

Code of Conduct

July 2025

Council members

Version 8.0



Queensland Sentencing
Advisory Council

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Version control

The following table outlines the high-level changes that have been made to each version of this document.

VERSION	DETAILS	AUTHOR	DATE APPROVED
1.0	First draft	Anne Edwards	June 2017
2.0	Feedback from Council	Anne Edwards	August 2017
3.0	Review by Director following amendments to the Council's <i>Operating Guidelines</i> at the Council meeting on 12 February 2019	Anne Edwards	February 2019
4.0	Review by Director to ensure alignment with <i>Human Rights Act 2019</i>	Anne Edwards	October 2019
5.0	Review by Director incorporating legal advice received from Legal Advice and Advocacy in DJAG	Anne Edwards	March 2021
6.0	Scheduled review by Director	April Chrzanowski	May 2023
7.0	Scheduled review by Director	April Chrzanowski	November 2024
8.0	Scheduled review by Director	April Chrzanowski	July 2025

A copy of this Code of Conduct is made available on the [Council website](#).

Background

Section 4 of the *Public Sector Ethics Act 1994* (Qld) (PSEA) identifies four ethics principles fundamental to good administration:

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

The PSEA further outlines ethics values associated with these principles. It also requires public sector entities, such as the Queensland Sentencing Advisory Council (the ‘Council’), to establish a *Code of Conduct* applicable to the entity and its public officials.

This *Code of Conduct* outlines the behavioural standards expected of Council members. It reflects the statutory duties of Council members, acknowledging their responsibilities as independent statutory office holders.

Application

This *Code of Conduct* applies to all Council members appointed under the *Penalties and Sentences Act 1992* (Qld) (PSA) as well as Advisory Panel members. The Code applies when members are performing official duties, including participation in:

- Council meetings (in person, online, or via phone).
- Conferences, training events, or work-related functions.
- Council-related communications, including written, verbal and electronic (email, social media posts, etc.).

Obligations relating to confidentiality and the proper use of information are continuing obligations on members, and remain even after a member ceases to be a member of the Council.

This code does not apply to an officer of the Council’s Secretariat. As an employee of the Department of Justice (DoJ), Secretariat staff are bound by the Queensland Government’s overarching Code of Conduct for public sector employees.

Guidance for members

While this Code reflects the ethical duties and principles of the PSEA, further operational guidance is available in the Council’s *Operating Guidelines* and other relevant policies. These resources include processes for:

- Addressing member complaints or disputes.
- Making public interest disclosures.
- Managing actual, potential, or perceived conflicts of interest.

Members seeking advice about suitable actions or decisions should consult the Council Chair. If further guidance is required, the Chair may approach senior DoJ officers, such as the Deputy Director-General, Justice Policy and Reform, or the Director-General. Members may also contact the Queensland Integrity Commissioner¹ for external advice, particularly on conflict of interest matters.

Compliance with external professional codes

Council members who are also governed by a professional code of conduct must adhere to both their profession's requirements and this *Code of Conduct*. Any breach of a professional code may impact a member's ability to fulfil their Council obligations. However, breaches of this *Code of Conduct* will be managed solely through procedures specific to the Council.

Breaches

Council members are required to understand and comply with this *Code of Conduct*. Failure to do so may constitute misconduct and could result in suspension or removal from office under section 203B of the PSA. Additionally, misuse of position information, or resources may also result in civil or criminal liability.

Members must report suspected breaches of this Code or other wrongdoing to the Chair.

Allegations of corrupt conduct will be referred to the DoJ Ethical Standards Unit and, if necessary, to the Crime and Corruption Commission.

Interpretation

functions means the functions of the Council detailed in section 199 of the *Penalties and Sentences Act 1992* (Qld), as amended from time to time

Council's Operating Guidelines means the policy document, as amended from time to time and approved by the Council, that outlines the expectations of Council members in relation to: the membership of the Council, roles and relationships, operations, media and engagement protocols, self-care, financial matters, confidentiality, declaration of interests, managing disputes or conflicts and personal information and privacy

DoJ	Department of Justice
PID	<i>Public Interest Disclosure Act 2010</i> (Qld)
PSA	<i>Penalties and Sentences Act 1992</i> (Qld)
PSEA	<i>Public Sector Ethics Act 1994</i> (Qld)
QSAC	<i>Queensland Sentencing Advisory Council</i>

¹ The Queensland Integrity Commissioner has been established to provide advice to designated persons, and to maintain the Queensland Register of Lobbyists. While the Integrity Commissioner does not provide legal advice, he or she is able to provide advice on ethics or integrity issues, including conflicts of interest.

1 Ethical leadership and professional conduct

1.1 Duties of the Chair

The Chair of the Council leads Council meetings as outlined in sections 203E to 203H of the PSA and with reference to the role description as outlined in the Council's *Operating Guidelines*. The Chair also ensures that members have access to updated copies of relevant legislation, policies, and procedures, which are tailored to the Council's operations and support the implementation of the Code of Conduct.

1.2 Leadership and stewardship

Council members promote and demonstrate public sector values outlined in the PSEA by:

- Maintaining accountability and transparency.
- Raising issues early and facilitating timely decisions.
- Encouraging professional, respectful interactions with colleagues and stakeholders, including Secretariat staff.

1.3 Care, diligence and skill

Council members exercise their powers with a reasonable degree of care, diligence and skill. They understand the purpose of the Council, its business, and their individual roles as members. Acting responsibly, they apply their knowledge and expertise to matters under consideration by the Council.

Members actively participate by regularly attending meetings, engaging with issues before the Council, and carefully considering the financial, strategic, and other implications of Council decisions.

When making decisions, Council members:

- Seek and consider all relevant information, disregarding irrelevant information.
- Base their decisions on the best available evidence, requesting additional information if needed.
- Take full responsibility for their actions and decisions.

Members are encouraged to ask questions about Council matters and request further information or briefings from the Secretariat to better understand operational or strategic matters.

1.4 Fairness and impartiality

Council members act fairly, honestly, and impartially, maintaining openness and transparency in their dealings. During deliberations, decision-making, or resolving disputes between members, they conduct themselves without favouritism or self-interest. Members express their views genuinely, clearly, and unambiguously, disclosing the information or considerations that influenced their opinions. They are expected to speak up if a decision or advice being considered

may harm the public interest and ensure their views are formally recorded in the Council minutes through a vote, if necessary.

Council members objectively consider all relevant facts when implementing government policies and programs, ensuring that outcomes are fair and equitable for all.

Members will:

- Take reasonable steps to ensure that any recommendations for law reform made by the Council are objective, independent, apolitical, and impartial.
- Ensure that all decision-making is conducted ethically.
- Engage with others, including members of the Council Secretariat, in a manner that is consultative, courteous, respectful, and fair.
- Fulfil their obligations to report suspected wrongdoing, including any conduct that breaches this Code.
- Properly record any engagements they have with lobbyists in relation to their role on the Council.

Members act in accordance with the human rights outlined in the *Human Rights Act 2019* and comply with equal opportunity legislations that protect against discrimination.

1.5 Demonstrate a high standard of workplace behaviour and personal conduct

Council members are responsible for conducting themselves professionally at all times and treating everyone with respect. This includes fellow members, Secretariat staff, and others, such as members of the public.

Members will:

- Treat others with courtesy and respect, maintain appropriate relationships, and acknowledge their right to hold differing views.
- Ensure their conduct reflects the Council's commitment to creating an inclusive, harassment-free workplace.
- Maintain their fitness for duty while prioritising the safety, health, and welfare of themselves, their colleagues, clients, and others in the workplace.
- Conduct themselves, both privately and professionally, in a manner that upholds the integrity of the Council and its ability to fulfil its responsibilities.

2 Responsible governance

2.1 Best interests of the Council

Council members conduct themselves in a manner that upholds their reputation as Council members and protects the Council's standing.

Council members avoid allowing personal or professional interests or relationships to influence their judgement. Their impartiality ensures objectivity during Council discussions and decision-making.

They actively contribute to the Council's work and maintain professionalism in all interactions with fellow members and the Secretariat.

Council members act in good faith and always prioritise the best interests of the Council. Should a member identify any matter that may impact the Council's best interests, they are required to notify the Chair. The Chair will determine whether the matter should be referred to the full Council membership and/or to the Secretariat Director and will take appropriate steps to effectively manage the issue, safeguarding the Council's reputation.

2.2 Proper use of authority, position, and information

Acting with authority and delegations

Council members ensure that matters reserved for Council decisions are clearly identified and align with the functions outlined in section 199 of the PSA. Council members make decisions within the power and functions held by the Council under the PSA.

Council members confirm that any necessary delegations are in place to enable the Council to fulfil its functions.

Council members are accountable for the actions of delegates, sub-committees, project boards, or similar groups acting on behalf of the Council. Council members of a sub-committee who are delegated to consider a matter cannot lawfully delegate that power or function to any other individual or body unless the Council expressly authorises such delegation.

Proper use of position

Council members are to use their position to promote the best interests of the Council. They must not use their position to gain an advantage for themselves or others, nor to harm the Council.

Council members do not seek gifts or favours for themselves, family members, or close personal or business associates. Any gifts or benefits received must be declared in accordance with the DoJ policy. Furthermore, members decline gifts or favours that could compromise, or appear to compromise, their ability to make independent and impartial decisions.

Proper use of information

Council members must use information obtained through their role in the Council only for its intended purpose and not gain a personal or professional advantage, either for themselves or others, or to cause detriment to the Council.

Council members are well-informed about right to information, privacy, and public interest disclosure legislation. They respect confidentiality and exercise discretion, prudence, and sound judgement in deciding how to handle information.

Council members must:

- Store official information securely.
- Only disclose official information or documents when required to do so by law, in the legitimate course of their duties, when responding to a legal summons, or with proper authorisation.

A member may make a public interest disclosure under the *Public Interest Disclosure Act 2010* (Qld) (PID Act) to the Crime and Corruption Commission if they suspect corrupt or improper conduct defined under section 13 of the PID Act is occurring within the Council. However, members must not disclose information relating to a public interest disclosure, either within or outside the Council.

Privileged or confidential information must never be used to further a member's personal interests.

2.3 Complying with establishing legislation and Council policies

Council members must comply with the provisions of the PSA related to the Council (sections 198 to 203J), as well as the Council's *Operating Guidelines*. They are also required to adhere to any government policies, priorities, or ministerial directions that apply to the Council.

Additionally, members must follow DoJ's policies and procedures relevant to their role and the operations of the Council, including:

- Assessing the Council's performance,
- Managing conflicts of interest, including the acceptance of gifts or benefits, and Compliance with Council-approved travel, expenditure, or use of monies.

2.4 Risk management and financial responsibility

The Council must actively manage risks. Council members must regularly review the Council's risk register, which is included as part of the meeting agenda, and determine if any risks should be escalated to the DoJ or the Attorney-General for further attention. The Chair in consultation with the Director, will determine the most effective way of informing the DoJ and the Attorney-General of any significant risks that may impact its operations, along with proposed actions to mitigate those risks.

While members are not directly involved in financial decision-making (except for setting work priorities and approving strategies to achieve these priorities), they are expected to demonstrate accountability for all resources used in the course of their duties. This includes:

- Using public resources in accordance with official policies and guidelines.
- Being economical and avoiding waste and unnecessary expenditure, ensuring that public resources are used only for proper purposes.
- Utilising public resources to perform their functions effectively and efficiently.

3 External engagement, conflicts, and public commentary

3.1 Conflicts of interest and duty

What is a conflict of interest?

A conflict of interest occurs when an individual has competing interests or loyalties that may impair their ability to act impartially. These conflicts can be actual, potential, or perceived. Here are some common examples:

- A public official whose personal interests conflict with their professional duties.
- An individual in a leadership role at one organisation whose interests conflict with their involvement in another organisation.
- A person with responsibilities that are at odds with one another.²

It is important to note that having a conflict of interest is not inherently wrongdoing and can occur in many situations. However, Council members must always disclose any personal interest that could be perceived as influencing their ability to perform their duties.

Steps to take if there is an actual, potential, or perceived conflict

If a member's personal interest creates an actual, potential, or perceived conflict with their official duties, they must disclose it:

- To the Chair, in the case of general members.
- To the Director of the Secretariat, if the member is the Chair.

The Chair will also ask at the beginning of every Council meeting if any member has a conflict of interest, either generally or related to any agenda item. This further encourages proactive disclosure, ensuring transparency and allowing for the development of an appropriate management strategy to address the conflict.

Once disclosed, the seriousness of the conflict of interest must be assessed, and a decision made on whether action is needed to eliminate or mitigate the associated risk. The Council will evaluate the severity and consider available mitigation options.

- Minor conflicts: In some cases, the overlap between interests may be so minor that it does not constitute a significant conflict. In such instances, the Council may legitimately decide no further action is required.
- Serious conflicts: In more serious cases, stronger actions may be necessary, such as:
 - Relinquishing the private interest.
 - Excusing oneself from a specific decision or project.
 - Resigning from the Council.³

² Adapted from text contained at: <https://www.thebalancesmb.com/what-is-a-conflict-of-interest-give-me-some-examples-398192>

³ Adapted from text found at: <https://www.oag.govt.nz/2007/conflicts-public-entities/part4.htm>

Council members are responsible for both identifying and managing conflicts of interest. They must take reasonable steps to ensure conflicts are addressed appropriately and are expected to actively participate in developing and implementing strategies to resolve them.

Council members must adhere to the Council policy on managing conflicts of interest and duty, as outlined in the Council's *Operating Guidelines*. Wherever possible, they should avoid any actual, potential, or perceived conflicts.

Members are required to declare any financial or other external interests by completing the QSAC *Conflict of Interest – Disclosure Form*. The Chair will use this form to determine how the conflict should be managed. All identified conflicts will be recorded in the Council's *Conflict of Interest Register*, which is maintained by the Secretariat. The *Register* will be circulated to members quarterly.

Managing conflicts of interest at meetings

At the start of each meeting, Council members are given an opportunity to declare any new conflicts of interest or potential conflicts of interest. These may relate to either general matters specific agenda items. If the Council determines that a conflict of interest is material, the affected member will be excluded from participating in discussions or decisions on the matter.

To ensure conflicts are handled appropriately, the Council may seek advice from a neutral third party, such as a DoJ ethics consultant, probity adviser, lawyer, or governance expert. This advice will assist in assessing the conflict and determining the appropriate action to mitigate it.

Seeking further advice

Members may also contact the Queensland Integrity Commissioner for assistance with relevant questions, if necessary. Requests for advice must:

- Be submitted in writing.
- Contain sufficient detail to allow the Integrity Commissioner to evaluate the issue.

Requests can be sent to the Integrity Commissioner by:

- Post: PO Box 15290, City East, Queensland, 4002.
- Email: integrity.commissioner@qld.gov.au.

Please note that the Integrity Commissioner does not provide legal advice.

Record of disclosures

The Council records all personal interest disclosures made by members in the meeting minutes. Additionally, any breach of process is reported in writing to the Attorney-General.

An example of a conflict of interest

A common area of perceived conflict relates to the views held by a Council members organisation on particular sentencing matters and the view held by an individual Council member. This may be particularly difficult when a Council member's organisation makes a formal submission to a Council project—particularly if there is a divergence between the organisation's views and the Council recommendations.

It is not considered a conflict of interest if the submission is based solely on knowledge already held within the member's organisation and does not include or rely on additional information obtained through the member's role on the Council.

Council members may legitimately make submissions on behalf of their organisation in their capacity as an authorised representative, provided it is clear they are not submitting as a representative of the Council itself. In such cases, it is important for the member to declare in advance that their organisation intends to make a submission. It is also important for the member to outline the extent to which the submission has been authored or endorsed by them.

When the Council is formulating a response or opinion on a particular issue that is raised in such a submission, it may be appropriate to excuse the member from participating in that particular Council discussion.

Considerations should be made on a case-by-case basis and documented by the Council in the minutes.

3.2 Participation in external organisations, including elections

Being appointed as a member of the Council does not remove a member's right to participate privately in political parties, professional or community organisations, or trade unions.

However, when participating in public activities where they may be identified as a member of the Council, members should be mindful of potential perceptions of a conflict of interest. In such cases, members must declare and manage their involvement in accordance with section 3.1 of this Code of Conduct.

In all public and external activities, members must adhere to relevant laws governing privacy, confidentiality, and information management.

It is important to note that members are appointed to the Council in a personal capacity, and not as a representative of an organisation, public entity or statutory body.

Council members must take particular care if joining any public entity if doing so could compromise, or reasonably be perceived to compromise, the impartiality of their role within the Council. Members are encouraged to seek guidance where necessary, of the Queensland Integrity Commissioner.

If upon appointment, a Council member is already a member of a public entity or statutory body where such a perception may arise, a member must discuss the potential conflict with the Chair and determine a plan as to how this will be managed to ensure the best interests of the Council

are upheld. The member will also be encouraged to seek guidance where necessary, of the Queensland Integrity Commissioner.

Representation in political parties, professional or community organisations, or trade unions

If a member is elected as a representative or official of a professional or community organisation or trade union and speaks publicly in that capacity, they must clearly state that they are speaking solely on behalf of that organisation and not the Council.

Council members must notify the Council if they decide to stand as a candidate in any state, local, or federal election. They must comply with the requirements of the *Public Service Commission guidelines: Public sector employees contesting elections* and refrain from using any Council resources in connection with their candidature.

3.3 Public commentary

The Chair of the Council is authorised to make public comments about the Council's work, as deemed appropriate and consistent with its role under the PSA. Members must refrain from making any public comments about the deliberations of the Council without prior consultation with the Chair or Deputy Chair.

Any enquiries about the work of the Council, whether from the media or other sources, should be directed to the Chair. The governance processes for responding to enquiries are outlined in the Council's *Operating Guidelines*.

When commenting on the work of the Council, if it is necessary to discuss government policy, the Chair or relevant member must make every effort to ensure the policy is fairly and accurately represented.

Special considerations during election periods

Members should exercise caution when commenting on government policy during caretaker period, which begins upon the dissolution of the Legislative Assembly and continues until the election result is known or, in the case of a change of government, until the new government is formed. Additional care should also be taken between the announcement of an election and the dissolution of Parliament.

Personal capacity to contribute to public discussions

As private citizens, Council members have the right to express their personal views on community and social issues. However, when doing so, they must:

- Clearly communicate that any comments represent their personal views and not those of the Council.
- Maintain confidentiality of information obtained through their role on the Council that is not publicly available.
- Be mindful that personal comments on public issues may compromise their ability to perform their role with independence and impartiality.



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