



Prostitution Licensing Authority
Queensland Government

Code of Conduct

Date of issue: 8 February 2001

Authorised by: PLA

Next review date: July 2010

Last reviewed: July 2009

Responsible officer: Principal Policy Officer

Mission statement

To ensure that licensed brothels are regulated in the community interest.

Values

Respect
Integrity
Health and safety

Operating Principles

The Authority acts in the public interest.

The Authority is committed to eliminating corruption and organised crime in the prostitution industry.

The Authority is committed to promoting and improving safety and health in the sex industry and in the wider community.

The Authority places emphasis on consultation to reach the objectives of the organisation.

The Authority provides a stimulating, satisfying and safe work environment free from discrimination on the basis of gender, race, religion, sexual preference or disability.

The Authority operates to ensure that all its activities are based on the best information and research available to it.

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Introduction

The Prostitution Licensing Authority (PLA) was established by the *Prostitution Act 1999* to decide on applications for brothel licences and brothel manager certificates, and to regulate legal brothels in Queensland.

Given the role and functions of the Authority, the public is entitled to expect you - the staff of the office of the Authority - to adhere to high ethical standards in the conduct of your official duties. Public sector ethics are those principles and standards governing correct conduct by government officials. This Code of Conduct has been established to ensure you are aware of the standards expected of you during your employment at the PLA, and the principles you will be expected to uphold in the course of carrying out your duties.

You are responsible for ensuring that you are aware of the contents of the Code of Conduct, and for observing its provisions. The Authority will ensure that you are provided with a personal copy of the Code of Conduct (all new employees will receive a copy of the Code of Conduct through the induction program), and you are encouraged to discuss any concerns or other issues with the Executive Director or the Chair of the PLA.

Definitions

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| “the Authority” | means the PLA established under section 100 of the <i>Prostitution Act 1999</i> |
| “the PLA” | means the PLA established under section 100 of the <i>Prostitution Act 1999</i> |
| “the Executive Director” | means the Executive Director of the office of the PLA, established under section 110B of the <i>Prostitution Act 1999</i> |
| “an officer of the Authority” | means any person employed under section 110L of the <i>Prostitution Act 1999</i> |
| “the Act” | refers to the <i>Prostitution Act 1999</i> |
| “the Chair” | means the Chair of the PLA, established under section 102 of the <i>Prostitution Act 1999</i> |
| “a whistleblower” | is a person who, in the public interest, makes disclosures about unlawful, negligent or improper public sector conduct, or about danger to public health or safety, or about danger to the environment (section 7(1) <i>Whistleblowers Protection Act 1994</i>) |
| “misconduct” | means disgraceful or improper conduct in an official capacity, or disgraceful or improper conduct in a private |

capacity that reflects seriously and adversely on the public service (section 87(2) *Public Service Act 1996*)

“official misconduct” is conduct that could, if proved, be a criminal offence, or a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or was the holder of an appointment (section 15 *Crime and Misconduct Act 2001*)

“public interest disclosure” is a disclosure made in the public interest about unlawful, negligent or improper public sector conduct, or about danger to public health or safety, or about danger to the environment (section 7(1) *Whistleblowers Protection Act 1994*)

“staff” means officers appointed under section 110L of the *Prostitution Act 1999* and includes senior staff, part-time, temporary and seconded staff. It also includes voluntary workers, consultants, advisory panels, selection committees and any others who do business at the Authority, who use the Authority’s resources, or who have access to official information.

Reading the Code of Conduct

The *Public Sector Ethics Act 1994* establishes the ethical obligations which are to apply to all public officials, and requires that public sector entities develop a code of conduct. The Chief Executive Officer of the Authority has issued this Code of Conduct in accordance with section 15 of the *Public Sector Ethics Act 1994*.

There are other sources of information about ethical conduct that you may find useful when considering your responsibilities and obligations. For example, under the *Whistleblowers Protection Act 1994*, staff are afforded special protection when they make a public interest disclosure about unlawful, negligent or improper public sector conduct, about danger to public health or safety, or about danger to the environment. The protection provided by the *Whistleblowers Protection Act 1994* ensures that people making public interest disclosures are not liable civilly, criminally or under an administrative process. In addition, it is an offence to cause, or attempt to cause detriment to a person because they made a public interest disclosure.

Finally, and most importantly, you are reminded that the provisions of the *Prostitution Act 1999* are central to our business at the Authority, and the Act must take precedence over any other obligation, including this Code of Conduct. If you believe there is a conflict between what is required of you under the Act, and what is required under the Code of Conduct, or under other relevant legislation (such as the *Anti-Discrimination Act 1991*), you are encouraged to consult your supervisor or the Executive Director.

Application of the Code of Conduct

Section 18 of the *Public Sector Ethics Act 1994* provides that a public official of a public sector entity must comply with the conduct obligations stated in the entity's code of conduct.

This Code of Conduct applies to staff, including senior staff, part-time, temporary and seconded staff, appointed as a consequence of section 110L of the *Prostitution Act 1999*. It will also apply to voluntary workers, consultants, advisory panels, selection committees and any others who do business at the Authority, who use the Authority's resources, or who have access to official information, including members of the Prostitution Licensing Authority.

The Code of Conduct applies continuously throughout the entire period of your engagement by the PLA including periods of leave and off-duty times.

When you leave the Authority, you have an obligation to respect the confidentiality of information and ownership of intellectual property to which you had access in the course of your work. Unless otherwise authorised, when you cease duty with the Authority, you cannot take any resources such as articles, processes and materials produced as part of the official functions of the Authority or download information. These are the property of the Authority.

Reporting misconduct

If you become aware of, or you suspect fraud, corruption, maladministration or misconduct, you are required to report it to the Executive Director or the Chair under section 3.5 of this Code of Conduct. This includes any complaint against another officer of the PLA that you may have received from any person either inside or outside the PLA.

While every effort will be made to protect your identity if you report misconduct to the Executive Director or the Chair, it may not be possible to keep your identity completely secret during the course of any inquiry into the matter. You should discuss this issue with the Executive Director or the Chair when you initially make your report. The PLA will, however, take action to ensure, to the best of its ability, that you will not suffer discrimination or harassment for reporting suspected misconduct in accordance with PLA policy.

If you have a public interest disclosure to make, the *Whistleblowers Protection Act 1994* has established a range of people to which such a disclosure can be made. Public interest disclosures can be made to:

- The public sector entity who is responsible for the conduct involved;
- The PLA;
- The QPS;
- Your supervisor or manager;
- The Executive Director or the Chair of the PLA; and
- The Crime and Misconduct Commission, if the issue involves official misconduct.

The Authority is responsible for ensuring, as far as possible, that its employees are protected from reprisals for making a public interest disclosure. The Authority is committed to fulfilling this responsibility.

Advice and assistance

Good decision making can be multi faceted and complex. Decisions on seemingly simple matters can have a serious impact which makes it important to ensure fair and consistent decision making. The ability and integrity of the decision maker will have an impact on the quality of the decision. It is essential to obtain and analyse relevant information and observe any legal requirements and applicable policy in a rational and orderly fashion when making key decisions. The Queensland Ombudsman, *Good Decision-Making Guide: Good decisions make good sense*, provides a framework for staff to consider when developing procedures and making administrative decisions at the PLA.

However, not all decisions are of an administrative nature and this Code of Conduct is clearly not exhaustive. It may be the case that you are unsure about a situation, or about your own conduct, and you could find that the Code of Conduct is silent or unclear about that specific issue.

A series of six questions, listed below, may further assist or guide you in making an ethical decision. You might ask yourself:

- 1. Is the act legal and consistent with government policy?**
- 2. Is it in line with the Authority's values, operating principles, policies and Code of Conduct?**
- 3. Is it the proper thing to do?**
- 4. What will the outcome be for:**
 - the Authority?
 - my colleagues?
 - others?
 - me?
- 5. Can I justify my action?**
- 6. What would be the outcome if my conduct became front page news?**

The Public Service Commission has developed a checklist to assist staff to deal with ethical dilemmas:

Step 1: Describe the situation. Establish the facts of the matter.

- What happened/is happening?
- Who is involved?
- When did it happen/is it happening?
- Where did it happen/is it happening?
- What is the previous history of the issue?

- What is the context in which the problem arose?

Step 2: Define the ethical dilemma

- Why is this an ethical dilemma?
- Why is this my problem?
- What is my part in resolving it?

Step 3: Assess the ethical obligations and other factors that relate to the dilemma

- Respect for law and the system of government
 - What do relevant legislation, policy, and guidelines require?
 - How will I carry out decisions and policies faithfully and impartially?
- Respect for Persons
 - What constitutes fair, honest and responsive action?
- Integrity
 - How will public confidence be maintained and enhanced?
 - How can I ensure that any conflict of interest is resolved in the public interest?
- Diligence
 - How can I ensure proper care and attention to the resolution of this issue?
 - How will this contribute to high standards of public administration?
- Economy and Efficiency
 - How can I ensure that resources are not wasted, abused, used improperly, or extravagantly?
- Check the following and assess relevant information:
 - Agency Code of Conduct
 - Public Sector Ethics Act
 - Public Service Act
 - Other relevant laws, especially those related to my department
 - Policies, procedures, directives, etc
 - Precedents
 - What is my own position/personal and professional ethics on the issue?
 - What do those with specialist knowledge/key others think?
 - What are the industrial and legal rights of individuals?
- How does this relate to the public interest and public perception:
 - What would an average person in the street do if faced with the same facts?
 - How would the media react if the situation became generally known?
 - What is the interest of the elected government of the day?

Step 4: List options and consequences. Weigh them up. The chosen option must be ethically defensible and in the public interest. Decide on the most appropriate option.

| | |
|----------|--|
| Option A | Consequences For individuals: person making the decision, individual who will own the consequence For the organisation |
|----------|--|

| | |
|----------|---|
| Option B | Consequences For individuals For the organisation |
| Etc | |

- Have all the options been fully explored?
- Is the decision in the public interest?
- Does the decision comply with legislation and other documents mentioned earlier?
- Could I adequately defend the solution to my superior, the Director-General and the public?
- What obligations would I be under or what expectations would be raised if I go ahead with this solution?
- If it is not clear that this course of action is best overall, go back to Step 1.

Step 5: Act. Implement the decision.

- Have I carried out the decision and ensured appropriate transparency, accountability and confidentiality?
- Have I conferred with the individuals directly affected?
- Have I conferred with affected groups?
- Have all the factors on which the decision was based been documented?
- Is the documentation at an appropriate level? Example: Diary note, detailed and formal records.

Step 6: Reflect.

- On the process.
- On the relationships.
- On the result.
- On improving systems.
- On why this was an ethical dilemma and how to prevent it.

If a dilemma arises, it may help if you to talk to another staff member, the Executive Director, or the Chair of the PLA. The Executive Director is in the best position to provide advice and you are encouraged to seek assistance or to report any concern relating to your duties to the Executive Director.

Reviewing and monitoring the Code of Conduct

The Code of Conduct will be monitored by the Executive Director and Principal Policy Officer throughout the year to ensure that it remains consistent with the values, goals and activities of the PLA. Complete review of the Code will occur at least annually. A process of staff consultation will always be conducted during the course of any such review.

Your ethical obligations

The *Public Sector Ethics Act 1994* outlines the five ethical principles and obligations that are fundamental to good public administration. This Code of Conduct is based on these principles and outlines what is expected of staff in relation to each of these five principles.

1. Respect for the law and the system of government

To fulfil your obligations under this ethical principal, you are expected to:

- 1.1 maintain and enhance public confidence in the integrity of public administration;
- 1.2 uphold the laws of the State and Commonwealth;
- 1.3 refrain from engaging in any illegal activity;
- 1.4 carry out official public sector decisions and policies faithfully and impartially. This does not detract from a public official's duty to act independently of government if the official's independence is required by legislation or government policy, or is a customary feature of the official's work.
- 1.5 obey any lawful direction of an officer who is empowered to give such direction. You have a right to seek clarification of an instruction, but not to cause an instruction to be ineffective by delay or failure to comply with some part;
- 1.6 not follow any unlawful direction or any direction given unlawfully. When you believe an instruction is unreasonable, unethical or unlawful, you must immediately communicate this to the person giving the instruction and provide a reasonable opportunity for a response. If you still object, you may seek advice at a higher level. You are generally obliged to carry out such instruction pending consideration of your objection, unless the instruction is manifestly unlawful or unreasonable or could endanger a person's health and safety;
- 1.7 comply with the Act, other relevant legislation, the PLA Finance and Administration Manual, any PLA operational manuals and the PLA Privacy Plan;
- 1.8 know and keep abreast of any changes in the Act and the policies and procedures relevant to the discharge of your duties;
- 1.9 maintain a high level of confidentiality in relation to all matters dealt with by the Authority (refer to section 133 of the Act); and
- 1.10 comply with any security procedures established by the Authority.

2. Respect for persons

The Authority will pursue a high standard of respect for persons, including the clients of the Authority, members of the public, other stakeholders with which the Authority has dealings, and within the Authority itself. To pursue this ideal, you are expected to:

- 2.1 treat all persons honestly and fairly, and without discriminating against or harassing any person. You are reminded that, under the *Anti-Discrimination Act 1991*, it is unlawful to discriminate, either directly or indirectly, on the basis of the following attributes:
 - sex;
 - relationship status;
 - pregnancy;
 - parental status;
 - breastfeeding;

- age;
- race;
- impairment;
- religious belief or activity;
- gender identity;
- sexuality;
- family responsibilities;
- political belief or activity;
- trade union activity;
- lawful sexual activity;
- association with, or relation to, a person identified on the basis of any of the above attributes.

Refer to division 17 of the Finance and Administration Manual for further information about discrimination, including information about the resolution of complaints.

Example of treating a person with discrimination and unfairness:

Dealing less favourably with a person because of their current or former involvement in the sex industry.

2.2 carry out the obligations of your position impartially;

Example of impartiality:

Ensure procedures, particularly compliance procedures, are applied equally and transparently to all applications received by the PLA and to all licensed brothels.

2.3 treat members of the public and other public officials with proper regard for their rights and obligations;

Examples of having regard for the rights and obligations of others:

Ensure the Information Privacy Principles are applied to the collection of personal information and that information that is not used by the PLA in their decision-making is not collected.

Ensure complaints about individuals are handled in a manner which is fair and reasonable and which affords the subject of the complaint with the right to reply to the complaint.

2.4 act responsively in performing official duties;

2.5 afford due respect to the views and opinions of others; and

2.6 operate with the intention of ensuring the safety, health and welfare of others.

3. Integrity

Public office involves a public trust, and it is important that staff do not abuse that trust. Your personal and professional integrity is critical to the conduct of your duties at the PLA, and to the overall professionalism and success of the Authority. To fulfil your obligations with respect to integrity, it is expected that you will:

3.1 maintain and enhance public confidence in the integrity of public administration;

3.2 advance the common good of the community;

- 3.3 refrain from improperly using your official powers or position, or allow them to be improperly used;
- 3.4 ensure personal benefit is not gained by you through purchase of goods or services for official purposes;
- 3.5 report any fraud, corruption, maladministration or misconduct of which you become aware to the Executive Director or the Chair, or report a public interest disclosure in accordance with the *Whistleblowers Protection Act 1994* (refer to the section on ‘Advice and Assistance’ on page 6 for further information about making a public interest disclosure);
- 3.6 notify the Executive Director of any issue involving another officer of the Authority that may compromise the integrity or professionalism of the Authority or that may impact on public confidence in the Authority;
- 3.7 report to the Executive Director or the Chair any instance that you suspect involves or may involve misconduct of an officer of the Authority, or make a report in accordance with the *Whistleblowers Protection Act 1994*;
- 3.8 participate in political activity in a private capacity only, and not conduct any private political activities in the workplace or with the use of the Authority’s resources;
- 3.9 ensure any participation in political or other personal activities does not result in any advantage to you as an officer of the PLA or as a member of the PLA;

Example:

Ensure your involvement as a member of a political party does not increase the likelihood of a development application being approved.

- 3.10 immediately report any charge or conviction of an indictable offence to the Executive Director or the PLA. The notice must be in writing. If you are charged with an indictable offence you must state that you have been charged and give details of the alleged offence. If you are convicted of an indictable offence you must state that you have been convicted and give details of the offence and the penalty imposed. *Convicted* includes a finding of guilt, whether or not a conviction is recorded. *Indictable offence* means an offence for which a charge may be laid by indictment or an equivalent process, whether that is the only, or an optional, way to lay a charge of the offence. Indictable offences range from minor crimes such as burglary and unlawful use of a motor vehicle through to more serious crimes like sexual assault, armed robbery and murder;
- 3.11 ensure that any conflicts that may arise between your personal interests and official duties is resolved in favour of the public interest;
- 3.12 comply with all applicable laws and regulations regarding copyright, including the rights of the owners of published material;
- 3.13 obtain prior permission from the Executive Director before entering into any arrangements regarding publication or other use of any articles or materials that you have produced as part of your official duties, or that the Authority otherwise owns; and
- 3.14 ensure you are aware of your lawful responsibilities and limitations and conduct all activities within the bounds of specific lawful delegation.

Examples:

A PLA staff member requests further information from an applicant as specified under section 15 of the *Prostitution Act 1999*. The further information must be requested by an officer who has the appropriate power or delegation.

Staff members must not speak on behalf of the PLA without the authority to do so (e.g. media inquiries, requests for interpretation of the *Prostitution Act 1999*).

Use of information

The PLA holds a significant amount of personal and commercial-in-confidence information which is highly sensitive. For this reason you must:

- 3.15 not access, use or release information without an official purpose related to the performance of your duties and even then only in accordance with the policy of the Authority;
- 3.16 give proper attention to the classification of documents and information held within the Authority's holdings, and comply with Division 13: Records Management of the Finance and Administration Manual with regard to the storage and disposal of classified material;
- 3.17 unless authorised, not use any information that comes into your possession through your employment with the PLA to further your personal interests, financial or otherwise. To do so would cause a conflict of interest and could possibly be a criminal offence.

You are reminded that under Schedule 1 of the *Right to Information Act 2009* a document created or received by the PLA for the Prostitution Act is exempt from the Right to Information legislation.

You are also reminded that, according to section 133(1) of the *Prostitution Act 1999*, you are not permitted to disclose any information you have obtained in the administration of the Act, unless you:

- have the consent of the person from whom the information was obtained;
- are required to disclose the information for the purposes of administering the Act;
- disclose the information to the Minister or Commissioner of Police;
- have the approval of the Authority to disclose information to a person administering a corresponding law;
- disclose the information in a proceeding under the Act or a report of the proceeding;
- are required to do so before a court; or
- know the information would normally be made available to any member of the public on request.

When you cease employment with the Authority you have an obligation to maintain confidentiality regarding official information formerly available to you as an officer.

Public comment

Any request for information from representatives of the media should be directed to the Executive Director. To further protect the integrity of the Authority, you must not:

- 3.18 make any comment on matters relating to the Authority unless authorised by the Executive Director or the PLA; and

- 3.19 make public any personal views which may adversely affect the reputation of the Authority, or the exercise of its functions and responsibilities.
- 3.20 if a staff member of the PLA is a union representative or official, they do not need to seek permission from the PLA before expressing publicly their union's or association's views. However, any union representative or official is to ensure that such comments are clearly made and identified as the views of their union or association and are made in their official capacity as a representative or official of that union or association.

Conflicts of interest

A conflict of interest occurs when you as a public official are in a position to be influenced, or appear to be influenced, by your private interests when doing your job. They therefore have the potential to adversely affect the way you perform your official duties. Sources of conflicts of interests may be financial and economic interests, secondary employment, membership of a club or political party, and significant family or other relationships. Conflicts of interest are not in themselves unethical. The ethical challenge resides in their recognition and management. The Crime and Misconduct Commission has produced a number of resources to assist staff to recognise and react to conflicts of interest. For example, *Identifying and Managing Conflicts of Interest in the Public Sector*. Using the six questions set out on page 7 of this document will assist you to identify whether you may be faced with a conflict of interest. The following questions should also help you focus on your ethical deliberations:

- Is the matter a material personal interest; that is does the matter involve the possibility of gain or loss, whether financial or otherwise, for you or anyone defined as an associate?
- What is the nature of the relationship or association that could give rise to the conflict?
- Would a fair and reasonable person suspect that you were influenced by personal interest when performing your public duty?
- Is the matter an issue of great public interest? That is, is it controversial? (Many of the issues and the decisions that the PLA deals with are controversial.)
- If you do participate in the decision or action, would you be happy if your colleagues and the public became aware of your association?
- What is the best way to ensure impartiality, fairness and to protect the public interest?
- Do you need to seek advice or discuss the matter with an objective party?
- Are you confident of your ability to act impartially and in the public interest?

The nature of the business carried out by the Authority requires particular freedom from conflict of interests. As far as possible, you must seek to minimise the potential for conflict of interests. In particular, you must:

- 3.21 disclose in writing to the Executive Director any direct or indirect personal interest in, or association with, any person, association, corporation, or activity involved in or related to a matter which you encounter in the course of carrying out your duties;

Example:

Are you a member of an association, club or professional organisation, or do you have particular ties and affiliations with individuals or organisations that stand to gain or lose from a PLA decision or action?

- 3.22 ensure that, at all times, there is no personal association, including association outside working hours, between yourself and any individual subject to regulation by the PLA;

Example:

A licensee invites a compliance officer to join them for a counter lunch at a local hotel following a scheduled compliance audit. The compliance officer declines the offer and explains that the PLA Code of Conduct prevents their acceptance.

- 3.23 ensure that the giving and receipt of any gift or benefit is declared and recorded in the gift register. The giving and receipt of gifts and benefits must be in accordance with the principles for acceptance and non-acceptance of gifts or benefits contained in division 9 of the PLA's Finance and Administration Manual. Use the PROVE test, in the box below, to help you decide whether to accept a gift or benefit you are offered;

| | |
|------------------|---|
| Purpose: | What is the purpose of the gift? |
| Rules: | What are the rules relating to gifts? |
| Openness: | Is the gift offered in a hidden or open way? |
| Value: | Is the value of the gift high or low? |
| Ethics: | Would acceptance of the gift fit with public sector ethics? |

Examples:

During a visit to a brothel to conduct a compliance audit, two PLA staff are offered sandwiches and orange juice. The officers accept the hospitality and report it to the Executive Director verbally when they return to the office.

A staff member speaks at a Lions Club meeting and is presented with a Lions Club Christmas cake as a thank-you gift. The officer accepts the gift and reports it to the Executive Director verbally when they return to the office.

- 3.24 refuse any offer of money, and never solicit money, a gift or benefit, or travel or hospitality, in any way related to carrying out your functions;

Examples:

Monetary gifts, regardless of the amount, should never be accepted by staff under any circumstances.

Staff must never pre-arrange customary hospitality with a brothel licensee or manager when a visit to a brothel is being planned.

- 3.25 take all reasonable steps to ensure that your family members and close personal associates refuse to accept any offer of money, and never solicit money, a gift or benefit, or travel or hospitality, in any way related to carrying out your functions;

Example:

Does a relative, friend or other associate stand to gain or lose in terms of reputation as a result of a PLA decision or action?

- 3.26 ensure that any outside employment or business activity is approved by the Executive Director and in no way interferes or conflicts with your duties and obligations to the Authority (refer to the policy on secondary employment contained in division 17 of the PLA's Finance and Administration Manual);

Examples:

You play professionally in a band, often until late at night. The constant late hours mean that you may not be at your best for work. If you cannot change the hours of your work in the band, you could quit either the band or your job at the PLA. Alternatively, you could ensure that your work in the band is not on week nights.

You are an administrative support officer who types resumes and assignments part-time to earn extra money. Some people may have a perception that you do private work during working hours. You should let your supervisor or the Executive Director know about your outside employment so that your work can be monitored.

- 3.27 refrain from engaging in, or otherwise disclose, any activity that may present a potential conflict of interest;

Example:

Engaging in some form of prostitution in Queensland.
Participating in a rally for prostitution law reform.

Personal conduct

- 3.28 At all times, you are to act and be seen to act properly and in accordance with the law and the terms of this Code of Conduct. You are not to act in a manner which will adversely reflect on the Authority generally or on yourself as a member of the Authority.

4. Diligence

It is expected that you will exercise proper diligence, care and attention, and seek to achieve high standards of public administration. You must:

- 4.1 seek to meet any agreed performance outcomes, and discuss potential problems with a supervisor, or any barriers to achieving performance objectives;
- 4.2 make efforts to develop work skills and knowledge, keep abreast of advances or changes occurring in your area of expertise, and take initiative to identify and apply for self-development opportunities;
- 4.3 cooperate with and assist other officers of the Authority in the performance of their duties when reasonably necessary to do so;
- 4.4 refrain from distracting or interfering with an officer of the Authority from carrying out their duties;

- 4.5 ensure that consumption of substances, for example alcohol, has no adverse effect on your work performance or behaviour and, in the case of medications that may impact on the performance of your duties, that you advise your manager;
- 4.6 seek approval from the Executive Director if you wish to use any of the Authority's equipment for private purposes; and
- 4.7 ensure the clients of the Authority are provided with a high standard of service, and that any instructions or policies about service standards are met.

5. Economy and efficiency

To fulfil your obligations under this ethical principle, you must:

- 5.1 ensure that public resources, including the official car parking sign, are not wasted, abused, or used improperly or extravagantly;
- 5.2 ensure that official facilities and equipment, such as vehicles or computers, are used for official business only, unless a private-use arrangement applies or you have received approval for private use;
- 5.3 ensure that any frequent flyer points accrued as a result of official travel are used for official purposes only;
- 5.4 only use the Authority's internet and electronic mail systems for official purposes unless otherwise approved; and
- 5.5 only use the Authority's credit card in the course of official business.

Disciplinary Action

Section 87(1) of the *Public Service Act 1996* provides that an authority may discipline an officer if the authority is reasonably satisfied that the officer has contravened, without reasonable excuse, a provision of a Code of Conduct.

For the purposes of this Code of Conduct, the Executive Director is responsible for its management on a day-to-day basis. This means that the Executive Director is responsible for deciding, under the circumstances, whether a breach of the Code may have occurred or in some instances, whether the matter should be referred to another agency for investigation.

If you are found in the course of committing any criminal offence or breach of this Code or if you are suspected of committing an offence or breach of this Code, all necessary action will be taken by the agency conducting the investigation to do one or more of the following things, where an authority exists to do so:

- prevent the continuation or repetition of an offence or the commission of another offence
- identify and detain a suspect officer
- preserve the safety or welfare of any person
- prevent the harassment of, or interference with, a person who may be required to give evidence relating to an alleged offence

- obtain or preserve evidence relating to an alleged criminal offence (e.g. seize exhibits, forensic/crime scene examination, photographs, medical examination, obtain first versions of witnesses)
- prevent the fabrication of evidence
- immediately advise the PLA.

Any breach of this Code of Conduct will be dealt with under the Finance and Administration Manual, division 17: Human Resources (section 17.11 Discipline procedures) or referred to the appropriate agency (Queensland Police Service or Crime and Misconduct Commission).

If you are subject to disciplinary action under this Code of Conduct you will be treated with respect and consideration, and may utilise the services of a union/other representative or support person in an advisory capacity during the disciplinary process.

In dealing with breaches of the Code of Conduct, the Executive Director and PLA shall deal with officers in a fair, impartial and unbiased manner, and the principles of natural justice must be observed. This means that, if you are accused of breaching the Code, you will have the right to respond to the allegation before any determination is made. At all stages of the process you will have the opportunity to present all relevant information.

When a breach of the Code of Conduct has been identified, the Executive Director must prepare a written report for the consideration of the PLA. The report will outline the alleged breach, any investigation of the matter and any recommended action proposed as a result of the incident. The PLA must consider the report and decide what action will be taken.

Any breach of the Code of Conduct that amounts to a criminal offence will be referred by the PLA to the police, and any breach that amounts to official misconduct will be referred by the PLA to the Crime and Misconduct Commission.

Section 89(1) of the *Public Service Act 1996* gives the PLA the authority to suspend an officer from duty if it reasonably believes that the officer is liable to discipline and the proper and efficient management of the officer's department might be prejudiced if the officer were not suspended.

If a breach of the Code of Conduct has been proven, and the PLA has decided that a sanction is appropriate, the disciplinary provisions of the *Public Service Act 1996* will apply. Section 88(3) of the *Public Service Act 1996* states that, if an officer contravenes a Code of Conduct, the Authority may do any one or more of the following:

- Terminate the officer's employment
- Reduce the officer's classification level and change the officer's duties accordingly
- Transfer or redeploy the officer to other employment in the public service
- Forfeit or defer a remuneration increment or increase of the officer
- Reduce the level of the officer's remuneration

- Impose a penalty on the officer of not more than a total of two of the officer's periodic remuneration payments
- Direct that a penalty imposed on the officer be deducted from the officer's periodic remuneration payments
- Reprimand the officer.

Examples:

A PLA officer reports to the Executive Director that they have seen another officer photocopying confidential documents relating to a particular brothel licence application and placing the photocopies in their handbag. When the officer is asked what they are doing they state: "You don't want to know what I'm doing". The Executive Director immediately puts the allegation to the officer and asks for a response. The officer admits there was personal information contained in the applicant's file about the criminal history of a personal associate and they had copied the information to show family members. The Executive Director immediately informs the Chair, PLA about the incident and refers the matter to the Queensland Police Service for investigation of a breach of section 133 of the *Prostitution Act 1999*. Should the Queensland Police Service instigate proceedings against the officer the PLA may decide to take interim action as a result. When the matter has been finalised by police or determined by the courts, the Executive Director will prepare a written report for the PLA containing all information including recommendations (if appropriate).

A PLA officer is charged with an indictable offence but does not disclose this to the Executive Director as required under section 3.10 of the Code of Conduct. A colleague becomes aware of the charge and reports it to the Executive Director. The Executive Director interviews the officer who admits they had been charged three weeks earlier but felt the issue was a private one and did not concern the PLA. The Executive Director reminds the officer that they have breached the Code of Conduct in failing to immediately report the charge to the PLA. The Executive Director prepares a written report containing all information and recommending reprimand of the officer under section 88(3) of the *Public Service Act 1996*. The report is presented to the PLA at their next meeting and the recommendation is considered.