

QPAC CODE OF CONDUCT



DOCUMENT CONTROL

Document Name:	Code of Conduct		
Version:	003		
Endorsed by:	Board / Chief Executive	Date approved:	12 December 2022
Approved by:	Minister for Communities and Housing and Minister for the Arts and Digital Economy	Date approved:	23 March 2023
Maintained by:	Director – Human Resources and Safety	Date of next review:	December 2027

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CONTEXT

1. The Queensland Performing Arts Centre is one of four arts organisations that make up the Cultural Precinct on the South Bank of the Brisbane River. It is Queensland's leading home of live performance, showcasing the best in performance from Australia and around the world and hosting over a million people each year.
2. QPAC exists for a public purpose and is funded directly and indirectly by public funds. As a public organisation, QPAC is committed to ensuring and upholding ethical conduct.
3. QPAC is a Queensland government statutory body established under the *Queensland Performing Arts Trust Act 1977* and is a public sector entity as defined in the *Public Sector Ethics Act 1994* (Public Sector Ethics Act). The Public Sector Ethics Act requires QPAC to have a code of conduct which applies to all Board Members and Employees.
4. This Code is based on the Code of Conduct for the Queensland Public Service and has been developed in consultation with Board Members, Employees and the Media Entertainment and Arts Alliance.

APPLICATION

5. This Policy applies to:
 - (a) all Board Members as indicated throughout the Code; and
 - (b) all Employees.
6. The obligations extend to:
 - (a) the performance of Employees' and Board Members' official duties;
 - (b) representation of QPAC at conferences, training events, on business trips or other work-related functions;
 - (c) attendance at work-related social events;
 - (d) periods of time when an Employee or Board Member is suspended from duties or
 - (e) periods of time and/or circumstances when reasonably required by QPAC.
7. QPAC may, in its absolute discretion, amend this Policy at any time.

FRAMEWORK

8. The Public Sector Ethics Act sets out the following 4 ethics principles which are fundamental to good public administration:
 1. Integrity and impartiality;
 2. Promoting the public good;
 3. Commitment to the system of government; and
 4. Accountability and transparency.
9. These are the fundamental principles of ethical behaviour essential to robust public sector integrity and accountability and which QPAC must promote in its internal and external relationships.

10. The Public Sector Ethics Act sets out ethics values which support these ethics principles and describe the behaviour that will demonstrate that principle. The ethics values apply to QPAC and all QPAC's Board Members and Employees.
11. This Code sets out standards of conduct in relation to each ethics value, to assist Board Members and Employees in understanding how to put the principles and values into practice. However, the standards are not intended to cover every possible scenario and Board Members and Employees must uphold the spirit and intention of the principles and values as well as complying with the specific standards.

POLICY

RESPONSIBILITIES

Employees

12. All Board Members and Employees have an obligation to ensure their conduct is appropriate and must take personal responsibility for upholding this Code and demonstrate the ethics principles, values and standards of conduct outlined in the Code of Conduct in the performance of their duties.
13. They must:
 - (a) uphold the spirit and intention of the ethics principles and ethics values set out in this Code; and
 - (b) comply with the specific standards of conduct set out in this Code.

Board Members and Executives

14. As QPAC's senior leaders, Board Members and Executives have a responsibility to visibly demonstrate and uphold the ethics principles and values.
15. They must:
 - (a) promote an organisational culture that values high ethical standards and behaviour;
 - (b) openly demonstrate their conscious commitment to ethics by communicating the importance of ethical decision-making in the workplace and promoting ethical behaviour in day-to-day actions; and
 - (c) ensure that all Employees have access to training in the operation of this Code and in ethical decision-making.

Managers

16. As managerial behaviour sets the tone for the conduct of all Employees, Managers have a responsibility to model and promote this Code.
17. They must:
 - (a) foster an ethical environment and demonstrate this in performing their duties and in making decisions;
 - (b) ensure their Employees understand the Code, and any other relevant legislation, directives, delegations, policies, procedures, standards, guidelines and other information required to satisfactorily perform their duties;
 - (c) ensure that appropriate development and training is provided to enable their Employees to perform their duties to the expected standard; and
 - (d) make fair, transparent and consistent decisions regarding any allegations of behaviour that does not comply with this Code.

STANDARDS OF CONDUCT

1. Integrity and Impartiality

Values

Section 6 Public Sector Ethics Act

In recognition that public office involves a public trust

QPAC, its Board Members and Employees seek to promote public confidence in the integrity of the public sector and:

- (a) are committed to the highest ethical standards;
- (b) accept and value their duty to provide advice which is objective, independent, apolitical and impartial;
- (c) show respect towards all persons, including employees, clients and the general public;
- (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.

Standards

Commit to the highest ethical standards

- 18. Board Members and Employees must ensure that their conduct meets the highest ethical standards when fulfilling their responsibilities.
- 19. They must:
 - (a) provide objective, independent, apolitical and impartial advice;
 - (b) ensure they make decisions ethically;
 - (c) engage with the community in a manner that is consultative, respectful and fair; and
 - (d) report suspected wrongdoing, including conduct that is not consistent with this Code.

Manage conflicts of interest

- 20. Board Members and Employees must comply with QPAC's Conflicts of Interest Policy.

Contribute to public discussion in an appropriate manner

- 21. Providing official comment on government policy is a matter for Ministers. Unless prior authorisation has been given, Employees must not comment to the media on government policy.
- 22. Where required to provide factual information to the public as part of their official duties, Employees must ensure that the information is properly authorised and that they properly represent government policy and its intended spirit.
- 23. Employees have the right to contribute to public discussions on community and social issues in their private capacity. In doing so, they must:
 - (a) take reasonable steps to ensure that it is clear that the comments are personal views, not those of government; and

- (b) maintain the confidentiality of information that is not publicly available that they have due to their roles at QPAC.

Manage participation in external organisations

- 24. Board Members and Employees have the right to be active privately in a political party, professional organisation or trade union. However, when participating in activities in the public arena which may give rise to a perceived conflict of interest, they must comply with QPAC's Conflicts of Interest Policy.
- 25. Employees who are elected as workplace representatives or officials of a trade union or professional association are not required to seek QPAC's permission before speaking publicly in that capacity with the proviso that it is clear their comments are made only on behalf of that organisation.
- 26. Board Members and Employees must comply with relevant privacy, confidentiality and information management laws and obligations at all times.
- 27. Where applicable, Employees must comply with the Protocol for Employees Undertaking External Appointments at all times.

Demonstrate a high standard of workplace behaviour and personal conduct

- 28. Board Members and Employees have a responsibility to conduct and present themselves in a professional manner and to demonstrate respect for all persons including other Board Members and Employees, suppliers, customers and members of the public.
- 29. They must:
 - (a) treat co-workers, suppliers, customers and members of the public with courtesy and respect, be appropriate in their relationships, and recognise that others have the right to hold views which may differ from their own;
 - (b) comply with QPAC's Workplace Behaviour Policy;
 - (c) comply with QPAC's Work Health Safety Wellbeing Policy and procedures;
 - (d) ensure their private conduct maintains the integrity of the public service and their ability to perform their duties;
 - (e) undertake cultural capability training as and when required by QPAC; and
 - (f) comply with legislative and/or policy obligations to report employee criminal charges and convictions.

2. Promoting the public good

Values

Section 7 Public Sector Ethics Act

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

QPAC, its Board Members and Employees:

- (a) accept and value their duty to be responsive to both the requirements of government and to the public interest;
- (b) accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions;
- (c) accept and value their duty to manage public resources effectively, efficiently and economically;
- (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.

Standards

Commit to excellence in service delivery

30. QPAC is entrusted with public funds to develop and deliver services to the community on behalf of government.

31. Employees must:

- (a) deliver services fairly, courteously, and effectively;
- (b) use resources efficiently and economically;
- (c) assist all members of the community, particularly people with disabilities, those who speak languages other than English, and those who may find it difficult to access services; and
- (d) treat complaints from stakeholders and members of the public seriously and where applicable comply with QPAC's complaints processes.

Ensure appropriate community engagement

32. Community participation is crucial to the development of quality government planning and decision-making processes.

33. Where appropriate and in accordance with their official duties, Employees must listen and respond to issues and concerns raised by individuals or communities.

Work as an integrated service

34. In order to deliver excellence in customer service, Employees must work together with employees of other Queensland government departments and agencies to address complex issues and provide integrated services to the community.

35. Where appropriate and in accordance with their official duties, Employees must:

- (a) share information across Queensland government departments and agencies to enhance the seamless delivery of services;

- (b) share common-use assets, accommodation, and infrastructure within Queensland government departments and agencies to generate economies and efficiencies;
- (c) collectively plan and deliver related programs and services within Queensland government departments and agencies; and
- (d) work cohesively at the local, regional, state and national levels to provide integrated services.

3. Commitment to the system of government

Values

Section 8 Public Sector Ethics Act

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

QPAC, its Board Members and Employees:

- (a) accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government;
- (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.

Standards

Commit to roles

36. Board Members and Employees must:

- (a) accept that the elected government has the right to determine policy and priorities;
- (b) be responsive to the government of the day and implement decisions and policies professionally and impartially;
- (c) comply with the laws of Australian, State and local governments; and
- (d) comply with all relevant directives, policies, procedures, standards, guidelines, awards and certified agreements.

Maintain appropriate relationships with Ministerial staff

- 37. Board Members and Employees must ensure that their official interactions with Ministers and ministerial staff are positive and productive.
- 38. Ministerial staff are not empowered to direct Board Members or Employees. If a ministerial staff attempts to direct an Employee, the Employee must notify their Executive Manager immediately.

Ensure proper communication with Members of Parliament

- 39. Board Members and Employees have the right to communicate directly with a Member of Parliament on any issue affecting them as a private citizen. In communicating with Members of Parliament as private citizens, Board Members and Employees must maintain the confidentiality of information that is not publicly available that they have due to their roles at QPAC.

4. Accountability and transparency

Values

Section 9 Public Sector Ethics Act

In recognition that public trust in public office requires high standards of public administration

QPAC, its Board Members and Employees:

- (a) are committed to exercising proper diligence, care and attention;
- (b) are committed to using public resources in an effective and accountable manner;
- (c) are committed to managing information as openly as practicable within the legal framework;
- (d) value and seek to achieve high standards of public administration;
- (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 government departments, agencies and officials.

Standards

Ensure diligence in public administration

40. Board Members and Employees have an obligation to seek to achieve high standards of public administration and perform their duties to the best of their abilities.

41. They must:

- (a) apply due care in their work;
- (b) provide accurate and impartial advice to all clients whether members of the public or Australian, State or local government departments or agencies;
- (c) treat all people equitably and consistently;
- (d) comply with all reasonable and lawful instructions, whether or not they personally agree;
- (e) exercise their lawful powers and authority with care and for the purpose for which these were granted; and
- (f) demonstrate the principles of procedural fairness and natural justice when making decisions.

42. The principles of procedural fairness and natural justice include:

- (a) giving a person who may be adversely affected by a decision an opportunity fully to state their case before a final decision is made;
- (b) ensuring that the final decision takes the person's input into account;
- (c) ensuring that the final decision will be compatible with human rights by:
 - (i) not limiting a human right; or
 - (ii) limiting a human right only to the extent that it is reasonable and demonstrably justifiable under Section 13 of the *Human Rights Act 2019*.

- (d) ensuring that the decision is factually based, fair and equitable and is not influenced by the personal bias of the decision maker;
- (e) giving the person an explanation of the decision;
- (f) providing the person with information regarding their grievance or complaint rights and procedures and any time limits that apply.

Ensure transparency in our business dealings

43. In order to ensure all dealings with private industry are conducted with the highest level of integrity, Board Members and Employees must:

- (a) comply with QPAC's Gifts & Benefits Policy and Entertainment & Hospitality Policy;
- (b) ensure that their business meetings with persons who were formerly Ministers, Parliamentary Secretaries or senior government representatives are not on matters those persons had official dealings with in their recent previous employment in accordance with government policy;
- (c) not knowingly permit an unregistered lobbyist to carry out lobbying activity with the Board Member or Employee for a third party client; and
- (d) properly record any correspondence or engagement with lobbyists.

Ensure appropriate use of official resources, public property and facilities

44. Board Members and Employees are accountable for all resources that they use in the course of their duties.

45. They must:

- (a) be economical, and avoid waste and extravagance in the use of public resources;
- (b) use public resources for proper purposes;
- (c) purchase, manage, use and care for public resources in accordance with official policies; and
- (d) responsibly utilise human assets such as corporate knowledge and intellectual property as public resources.

Ensure appropriate use and disclosure of official information

46. The public has a right to know the information that is created and used by the government on its behalf. This right is balanced by necessary protections for certain information, including personal information.

47. Board Members and Employees must comply with relevant privacy, confidentiality and information management laws and obligations in relation to QPAC's information at all times, including in their private capacity and after they have left QPAC.

48. Board Members and Employees must:

- (a) treat official information with care and use it only for the purpose for which it was collected or authorised;
- (b) store official information securely, and limit access to those persons requiring it for legitimate purposes;

- (c) comply with QPAC's Privacy Policy;
- (d) not use confidential or privileged information to further personal interests.

Commit to innovation and continuous performance improvement

- 49. QPAC's capacity to deliver services to the community depends on an innovative and creative workforce, and a commitment to continuously improve the performance of our agency and ourselves.
- 50. Board members must maintain and develop their professional skills and knowledge.
- 51. Employees must, having regard to their roles:
 - (a) maintain and develop their professional skills and knowledge;
 - (b) in consultation with their Managers, take reasonable steps to identify and apply for development opportunities relevant to their current roles and responsibilities;
 - (c) actively participate in performance management processes, including induction, performance planning and development; and
 - (d) actively contribute to developing and improving business planning and processes, including innovative ways of delivering services.

ETHICAL DECISION MAKING

- 52. In real life, ethical issues are often very complex. Board Members and Employees are expected to apply judgement in the resolution of ethical issues or dilemmas, using this Code of Conduct as a starting point. The following steps should be considered.

- 1. Determine who holds the decision-making authority
 - Identify who has the authority to make a decision that could adversely affect someone's rights or interests.
 - Refer to the Schedule of Delegations/Delegation of Authority
- 2. Define the problem.
 - What are all the relevant facts and issues?
 - Who will be affected by or interested in the issue?
- 3. What instructions already exist?
 - Are there existing policies / guidelines / instructions that give guidance on this issue?
 - If instructions exist and pose no ethical dilemmas then the instructions should be implemented.
- 4. Does the problem have an ethical dimension?

Where there are no instructions, or where the instructions pose an ethical dilemma, reflect on the following:

- Which ethics principles and values are relevant to the issue?
- Does a standard of conduct deal with the specific issue?
- Ask "If I had to justify this course of action against this standard of conduct [or ethics principle or value], how would my course of action be judged?" If there are several options, test each of them.

5. Seek guidance if necessary.
 - Employees may seek guidance from their Manager and/or the Human Resources Team, if appropriate.
 - Information is also available at www.ethics.qld.gov.au.
 - Board Members and the Chief Executive may ask the Integrity Commissioner for advice on an ethics or integrity issue involving that Board Member or Chief Executive.
6. Weigh up the principles, values and standards and make a decision

Which is the best option in terms of:

 - the public interest?
 - legality (consistency with legislation, policy, guidelines, the Code of Conduct)?
 - cost-benefit (expected outcome versus potential risk)?
 - defensibility (how the decision could be interpreted if it became public knowledge)?
7. Record the decision

Record your decision and your decision making process in case you are asked to account for your decision.

BREACHES OF THE CODE

53. The purpose of the Code of Conduct is to provide a framework of positive expectations within which Board Members and Employees fulfil their roles and conduct their work.
54. The Code is to be used by Board Members and Employees to help identify and avoid placing themselves in ethical dilemmas. Alternatively, where a dilemma is unavoidable, the Code provides guidance on how ethical dilemmas can be managed.
55. However, even with the best of intentions, differences in opinion and judgment will sometimes occur. If there are consequences from an error or misjudgement made by an Employee, where they have acted reasonably in the circumstances and made a genuine effort to abide by the Code these factors will be taken into account.

Breaches

56. In rare cases, consequences may flow from a breach of the Code either because an Employee did not seek guidance from the Code or chose not to comply with the Code. In these circumstances, QPAC may take action against the Employee.
57. Minor breaches of this Code will be addressed by normal managerial action, including under QPAC's Management of Diminished Performance Policy and Procedure where appropriate.
58. Serious or persistent breaches of this Code may result in disciplinary action ranging from formal warning to summary dismissal.
59. Where a breach is reasonably believed to constitute Corrupt Conduct, QPAC is obliged to report the matter to the Crime and Corruption Commission, in accordance with QPAC's Public Interest Disclosure Policy and Procedure.
60. Where a breach may constitute a criminal offence, QPAC is obliged to report the matter to the Queensland Police Service.

Reporting

61. In accordance with standard of conduct **Error! Reference source not found.**, Board Members and Employees must report any suspected wrongdoing, including conduct that is not consistent with this Code. The report may be made to:
- (a) the reporter's Manager;
 - (b) the alleged wrongdoer's Manager; or
 - (c) the Director – Human Resources and Safety.
62. QPAC supports Employees who report genuine concerns of wrongdoing and manages any reports of suspected wrongdoing in a fair, transparent and consistent manner.
63. Where the report of wrongdoing amounts to a grievance, this will be dealt with in accordance with QPAC's Grievance Handling Procedure.
64. Where the report of wrongdoing amounts to a Public Interest Disclosure, this will be dealt with in accordance with QPAC's Public Interest Disclosure Policy and Procedure.

ENQUIRIES

65. If you have any enquiries regarding this Policy, please contact:
- (a) your manager;
 - (b) the Director – Human Resources and Safety; or
 - (c) General Counsel.

REVIEW

66. This code is to be reviewed:
- (a) At any time that the Public Sector Ethics Act is amended; and
 - (b) This Policy must be reviewed at least every 5 years.

AMENDMENTS

67. When amendments to this Code are required, QPAC:
- (a) consults with all Board Members, Employees and industrial organisations and other appropriate organisations representing the Employees' interests; and
 - (b) submits the amended Code to the Minister for the Arts for approval together with a written statement by the Chief Executive outlining the nature and extent of the consultations that took place during the preparation of the Code and the outcome of those consultations.
68. Amendments to this Code do not take effect unless and until approved by the Minister for the Arts.

DEFINITIONS

Term	Definition
Board Members	QPAC's Board Members (i.e., Members of the Queensland Performing Arts Trust appointed under section 6(1) of the <i>Queensland Performing Arts Trust Act 1977 (Qld)</i>)
Code	This Code of Conduct
Corrupt Conduct	<p>Conduct that:</p> <ul style="list-style-type: none"> adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of: <ul style="list-style-type: none"> a unit of public administration; or a person holding an appointment; and results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that: <ul style="list-style-type: none"> is not honest or is not impartial; or involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and would, if proved, be a criminal offence or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment. <p>Source: <i>Section 15(1) Crime and Corruption Act 2001</i> For further information, refer to QPAC's Public Interest Disclosure Policy and Procedure</p>
Employees	All QPAC employees, including permanent, temporary, casual, full time, part time, variable part time and flexible part time employees, interns, work experience students and volunteers. For the purposes of this document, a member of QPAC's Aboriginal and Torres Strait Islander Advisory Group, who is not also a Board Member, is considered an 'Employee'.
Executives	Members of QPAC's Executive Team as constituted from time to time
Executive Manager	Executive in an Employee's reporting line
Managers	Employees who have line management responsibility for other Employees
Official Duties	Exercising the functions of an employee's position
Public Interest Disclosure	<ul style="list-style-type: none"> A disclosure made by any person to a proper authority about:

Term	Definition
	<ul style="list-style-type: none"> ○ a substantial and specific danger to the health or safety of a person with a disability; or ○ the commission of particular offences or contraventions which pose a substantial and specific danger to the environment; or ○ a reprisal; or ● A disclosure made by a Board Member or Employee about: <ul style="list-style-type: none"> ○ the conduct of another person that could, if proved, be: <ul style="list-style-type: none"> ▪ Corrupt Conduct; or ▪ maladministration that adversely affects a person's interests in a substantial and specific way; ○ a substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure); ○ a substantial and specific danger to Public Health or Safety; or ○ a substantial and specific danger to the environment. <p>Source: Chapter 2 <i>Public Interest Disclosure Act 2010</i> For further information, refer to QPAC's Public Interest Disclosure Policy and Procedure</p>
Public Sector Ethics Act	<i>Public Sector Ethics Act 1994</i>
QPAC	Queensland Performing Arts Trust

REFERENCES

<i>Crime and Corruption Act 2001</i>
<i>Public Interest Disclosure Act 2010</i>
<i>Public Sector Ethics Act 1994</i>
<i>Human Rights Act 2019</i>
QPAC Conflicts of Interest Policy
QPAC Public Interest Disclosure Policy and Procedure
QPAC Entertainment and Hospitality Policy
QPAC Gifts and Benefits Policy
QPAC Grievance Handling Procedure
QPAC Management of Diminished Performance Policy and Procedure
QPAC Patron Feedback Management Policy and Procedure
QPAC Privacy Policy
QPAC Protocol for Employees Undertaking External Appointments
QPAC Workplace Behaviour Policy
QPAC Workplace Health, Safety and Wellbeing Policy and procedures