



## *Legal Practitioners Admissions Board Standards of Conduct*

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**Name:** Standards of Conduct  
**Department:** Legal Practitioners Admissions Board  
**Focus Area:** Conduct and Values

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### Prepared By

Document Owner(s)	Organization Role
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## Purpose

As a public service entity under the *Public Sector Ethics Act 1994* (Qld) ('the Act'), the Legal Practitioners Admissions Board ('the Board') is required to prepare a Code (Standards) of Conduct ('the Standards') outlining the conduct that the Board, its members, and any external contractors engaged by the Board will follow. The Standards may provide information as to the purpose of, and the object to be achieved by, the Standards, and, in some instances, guidelines and/or examples as to the application of the Standards.

## The Board

The Board is a statutory body established under part 7.5 of the *Legal Profession Act 2007* (Qld) ('the LPA'). Its main functions and responsibilities are the administration of chapter 2, part 2.3 of the LPA 'Admission of local lawyers'.

The Board's primary role is to assist the Supreme Court by making a recommendation about each application for admission as a lawyer in Queensland. In doing so, the Board considers each application in terms of whether it is made under the *Supreme Court (Admission) Rules 2004* ('the Rules'), whether the applicant is eligible and suitable for admission, and whether there are other matters the Supreme Court may consider relevant to the application. In addition, the Board's other functions, responsibilities, and service areas include:

- considering the eligibility and suitability of applicants seeking admission as a lawyer in Queensland;
- ensuring all applications to become a lawyer in Queensland are made in accordance with the Rules;
- making a recommendation to the Supreme Court in relation to each application for admission as a lawyer;
- considering and making declarations as to an applicant's suitability for admission in terms of applications for early consideration of suitability;
- approving, in conjunction with the Chief Justice of Queensland, academic qualifications and practical legal training ('PLT') courses as 'approved academic qualifications' and 'approved practical legal training' respectively;
- assessing and approving academic, and practical legal training and experience in practice, of overseas law graduates and legal practitioners in accordance with the

*Uniform Principles for Assessing Qualifications of Overseas Applicants for Admission to the Australian Legal Profession* ('the Uniform Principles');

- overseeing the supervised traineeship scheme as 'approved practical legal training' and a prerequisite for those seeking to be admitted as a lawyer in Queensland in accordance with the Rules;
- granting approval for law graduates to commence their approved practical legal training requirements early thereby allowing students to undertake their training in conjunction with their approved or corresponding academic qualifications;
- providing information, service areas, and support to applicants seeking to complete the requirements and apply to the Supreme Court for admission as a lawyer in Queensland.

Primarily, the Board's values and aims include supporting the judiciary, the legal profession, and the public interest by ensuring the integrity of those entering the legal profession as well as maintaining and safeguarding the educational and practical legal training standards of the legal profession. The Board's values also include respect and being accountable to the judiciary, the profession, and the public at large.

## Ethics Principles & Values

The ethical principles and values set out under sections 6 to 9 of the Act are:

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

## Standards

**Primarily and importantly, all members of the Board are legal practitioners or lawyers who have a paramount duty to the Court and the administration of justice; a duty which prevails to the extent of any inconsistency with these Standards.**

**All members of the Board are required to comply with either the *Barristers Conduct Rules* (December 2011) and/or the *Australian Solicitors Conduct Rules* (June 2011) depending on the arm of the profession to which the member is affiliated.**

#### 4.1 *Respect, integrity and impartiality – section 6 of the Act*

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

##### *Commitment*

In performing their duties, Board members will:

- apply the highest ethical and behavioural standards, and act honestly and with integrity in their dealings in accordance with these Standards;
- actively and positively contribute to Board meetings and any business of the Board;
- be respectful, courteous, honest, and fair towards all persons, and make decisions independently, objectively, fairly, consistently, promptly, and with impartiality taking into consideration all available information and material as well as any applicable legislation and policies;
- retain and uphold the professional reputation of the Board and the legal profession; maintaining a good knowledge of any legislation, policies, procedures, or guidelines;
- not discriminate against or harass, or make improper use of their position or power associated with being on the Board, or allow their position or power to be used or misused to gain a personal or improper advantage;
- not allow their personal beliefs or relationships to influence their judgment or interfere with the proper outcome of legislative policy, procedures or guidelines.

#### 4.2 *Promoting the public good – section 7 of the 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, 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; and*
- (b) accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions; and*

- (c) accept and value their duty to manage public resources effectively, efficiently and economically; and*
- (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.*

#### *Commitment*

In performing their duties, Board members will:

- manage and use resources efficiently, effectively, economically and responsibly, applying due diligence and ensuring appropriate use of public funds;
- be accountable for the spending of public funds;
- undertake duties diligently, lawfully and efficiently, ensuring compliance with legal and statutory obligations while be responsive to the requirements of government and the public interest;
- have respect for members of the public, and engage the community in developing and effecting Board policies, procedures and decisions where appropriate;
- be honest, fair, respectful, and courteous in their dealings with the public, taking into consideration the rights and obligations of members of the community;
- seek to achieve excellence in service delivery and develop systems and procedures to enhance services to better service clients where possible; and
- display respect, dignity, and integrity when interacting professionally with members of the public.

#### *4.3 Respect for the law and system of government – section 8 of the Act*

##### ***Commitment to the system of government***

*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 –*

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

#### *Commitment*

In performing their duties, Board members will:

- uphold the system of government, and the laws of the State, Commonwealth, and local government, acting in accordance with legislative requirements and other reasonable and lawful directives of Parliament, Ministers, Judicial Officers, ministerial and judicial staff, and members of the public;

- exercise powers lawfully and with good judgment, retaining a good knowledge of legislation, policies, procedures, and guidelines;
- provide information and assistance to government, Parliament, Ministers, and Judicial Officers where necessary.

#### 4.4 *Diligence, accountability and transparency – section 9 of the Act*

*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; and*
- (b) are committed to using public resources in an effective and accountable way; and*
- (c) are committed to managing information as openly as practicable within the legal framework; and*
- (d) value and seek to achieve high standards of public administration; and*
- (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.*

#### *Commitment*

In performing their duties, Board members will:

- undertake duties diligently, lawfully and efficiently, ensuring compliance with legal and statutory obligations while being responsive to the requirements of government and the public interest;
- manage and use resources efficiently, effectively, economically and responsibly, applying due diligence and ensuring the efficient and appropriate use of public funds;
- be accountable for the spending of public funds;
- seek to achieve and maintain high standards of public administration while continuously seeking to innovate and improve performance, and operate collaboratively in all respects with other public service agencies, public sector entities, and public officials;
- seek to achieve excellence in delivery of service, and develop systems and procedures to enhance the integration of services where possible.

## Application of Standards

The Board and its members are committed to employing the Standards to the following:

### *Conflicts of Interest*

Board members will ensure disclosure of any and all personal or business interests which may conflict with the performance of their duties towards the Board. Board members will not allow personal or business interests to conflict with their ability to perform their duties fully and will not misuse material or information for any personal or commercial advantage.

The Board will ensure that any conflicts are recorded accurately to ensure transparency. Where a Board member is conflicted, the member will disqualify him/herself from contributing to any decisions made at a Board meeting or relating to the business of the Board. Any resolution of the Board of any conflicts will be made in favour of the public interest.

### *Recording of Information*

The Board will ensure decisions are fully and accurately recorded in the Board's minutes to ensure transparency and compliance with any and all applicable policies, standards, or procedures.

### *Confidentiality*

Board members will respect and safeguard the confidentiality and privacy of information and material. Members will not disclose information or material acquired because of their position; all information and material to be retained confidentially unless permitted by legislation or with proper authorisation.

Board members will support decisions made by the Board, and will not authorise or make public statements in regarding the decisions or business of the Board.

### *Gifts*

Board members will not directly or indirectly ask for or encourage the giving of gifts. Where a gift gives rise to a conflict of interest, members will refuse to accept the gift. Board members will not use their influence or the influence of others to gain a personal or improper advantage.



### *Reporting*

Board members will report any incidence of fraud as well as improper or corrupt conduct to relevant authorities. They will not engage in fraudulent or corrupt behaviour or misuse material or information obtained in Board meetings or when performing the duties of the Board for any personal or commercial advantage.

### *Audits*

Board members will ensure audits are conducted under relevant legislative provisions, co-operate and comply with requests of auditors, and ensure any action to be taken in accordance with audit reports is performed.

### *Resources*

Board members will ensure the responsible and economical use of any public resources, which are to be used for the purposes for which they are provided.

The Board will ensure public resources are secure against theft and will not use resources for private employment, profit, or personal benefit.

## Abbreviations & Legislation

Abbreviations	Meaning
Board	Legal Practitioners Admissions Board
PLT	practical legal training
Standards	Standards of Conduct
Uniform Principles	<i>Uniform Principles for Assessing Qualifications of Overseas Applicants for Admission to the Australian Legal Profession</i>
Legislation	Meaning
Act	<i>Public Sector Ethics Act 1994 (Qld)</i>
LPA	<i>Legal Profession Act 2007 (Qld)</i>
Rules	<i>Supreme Court (Admission) Rules 2004</i>

# Approvals

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