

Code of Conduct

Public Sector Ethics Act 1994

Members of the Non-State Schools Accreditation Board

Members of a Committee of the Board

Authorised Persons appointed by the Board

Education (Accreditation of Non-State Schools) Act 2017

Education (Accreditation of Non-State Schools) Regulation 2017

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1. PREAMBLES

1.1 Code of Conduct

This Code of Conduct is made under the *Public Sector Ethics Act 1994*.

1.2 Dictionary

In this Code:

“Accreditation Act” means the *Education (Accreditation of Non-State Schools) Act 2017*.

“Authorised Person” means an authorised person appointed by the Board under the Accreditation Act.

“Board” means the Non-State Schools Accreditation Board established under the now repealed *Education (Accreditation of Non-State Schools) Act 2001* and continued in existence under the Accreditation Act.

“Code” means this Code of Conduct.

“Committee of the Board” means a committee established by the Board.

“Ethics Act” means the *Public Sector Ethics Act 1994*.

“Member” means a member of the Board and/or a member of a Committee of the Board.

“Public Official” means a Member or an Authorised Person.

“Standards of Conduct” means the standards of conduct stated in the Code, and which each Public Official is required to comply with by section 18 of the Ethics Act.

1.3 Approval of Code

The Code was approved on 7 March 2018 by the Honourable Grace Grace MP, Minister for Education and Minister for Industrial Relations, as the responsible officer under section 17 of the Ethics Act.

1.4 Application of Code

The Code applies to each Public Official.

The Code aims to promote and maintain the highest standard of ethical behaviour by each Public Official in performing their functions and discharging their duties.

1.5 How this Code works

This Code contains the ethics principles and their associated set of values prescribed in the Ethics Act. It also contains standards of conduct that reflect and

support the values and principles.

Each Public Official is subject to:

- the ethics principles and ethics values set out in the Ethics Act;
- this Code made under the Ethics Act; and
- other relevant provisions of the Ethics Act.

Each Public Official will receive training in the Code as part of the induction process, and at regular intervals during their tenure.

1.6 Review of Code

The Code will be reviewed every two years.

1.7 Functions of the Board

The Board is an independent statutory body under the Accreditation Act.

The prescribed functions of the Board include:

- to assess applications for accreditation of non-State schools;
- to accredit non-State schools;
- to assess and decide applications about governing bodies' eligibility for government funding;
- to keep a register of accredited schools;
- to monitor whether accredited schools continue to comply with the accreditation criteria;
- to monitor whether the governing bodies of accredited schools are suitable to continue to be a school's governing body;
- to monitor whether the governing bodies of non-State schools that are eligible for government funding for the schools continue to meet the government funding eligibility criteria;
- to monitor and enforce compliance with the Accreditation Act; and
- to conduct investigations about contraventions of, or noncompliance with, the Accreditation Act.

The Board has discretion to establish a Committee of the Board.

1.8 Functions of an Authorised Person

The prescribed functions of authorised persons include finding out the following:

- whether an accredited school is complying with the accreditation criteria;
- whether the governing body, or proposed governing body, of a school is, or continues to be, suitable to be the school's governing body;
- whether a special assistance school providing special assistance at a temporary site is complying with the temporary site criteria;
- in relation to a school the governing body of which is eligible for government funding for the school:
 - whether the school is being operated for profit; or
 - whether the governing body of the school is a party to a prohibited arrangement in relation to the operation of the school; or
 - whether there is a direct or indirect connection between the governing body of the school and another entity that could reasonably be expected to compromise the independence of the governing body when making financial decisions;
- in relation to the governing body of an accredited school that is applying to be eligible for government funding for the school:
 - whether the school is being operated for profit; or
 - whether the governing body is a party to, or intends to enter into, a prohibited arrangement in relation to the operation of the school;
 - whether there is a direct or indirect connection between the governing body of the school and another entity that could reasonably be expected to compromise the independence of the governing body when making financial decisions.

An authorised person's functions also include:

- verifying school survey data relating to an accredited school; and
- investigating offences under the Accreditation Act.

2. ETHICS PRINCIPLES AND ETHICS VALUES

2.1 Ethics principles

Section 4 of the Ethics Act declares the following ethics principles fundamental to good public administration:

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

2.2 Ethics values

Each of the four principles are strengthened by the set of ethics values describing the behaviour that will demonstrate that principle. The principles and associated values are equally important.

2.2.1 Integrity and impartiality value

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:

- are committed to the highest ethical standards; and
- accept and value their duty to provide advice which is objective, independent, apolitical and impartial; and
- show respect towards all persons, including employees, clients and the general public; and
- 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
- are committed to honest, fair and respectful engagement with the community.

(Ethics Act, section 6)

2.2.2 Promoting the public good value

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:

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

(Ethics Act, section 7)

2.2.3 Commitment to the system of government value

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:

- accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government; and
- are committed to effecting official public sector priorities, policies and decisions professionally and impartially; and
- accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.

These matters do 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.

(Ethics Act, section 8)

2.2.4 Accountability and transparency value

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

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

(Ethics Act, section 9)

3. STANDARDS OF CONDUCT

3.1 Introduction

Standards of Conduct are statements that reflect and support the values and principles.

These Standards of Conduct are consistent with the ethics principles and values, and may relate to more than one principle and value.

All Standards of Conduct are equally important, and are not intended to cover every possible scenario.

A Public Official takes personal responsibility to uphold the Standards of Conduct and report genuine concerns of wrongdoing.

A Public Official must be aware of the perception of the performance of his or her duties which must be carried out in an independent and impartial manner.

3.2 Commit to the highest ethical standards

A Public Official must ensure that their conduct meets the highest ethical standards and provide objective, independent, apolitical and impartial advice.

A Public Official must comply with all relevant legislation, whole-of-government policies and standards.

3.3 Principles for good decision making

If a Public Official proposes to engage or is engaging in making a decision, the Public Official must observe the principles of good decision making including, for example:

- observing the rules of natural justice, such as:
 - the decision maker is to act fairly;
 - the decision maker is to act in good faith;
 - the decision maker is to act without bias;
 - the reasons for a decision are to be disclosed;
- ensuring compliance with procedures that are required by law to be observed;
- ensuring that the decision is made within power;
- ensuring in the exercise of the power that all relevant considerations are taken into account and that irrelevant considerations are not taken into account;
- ensuring that the exercise of power is:
 - justified on the basis of the facts and considerations;
 - conducted in a way that the result of the exercise of power is certain;
 - not so unreasonable that no reasonable person would exercise the power in the same way;
 - in no way an abuse of the power.

3.4 Manage conflicts of interest

A Public Official is to avoid actual or potential conflicts between their duties as a Member or as an Authorised Person, and their personal interests or their duties to others.

A Public Official is to also be aware of possible perceived conflicts of interest.

A Public Official who has a direct or indirect interest in an issue being considered, or about to be considered, must as soon as reasonably practicable after the relevant facts come to the Public Official's knowledge, disclose the nature of the interest to the Board.

A Public Official must recuse themselves from any decisions made regarding that Public Official's conflicts of interest.

A Public Official must resolve all conflicts of interest in the public interest.

3.5 Ensure transparency in business dealings

A Public Official is required to ensure their business dealings (as a Member or as an Authorised Person) with persons who were formerly Ministers, Parliamentary Secretaries or senior government representatives are not on matters those persons had official dealing with in their recent previous employment in accordance with government policy.

3.6 Respect for law

A Public Official must observe the law.

3.7 Accurate, comprehensive, etc. information

If a Public Official provides information to the Board, or a Committee of the Board, as the case may be, the Public Official must take all reasonable steps to ensure that the information is accurate, comprehensive, timely, honest and impartial.

3.8 Organisational, etc. practices to promote economy, etc.

A Public Official must adopt practices as a Member and as an Authorised Person that provide for:

- the most effective and efficient use of public resources¹;
- the protection of public resources;
- the appropriate and reasonable use of public resources that is able to withstand public scrutiny.

3.9 Dignity, rights and views of others

A Public Official must treat members of the education community, members of the general community and colleague members fairly, equitably, sensitively, consistently and with respect.

A Public Official must be tolerant of the views and opinions of others, even though those views and opinions may differ from his or her own.

3.10 Personal behaviour

A Public Official must:

- act ethically so as to support the continuation of a public trust in the

¹ “public resources” include property, facilities, materials, equipment, financial resources, human resources, knowledge, intellectual property and official information

government and to observe the highest ethical standards of behaviour and accountability; and

- behave in a way that demonstrates ethical leadership in promoting public confidence in the Board.

3.11 Gifts and benefits

A Public Official must not use his or her role as a Member or Authorised Person to seek the offer of, or accept any form of, personal benefit² that may compromise or be seen to compromise, the Public Official.

However, token gifts of appreciation or gifts of a symbolic nature are of nominal value and do not suggest any future obligation and are acceptable; for example, normal customary hospitality or the giving of gifts in accordance with social custom.

Where a benefit is more than nominal value, such as free travel and accommodation, there is a potential to compromise a Public Official's integrity.

A Public Official, however, may still be able to accept a benefit, if the Public Official is able to demonstrate that there is no expectation of future benefit to the giver. Such a benefit must be declared by the Public Official to the Board, and must be registered on the Board's gift register.

A Public Official must observe the Public Service Commission's Directive No. 22/09. *Gifts and Benefits*³ and the *Gifts and Benefits Guideline*⁴.

3.12 Public comment

A Public Official must be aware that personal comments about public issues may compromise the Public Official's capacity to perform their official duties in an independent, unbiased manner. A Public Official must not make comments which could be perceived as a potential or actual conflict of interest.

A Public Official may make public comment⁵ on political and social issues provided that, where the view expressed by the Public Official differs from the view of the Board, or a Committee of the Board, or the Government, the Public Official must state in the public comment that the views expressed are the member's personal views and not those of the Board, the Committee of the Board, or the Government.

A Public Official may engage in party-political, professional, interest group, voluntary organisation and employer or employee organisation activities provided that the Public Official states that the views expressed in any public comment in

² "benefit" includes money, property, shares, hospitality, entertainment, favours and accommodation

³ Directive No.22/09 may be found on the Public Service Commission's website at www.psc.qld.gov.au

⁴ Guideline may be found on the Public Service Commission's website at www.psc.qld.gov.au

⁵ "public comment" includes speaking engagements and comments in the media

connection with that engagement are the views of the entity⁶ or the personal views of the Public Official, as the case may be.

3.13 Confidentiality

A Public Official must respect the confidential nature of a matter being considered or to be considered by the Board, or Committee of the Board, where the Board or the committee requires the matter to be treated as confidential, and, for as long as the Board or the Committee of the Board requires.

3.14 Information

A Public Official must not use information acquired because he or she is a Member or Authorised Person to improperly gain any kind of advantage for himself or herself or for another entity.

A Public Official must not disclose information acquired because he or she is a Member or Authorised Person to any unauthorised individual or entity, except with the approval of the Board. However, a Public Official is not prohibited from disclosing information that would normally be given to any member of the public seeking that information.

3.15 Legislation relating to official duties

A Public Official is to have an understanding of the provisions of legislation related to the official duties of the Member or Authorised Person, including for example:

- the ethics principles and values under the Ethics Act;
- the access rights of persons under the *Right to Information Act 2009*;
- the information privacy principles under the *Information Privacy Act 2009*;
- the confidentiality provisions of section 176 of the Accreditation Act;
- the disclosure of interest obligations on Members under section 119 of the Accreditation Act; and
- the obligations and accountabilities on statutory bodies under the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*.

3.16 Diligence

A Public Official has an obligation to seek to achieve high standards of public administration.

⁶ “entity” means the organisation in connection with the party-political, professional, interest group, voluntary, employer or employee activity

A Public Official must discharge responsibilities:

- to the best of his or her ability; and
 - in a manner that is professional, competent and conscientious.
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