



Queensland

# Public Sector Ethics Act 1994

Reprinted as in force on 31 May 2005

Reprint No. 3F

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 31 May 2005. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

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

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to 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 reprints is included in the endnotes.

**Also see endnotes for information about—**

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

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

# Public Sector Ethics Act 1994

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Definitions. . . . .	5
3	Act binds all persons . . . . .	5
<b>Part 2</b>	<b>Ethics principles for public officials</b>	
4	Declaration of ethics principles. . . . .	5
<b>Part 3</b>	<b>Ethics obligations for public officials</b>	
<b>Division 1</b>	<b>Nature, purpose and application of ethics obligations</b>	
5	Nature and purpose of obligations . . . . .	6
6	Application of obligations . . . . .	6
<b>Division 2</b>	<b>The obligations</b>	
7	Respect for the law and system of government . . . . .	6
8	Respect for persons . . . . .	7
9	Integrity. . . . .	7
10	Diligence. . . . .	8
11	Economy and efficiency . . . . .	8
<b>Part 4</b>	<b>Codes of conduct for public officials</b>	
<b>Division 1</b>	<b>Codes of conduct</b>	
12	Nature and purpose of codes. . . . .	8
13	Application of codes. . . . .	8
14	Contents of codes . . . . .	9
<b>Division 2</b>	<b>Preparation and approval of codes of conduct</b>	
15	Preparation of codes of conduct. . . . .	9
16	Consultations in preparation of codes . . . . .	10
17	Approval of codes. . . . .	10
<b>Division 3</b>	<b>Public officials to comply with codes</b>	
18	Compliance with codes . . . . .	10

---

<b>Part 5</b>	<b>Additional responsibilities of chief executive officers</b>	
19	Access to ethics principles and obligations and codes of conduct	11
20	Inspection of codes of conduct . . . . .	11
21	Education and training . . . . .	12
22	Procedures and practices of public sector entities . . . . .	12
23	Implementation statements . . . . .	12
<b>Part 6</b>	<b>Disciplinary action for contravention of approved codes of conduct</b>	
24	Disciplinary action . . . . .	13
<b>Part 7</b>	<b>Integrity commissioner</b>	
<b>Division 1</b>	<b>Purpose of part</b>	
25	Purpose of pt 7 . . . . .	13
<b>Division 2</b>	<b>Integrity commissioner</b>	
26	Integrity commissioner . . . . .	14
<b>Division 3</b>	<b>Designated persons</b>	
27	Who are designated persons . . . . .	14
<b>Division 4</b>	<b>Functions of integrity commissioner</b>	
28	Functions of integrity commissioner . . . . .	15
<b>Division 5</b>	<b>Advice</b>	
29	Request for advice by designated persons . . . . .	15
30	Designated persons about whom advice may be sought . . . . .	16
31	Process for seeking advice . . . . .	17
32	Issues to which integrity commissioner must or may have regard when giving advice . . . . .	17
<b>Division 6</b>	<b>Confidentiality and protection</b>	
33	Secrecy . . . . .	18
33A	Freedom of Information Act does not apply . . . . .	18
33B	Authorisation of particular disclosures—ethics or integrity issue . . . . .	19
34	Authorisation of particular disclosures—conflict of interest issue . . . . .	19
35	Limited protection to designated persons . . . . .	21
36	Protection for integrity commissioner . . . . .	22
<b>Division 7</b>	<b>General</b>	
37	General provisions about integrity commissioner’s appointment . . . . .	22
38	Terms of appointment . . . . .	22
39	Leave of absence . . . . .	23
40	Resignation . . . . .	23
41	Termination of appointment . . . . .	23

---

42	Acting integrity commissioner. . . . .	23
43	Report to Premier. . . . .	23
<b>Part 8</b>	<b>Miscellaneous</b>	
44	Regulation-making power. . . . .	24
<b>Schedule</b>	<b>Dictionary</b> . . . . .	25
 <b>Endnotes</b>		
1	Index to endnotes. . . . .	30
2	Date to which amendments incorporated. . . . .	30
3	Key . . . . .	30
4	Table of reprints . . . . .	31
5	Tables in earlier reprints. . . . .	31
6	List of legislation. . . . .	31
7	List of annotations . . . . .	33



# Public Sector Ethics Act 1994

[as amended by all amendments that commenced on or before 31 May 2005]

**An Act about public sector ethics and conduct, and to provide for an integrity commissioner**

## Part 1 Preliminary

### 1 Short title

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

### 2 Definitions

The dictionary in the schedule defines particular words used in this Act.

### 3 Act binds all persons

This Act binds all persons, including the State.

## Part 2 Ethics principles for public officials

### 4 Declaration of ethics principles

- (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**

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

- (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.

#### **6                      Application of obligations**

The ethics obligations apply to all public officials.

### **Division 2                      The obligations**

#### **7                      Respect for the law and system of government**

- (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.

## **8 Respect for persons**

- (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.

## **9 Integrity**

- (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.

**10 Diligence**

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.

**11 Economy and efficiency**

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****12 Nature and purpose of codes**

- (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.

**13 Application of codes**

- (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.

**14 Contents of codes**

- (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****15 Preparation of codes of conduct**

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

**16 Consultations in preparation of codes**

- (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.

**17 Approval of codes**

- (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****18 Compliance with codes**

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**

### **19 Access to ethics principles and obligations and codes of conduct**

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.

### **20 Inspection of codes of conduct**

- (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.

**21 Education and training**

- (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.

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

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.

**23 Implementation statements**

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**

### **24**      **Disciplinary action**

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**                      **Integrity commissioner**

### **Division 1**              **Purpose of part**

#### **25**      **Purpose of pt 7**

This purpose of this part is to help Ministers and others to avoid conflicts of interest and in so doing to encourage confidence in public institutions.

## **Division 2                    Integrity commissioner**

### **26            Integrity commissioner**

There is to be a Queensland Integrity Commissioner.

## **Division 3                    Designated persons**

### **27            Who are designated persons**

- (1) Each of the following persons is a *designated person*—
- (a) the Premier;
  - (b) a Minister;
  - (c) a Parliamentary Secretary;
  - (d) a government member;
  - (e) a statutory office holder;
  - (f) a chief executive officer of a department of government or a public service office;
  - (g) a senior executive officer or senior officer employed in a department of government or public service office;
  - (h) a chief executive officer of a government entity or a senior executive equivalent employed in a government entity who is nominated by the Minister responsible for administering the entity;
  - (i) a person employed in the office of a Minister, or engaged, to give advice to the Minister;
  - (j) a person employed in the office of a Parliamentary Secretary, or engaged, to give advice to the Parliamentary Secretary;
  - (k) without limiting paragraph (i) or (j), a person, or a person within a class of person, nominated by a Minister or Parliamentary Secretary.
- (2) A nomination under subsection (1)(h) or (k) must be by signed notice given to the integrity commissioner.

## **Division 4                      Functions of integrity commissioner**

### **28            Functions of integrity commissioner**

- (1) The integrity commissioner has the following functions—
  - (a) to give advice to designated persons about conflict of interest issues as provided under division 5;
  - (b) to give advice to the Premier, if the Premier asks, on issues concerning ethics and integrity, including standard-setting for issues concerning ethics and integrity;
  - (c) to contribute to public understanding of public integrity standards by contributing to public discussion of policy and practice relevant to the integrity commissioner's functions.
- (2) For subsection (1)(b), advice on an issue about a person may only be given if the person is or has been a designated person.

## **Division 5                      Advice**

### **29            Request for advice by designated persons**

- (1) The integrity commissioner may give advice about a conflict of interest issue only if—
  - (a) the person seeking the advice is a designated person; and
  - (b) the person makes a written request for the advice and, if the person is a senior officer, the request is accompanied by a signed authority to seek the advice from the chief executive officer of the department, public service office or government entity in which the person is employed.
- (2) In this section—

*senior officer* includes a senior executive officer and senior executive equivalent.

**30 Designated persons about whom advice may be sought**

- (1) A designated person may seek advice about a conflict of interest issue involving the person.
- (2) The Premier may seek advice about a conflict of interest issue involving any designated person.
- (3) A Minister may seek advice about a conflict of interest issue involving a designated person who is—
  - (a) a statutory office holder whose office is established under an Act administered by the Minister; or
  - (b) the chief executive of a department administered by the Minister or a senior executive officer or senior officer employed in the department; or
  - (c) a chief executive officer of a government entity or a senior executive equivalent employed in the entity nominated by the Minister under section 27(1)(h); or
  - (d) mentioned in section 27(1)(i); or
  - (e) nominated by the Minister under section 27(1)(k).
- (4) A Parliamentary Secretary may seek advice about a conflict of interest issue involving a designated person who is—
  - (a) mentioned in section 27(1)(j); or
  - (b) nominated by the Parliamentary Secretary under section 27(1)(k).
- (5) The chief executive officer of a department or public service office may seek advice about a conflict of interest issue involving a designated person employed in the department or office.
- (6) The chief executive officer of a government entity who is nominated by the Minister under section 27(1)(h) may seek advice about a conflict of interest issue involving a senior executive equivalent who is—
  - (a) nominated by the Minister under section 27(1)(h); and
  - (b) employed in the entity managed by the chief executive officer.

- (7) To remove any doubt, it is declared that advice must not be sought by or about a person who has been, but is not presently, a designated person.

### **31 Process for seeking advice**

- (1) A request for advice under section 30 must disclose all relevant information about the conflict of interest issue for which the advice is sought.
- (2) The integrity commissioner may ask the designated person for further information for the purpose of giving the advice.
- (3) The integrity commissioner may refuse to give the advice if the integrity commissioner reasonably believes that—
- (a) he or she does not have enough information about the conflict of interest issue to give the advice; or
  - (b) the advice is asked for in circumstances where the giving of the advice would not be in keeping with the purpose of this part.
- (4) Advice given under this division must be in writing.
- (5) If the integrity commissioner refuses to give advice under subsection (3), the integrity commissioner must record in writing the integrity commissioner's reasons for refusing to give the advice.

### **32 Issues to which integrity commissioner must or may have regard when giving advice**

The integrity commissioner when giving advice about a conflict of interest issue to a designated person—

- (a) must have regard to the following—
- (i) approved codes of conduct;
  - (ii) ethical standards or codes of conduct adopted by the Legislative Assembly by resolution;
  - (iii) ethical standards or codes of conduct approved by the Premier for Ministers; and
- (b) may have regard to other ethical standards the integrity commissioner considers appropriate.

## Division 6                      Confidentiality and protection

### 33            Secrecy

- (1) A person must not record, use or disclose information about a relevant issue about another person that came to the person's knowledge because of the person's involvement in the administration of this part.

Maximum penalty—85 penalty units or 1 year's imprisonment.

- (2) Subsection (1) does not apply to a person's recording, use or disclosure of information if the recording, use or disclosure is—

- (a) in the performance of his or her functions under this part; or  
(b) authorised under this or another Act.

- (3) A person who is or has been involved in the administration of this part is not, in any proceeding, compellable to disclose information about a relevant issue about another person that came to the person's knowledge because of the person's involvement in the administration of this part.

- (4) In this section—

*relevant issue* means—

- (a) an ethics or integrity issue; or  
(b) a conflict of interest issue.

### 33A          Freedom of Information Act does not apply

- (1) If advice is sought on an issue about a person under section 28(1)(b), the *Freedom of Information Act 1992* does not apply to a document received or brought into existence by the integrity commissioner in relation to the advice.

- (2) If advice about a conflict of interest issue is sought under section 30, the *Freedom of Information Act 1992* does not apply to a document received or brought into existence by the integrity commissioner in relation to the conflict of interest issue.

**33B Authorisation of particular disclosures—ethics or integrity issue**

- (1) A relevant document about an ethics or integrity issue may be disclosed under subsections (2) and (3).
- (2) A person who is or has been a designated person to whom a relevant document relates may disclose the document.
- (3) The integrity commissioner may disclose a relevant document to the person who is or has been the designated person to whom the relevant document relates.
- (4) In this section—

*designated person to whom a relevant document relates* means the designated person involved in an ethics or integrity issue and to whom the relevant document relates.

*relevant document*, for an ethics or integrity issue, means a document received or brought into existence by the integrity commissioner in relation to advice sought under section 28(1)(b).

**34 Authorisation of particular disclosures—conflict of interest issue**

- (1) A relevant document about a conflict of interest issue may be disclosed under subsections (2) to (7).
- (2) A person who is or has been a designated person to whom a relevant document relates may disclose the document.
- (3) The integrity commissioner may disclose a relevant document to the person who is or has been the designated person to whom the relevant document relates.
- (4) The integrity commissioner must give a copy of a relevant document relating to a particular designated person, other than a senior executive officer, senior officer or senior executive equivalent—
  - (a) to the Premier, if—
    - (i) the Premier asks for a copy of the document; or
    - (ii) the integrity commissioner reasonably believes that the person has an actual and significant conflict of interest; or

- (b) to a Minister, if the Minister asks for a copy of the document and the person is a person about whom the Minister may seek advice under section 30(3); or
  - (c) to a Parliamentary Secretary, if the Parliamentary Secretary asks for a copy of the document and the person is a person about whom the Parliamentary Secretary may seek advice under section 30(4).
- (5) The integrity commissioner may give a copy of a relevant document to the Premier under subsection (4)(a)(ii) only if—
  - (a) the integrity commissioner advises the designated person in writing that the commissioner has the belief mentioned in the provision and is therefore required under subsection (4)(a) to give a copy of the document to the Premier; and
  - (b) the designated person fails to resolve the conflict to the integrity commissioner's satisfaction within 7 days after being given the advice mentioned in paragraph (a).
- (6) The integrity commissioner must give a copy of a relevant document relating to a particular designated person to the chief executive officer of a department or public service office if—
  - (a) the chief executive officer asks for a copy of the document; and
  - (b) the person is a person about whom the chief executive officer may seek advice under section 30(5).
- (7) The integrity commissioner must give a copy of a relevant document relating to a particular designated person to the chief executive officer of a government entity who is nominated by the Minister under section 27(1)(h) if—
  - (a) the chief executive officer asks for a copy of the document; and
  - (b) the person is a person about whom the chief executive officer may seek advice under section 30(6).
- (8) To remove any doubt, it is declared that the integrity commissioner must not disclose a relevant document relating to a person who has been, but is not presently, a designated person, other than under subsection (3).

(9) In this section—

*designated person to whom a relevant document relates* means the designated person involved in a conflict of interest issue and to whom the relevant document relates.

*relevant document*, for a conflict of interest issue, means each of the following documents—

- (a) the request for advice;
- (b) any further information requested by the integrity commissioner under section 31(2) and given to the integrity commissioner;
- (c) the advice given by the integrity commissioner about the issue;
- (d) the record, under section 31(5), of the integrity commissioner's refusal to give the advice.

### **35 Limited protection to designated persons**

(1) This section applies if a designated person—

- (a) asks under this part for the integrity commissioner's advice about a conflict of interest issue involving the designated person; and
- (b) discloses all relevant information about the issue to the integrity commissioner when seeking the advice; and
- (c) does an act to resolve the conflict substantially in accordance with the integrity commissioner's advice on the issue.

(2) The designated person is not liable in a civil proceeding or under an administrative process for the act taken by the person to resolve the conflict.

(3) To remove any doubt, it is declared that subsection (2) does not affect the designated person's liability for an act or omission done or made in connection with the conflict of interest issue before the person receives the integrity commissioner's advice.

**36 Protection for integrity commissioner**

- (1) The integrity commissioner is not liable in a civil proceeding or under an administrative process for an act or omission done or made by the integrity commissioner acting in good faith, and without negligence, for the purposes of this part.
- (2) If subsection (1) prevents a civil liability attaching to the integrity commissioner, the liability attaches instead to the State.

**Division 7 General****37 General provisions about integrity commissioner's appointment**

- (1) The integrity commissioner is to be appointed by the Governor in Council.
- (2) A person is qualified for appointment as the integrity commissioner if the person has knowledge, experience, personal qualities and standing within the community suitable to the office.
- (3) Subject to sections 40 and 41, the integrity commissioner holds office for the term, not longer than 5 years, stated in the instrument of appointment.
- (4) The integrity commissioner is to be appointed under this Act, and not under the *Public Service Act 1996*.

**38 Terms of appointment**

- (1) The integrity commissioner is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) The integrity commissioner holds office on the terms decided by the Governor in Council, to the extent the terms are not otherwise provided for by this Act.

**39 Leave of absence**

The Minister may grant leave of absence to the integrity commissioner on the terms the Minister considers appropriate.

**40 Resignation**

The integrity commissioner may resign by signed notice given to the Minister.

**41 Termination of appointment**

The Governor in Council may terminate the appointment of the integrity commissioner if the integrity commissioner—

- (a) can not satisfactorily perform the integrity commissioner's duties; or
- (b) is convicted of an indictable offence; or
- (c) is guilty of misconduct of a kind that could warrant dismissal from the public service if the integrity commissioner were a public service officer; or
- (d) is absent, without the Minister's leave and without reasonable excuse, for 14 consecutive days or 28 days in any year.

**42 Acting integrity commissioner**

The Governor in Council may appoint a person to act as integrity commissioner—

- (a) during a vacancy in the office; or
- (b) during any period, or during all periods, when the integrity commissioner is absent from duty or from the State or, for another reason, can not perform the duties of the office.

**43 Report to Premier**

- (1) The integrity commissioner must, as soon as practicable after the end of each financial year, give the Premier a written

report about the performance of the commissioner's functions for the financial year.

- (2) The report must be in general terms and must not contain information likely to identify individuals who sought the commissioner's advice about a conflict of interest issue.

## **Part 8                      Miscellaneous**

### **44      Regulation-making power**

The Governor in Council may make regulations under this Act.

## Schedule                      Dictionary

### section 2

***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.

## Schedule (continued)

**conflict of interest issue**, involving a person, means a issue about a conflict between the person's personal interests and the person's official duties.

**corporatised corporation** has the same meaning as in the *Local Government Act 1993*, chapter 8, part 7.

**designated person** see section 27.

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

**ethics or integrity issue** means an issue concerning ethics or integrity in relation to which advice is sought under section 28(1)(b).

**ethics principles** see section 4.

**government entity** has the meaning given by the *Public Service Act 1996*, section 21, but does not include a department or a public service office.

**government member** means—

- (a) a member of the Legislative Assembly who is a member of a political party recognised in the Legislative Assembly as being in government; or
- (b) a member of the Legislative Assembly, other than a member mentioned in paragraph (a), who—
  - (i) is a member of a parliamentary committee; and
  - (ii) was appointed to the committee on the nomination of a member of a political party recognised in the Legislative Assembly as being in government.

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

**information**, in part 7, includes a document.

**integrity commissioner** means the Queensland Integrity Commissioner.

**local government legislation** means—

- (a) the following Acts—
  - *City of Brisbane Act 1924*

## Schedule (continued)

- *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 committee** means a committee of the Legislative Assembly.

**Parliamentary Secretary** means a member of the Legislative Assembly appointed as a Parliamentary Secretary under the *Constitution of Queensland 2001*, section 24.<sup>1</sup>

**public official** means—

- (a) an officer or employee of a public sector entity; or
- (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, TAFE institute 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;

---

<sup>1</sup> *Constitution of Queensland 2001*, section 24 (Appointment of Parliamentary Secretaries)

**Schedule (continued)**

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.

**public service office** means an entity declared under the *Public Service Act 1996*, section 17, to be a public service office.

**remuneration** includes salary.

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

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

---

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

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

## Schedule (continued)

**senior executive equivalent** means an employee, other than a chief executive officer, of a government entity whose remuneration is equal to or greater than the remuneration payable to a senior officer.

**senior executive officer** means an officer, other than a chief executive, employed under the *Public Service Act 1996* as a senior executive.

**senior officer** see the *Public Service Act 1996*, section 63(1).<sup>4</sup>

**statutory office** see the *Public Service Act 1996*, section 108.<sup>5</sup>

**TAFE institute** see the *Vocational Education, Training and Employment Act 2000*, section 191.<sup>6</sup>

**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*.

---

4 *Public Service Act 1996*, section 63(1)—

(1) A senior officer is an officer (other than a senior executive) declared to be a senior officer under a directive of the commissioner.

5 *Public Service Act 1996*, section 108(1)—

(1) A **statutory office** is an office established under an Act to which a person may only be appointed by the Governor in Council or a Minister.

6 *Vocational Education, Training and Employment Act 2000*, section 191(1)—

(1) A **TAFE institute** is an institution operated by the State that provides vocational education and training.

## Endnotes

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	30
3 Key . . . . .	30
4 Table of reprints . . . . .	31
5 Tables in earlier reprints . . . . .	31
6 List of legislation . . . . .	31
7 List of annotations . . . . .	33

### 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 31 May 2005. 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfcd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 December 1994	22 December 1994
1A	1995 Act No. 38	15 September 1995	2 August 1996
1B	1996 Act No. 37	1 December 1996	21 January 1997
1C	1997 Act No. 23	22 May 1997	6 June 1997
1D	1997 Act No. 59	8 December 1997	15 December 1997
2	1997 Act No. 59	8 December 1997	2 October 1998
2A	1999 Act No. 55	18 November 1999	16 December 1999
3	1999 Act No. 81	1 January 2000	4 February 2000
3A	2000 Act No. 23	28 September 2000	28 September 2000
3B	2001 Act No. 73	3 December 2001	7 December 2001
3C	2001 Act No. 80	6 June 2002	7 June 2002

Reprint No.	Amendments included	Effective	Notes
3D	2003 Act No. 63	1 January 2004	
3E	2004 Act No. 37	1 January 2005	
3F	2005 Act No. 28	31 May 2005	

## 5 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

amending legislation—

### **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)

**Statute Law (Miscellaneous Provisions) Act 1999 No. 19 ss 1–3 sch**

date of assent 30 April 1999

commenced on date of assent

**Public Sector Ethics Amendment Act 1999 No. 55 pts 1–2**

date of assent 18 November 1999

commenced on date of assent

**Education and Other Legislation Amendment Act 1999 No. 81 pts 1, 8**

date of assent 14 December 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2000 (see s 2)

**Training and Employment Act 2000 No. 23 ss 1, 2(3), 293 sch 2**

date of assent 27 June 2000

ss 1–2 commenced on date of assent

remaining provisions commenced 28 September 2000 (2000 SL No. 248)

**Ombudsman Act 2001 No. 73 ss 1–2, 96 sch 1**

date of assent 13 November 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 3 December 2001 (2001 SL No. 224)

**Constitution of Queensland 2001 No. 80 ss 1–2, 94 sch 2**

date of assent 3 December 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 6 June 2002 (see s 2)

**Training Reform Act 2003 No. 63 ss 1, 2(2), 60 sch**

date of assent 13 October 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2004 (2003 SL No. 293)

**Local Government (Community Government Areas) Act 2004 No. 37 ss 1–2, 86 sch 1**

date of assent 27 October 2004

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2005 (2004 SL No. 266)

**Agricultural College Act 2005 No. 20 ss 1–2, 60 sch 1**

date of assent 19 May 2005

ss 1–2 commenced on date of assent

remaining provisions not yet proclaimed into force (see s 2)**Freedom of Information and Other Legislation Amendment Act 2005 No. 28 ss****1–2(3)–(4), ch 2 pt 5**

date of assent 31 May 2005

commenced on date of assent (see s 2(3)–(4))

**7 List of annotations****Title** amd 1999 No. 55 s 3**Definitions****s 2** amd 1999 No. 55 s 4(1)

reloc as sch 1999 No. 55 s 4(2)

**Disciplinary action****s 24** amd 1996 No. 37 s 147 sch 2**PART 7—INTEGRITY COMMISSIONER****pt hdg** ins 1999 No. 55 s 7**Purpose of pt 7****s 25** ins 1999 No. 55 s 7**Integrity commissioner****s 26** ins 1999 No. 55 s 7**Who are designated persons****s 27** ins 1999 No. 55 s 7**Functions of integrity commissioner****s 28** ins 1999 No. 55 s 7

amd 2005 No. 28 s 72

**Request for advice by designated persons****s 29** ins 1999 No. 55 s 7**Designated persons about whom advice may be sought****s 30** ins 1999 No. 55 s 7**Process for seeking advice****s 31** ins 1999 No. 55 s 7**Issues to which integrity commissioner must or may have regard when giving advice****s 32** ins 1999 No. 55 s 7**Secrecy****s 33** ins 1999 No. 55 s 7

amd 2005 No. 28 s 73

**Freedom of Information Act does not apply****s 33A** ins 2005 No. 28 s 74

**Authorisation of particular disclosures—ethics or integrity issue**

s 33B ins 2005 No. 28 s 74

**Authorisation of particular disclosures—conflict of interest issue**

prov hdg sub 2005 No. 28 s 75(1)

s 34 ins 1999 No. 55 s 7

amd 2005 No. 28 s 75(2)

**Limited protection to designated persons**

s 35 ins 1999 No. 55 s 7

**Protection for integrity commissioner**

s 36 ins 1999 No. 55 s 7

**General provisions about integrity commissioner's appointment**

s 37 ins 1999 No. 55 s 7

**Terms of appointment**

s 38 ins 1999 No. 55 s 7

**Leave of absence**

s 39 ins 1999 No. 55 s 7

**Resignation**

s 40 ins 1999 No. 55 s 7

**Termination of appointment**

s 41 ins 1999 No. 55 s 7

**Acting integrity commissioner**

s 42 ins 1999 No. 55 s 7

**Report to Premier**

s 43 ins 1999 No. 55 s 7

**MISCELLANEOUS**

pt 8 (prev pt 7) renum 1999 No. 55 s 5

**Regulating-making power**

s 44 (prev s 25) renum 1999 No. 55 s 6

**SCHEDULE—DICTIONARY**

ins 1999 No. 55 s 8

def “**conflict of interest issue**” ins 1999 No. 55 s 8def “**corporatised corporation**” ins 1997 No. 23 s 66(2)

amd 1999 No. 19 s 3 sch 1

def “**designated person**” ins 1999 No. 55 s 8def “**ethics or integrity issue**” ins 2005 No. 28 s 76def “**government entity**” ins 1999 No. 55 s 8def “**government member**” ins 1999 No. 55 s 8def “**information**” ins 1999 No. 55 s 8def “**integrity commissioner**” ins 1999 No. 55 s 8def “**local government legislation**” amd 2004 No. 37 s 86 sch 1def “**Parliamentary Commissioner**” om 2001 No. 73 s 96 sch 1def “**parliamentary committee**” ins 1999 No. 55 s 8def “**Parliamentary Secretary**” ins 1999 No. 55 s 8

amd 2001 No. 80 s 94 sch 2  
def “**public sector entity**” amd 1997 No. 23 s 66(1); 2000 No. 23 s 293 sch 2  
def “**public service office**” ins 1999 No. 55 s 8  
def “**remuneration**” ins 1999 No. 55 s 8  
def “**responsible authority**” amd 1995 No. 38 s 35 sch 1  
def “**senior executive equivalent**” ins 1999 No. 55 s 8  
def “**senior executive officer**” ins 1999 No. 55 s 8  
def “**senior officer**” ins 1999 No. 55 s 8  
def “**State college**” om 2000 No. 23 s 293 sch 2  
def “**State educational institution**” om 1999 No. 81 s 46  
def “**statutory office**” ins 1999 No. 55 s 8  
def “**TAFE institute**” ins 2000 No. 23 s 293 sch 2  
amd 2003 No. 63 s 60 sch  
def “**tribunal**” amd 1997 No. 59 s 48 sch 1