

# **Code of Conduct**

**for**

**Members of the Non-State Schools Accreditation Board, the Non-State Schools**

**Eligibility for Government Funding Committee, and other committees of the board**

*Public Sector Ethics Act 1994*

29 June 2011

## Table of contents

<b>1. Preambles.....</b>	<b>3</b>
<b>1.1 Application of code.....</b>	<b>3</b>
<b>1.2 Background.....</b>	<b>3</b>
<b>1.3 Approval of code .....</b>	<b>4</b>
<b>2. Ethics principles, ethics values, and standards of conduct .....</b>	<b>4</b>
<b>2.1 Ethics principles .....</b>	<b>4</b>
<b>2.2 Ethics values .....</b>	<b>5</b>
2.2.1 Integrity and impartiality .....	5
2.2.2 Promoting the public good.....	5
2.2.3 Commitment to the system of government.....	6
2.2.4 Accountability and transparency .....	6
<b>2.3 Standards of conduct .....</b>	<b>7</b>
2.3.1 Introduction.....	7
2.3.2 Commit to the highest ethical standards .....	7
2.3.3 Principles for good decision making .....	7
2.3.4 Manage conflicts of interest.....	8
2.3.5 Ensure transparency in business dealings.....	9
2.3.6 Respect for law .....	9
2.3.7 Accurate, comprehensive, etc. information .....	9
2.3.8 Organisational, etc. practices to promote economy, etc. ....	9
2.3.9 Dignity, rights and views of others .....	9
2.3.10 Personal behaviour.....	10
2.3.11 Gifts and Benefits .....	10
2.3.12 Public comment .....	10
2.3.13 Confidentiality .....	11
2.3.14 Information .....	11
2.3.15 Legislation relating to official duties .....	11
2.3.16 Diligence .....	12
<b>For more information .....</b>	<b>12</b>

## 1. Preambles

### 1.1 Application of code

This code of conduct (the “**code**”) applies to each member (the “**member**”) of the Non-State Schools Accreditation Board, the Non-State Schools Eligibility for Government Funding Committee, and other committees of the board, in the performance of the functions of, and the discharge of duties of, membership.

The code is intended to promote and maintain the highest standard of ethical behaviour by members.

### 1.2 Background

The Non-State Schools Accreditation Board (the “**board**”) is established under section 105 of the *Education (Accreditation of Non-State Schools) Act 2001* (the “**Accreditation Act**”).

The board’s functions include:

- (a) assessing applications for accreditation of new non-State schools against the statutory criteria;
- (b) accrediting non-State schools that comply with the accreditation criteria;
- (c) monitoring whether accredited non-State schools continue to comply with the accreditation criteria;
- (d) maintaining a register of provisionally accredited, and accredited, non-State schools; and
- (e) monitoring, and advising the Minister for Education about, the operation of the accreditation scheme.

The Non-State Schools Eligibility for Government Funding Committee (the “**committee**”) is established under section 133 of the Accreditation Act.

The functions of the committee are to assess the eligibility of a governing body of a non-State school for eligibility for Government funding for the school and to make recommendations for the Minister’s consideration about that eligibility.

The board has discretion to establish other committees of the board (the “**committees of the board**”) under section 126 of the Accreditation Act.

Under the *Public Sector Ethics Act 1994* (the “**Ethics Act**”), each of the board, the

committee and committees of the board is a public sector entity whose constituent members are public officials subject to:

- (a) the ethics principles and ethics values set out in the Ethics Act;
- (b) this code of conduct made under the Ethics Act; and
- (c) other relevant provisions of the Ethics Act.

### **1.3 Approval of code**

This code was approved under section 17 of the Ethics Act by The Honourable Cameron Dick, Minister for Education and Industrial Relations, on 29 June 2011.

## **2. Ethics principles, ethics values, and standards of conduct**

### **2.1 Ethics principles**

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

- (a) integrity and impartiality;
- (b) promoting the public good;
- (c) commitment to the system of government; and
- (d) accountability and transparency.

Part 3, division 2, of the Ethics Act, in recognition of the ethics principles, sets out the ethics values for public sector entities.

Section 5 of the Ethics Act declares that the ethics values are intended to provide the basis for codes of conduct for public sector entities and are not of themselves legally enforceable.

A code of conduct is expected to contain standards of conduct.

Section 18 of the Ethics Act requires members to comply with the standards of conduct stated in this code.

## **2.2 Ethics values**

### **2.2.1 Integrity and impartiality**

The integrity and impartiality value follows:

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.

*(Public Sector Ethics Act 1994, section 6)*

### **2.2.2 Promoting the public good**

The promoting the public good value follows:

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.

*(Public Sector Ethics Act 1994, section 7)*

### **2.2.3 Commitment to the system of government**

The commitment to the system of government value follows:

(1) In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public service agencies, public sector entities and public officials—

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

(2) Subsection (1) does not limit the responsibility of a public service agency, public sector entity or public official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy, or is a customary feature of the work of the agency, entity or official.

*(Public Sector Ethics Act 1994, section 8)*

### **2.2.4 Accountability and transparency**

The accountability and transparency value follows:

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.

*(Public Sector Ethics Act 1994, section 9)*

## **2.3 Standards of conduct**

### **2.3.1 Introduction**

The standards of conduct below are consistent with the ethics principles and values, and may relate to more than one principle and value. All standards of conduct are equally important, and are not intended to cover every possible scenario.

A member takes personal responsibility to uphold this code and report genuine concerns of wrongdoing.

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

This code is to be read in conjunction with *Welcome Aboard: A guide for members of Queensland Government Boards, committees and statutory authorities*.

### **2.3.2 Commit to the highest ethical standards**

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

A member must comply with all relevant legislation, awards, certified agreements, subsidiary agreements, directives, whole-of-government policies and standards.

### **2.3.3 Principles for good decision making**

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

(a) observing the rules of natural justice, such as:

- (i) the decision maker is to act fairly;
  - (ii) the decision maker is to act in good faith;
  - (iii) the decision maker is to act without bias;
  - (iv) the reasons for a decision are to be disclosed;
- (b) ensuring compliance with procedures that are required by law to be observed;
- (c) ensuring that making the decision is within power;
- (d) ensuring in the exercise of the power that all relevant considerations are taken into account and that irrelevant considerations are not taken into account;
- (e) ensuring that the exercise of power is:
- (i) justified on the basis of the facts and considerations;
  - (ii) conducted in a way that the result of the exercise of power is certain;
  - (iii) not so unreasonable that no reasonable person would exercise the power in the same way;
  - (iv) in no way an abuse of the power.

#### **2.3.4 Manage conflicts of interest**

A member is to avoid actual or potential conflicts between their duties to the board or committee, or to a committee of the board, and their personal interests or their duties to others. A member is to also be aware of possible perceived conflicts of interest.

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

A member must resolve all conflicts of interest in the public interest.

### **2.3.5 Ensure transparency in business dealings**

A member is required to ensure their business dealings with persons who were formerly Ministers, Parliamentary Secretaries or senior government representatives are not on matters those persons had official dealing with in their recent previous employment in accordance with government policy.

### **2.3.6 Respect for law**

A member must observe the law.

### **2.3.7 Accurate, comprehensive, etc. information**

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

### **2.3.8 Organisational, etc. practices to promote economy, etc.**

A member must adopt practices in respect of the organisational and administrative arrangements for the conduct of the board, the committee and a committee of the board that provide for:

- (a) the most effective and efficient use of public resources<sup>1</sup>;
- (b) the protection of public resources;
- (c) the appropriate and reasonable use of public resources that is able to withstand public scrutiny.

### **2.3.9 Dignity, rights and views of others**

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

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

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<sup>1</sup> “public resources” include property, facilities, materials, equipment, financial resources, human resources, knowledge, intellectual property and official information.

### **2.3.10 Personal behaviour**

A member must:

- (a) act ethically so as to support the continuation of a public trust in the government and to observe the highest ethical standards of behaviour and accountability; and
- (b) behave in a way that demonstrates ethical leadership in promoting public confidence in the public service.

### **2.3.11 Gifts and benefits**

A member must not use his or her membership to seek the offer of, or accept any form of, personal benefit<sup>2</sup> that may compromise or be seen to compromise, the member.

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

Where a benefit is more than nominal value, such as free travel and accommodation, there is a potential to compromise a member's integrity. A member, however, may still be able to accept a benefit, if the member is able to demonstrate that there is no expectation of future benefit to the giver. Such a benefit must be declared by the member to the board, the committee or committees of the board, and must be registered on the board's *gift register* by the board's chairperson or other member of the board or other person authorised by the board for that purpose.

Members must observe the *Department of Education and Training's Gifts Policy* on the ethical considerations and procedures involved in dealing with gifts and benefits.

### **2.3.12 Public comment**

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

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<sup>2</sup> "benefit" includes money, property, shares, hospitality, entertainment, favours and accommodation.

A member may make public comment<sup>3</sup> on political and social issues provided that, where the view expressed by the member differs from the view of the board, the committee, a committee of the board, or the Government, the member must state in the public comment that the views expressed are the member's personal views and not those of the board, the committee, the committee of the board, or the Government.

A member may engage in party-political, professional, interest group, voluntary organisation and employer or employee organisation activities provided that the member states that the views expressed in any public comment<sup>4</sup> in connection with that engagement are the views of the entity<sup>5</sup> or the member, as the case may be.

### **2.3.13 Confidentiality**

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

### **2.3.14 Information**

A member must not use information acquired because of membership to improperly gain any kind of advantage for himself or herself or for another entity.

A member must not disclose information acquired because of that membership to any unauthorised entity, except with the approval of the board or the committee. However, a member is not prohibited from disclosing information that would normally be given to any member of the public seeking that information.

### **2.3.15 Legislation relating to official duties**

A member is to have an understanding of the provisions of legislation related to the member's official duties, including for example:

- (a) the ethics principles and values under the Ethics Act;

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<sup>3</sup> "public comment" includes speaking engagements and comments in the media.

<sup>4</sup> "public comment" includes speaking engagements and comments in the media.

<sup>5</sup> "entity" means the organisation in connection with the party-political, professional, interest group, voluntary, employer or employee activity.

- (b) the access rights of persons under the *Right to Information Act 2009*;
- (c) the information privacy principles under the *Information Privacy Act 2009*;
- (d) the non disclosure provisions of section 173 of the Accreditation Act;
- (e) the disclosure of interest obligations on members under section 125 and 139, as relevant, of the Accreditation Act;
- (f) the obligations on a member of the board in connection with financial disbursements under section 131 of the Accreditation Act; and
- (g) the obligations and accountabilities on statutory bodies under the *Financial Accountability Act 2009*.

#### **2.3.16 Diligence**

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

A member must discharge responsibilities:

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

#### **For more information**

For further advice about this Code, you may wish to contact the Non-State Schools Accreditation Board Secretariat on (07) 3237 9947.