

# **A Guide to Standards of Conduct for Tribunal Members**

Hon Alan Demack AO, Queensland Integrity Commissioner

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# **The Five Ethics Principles**

## ***Public Sector Ethics Act 1994***

- ❖ **Respect for the law and the system of government**
- ❖ **Respect for persons**
- ❖ **Integrity**
- ❖ **Diligence**
- ❖ **Economy & Efficiency**

# **Respect for the law and the system of government**

- adherence to the legislation under which the tribunal operates,
- adherence to the legislation or common law which creates the right/rights in dispute,
- beginning each hearing with a mind open to be persuaded either way by the material and arguments presented,
- allowing each party to present the material the law allows, and to answer material and argument presented by the other party/parties,
- making the parties aware of any additional material the tribunal has which may influence the decision,
- preparing and delivering reasons which provide a rational basis for the decision,
- eschewing the temptation to enter the political process when a careful consideration of the law and the material produces a decision which appears to be unjust.

# Respect for persons

- litigants with language difficulties,
- timid litigants and witnesses,
- litigants with physical and/or mental disabilities,
- self-represented litigants who are unfamiliar with the tribunal's processes,
- self-represented litigants who are overfamiliar with the tribunal's processes,
- people whose cultural perceptions about tribunals are different from the way the tribunal actually functions,
- parties, witnesses and representatives who want to use the tribunal as part of the political process.

# Integrity

- a commitment to intellectual honesty, both in deciding what issues have been proved and in applying the law to those issues,
- an acceptance of the obligation to reach a decision, the fundamental duty of a decision maker,
- refusing any gifts or favours which would raise the appearance of a conflict of interest in the mind of a reasonable person,
- disclosing to the parties any personal interest which the parties may think suggests partiality.

**Diligence**

**Economy & Efficiency**