

Code of Conduct



Contents

Code of Conduct	1
Version control.....	2
Background	3
Purpose	3
To whom does the Code Apply?	4
Responsibilities of Panel Members	4
Disclosure of Conflicting Interest in a Panel review application	4
Disclosure of changes in Criminal history.....	4
Other Responsibilities:.....	4
Compliance with Policies etc issued by Chairperson	4
Matters to Notify Chairperson	5
Professional obligations.....	5
Breach of Code of Conduct	5
Embedding an Ethical Culture – Panel Roles	5
Guidance on the Code and seeking Advice on Integrity Matters	6
The Public Sector Ethics Act 1994	6
Ethics Principles, Values and Standards	6
1. Integrity and impartiality	8
Standards of conduct.....	8
1.1 Commit to the highest ethical standards	8
1.2 Manage conflicts of interest.....	8
1.3 Manage participation in external organisations.....	9
1.4 Comment on Panel matters and contributing to public discussion in an appropriate manner	9
1.5 Demonstrate a high standard of workplace behaviour and personal conduct	9
2. Promoting the public good	10
Standards of conduct.....	10
2.1 Commit to excellence in service delivery	10
2.2 Work as an integrated service	10
3. Commitment to the system of government	11
Standards of conduct.....	11
3.1 Act independently and not subject to direction or control.....	11
3.2 Commitment to Roles of the Panel.....	11
3.3 Maintain appropriate relationships with Ministerial staff.....	11
3.4 Ensure proper communication with Members of Parliament.....	12
4. Accountability and transparency	13

Standards of conduct..... 13

4.1 Ensure diligence as public officials..... 13

4.2 Ensure transparency in business dealings..... 13

4.3 Ensure appropriate use of official resources, public property and facilities 14

4.4 Ensure appropriate use and disclosure of official information..... 14

4.5 Commit to innovation and continuous performance improvement..... 14

Version control

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

Version	Details	Author	Date
1.0	First draft	Megan Giles	
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Background

The Racing Appeals Panel (the Panel) is established under the *Racing Integrity Act 2016* (the RIA) to hear and decide applications for review of racing decisions of stewards. Its establishment is one of the ways the purposes of the Act are to be achieved, as outlined at section 3 of the RIA:

- to maintain public confidence in the racing of animals in Queensland for which betting is lawful; and
- to ensure the integrity of all persons involved with racing or betting under the *RIA* or *Racing Act 2002*; and
- to safeguard the welfare of all animals that are or have been involved in racing under the *RIA* or *Racing Act*.

The Chairperson, Deputy Chairpersons and Panel members (Members) of the Panel are independent statutory appointees appointed by the Governor in Council.

Under the RIA, in performing functions or exercising powers the Panel and Panel members must act independently, impartially and fairly and are not subject to direction or control by any entity, including any Minister.

Purpose

The Code of Conduct (the Code) for the Panel provides for the standard of conduct and behaviour expected of members of the Panel to ensure reviews of racing decisions of stewards are delivered fairly with integrity, professionalism, accountability and diligence.

This Code recognises that Panel members all demonstrate ethical leadership in how they perform their functions and is a statement of the Panel's commitment to the people of Queensland in how they will discharge their functions as statutory appointees under the RIA.

Public Sector Ethics Act 1994

The Panel is a public sector entity under the [*Public Sector Ethics Act 1994*](#) (Qld) (the PSEA), being an entity established under an Act for a public purpose. As such:

- the Panel must have a code of conduct that relates to it and which applies to all public officials of the public sector entity
- a public official must comply with the standards of conduct set out in the Code and
- the ethics principles and values in the PSEA apply to the Panel.

The PSEA sets out four ethics principles that are declared to be fundamental to good administration:

- Integrity and impartiality
- Promoting the public good
- Commitment to the system of government
- Accountability and transparency

The PSEA further identifies associated ethics values for each ethics principle.

To whom does the Code Apply?

This Code applies to all Members of the Panel appointed under section 252BC(1) of the RIA, including the Chairperson, Deputy Chairpersons and Members.

The Code applies when a member is performing official functions or exercising powers, including when as Member for a Panel review application or is representing the Panel at events eg. meetings, conferences, training or social events. The Code also applies to members acting in their private capacity to the extent outlined within this Code.

The Code does not apply to an officer of the Panel's Registry as they are appointed under the Public Service Act.

Responsibilities of Panel Members

Members take personal responsibility to uphold this Code, including to demonstrate the principles and values of the PSEA in the way they perform their functions.

Members must comply with the provisions of the RIA and other legislation impacting the Panel's operations and functions. For example, the [Information Privacy Act 2009 \(Qld\)](#).

The RIA sets out particular statutory obligations on Members:

Disclosure of Conflicting Interest in a Panel review application

Section 252AE of the RIA sets out the obligations on Members and the Chairperson where a member for a panel review has or acquires a conflicting interest in relation to an application. In this context, a 'conflicting interest' means an interest, whether financial or otherwise, held or acquired by the Member that may conflict with the proper performance of the member's functions in relation to deciding the application.

Principals applying to managing conflicts of interest more broadly within the context of the PSEA principle of 'Integrity and Impartiality' is outlined at 1.2 below.

Disclosure of changes in Criminal history

Section 252BO(2) of the RIA creates a positive obligation on Members to immediately give the Minister notice of a charge or conviction for an offence mentioned in s.252BD(2)(f). Unless the Member has a reasonable excuse, failure to notify the Minister creates an offence punishable by a maximum penalty of 100 penalty units.

Other Responsibilities:

Members should behave with propriety, professionalism and discretion particularly when they are identifiable as a member of the Panel.

Members should not use, or attempt to use, their position as a member of the Panel to gain advantage for themselves or someone else nor to influence other persons and situations.

Compliance with Policies etc issued by Chairperson

Members must comply with any policy, procedure, standard, operational guidelines or practice direction issued by the Chairperson for the Panel.

This includes a [protocol](#) relating to Media and engagement.

Matters to Notify Chairperson

Members have a broad obligation to notify the Chairperson of anything that has the potential to adversely impact on their membership or on the Panel itself. There are specific instances are outlined within this Code.¹ Other instances include:

- Any change in personal circumstances which may be relevant to their eligibility for appointment under section 252BD of the RIA. Members should be aware of the range of matters under s. 252BD(2) which provide for ineligibility of members, in particular concerning racing industry related associations.
- Any matter which has the potential to adversely impact the Panel's reputation (including independence or impartiality) whether actual or perceived.

Professional obligations

This Code operates alongside any professional obligations or codes of conduct that may apply to any Member from time to time. Panel members are responsible for advising the Chairperson if there are matters arising from a member's professional obligations which may impact the discharge of their functions or their eligibility for appointment under s.252BD of the RIA.

Breach of Code of Conduct

Suspected wrongdoing should be reported to the Chairperson, including conduct not consistent with this Code. If alleged conduct concerns the Chairperson, suspected wrongdoing should be reported to either Deputy Chairperson or the Minister via the Director-General. If a Member makes a report, they must act promptly, fairly and with transparency regarding any allegation/s.

The Chairperson will manage any reports of suspected wrongdoing in a fair, transparent and consistent manner. Panel Members will collaborate with the Chairperson similarly in resolving matters.

Members who breach the Code may be liable for their actions or omissions under civil² and criminal law. A failure to behave in the ways described in the Code may amount to misconduct. In the most serious cases it could lead to removal from office under section 252BI of the RIA.

Nothing in this Code excludes Members from reporting corrupt conduct as provided for under the [Crime and Corruption Act 2001 \(Qld\)](#), or making a public interest disclosure as provided for under the [Public Interest Disclosure Act 2010 \(Qld\)](#).

Embedding an Ethical Culture – Panel Roles

An independent, impartial and ethical culture is driven by the example set by the Chairperson, the Deputy Chairpersons and all Members through how they conduct themselves.

The Chairperson has a responsibility to visibly demonstrate the principles of the RIA, the Code and PSEA and to promote an organisational culture that values high ethical standards and behaviour. The Chairperson openly demonstrates conscious commitment to ethics by communicating the importance of lawful and ethical decision-making by the Panel.

The Chairperson also ensures Panel members have access to training to perform their functions as well as in the operation of this Code and in ethical decision-making more broadly.

The Deputy Chairpersons support the Chairperson in these respects.

All Members have a responsibility to model and promote this Code. They acknowledge they have a role in influencing an ethical Panel culture through how they perform their functions and in their day-to-day actions.

¹ See for example 1.3 Manage participation in external organisations
1.4 Comment on panel matters etc

² Note section 259(1)(c) RIA - Protection from civil liability

Guidance on the Code and seeking Advice on Integrity Matters

The Code does not purport to provide an exhaustive account of ethical issues or scenarios which may arise. Members who have questions about the interpretation or application of the Code, or who are unsure of the appropriate action to take in a particular situation should first seek advice from the Chairperson.

Members, including the Chairperson and Deputy Chairpersons, are designated persons within the meaning of s.12(1)(b) of the *Integrity Act 2009* (Qld). As such, Members may seek confidential advice from the Integrity Commissioner regarding ethics and integrity issues in accordance with the process set out in the *Integrity Act*. This includes advice on conflict of interest.

Nothing in this Code excludes members from seeking independent advice about ethics and integrity matters.

Interpretation - References to the Chairperson in this Code includes reference to a Deputy Chairperson acting as Chairperson under s.252BG(2) of the RIA

The Public Sector Ethics Act 1994

Ethics Principles, Values and Standards

The ethics principles prescribed in the PSEA and contained in this Code are:

1 Integrity and impartiality

2 Promoting the public good

3 Commitment to the system of government

4 Accountability and transparency

These are the foundational principles of ethical behaviour essential to robust public sector integrity and accountability and which public sector entities and public officials must promote in their internal and external relationships.

Each principle is strengthened by the set of values describing the behaviour that will demonstrate that principle. Because of the nature of the Panel and its functions, some of the PSEA principles and values will inherently have a stronger relevance to the Panel than others. The principles and associated values are equally important however and all apply to the Panel.

The Standards of conduct, contained in the Code under each set of principles and values, help Panel members as individuals to understand how to put these principles and values into practice. The standards are not intended to cover every possible scenario, therefore in adhering to the Code, Panel members are committed to upholding the intention and spirit of the principles and values.

Principles

- Contained in Section 4 of the Public Sector Ethics Act 1994.
- Basis of good administration.

Values

- Contained in Part 3, Division 2 of the Public Sector Ethics Act 1994.
- Provides a detailed explanation of the principles.

Standards of Conduct

- Statements that reflect and support the values and principles.

1. Integrity and impartiality

The PSEA states:

In recognition that public office involves a public trust, public service agencies, public sector entities and public officials seek to promote public confidence in the integrity of the public sector and-

- a) are committed to the highest ethical standards
- 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 of conduct

1.1 Commit to the highest ethical standards

As public officials, Panel members are required to ensure that their conduct meets the highest ethical standards when they are fulfilling their responsibilities.

Panel members will:

- ensure any advice that they provide is objective, independent, apolitical and impartial
- ensure their decision making is ethical
- ensure hearings are fair and that parties are treated with courtesy and respect
- engage with the community in a manner that is consultative, respectful and fair, and
- meet their obligations to report suspected wrongdoing, including conduct not consistent with this Code.

1.2 Manage conflicts of interest

Members' specific obligations in managing a conflicting interest in relation to a panel review application is addressed above. More broadly, a conflict of interest involves a conflict between the duty of a Panel member, as a public official to serve the public interest and personal interests. A conflict may be actual or perceived.

The conflict may arise from a range of factors including personal relationships, employment outside of their role as a member of the Panel, membership of special interest groups, or ownership of shares, companies or property. As public officials, Panel members may also experience conflicts of interest between their public service ethics and professional codes of ethics (for example as lawyers or veterinarians) or with their personal beliefs or opinions.

Having a conflict of interest is not unusual and it is not in itself a wrongdoing. However, failing to disclose and manage the conflict appropriately is likely to be wrongdoing.

As public officials, Panel members are committed to demonstrating their independence and impartiality in fulfilling their responsibility and as such will:

- always disclose a personal interest that could, now or in the future, create a perception of influencing the performance of their functions.
- actively collaborate with the Chairperson and Panel in developing and implementing resolution strategies for any conflict of interest, and
- ensure that any conflict of interest is resolved in the public interest.

1.3 Manage participation in external organisations

The appointment of Panel members as public officials does not remove their right to be active privately in a political party, professional organisation or trade union.

As a member of a political party, however, Panel members are aware that participating in activities in the public arena, where the Panel member may be identified as a public official, can give rise to a perception of a conflict of interest. Where this situation arises, Panel members must declare and manage their activities in accordance with this Code.

Under their appointment conditions, Panel members are not able to:

- be a member or employee of Racing Queensland
- be registered or licenced by Racing Queensland
- have financial or proprietary interest in a licensed animal
- be a member or employee of a licensed club or association formed in Australia to promote the interests of participants in a code of racing.

Panel members must disclose to the Minister via the department, any new interests or changes to their circumstances that could impact your suitability to continue to serve on the Panel.

If a Member is speaking publicly in another capacity they must make it clear their comments are only on behalf of other organisation.

In all instances, Panel members will comply with the appropriate laws of privacy, confidentiality and information management.

1.4 Comment on Panel matters and contributing to public discussion in an appropriate manner

Panel members may be asked to comment publicly on matters that relate to, or may be perceived to relate to, the Panel. This may include matters subject of Panel review.

A member should not make any comment about Panel matters without first seeking the approval of the Chairperson and if approved, only do so in accordance with the [RAP Media and engagement protocol](#).

1.5 Demonstrate a high standard of workplace behaviour and personal conduct

Panel members have a responsibility to always conduct and present themselves in a professional manner and demonstrate respect for all persons, including other members, public sector employees, applicants and members of the public.

Panel members will:

- treat colleagues, stakeholders and members of the public with courtesy and respect, be appropriate in their relationships with them, and recognise that others have the right to hold views which may differ from their own
- ensure their conduct reflects their commitment to a workplace that is inclusive and free from harassment
- ensure their fitness for duty and the safety, health and welfare of themselves and others in the workplace, whether colleagues or clients and
- ensure their private conduct maintains the integrity of the Panel and their ability to perform their functions.

2. Promoting the public good

The PSEA states:

In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, public service agencies, public sector entities and public officials-

- a) accept and value their duty to be responsive to both the requirements of government and to the public interest
- 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 of conduct

2.1 Commit to excellence in service delivery

As a public sector entity, the Panel is entrusted with public funds to develop and deliver services to the community on behalf of government.

Panel members have a responsibility to:

- deliver services fairly, courteously, effectively and ensure they use resources efficiently and economically
- assist all members of the community, particularly people with disability, those who speak languages other than English, and those who may find it difficult to access government services, and
- treat complaints from stakeholders and the community seriously and respond to constructive feedback as an opportunity for improvement.

2.2 Work as an integrated service

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

Panel members have a responsibility, where appropriate and in accordance with their official functions, to:

- share information across Queensland public service agencies, where required or permitted by law, to enhance the seamless delivery of services
- share common-use assets, accommodation, and infrastructure within Queensland public service agencies to generate economies and efficiencies and
- work collectively at the local, regional, state and national levels to provide integrated services.

3. Commitment to the system of government

The PSEA states:

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

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

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

Standards of conduct

3.1 Act independently and not subject to direction or control

As outlined at the outset of this Code, section 252BA of the RIA provides expressly for the independence of the Panel and members:

252BA Independence of panel and members

In performing functions or exercising powers, the panel and members -

- (a) must act independently, impartially and fairly, and
- (b) are not subject to direction or control by any entity, including any Minister.

3.2 Commitment to Roles of the Panel

Panel members' role is to undertake their functions and exercise powers independently, impartially and fairly.

Panel members will:

- accept that the elected government has the right to determine policy and priorities
- be responsive to the government of the day
- comply with the laws of State, Australia and local governments
- adhere to the policies, organisational values and organisational documents of the Panel.

3.3 Maintain appropriate relationships with Ministerial staff

Ministerial advisors and public sector entities share a common commitment to serving the government of the day. Central to good government and the ability to carry out the functions of public sector entities are positive and productive interactions between the administrative and political arms of government.

Ministerial staff are not empowered to direct Panel Members. If this occurs, Members must bring this to the attention of the Chairperson.

Where there is contact between Members and ministerial staff, members will ensure their interactions are positive and productive.

3.4 Ensure proper communication with Members of Parliament

Panel members 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, Panel members will maintain the confidentiality of information that is not publicly available and which they have access to due to their roles.

4. Accountability and transparency

The PSEA states:

In recognition that public trust in public office requires high standards of public administration, public service agencies, public sector entities and public officials-

- a) are committed to exercising proper diligence, care and attention
- b) are committed to using public resources in an effective and accountable way
- 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 public service agencies, public sector entities and public officials.

Standards of conduct

4.1 Ensure diligence as public officials

Panel members have an obligation to seek to achieve high standards of public administration and perform their functions to the best of their abilities.

Panel members will:

- apply due care in their work, and provide accurate and impartial advice to all stakeholders whether members of the public, public service agencies, or any level of government
- treat all people equitably and consistently
- observe the principles of procedural fairness and natural justice when hearing and deciding review applications
- listen to evidence, ask clarifying points if unclear and to obtain information that is relevant and to exclude irrelevant information when deciding and hearing applications
- deal with each application on its merits and provide sound reasons for decisions
- exercise their lawful powers and authority with care and for the purpose for which these were granted, and
- comply with all reasonable and lawful instructions, whether or not they personally agree.

4.2 Ensure transparency in business dealings

As the Panel performs an independent review decision-making function concerning the racing industry, Members must exercise the highest level of integrity in any dealings with persons associated with the racing industry in both their professional and personal capacities.

To ensure all government dealings with private industry are conducted with the highest level of integrity, Panel members will also ensure:

- the 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

- any engagement they have with lobbyists is properly recorded, and
- they should not accept, under any circumstances, any gifts, money or any other benefit connected with the performance and functions of their duties.

Gifts, benefits and hospitality are managed in accordance with relevant policies and procedures.

Hospitality does not include refreshments such as tea and coffee or basic meals provided as part of official duties.

4.3 Ensure appropriate use of official resources, public property and facilities

Panel members are accountable for all resources that they use in the course of their functions. Members will:

- be economical, and avoid waste and extravagance in the use of public resources for proper purposes
- use any public resource in accordance with official policies
- purchase, manage and care for public resources in accordance with official policies, and
- responsibly utilise human assets such as corporate knowledge and intellectual property, as public resources.

4.4 Ensure appropriate use and disclosure of official information

The public has a right to know the information that is created and used by the government on their behalf.

This right is balanced by necessary protections for certain information, including personal information. Information privacy legislation protects against the misuse of personal information and Panel members have an obligation to ensure the lawful collection and handling of personal information.

Additionally, whilst the Panel hearings must ordinarily be held in public, section 252AJ of the RIA provides that hearings may be held in private upon application if the Panel considers information proposed to be disclosed at the hearing should not be made publicly available based on a non-disclosure ground.

Panel members will:

- treat official information with care and use it only for the purpose for which it was collected and authorised
- store official information securely, and limit access to those persons requiring it for legitimate purposes, and
- not use confidential or privileged information to further personal interests.

Panel members will continue to respect the confidentiality of official information when they leave their statutory role.

4.5 Commit to innovation and continuous performance improvement

The capacity of the public sector to deliver services to the community depends on an innovative and creative workforce, and to continuously improve the performance of the Panel and themselves.

Section 252BG(1)(d) of the RIA provides a function of the Chairperson is to ensure that members are adequately trained to perform the functions and exercise the powers of the panel.

Members each have a responsibility regarding their role to:

- maintain and develop their professional skills and knowledge

- take reasonable steps to identify and apply for development opportunities relevant to their roles and responsibilities, in consultation with the Chairperson
- actively participate in any performance management processes, including induction, performance planning and development, and
- actively contribute to developing and improving the business and overall performance of the panel, including innovative ways of delivering the functions of the Panel, in consultation with the Chairperson³ and/or Panel Registry.

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³ See s. 252BG(1)(b) of the RIA - function of the Chairperson to manage the business and overall performance of the panel to ensure it operates effectively.