity's head office; and

- (b) each regional office (if any) of the entity; and
- (c) any other places the chief executive officer considers appropriate.

(5) To remove any doubt, it is declared that a reference in this section to a person includes a reference to a member of the public.

### **Education and training**

**21.(1)** The chief executive officer of a public sector entity must ensure that public officials of the entity are given appropriate education and training about public sector ethics.

(2) In particular, the education and training must relate to—

- (a) the operation of this Act; and
- (b) the application of ethics principles and obligations to the public officials; and
- (c) the contents of the entity's approved code of conduct; and
- (d) the rights and obligations of the officials in relation to contraventions of the approved code of conduct.

### **Procedures and practices of public sector entities**

**22.** The chief executive officer of a public sector entity must ensure that the administrative procedures and management practices of the entity have proper regard to—

- (a) this Act and, in particular, the ethics obligations of public officials; and
- (b) the entity's approved code of conduct.

### **Implementation statements**

**23.** The chief executive officer of a public sector entity must ensure that each annual report of the entity includes an implementation statement giving details of the action taken during the reporting period to comply with the following sections—

- section 15 (Preparation of codes of conduct)

- section 19 (Access to ethics principles and obligations and codes of conduct)
- section 20 (Inspection of codes of conduct)
- section 21 (Education and training)
- section 22 (Procedures and practices of public sector entities).

## **PART 6—DISCIPLINARY ACTION FOR CONTRAVENTION OF APPROVED CODES OF CONDUCT**

### **Disciplinary action**

**24.** It is the intention of Parliament that any disciplinary action for a contravention of an approved code of conduct by a public official of a public sector entity should be dealt with under—

- (a) if the official is a public service officer—the *Public Service Act 1996*; or
- (b) if the official is a local government employee—the local government legislation applying to the local government; or
- (c) if the official is not a public service officer or a local government employee but there are disciplinary processes applying to the official—the disciplinary processes; or
- (d) if there are no disciplinary processes applying to the official—the regulations.

## **PART 7—MISCELLANEOUS**

### **Regulation-making power**

**25.** The Governor in Council may make regulations under this Act.



**ENDNOTES****1 Index to endnotes**

	Page
2 Date to which amendments incorporated . . . . .	15
3 Key . . . . .	16
4 Table of earlier reprints . . . . .	16
5 Tables in earlier reprints . . . . .	16
6 List of legislation . . . . .	17
7 List of annotations . . . . .	17

**2 Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 2 October 1998. Future amendments of the Public Sector Ethics Act 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

### 4 Table of earlier reprints

#### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	22 December 1994
1A	to Act No. 38 of 1995	2 August 1996
1B	to Act No. 37 of 1996	21 January 1997
1C	to Act No. 23 of 1997	6 June 1997
1D	to Act No. 59 of 1997	15 December 1997

### 5 Tables in earlier reprints

#### TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Corrected minor errors	1

## 6 List of legislation

### **Public Sector Ethics Act 1994 No. 67**

date of assent 1 December 1994

commenced on date of assent

as amended by—

### **Parliamentary Committees Act 1995 No. 38 ss 1–2, 35 sch 1**

date of assent 15 September 1995

commenced on date of assent

### **Public Service Act 1996 No. 37 ss 1–2, 147 sch 2**

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

### **Local Government Legislation Amendment Act 1997 No. 23 s 1, pt 5**

date of assent 22 May 1997

commenced on date of assent

### **Misconduct Tribunals Act 1997 No. 59 ss 1–2, 48 sch 1**

date of assent 5 November 1997

ss 1–2 commenced on date of assent

remaining provisions commenced 8 December 1997 (1997 SL No. 417)

## 7 List of annotations

### **Definitions**

- s 2** def “**corporatised corporation**” ins 1997 No. 23 s 66(2)  
 def “**public sector entity**” amd 1997 No. 23 s 66(1)  
 def “**responsible authority**” amd 1995 No. 38 s 35 sch 1  
 def “**tribunal**” amd 1997 No. 59 s 48 sch 1

### **Disciplinary action**

- s 24** amd 1996 No. 37 s 147 sch 2