



# Public Sector Ethics Act 1994

Current as at 1 July 2013

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- The list of annotations endnote gives historical information at section level.

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Queensland

# Public Sector Ethics Act 1994

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# Public Sector Ethics Act 1994

[as amended by all amendments that commenced on or before 1 July 2013]

## An Act about public sector ethics and conduct

### 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

#### 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* are—

- integrity and impartiality

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

## **Part 3 Ethics values**

### **Division 1 Nature, purpose and application of ethics values**

#### **5 Nature, purpose and application of values**

- (1) In recognition of the ethics principles, ethics values are to apply to public service agencies, public sector entities and public officials.
- (2) The values mentioned in division 2 are the *ethics values* for public service agencies, public sector entities and public officials.
- (3) The ethics values are intended to provide the basis for codes of conduct for public service agencies, public sector entities and public officials and are not of themselves legally enforceable.

### **Division 2 The ethics values**

#### **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.

## **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.

## **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—

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- (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.

## **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.

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## **Part 4**                      **Codes of conduct for public officials**

### **Division 1**                **Codes of conduct generally**

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

- (1) In recognition of the ethics principles and values for public service agencies, public sector entities and public officials, codes of conduct are to apply to those agencies, entities and officials in performing their official functions.
- (2) The purpose of a code is to provide standards of conduct for public service agencies, public sector entities and public officials consistent with the ethics principles and values.

### **Division 2**                **Public service agencies**

#### **Subdivision 1**          **Code of conduct for public service agencies**

#### **11**      **Application of code**

- (1) The code of conduct for public service agencies—
  - (a) must relate to all public service agencies; and
  - (b) applies to all public officials of a public service agency; and
  - (c) may apply to other persons who are not public officials of a public service agency who have a contract or other agreement with the public service agency.

*Examples for paragraph (c)—*

- contractors with the agency and their employees
- volunteers with the agency

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- students on work experience with the agency
- (2) The code may make different provision, consistent with the ethics values, for different types of—
- (a) public officials; or
  - (b) persons mentioned in subsection (1)(c).

## **12 Contents of code**

- (1) The code of conduct for public service agencies may contain anything the commission chief executive considers necessary or useful for achieving the purpose of a code of conduct.
- (2) In particular, the code may provide conduct obligations public officials must comply with.
- (3) The code also may contain—
- (a) information explaining the purpose of—
    - (i) the ethics principles and values generally or a particular ethics principle or value; or
    - (ii) standards of conduct generally or a particular standard of conduct; and
  - (b) information explaining the object intended to be achieved by the application of—
    - (i) the ethics principles and values generally or a particular ethics principle or value; or
    - (ii) standards of conduct generally or a particular standard of conduct; and
  - (c) guidelines about the application of an ethics principle, value or standard of conduct; and
  - (d) examples of the operation of an ethics principle, value or standard of conduct; and
  - (e) explanatory notes about an ethics principle, value or standard of conduct; and
  - (f) references to Acts applying to public officials in performing their official functions.

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## **12A Preparation of code**

- (1) The commission chief executive must ensure that a code of conduct is prepared for public service agencies.
- (2) The commission chief executive must ensure that reasonable steps are taken to consult about the code with—
  - (a) public service agencies; and
  - (b) public officials to whom the code is to apply; and
  - (c) industrial organisations representing the interests of a public official mentioned in paragraph (b); and
  - (d) other appropriate entities representing the interests of a public official mentioned in paragraph (b).

## **12B Approval of code**

- (1) The Premier may approve a code of conduct for public service agencies prepared under section 12A.
- (2) The Premier may approve the code only if it is accompanied by a written statement by the commission chief executive 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, the Premier must have regard to the statement mentioned in subsection (2).
- (4) The code can not apply to a public service agency or a public official of the agency until it is approved by the Premier.

## **12C Review of code**

- (1) The commission chief executive must review the code of conduct for public service agencies within 1 year after it is approved under section 12B.
- (2) The commission chief executive must subsequently review the code no later than 2 years after the previous review.

## **Subdivision 2      Standards of practice for public service agencies**

### **12D    Nature and application of a standard of practice**

- (1) A standard of practice applies additional standards of conduct and behaviour to public officials of a particular public service agency.
- (2) A standard of practice must—
  - (a) have regard to the ethics principles and values; and
  - (b) support the standards of conduct in the code of conduct for public service agencies.
- (3) A standard of practice—
  - (a) applies to all public officials of the public service agency; and
  - (b) may apply to other persons who are not public officials of the agency who have a contract or other agreement with the agency.

*Examples for paragraph (b)—*

- contractors with the agency and their employees
  - volunteers with the agency
  - students on work experience with the agency
- (4) A standard of practice for a public service agency may make different provision, consistent with the ethics values, for different types of—
    - (a) public officials of the agency; or
    - (b) persons mentioned in subsection (3)(b).

### **12E    Preparation of standard**

- (1) A public service agency may prepare its own standard of practice.

- (2) The commission chief executive may issue guidelines for the preparation of a standard of practice by a public service agency.
- (3) If a public service agency prepares a standard of practice, the chief executive officer of the agency must ensure that reasonable steps are taken to consult about the standard of practice with—
  - (a) public officials to whom the standard is to apply; and
  - (b) industrial organisations representing the interests of a public official mentioned in paragraph (a); and
  - (c) other appropriate entities representing the interests of a public official mentioned in paragraph (a).

## **12F Approval of standard**

- (1) The commission chief executive may approve a standard of practice for a public service agency.
- (2) The commission chief executive may approve the standard of practice only if it is accompanied by a written statement by the chief executive officer of the public service agency outlining—
  - (a) the nature and extent of the consultations that took place during the preparation of the standard of practice; and
  - (b) the outcome of the consultations.
- (3) In deciding whether to approve the standard of practice, the commission chief executive must have regard to the statement mentioned in subsection (2).
- (4) A standard of practice can not apply to a public service agency or to a public official of an agency until it is approved by the commission chief executive.

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## **12G Review of standard**

- (1) The chief executive of the public service agency must review a standard of practice for an agency within 1 year after it is approved.
- (2) The chief executive of the public service agency must subsequently review the standard of practice no later than 2 years after the previous review.

## **Subdivision 3 Public officials to comply with code of conduct and standard of practice**

### **12H Compliance with code and standard of practice**

A public official of a public service agency must comply with the code of conduct for public service agencies and any standard of practice that applies to the official.

## **Subdivision 4 Additional responsibilities of chief executive officers**

### **12I Access to ethics principles and values, and code of conduct**

The chief executive officer of a public service agency must ensure that each public official of the agency and each person mentioned in section 11(1)(c) has reasonable access to a copy of the following—

- (a) the ethics principles and values;
- (b) the standards of conduct stated in the code of conduct for public service agencies that apply to the official or person;
- (c) any standard of practice that applies to the official or person.



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**12J Publication of code of conduct and standards of practice**

- (1) The chief executive officer of a public service agency must publish and keep available for inspection by any person copies of the approved code of conduct for public service agencies and any standard of practice applying to the agency.
- (2) 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.

**12K Education and training**

- (1) The chief executive officer of a public service agency must ensure that public officials of the agency are given access to appropriate education and training about public sector ethics—
  - (a) as part of an induction program; and
  - (b) at regular intervals during the officials' employment.
- (2) The education and training must include education and training about the following—
  - (a) the operation of this Act;
  - (b) the application of ethics principles and obligations to the public officials;
  - (c) the contents of the approved code of conduct for public service agencies;
  - (d) the rights and obligations of the officials in relation to contravention of—
    - (i) the approved code of conduct for public service agencies; and
    - (ii) any approved standard of practice.

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## **12L Procedures and practices of public service agencies**

The chief executive officer of a public service agency must ensure that the administrative procedures and management practices of the agency have proper regard to—

- (a) this Act and, in particular, the ethics principles and values; and
- (b) the approved code of conduct for public service agencies; and
- (c) any standard of practice applying to the agency.

## **12M Reporting**

- (1) The commission chief executive must ensure that each report of the commission under the *Public Service Act 2008*, section 46(1)(fa) includes a statement about the following—
  - (a) the implementation during the reporting period of the code of conduct for public service agencies;
  - (b) details of the action taken during the reporting period to comply with section 12A.
- (2) The chief executive officer of a public service agency must ensure that each annual report of the agency includes a statement about the following—
  - (a) the implementation during the reporting period of the code of conduct for public service agencies and any standard of practice applying to the agency;
  - (b) details of the action taken during the reporting period to comply with sections 12K and 12L.

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## **Division 3                    Public sector entities**

### **Subdivision 1            Codes of conduct for public sector entities**

#### **13            Application of codes**

- (1) A code of conduct for a public sector entity—
- (a) must relate to the particular public sector entity; and
  - (b) applies to all public officials of the entity; and
  - (c) may apply to other persons who are not public officials of the entity who have a contract or other agreement with the entity.

*Examples for paragraph (c)—*

- contractors with the entity and their employees
- volunteers with the entity
- students on work experience with the entity

- (2) A code of conduct for a public sector entity may make different provision, consistent with the ethics values, for different types of—
- (a) public officials; or
  - (b) persons mentioned in subsection (1)(c).

#### **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 conduct obligations public officials must comply with.
- (3) A code also may contain—
- (a) information explaining the purpose of—

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

## **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 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 under section 15.
- (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 mentioned in subsection (2).
- (4) The code of conduct can not apply to the public sector entity or to a public official of the entity until it is approved by the responsible authority for the entity.

## **Subdivision 2 Public officials to comply with codes**

### **18 Compliance with codes**

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

### **Subdivision 3      Additional responsibilities of chief executive officers**

#### **19      Access to ethics values and codes of conduct**

The chief executive officer of a public sector entity must ensure that each public official of the entity and each person mentioned in section 13(1)(c) has reasonable access to a copy of the following—

- (a) the ethics principles and values;
- (b) the standards of conduct stated in the entity's code of conduct that apply to the official or person.

#### **20      Publication of codes of conduct**

- (1) The chief executive officer of a public sector entity must publish and keep available for inspection by any person an appropriate number of copies of the entity's approved code of conduct.
- (2) 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 access to 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 principles and values; and
- (b) the entity's approved code of conduct.

## **23 Reporting**

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 21 (Education and training)
- section 22 (Procedures and practices of public sector entities).

# **Part 5 Disciplinary action**

## **23A Application of pt 5**

This part does not apply to a person mentioned in section 11(1)(c) or 13(1)(c).

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**24 Disciplinary action for contravention of code of conduct or standard of practice**

It is the intention of Parliament that any disciplinary action for a contravention of an approved code of conduct or an approved standard of practice by a public official should be dealt with under—

- (a) if the official is a public service officer—the *Public Service Act 2008*; 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 6 Miscellaneous**

**25 Regulation-making power**

The Governor in Council may make regulations under this Act.



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## Part 7                      **Transitional provisions for Integrity Reform (Miscellaneous Amendments) Act 2010**

### **26        Codes of conduct for public sector entities**

- (1) This section applies to a code of conduct that, immediately before the commencement, was an approved code of conduct and in force for a continuing public sector entity.
- (2) The code continues in force and is taken to be the approved code of conduct for the continuing public sector entity during the transition period.
- (3) In this section—

*commencement* means the commencement of this section.

*continuing public sector entity* means an entity, other than a public service agency, that was a public sector entity immediately before the commencement.

*transition period* means the period—

- (a) starting on the commencement; and
- (b) ending on 1 July 2011.

### **27        Codes of conduct for public service agencies**

- (1) This section applies to a code of conduct that, immediately before the commencement, was an approved code of conduct and in force for an entity that is a public service agency on the commencement.
- (2) The code continues in force and is taken to be the approved code of conduct for the public service agency during the transition period.
- (3) In this section—

*commencement* means the commencement of this section.

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*transition period* means the period—

- (a) starting on the commencement; and
- (b) ending on 1 January 2011.

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# Schedule                      Dictionary

## section 2

***agricultural college*** means the agricultural college under the *Agricultural College Act 2005*.

***approved code of conduct*** means—

- (a) for public service agencies—the code of conduct approved under section 12B; or
- (b) for a public sector entity—a code of conduct approved under section 17.

***approved standard of practice*** means a standard of practice for a public sector agency approved under section 12F.

***chief executive officer***—

- 1 The *chief executive officer* of a public sector entity is—
  - (a) for the parliamentary service—the clerk of the Parliament; or
  - (b) for a local government—the local government’s chief executive officer; or
  - (c) for a university or university college—the vice-chancellor of the university or university college; or
  - (d) for another public sector entity—the person prescribed under a regulation or, if no person is prescribed, the person responsible to the Minister for the management of the entity.
- 2 The *chief executive officer* of a public service agency is—
  - (a) 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

- (b) for a department—the chief executive of the department; or
- (c) for another public service agency—the person prescribed under a regulation or, if no person is prescribed, the person responsible to the Minister for the management of the agency.

***commission chief executive*** means the chief executive of the Public Service Commission under the *Public Service Act 2008*.

***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.

***ethics principles*** see section 4(2).

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

***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—
  - (i) the *City of Brisbane Act 2010*;
  - (ii) the *Local Government Act 2009*; or
- (b) an Act prescribed under a regulation.

***public official***—

- (a) for a public service agency, means—
  - (i) an officer or employee of the agency; or
  - (ii) a constituent member of the agency, whether holding office by election or selection;but does not include a judicial officer; or
- (b) for a public sector entity, means—
  - (i) an officer or employee of the entity; or

- (ii) a constituent member of the entity, whether holding office by election or selection;

but does not include a local government councillor.

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

- (a) the parliamentary service;
- (b) a local government;
- (c) a university, university college or agricultural college;
- (d) an entity established under an Act or under State or local government authorisation for a public, State or local government purpose;
- (e) an entity prescribed under a regulation;

but does not include any of the following—

- (f) a GOC;
- (g) a corporation owned by a local government, or a subsidiary of a corporation owned by a local government;
- (h) the following entities under the *Education (General Provisions) Act 2006*—
  - (i) a parents and citizens association;
  - (ii) a non-State school;
  - (iii) an advisory committee;
  - (iv) an international educational institution;
- (i) an entity prescribed under a regulation as a public service agency.

***public service agency*** means any of the following—

- (a) a department;
- (b) a TAFE institute or TAFE Queensland;
- (c) the administrative office of a court or tribunal;
- (d) an entity prescribed under a regulation that is not a public service agency.

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

- (a) for the parliamentary service—the Speaker; or
- (b) for a university or university college—the council of the university or university college; or
- (c) for a local government—the local government’s chief executive officer; or
- (d) for another public sector entity established under an Act—the Minister administering the Act; or
- (e) for another public sector entity—the Minister administering the entity.

***TAFE institute*** see the *Vocational Education, Training and Employment Act 2000*, section 191.

***TAFE Queensland*** means TAFE Queensland established under the *TAFE Queensland Act 2013*, section 5(1).

***tribunal*** means—

- (a) QCAT or another tribunal that is 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.

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## Endnotes

### 1 Index to endnotes

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### 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 1 July 2013. 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
notfd	= notified	rv	= revised version
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3237 0466 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

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



Reprint No.	Amendments to	Effective	Reprint date
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	
3G	2005 Act No. 20	1 July 2005	R3G withdrawn, see R4
4	—	1 July 2005	
4A	2006 Act No. 39	30 October 2006	
4B	2007 Act No. 36	29 August 2007	
4C	2007 Act No. 53	9 November 2007	
4D	2007 Act No. 59	15 March 2008	R4D withdrawn, see R5
5	—	15 March 2008	
5A	2009 Act No. 13	1 July 2009	
5B rv	2009 Act No. 25	24 September 2009	
5C	2009 Act No. 25	2 November 2009	
5D	2009 Act No. 24	1 December 2009	
5E	2009 Act No. 52	1 January 2010	
5F	2009 Act No. 17	1 July 2010	
	2010 Act No. 23		
5G	2010 Act No. 37	1 November 2010	R5G withdrawn, see R6
6	—	1 November 2010	
6A	2012 Act No. 33	14 December 2012	
6B	2012 Act No. 22	1 January 2013	

Current as at  
1 July 2013

Amendments included  
2013 Act No. 27

Notes

## 5 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

Endnotes

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**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 commenced 1 July 2005 (2005 SL No. 116)

**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))

**Education (General Provisions) Act 2006 No. 39 ss 1, 2(3), 512(1) sch 1**

date of assent 11 August 2006

ss 1–2 commenced on date of assent

remaining provisions commenced 30 October 2006 (2006 SL No. 247)

**Statute Law (Miscellaneous Provisions) Act 2007 No. 36**

date of assent 29 August 2007

commenced on date of assent

**Vocational Education, Training and Employment and Other Legislation Amendment Act 2007 No. 53 ss 1, 30 sch**

date of assent 9 November 2007

commenced on date of assent

**Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007 No. 59 ss 1–2, 152 sch**

date of assent 22 November 2007

ss 1–2 commenced on date of assent

remaining provisions commenced 15 March 2008 (2007 SL No. 336)

**Right to Information Act 2009 No. 13 ss 1–2, 213 sch 5**

date of assent 12 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 132)

**Local Government Act 2009 No. 17 ss 1, 2(4), 331 sch 1**

date of assent 12 June 2009

ss 1–2 commenced on date of assent

s 331 sch 1 (to the extent it sub def “corporatised corporation”) commenced 1 July 2010 (2010 SL No. 122) (amdt could not be given effect)

remaining provisions commenced 1 July 2010 (2010 SL No. 122)

**Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009 No. 24 ss 1–2, ch 11 pt 1**

date of assent 26 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 2009 (2009 SL No. 252)

**Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009 No. 25 pts 1, 9, s 83 sch**

date of assent 11 August 2009

ss 1–2 commenced on date of assent

Endnotes

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s 83 sch commenced 2 November 2009 (2009 SL No. 241)  
remaining provisions commenced 24 September 2009 (2009 SL No. 203)

**Integrity Act 2009 No. 52 ss 1–2, 115 sch 1**

date of assent 3 December 2009  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 January 2010 (2009 SL No. 310)

**City of Brisbane Act 2010 No. 23 ss 1–2(1), 352 sch 1**

date of assent 17 June 2010  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2010 (see s 2(1))

**Integrity Reform (Miscellaneous Amendments) Act 2010 No. 37 pts 1, 10**

date of assent 20 September 2010  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 November 2010 (2010 SL No. 303)

**Public Interest Disclosure Act 2010 No. 38 ss 1–2, 78 sch 3**

date of assent 20 September 2010  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 January 2011 (2010 SL No. 305) (amdt could not be given effect)

**Public Service and Other Legislation Amendment Act 2012 No. 22 pts 1, 4**

date of assent 29 August 2012  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 January 2013 (see s 2)

**Local Government and Other Legislation Amendment Act 2012 No. 33 pts 1, 6**

date of assent 22 November 2012  
ss 1–2 commenced on date of assent  
remaining provisions commenced 14 December 2012 (2012 SL No. 234)

**TAFE Queensland Act 2013 No. 27 ss 1–2, 70 sch 1 pt 2**

date of assent 3 June 2013  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2013 (2013 SL No. 108)

## 6 List of annotations

**Long title** amd 1999 No. 55 s 3; 2009 No. 52 s 115 sch 1

**Definitions**

**s 2** Note—s 2 contained definitions for this Act. Definitions are now located in the schedule (Dictionary). Annotations for definitions contained in s 2 are located in annotations for the schedule.  
amd 1999 No. 55 s 4(1)

**PART 2—ETHICS PRINCIPLES**

**pt hdg** sub 2010 No. 37 s 81

**Declaration of ethics principles**

s 4            amd 2010 No. 37 s 82

**PART 3—ETHICS VALUES**

pt hdg        sub 2010 No. 37 s 83

**Division 1—Nature, purpose and application of ethics values**

div hdg       sub 2010 No. 37 s 83

**Nature, purpose and application of values**

s 5            sub 2010 No. 37 s 83

**Division 2—The ethics values**

div hdg       sub 2010 No. 37 s 83

**Integrity and impartiality**

s 6            sub 2010 No. 37 s 83

**Promoting the public good**

s 7            sub 2010 No. 37 s 83

**Commitment to the system of government**

s 8            sub 2010 No. 37 s 83

**Accountability and transparency**

s 9            amd 2009 No. 52 s 115 sch 1  
                 sub 2010 No. 37 s 83

**PART 4—CODES OF CONDUCT FOR PUBLIC OFFICIALS****Division 1—Codes of conduct generally**

div hdg       sub 2010 No. 37 s 84

**Nature and purpose of codes**

s 10           prev s 10 om 2010 No. 37 s 83  
                 pres s 10 ins 2010 No. 37 s 85

**Division 2—Public service agencies**

div hdg       prev div 2 hdg om 2010 No. 37 s 87  
                 pres div 2 hdg (prev div 1A hdg) ins 2010 No. 37 s 85  
                 renum 2010 No. 37 s 98

**Subdivision 1—Code of conduct for public service agencies**

sdiv hdg      ins 2010 No. 37 s 85

**Application of code**

s 11           prev s 11 om 2010 No. 37 s 83  
                 pres s 11 ins 2010 No. 37 s 85

**Contents of code**

s 12           sub 2010 No. 37 s 85

**Preparation of code**

s 12A          ins 2010 No. 37 s 85

Endnotes

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**Approval of code**

s 12B ins 2010 No. 37 s 85

**Review of code**

s 12C ins 2010 No. 37 s 85

**Subdivision 2—Standards of practice for public service agencies**

sdiv 2 (ss 12D–12G) ins 2010 No. 37 s 85

**Subdivision 3—Public officials to comply with code of conduct and standard of practice**

sdiv 3 (s 12H) ins 2010 No. 37 s 85

**Subdivision 4—Additional responsibilities of chief executive officers**

sdiv hdg ins 2010 No. 37 s 85

**Access to ethics principles and values, and code of conduct**

s 12I ins 2010 No. 37 s 85

**Publication of code of conduct and standards of practice**

s 12J ins 2010 No. 37 s 85

**Education and training**

s 12K ins 2010 No. 37 s 85  
sub 2012 No. 22 s 21

**Procedures and practices of public service agencies**

s 12L ins 2010 No. 37 s 85

**Reporting**

s 12M ins 2010 No. 37 s 85

**Division 3—Public sector entities**

div hdg (prev div 1B hdg) ins 2010 No. 37 s 85  
renum 2010 No. 37 s 98

**Subdivision 1—Codes of conduct for public sector entities**

sdiv hdg ins 2010 No. 37 s 85

**Application of codes**

s 13 sub 2010 No. 37 s 85

**Contents of codes**

s 14 amd 2010 No. 37 s 86

**Consultations in preparation of codes**

s 16 amd 2010 No. 37 s 88

**Approval of codes**

s 17 amd 2010 No. 37 s 89

**Subdivision 2—Public officials to comply with codes**

sdiv hdg (prev div 3 hdg) renum 2010 No. 37 s 90

**Compliance with codes**

s 18 amd 2010 No. 37 s 91

**Subdivision 3—Additional responsibilities of chief executive officers****sdiv hdg** (prev pt 5 hdg) renum 2010 No. 37 s 92**Access to ethics values and codes of conduct****s 19** sub 2010 No. 37 s 93**Publication of codes of conduct****prov hdg** sub 2010 No. 37 s 94(1)**s 20** amd 2010 No. 37 s 94(2)–(4)**Education and training****s 21** amd 2010 No. 37 s 95**Procedures and practices of public sector entities****s 22** amd 2010 No. 37 s 96**Reporting****prov hdg** sub 2010 No. 37 s 97(1)**s 23** amd 2010 No. 37 s 97(2)**PART 5—DISCIPLINARY ACTION****pt hdg** ins 2010 No. 37 s 99**Application of pt 5****s 23A** ins 2010 No. 37 s 100**Disciplinary action for contravention of code of conduct or standard of practice****prov hdg** sub 2010 No. 37 s 101(1)**s 24** amd 1996 No. 37 s 147 sch 2; 2009 No. 25 s 83 sch; 2010 No. 37 s 101(2)**PART 6—MISCELLANEOUS****pt hdg** prev pt 6 hdg om 2010 No. 37 s 99

pres pt 6 hdg (prev pt 7 hdg (prev pt 8 hdg (orig pt 7 hdg))) renum 1999 No. 55 s 5; 2009 No. 52 s 115 sch 1; 2010 No. 37 s 102

**Division 1—Purpose of part****div hdg** om 2009 No. 52 s 115 sch 1**Regulation-making power****s 25** prev s 25 ins 1999 No. 55 s 7

amd 2007 No. 36 s 2 sch

om 2009 No. 52 s 115 sch 1

pres s 25 (prev s 44 (orig s 25)) renum 1999 No. 55 s 6; 2009 No. 52 s 115 sch 1

**Division 2—Integrity commissioner****div hdg** om 2009 No. 52 s 115 sch 1**PART 7—TRANSITIONAL PROVISIONS FOR INTEGRITY REFORM (MISCELLANEOUS AMENDMENTS) ACT 2010****pt hdg** prev pt 7 hdg ins 1999 No. 55 s 7

om 2009 No. 52 s 115 sch 1

pres pt 7 hdg ins 2010 No. 37 s 103

**Codes of conduct for public sector entities**

**s 26**      prev s 26 ins 1999 No. 55 s 7  
              om 2009 No. 52 s 115 sch 1  
              pres s 26 ins 2010 No. 37 s 103

**Division 3—Designated persons**

**div hdg**    om 2009 No. 52 s 115 sch 1

**Codes of conduct for public service agencies**

**s 27**      prev s 27 ins 1999 No. 55 s 7  
              amd 2009 No. 25 s 79  
              om 2009 No. 52 s 115 sch 1  
              pres s 27 ins 2010 No. 37 s 103

**Division 4—Functions of integrity commissioner**

**div hdg**    om 2009 No. 52 s 115 sch 1

**Functions of integrity commissioner**

**s 28**      ins 1999 No. 55 s 7  
              amd 2005 No. 28 s 72  
              om 2009 No. 52 s 115 sch 1

**Division 5—Advice**

**div hdg**    om 2009 No. 52 s 115 sch 1

**Request for advice by designated persons**

**s 29**      ins 1999 No. 55 s 7  
              om 2009 No. 52 s 115 sch 1

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

**s 30**      ins 1999 No. 55 s 7  
              amd 2009 No. 25 s 80  
              om 2009 No. 52 s 115 sch 1

**Process for seeking advice**

**s 31**      ins 1999 No. 55 s 7  
              om 2009 No. 52 s 115 sch 1

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

**s 32**      ins 1999 No. 55 s 7  
              om 2009 No. 52 s 115 sch 1

**Division 6—Confidentiality and protection**

**div hdg**    om 2009 No. 52 s 115 sch 1

**Secrecy**

**s 33**      ins 1999 No. 55 s 7  
              amd 2005 No. 28 s 73  
              om 2009 No. 52 s 115 sch 1

**Freedom of Information Act does not apply**

**s 33A**     ins 2005 No. 28 s 74  
              om 2009 No. 13 s 213 sch 5



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

**s 33B** ins 2005 No. 28 s 74  
om 2009 No. 52 s 115 sch 1

**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); 2009 No. 25 s 81  
om 2009 No. 52 s 115 sch 1

**Limited protection to designated persons**

**s 35** ins 1999 No. 55 s 7  
om 2009 No. 52 s 115 sch 1

**Protection for integrity commissioner**

**s 36** ins 1999 No. 55 s 7  
om 2009 No. 52 s 115 sch 1

**Division 7—General**

**div hdg** om 2009 No. 52 s 115 sch 1

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

**s 37** ins 1999 No. 55 s 7  
amd 2009 No. 25 s 83 sch  
om 2009 No. 52 s 115 sch 1

**Terms of appointment**

**s 38** ins 1999 No. 55 s 7  
om 2009 No. 52 s 115 sch 1

**Leave of absence**

**s 39** ins 1999 No. 55 s 7  
om 2009 No. 52 s 115 sch 1

**Resignation**

**s 40** ins 1999 No. 55 s 7  
om 2009 No. 52 s 115 sch 1

**Termination of appointment**

**s 41** ins 1999 No. 55 s 7  
om 2009 No. 52 s 115 sch 1

**Acting integrity commissioner**

**s 42** ins 1999 No. 55 s 7  
om 2009 No. 52 s 115 sch 1

**Report to Premier**

**s 43** ins 1999 No. 55 s 7  
om 2009 No. 52 s 115 sch 1

**SCHEDULE—DICTIONARY**

Note—definitions for this Act were originally located in s 2.  
ins 1999 No. 55 s 8

Endnotes

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- def “**agricultural college**” reloc 1999 No. 55 s 4(2)  
sub 2005 No. 20 s 60 sch 1
- def “**approved code of conduct**” reloc 1999 No. 55 s 4(2)  
sub 2010 No. 37 s 104(1)–(2)
- def “**approved standard of practice**” ins 2010 No. 37 s 104(2)
- def “**chief executive officer**” ins 2010 No. 37 s 104(2)
- def “**chief executive officer**” of a local government reloc 1999 No. 55 s 4(2)  
om 2010 No. 37 s 104(1)
- def “**chief executive officer**” of a public sector entity reloc 1999 No. 55 s 4(2)  
om 2010 No. 37 s 104(1)
- def “**commission chief executive**” ins 2010 No. 37 s 104(2)
- def “**commission of inquiry**” reloc 1999 No. 55 s 4(2)
- def “**conduct obligation**” reloc 1999 No. 55 s 4(2)  
amd 2010 No. 37 s 104(3)
- def “**conflict of interest issue**” ins 1999 No. 55 s 8  
om 2009 No. 52 s 115 sch 1
- def “**corporatised corporation**” ins 1997 No. 23 s 66(2)  
amd 1999 No. 19 s 3 sch 1  
reloc 1999 No. 55 s 4(2)  
om 2009 No. 52 s 115 sch 1  
sub 2009 No. 17 s 331 sch 1 (amdt could not be given effect)
- def “**designated person**” ins 1999 No. 55 s 8  
om 2009 No. 52 s 115 sch 1
- def “**ethics obligations**” reloc 1999 No. 55 s 4(2)  
om 2010 No. 37 s 104(1)
- def “**ethics or integrity issue**” ins 2005 No. 28 s 76  
om 2009 No. 52 s 115 sch 1
- def “**ethics principles**” reloc 1999 No. 55 s 4(2)  
sub 2010 No. 37 s 104(1)–(2)
- def “**ethics values**” ins 2010 No. 37 s 104(2)
- def “**government entity**” ins 1999 No. 55 s 8  
amd 2009 No. 25 s 83 sch  
om 2010 No. 37 s 104(1)
- def “**government member**” ins 1999 No. 55 s 8  
om 2009 No. 25 s 82(1)
- def “**information**” ins 1999 No. 55 s 8  
om 2009 No. 52 s 115 sch 1
- def “**integrity commissioner**” ins 1999 No. 55 s 8  
om 2009 No. 52 s 115 sch 1
- def “**judicial officer**” reloc 1999 No. 55 s 4(2)
- def “**Leader of the Opposition**” ins 2009 No. 25 s 82(2)  
om 2009 No. 52 s 115 sch 1
- def “**local government legislation**” reloc 1999 No. 55 s 4(2)  
amd 2004 No. 37 s 86 sch 1; 2007 No. 59 s 152 sch  
sub 2009 No. 17 s 331 sch 1  
amd 2010 No. 23 s 352 sch 1
- def “**maladministration**” reloc 1999 No. 55 s 4(2)  
om 2010 No. 37 s 104(1)

- def “**non-government member**” ins 2009 No. 25 s 82(2)  
om 2009 No. 52 s 115 sch 1
- def “**Parliamentary Commissioner**” reloc 1999 No. 55 s 4(2)  
om 2001 No. 73 s 96 sch 1
- def “**parliamentary committee**” ins 1999 No. 55 s 8  
om 2009 No. 52 s 115 sch 1
- def “**Parliamentary Secretary**” ins 1999 No. 55 s 8  
amd 2001 No. 80 s 94 sch 2  
om 2009 No. 52 s 115 sch 1
- def “**public official**” reloc 1999 No. 55 s 4(2)  
sub 2010 No. 37 s 104(1)–(2)
- def “**public sector entity**” amd 1997 No. 23 s 66(1)  
reloc 1999 No. 55 s 4(2)  
amd 2000 No. 23 s 293 sch 2; 2006 No. 39 s 512(1) sch 1; 2007 No. 53 s 30  
sch; 2009 No. 52 s 115 sch 1  
sub 2010 No. 37 s 104(1)–(2)  
amd 2012 No. 33 s 186
- def “**public service agency**” ins 2010 No. 37 s 104(2)  
amd 2013 No. 27 s 70 sch 1 pt 2
- def “**public service office**” ins 1999 No. 55 s 8  
amd 2009 No. 25 s 83 sch  
om 2010 No. 37 s 104(1)
- def “**remuneration**” ins 1999 No. 55 s 8  
om 2010 No. 37 s 104(1)
- def “**responsible authority**” amd 1995 No. 38 s 35 sch 1  
reloc 1999 No. 55 s 4(2)  
sub 2010 No. 37 s 104(1)–(2)
- def “**senior executive equivalent**” ins 1999 No. 55 s 8  
om 2010 No. 37 s 104(1)
- def “**senior executive officer**” ins 1999 No. 55 s 8  
sub 2009 No. 25 s 83 sch  
om 2010 No. 37 s 104(1)
- def “**senior officer**” ins 1999 No. 55 s 8  
sub 2009 No. 25 s 83 sch  
om 2010 No. 37 s 104(1)
- def “**State college**” reloc 1999 No. 55 s 4(2)  
om 2000 No. 23 s 293 sch 2
- def “**State educational institution**” reloc 1999 No. 55 s 4(2)  
om 1999 No. 81 s 46
- def “**statutory office**” ins 1999 No. 55 s 8  
amd 2009 No. 25 s 83 sch  
om 2010 No. 37 s 104(1)
- def “**statutory TAFE institute**” ins 2007 No. 53 s 30 sch  
om 2013 No. 27 s 70 sch 1 pt 2
- def “**TAFE institute**” ins 2000 No. 23 s 293 sch 2  
amd 2003 No. 63 s 60 sch
- def “**TAFE Queensland**” ins 2013 No. 27 s 70 sch 1 pt 2

def **“tribunal”** amd 1997 No. 59 s 48 sch 1  
reloc 1999 No. 55 s 4(2)  
amd 2009 No. 24 s 1627

## **7 Forms notified or published in the gazette**

Lists of forms are no longer included in reprints. Now see the separate forms document published on the website of the Office of the Queensland Parliamentary Counsel at <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> under Information—Current annotations. This document is updated weekly and the most recent changes are marked with a change bar.

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