



Queensland Integrity
Commissioner
annual report 2006–07

The Integrity Commissioner is an independent person who advises Queensland Government public officials on conflicts of interest

Statement to the Minister



Section 43 of the *Public Sector Ethics Act 1994* provides that –

- (1) The Integrity Commissioner must, as soon as practicable after the end of each financial year, give the Premier a written report about the performance of the Commissioner's functions for the financial year.
- (2) The report must be in general terms and must not contain information likely to identify individuals who sought the Commissioner's advice about a conflict of interest issue.

Location

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Bound copies of this Annual Report can be obtained by telephoning +61 (0) 7 3224 2351, by faxing a request to +61 (0) 7 3224 2326, or by written request to the address provided. Copies can also be downloaded from the website.

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Who is the Integrity Commissioner?

Mr Gary Crooke QC was appointed by the Governor in Council on 1 July 2004 as Queensland's second Integrity Commissioner. On 3 May 2007, Her Excellency the Governor, with the advice of the Executive Council, reappointed Mr Crooke for a further term of 2 years. His appointment will now expire on 30 June 2009.

The role was established in 1999 under the *Public Sector Ethics Act 1994* and is detailed in the Statement of Affairs attached to this report.

Mr Crooke succeeded the Honourable Alan Demack AO, a former Supreme Court Judge, who retired on 30 June 2004 after almost four years of service in the role. Mr Demack became Queensland's and Australia's first Integrity Commissioner in August 2000.

Mr Crooke is married with three adult sons and four grandchildren. His interests include cricket, fishing and farming beef cattle.

He began his education at Pulteney Grammar School Adelaide, and went on to graduate from a Bachelor of Arts in 1963 and a Bachelor of Law in 1966 at the University of Queensland. He began practising as a barrister in 1966 and was appointed Queen's Counsel (QC) in 1982.

During his career he has worked on a number of high profile matters including:

- Senior Counsel Assisting the Queensland Fitzgerald Inquiry 1987-89
- Senior Council Assisting New South Wales Royal Commission into Police Corruption 1994-97.

He has also held the following appointments:

- Chairman National Crime Authority 1999-2002
- Co-Chair Asia Pacific Group on Money Laundering 1999-2002.

Mr Crooke was also the President of the Queensland Bar Association 1989-90, the President of the Australian Bar Association 1990-91 and has been a Life Member of the Queensland Bar Association since 1993.



The role and function of the Integrity Commissioner

The *Public Sector Ethics Act 1994* was amended in 1999 to add Part 7 for that Act. This Part creates the Office of Integrity Commissioner and designates the role and function of that office.

The purpose of Part 7 is to help Ministers and others avoid conflicts of interest, and in so doing, to encourage confidence in public institutions (section 25). The functions of the Integrity Commissioner are:

- (a) to give advice to designated persons about conflict of interest issues as provided under division 5;
- (b) to give advice to the Premier, if the Premier asks, on issues concerning ethics and integrity, including standard-setting for issues concerning ethics and integrity;
- (c) to contribute to public understanding of public integrity standards by contributing to public discussion of policy and practice relevant to the Integrity Commissioner's functions.

The Queensland Integrity Commissioner can give advice only to designated persons (section 29). These persons are essentially Government Members of Parliament, including the Premier, Ministers and Parliamentary Secretaries, but also including Members of other Parties or Independent Members who are themselves members of a Parliamentary Committee on the nomination of a Government Member.

The term also includes statutory office holders, departmental heads and senior officers employed in their departments, together with staff employed to give advice in the office of Ministers and Parliamentary Secretaries. It is possible for a Minister to nominate a person or class of persons to be included within the definition and, in the previous reporting year, the first example of the exercise of this power occurred. In March 2006, the Minister for Transport and Main Roads advised me by letter that he had included marine pilots as a class of persons nominated by him under section 27(1)(k) of the Act to be included in the classification of "designated persons".

All told, there are more than 5000 "designated persons" in Queensland.

A conflict of interest issue involving a person means an issue about a conflict between the person's personal interest and the person's official duties (this is defined in the Schedule to the Act).

Overview of the reporting year

This report covers the seventh year of operation of the Office of the Integrity Commissioner and my third year of tenure.

The reporting year saw the number of requests for advice increase from 30 to 39.

The nature of the requests and my interaction with people at meetings, seminars and presentations demonstrated to me that the recognition of fundamental principles remains of paramount importance. I dealt with these in the overview in my last report and will not repeat in any detail what I there expressed. Very briefly stated, the fundamental propositions are:

- The test as to whether an unacceptable conflict of interest exists is the view of a reasonable member of the public, properly informed.
- This is an objective test and means that self-righteousness in the mind of the person having the potential conflict is not to the point. Perception is reality.
- The person involved in the potential conflict is not in the best position to judge what action should be taken to manage or avoid it. This is because of the obvious interest which he or she has in the matter.

During the course of the year, I received a small number of requests calling on me to undertake an investigation or to respond to a complaint about the actions of a person other than the one making a request.

My role is both created and circumscribed by statute. Essentially, it is that of a confidential sounding board, who can give advice (not direction) about conflict of interest issues, but then, only if asked. The Integrity Commissioner has no investigative or fact finding function. I adhere to my previously expressed view that in the Queensland system of public administration, the confidential advisory role of the Integrity Commissioner is well conceived. Institutions such as the Crime and Misconduct Commission are amply skilled, resourced and equipped to conduct investigations when necessary.

Some issues emerged which, although present for a considerable time, found their way to prominence in the public arena.

The first is the subject of receipt of gifts by a public official. Each department has a code of conduct which deals with this subject, in accordance with its preferred approach.

Wide consultation has taken place and there now exists an advanced draft of a proposed Directive to be issued by the Public Service Commissioner. If this proposed Directive is ultimately issued, it will create a general template as guidance for all departmental codes.

The area of receipt of gifts by a public official is one where the time is opportune to review what is required as proper conduct. Over time, there has grown to be a widespread approach to the acceptance of gifts which, in part, appears to sacrifice principle on the altar of expediency.

In my view, certain fundamental principles must attend any informed discussion of desirable conduct in this area. These include:

- A decision to devote one's career to the service of the public bespeaks selflessness. It embodies the acknowledgement that actions will be governed by the public interest and not self interest.
- Any gift acquired by a public official in the light of performance of his or her office is never the property of the public official, but is always the property of the department or the State. In turn, such department or government is obliged to deal with the property in the public interest and not for the benefit of an individual.
- A gift to a decision-maker by a person or organisation likely to contend for favourable consideration will raise a reasonable public perception of placing the decision-maker in an inappropriate position of conflict.

Generally, in my view, there is a need to be quite restrictive of the circumstances in which it is proper for a public official to accept a gift. However, public perception would not demand that the prohibition be absolute. The acceptance of a token or memento of small value for performing a service to a group or entity not likely to be the subject of contention for a decision, is an exception that can be accommodated and would not draw adverse perception. Examples would be the acceptance of such a token or memento as an acknowledgement of thanks for presenting a paper or giving a presentation at a conference, or the receiving of, or giving assistance to, an overseas delegation.

Beyond this, I consider that the circumstances where public officials can accept gifts should be quite rare. This is so, either because acceptance could lead to the public perception of placing the decision-maker under an obligation or, alternatively, from the standpoint that it is never the individual that comes to own the gift, but always the department or government which acquires the gift. Each has the obligation to use it in the public, and not a private, personal interest.

In coming to any conclusion about informed public perception, it is important to recognise a more subtle consideration than the immediately obvious one of likely bias or obligation towards a benefactor. The subtle consideration to which I refer is really a corollary to the obvious one. The perceived danger of being influenced to favour a benefactor can readily spill over into a decision-making process where the benefactor is not directly involved. The perception of unacceptable conflict can readily migrate to a situation where the decision-maker is called upon to make a decision involving a significant competitor or rival of the benefactor. In other words, the perceived conflict can permeate to a more general area of decision-making. A decision adverse to the competitor may be seen to advantage the benefactor and, accordingly, be seen as influenced by, or prompted by, the perceived obligation.

Another issue with profound connotations which manifested itself during the year was the question of appropriate dealing with intellectual property. This was an area which was marked by various approaches by different departments, including dealing with it on an ad hoc basis, or having no policy should such an issue arise. Considerable work and consultation has resulted in a whole-of-Government policy being formulated which has regard to ethical as well as legal and practical considerations.

I am pleased to observe that the policy which has emerged sees recognition of the fundamental characteristic of selflessness which distinguishes public service. It also embraces the basic concept that ownership of work done by a person in a department, is in the department or the State, which employs the individual who created it.

In a not unrelated area, it is now not uncommon for a commercial organisation to seek and recruit talented senior people from the public service. The ethical and legal obligations on the person departing are clear, but to further an approach based on integrity in public administration, it would be beneficial if steps were taken to reassure the public that those on both sides are aware of, and propose to adhere to, these obligations. The term "good corporate citizen" has crept into our vocabulary only in recent times. Commercial organisations seeking to espouse this description should have no difficulty in confirming that they will always adhere to these principles. Whilst the talent and expertise of the recruit can be acquired, the confidential information and the policy or planning knowledge that the new recruit might well hold, is a capital asset the property of the government to be used for the benefit of the community, and not an item for sale to any commercial organisation. The environment of the new recruit must be such that he or she is never placed under any pressure or put in any circumstances where such obligations can be compromised.

In many of the issues about which I was asked to advise, there was a range of conduct or strategies which could still fall within the range of an acceptable response. I am pleased to report that there was a prevailing sense of intention to err on the side of caution and to opt for a higher and more rigorous standard of response. Such is consistent with the all important requirement of senior people leading by example. The converse is that senior people cannot expect those who look up to them, to adopt more onerous or rigorous standards than those which they set for themselves.

My overall impression is that among the leaders in political and other life in public office there is a deep recognition of the need to act and behave with integrity. Reflecting this need by actions will create examples which will provide a sound foundation for the engrafting of ethics and integrity as integral components of public administration.

Summary of requests

Requests received

Requests	00/01	01/02	02/03	03/04	04/05	05/06	06/07
Premier	3	4	2	1	4	4	5
Ministers or Parliamentary Secretaries	4	3	2	10	9	8	10
Directors-General	6	4	6	5	4	6	3
* Other designated persons	1	14	14	5	8	3	12
* Preliminary discussions/general advice					6	9	9
Total	14	25	24	21	31	30	39

* Prior to 04/05, there was no separation of these figures. These were included under the heading "Other".

Issues considered

A total of 35 written requests for advice were received in the reporting year. Section 43(2) of the *Public Sector Ethics Act 1994* requires that my report must be in general terms and must not contain information likely to identify individuals who sought my advice. Additionally, there are strict statutory secrecy provisions relating to disclosure by the Integrity Commissioner of any advice or material submitted for the purpose of obtaining advice, all of which is exempt from the provisions of Freedom of Information legislation.

Bearing this in mind, I can report that requests received covered a broad field within the category of a possible conflict between personal interests and public duty. As enabled by the statute, the Premier requested advice about matters in broader compass relating to the field of ethics and integrity.

Matters raised included:

- Some requests for advice received were based upon the assumption that the role of the Integrity Commissioner included the ability to conduct investigations and to give directions or to make findings as a result thereof. The role prescribed and limited by the statute which creates the Office makes it quite clear that the function of the Integrity Commissioner is to provide confidential advice, if asked. There is no role or function which includes the ability to conduct investigations or to make findings in relation to any issue which is raised. Those who sought advice that went beyond the bounds of jurisdiction were advised accordingly.
- A number of enquiries related to the receipt to gifts, which includes the receipt of hospitality. I have already made comment upon what I considered to be the applicable principles in the preamble to this report. These principles were reflected in any advice given. Overall, the tenor of my advice in this area was that general gifts beyond any modest token or memento to any decision-maker by any person or entity likely to be within the field of decision-making, should be refused.
- A further number of enquiries related to shareholdings, both of the person enquiring and of his or her spouse. Here again, the basic principle to be considered was public perception as to whether impartial judgement could be brought to bear in a decision-making context having regard to personal interest in the field. The views I expressed related to the particular circumstances of the case and the proximity to the field of decision-making. In my view, it was also important to observe that the caution that has to be exercised when there is a personal interest in a matter cannot be wholly confined to the individual or the spouse, but also has to extend to any person who may be under the direction or control of the decision-maker. Overall, shareholding by a decision-maker is a matter that necessarily attracts abundance of caution. As one moves up the scale of hierarchy of decision-makers, so the need for caution becomes more pronounced. The rider must always be introduced that each case must depend upon its own circumstances but, speaking generally, it may be acceptable to adopt the expedient seen not infrequently in overseas jurisdictions, of persons placing any investments in a "blind trust". Here the investments are scrupulously managed so that the trustee is at arm's length from the investor. Part of the conditions of operation

is that the trustee has complete discretion as to the range of investments and the decision-maker is never made aware of the range of investments within the trust. Even then, caution would dictate that a limitation be placed upon the trustee that any investment directly concerned with the core decision-making function of the investor should not be included in the portfolio. In general, the holding of units in managed funds which do not appear to have concentration on areas within the purview of the decision-maker, may be acceptable. As in other areas of conflict, an informed public perception would probably tolerate a range of activity within certain standards and the height at which the bar is set is a matter for leadership to determine. Example set by leadership is all important, and one ought not expect those further down the scale in public administration to abide by ethical standards more onerous than those set by leaders for themselves.

- Another field of enquiry related to the duty of a decision-maker to be even-handed and the balancing of this duty with the expectation of supporters or close acquaintances of the decision-maker that they may have some direct path to, or influence upon, the decision-maker. In such circumstances, the decision-maker must be scrupulous in procedures which he or she adopts to make sure that nobody has any “inside running” in the decision-making process.
- A further area of enquiry related to the limits upon the public official holding some capacity with an organisation, for example, by being appointed its patron or having some other honorary position. In the area of political activity, it is the expectation of the community that their elected representatives will take part in community activities. As in most cases, generalisations can be inappropriate. The particular case must be considered and proximity to a decision-making process must be weighed in the balance. In some cases, a potential conflict can be managed by the individual withdrawing from any decision-making process. On the other hand, involvement may be such that it might become necessary for the public official to withdraw from decision-making so frequently that it is not possible effectively to perform his or her public duty. For example, the issue may become acute if a question of funding to a particular organisation or a particular sport is within the realm of the decision-maker and there are others in the field competing for funds who do not have any association with the decision-maker, or do not have the decision-maker in some position as a figurehead. All this demonstrates the importance of public perception and the necessity for a public official who is a decision-maker to distance him or herself from any perception of a likelihood to be less than objective in making the decision.
- An enquiry related to the propriety of an individual taking part in a review of decisions for which that individual could be said to have some responsibility. Here again, informed public perception would be apprehensive as to this process and caution would dictate that there was an unacceptable conflict.
- Enquiries related to the significance of friendship or blood relationship between a decision-maker and persons potentially candidates for a favourable decision.
- Another request involved obligation of a public official appointed to an independent statutory role to ensure that obligations of independence under the statute are properly addressed.
- Another area of enquiry related to appropriate considerations if a public official was asked to give a reference relating to an individual personally known to them.

Contribution to public understanding of public integrity standards

One of the functions of the Integrity Commissioner is to contribute to public understanding of public integrity standards by contributing to public discussion of policy and practice relevant to the Integrity Commissioner's functions.

To make this possible a website, www.integrity.qld.gov.au, was launched by the Office on 6 April 2001. The site includes information about the Integrity Commissioner, the *Public Sector Ethics Act 1994*, and various articles and papers prepared and presented by both the former and current Commissioners.

The availability of the website to international and national governments, the Queensland public and the public sector, assists to increase awareness of ethics matters in the public arena, and contributes to broader understanding of ethical practices across the sector.

This function of the Integrity Commissioner is not a mandate to comment at large upon any matter of public interest. It is confined to public discussion of policy and practice relevant to the Queensland Integrity Commissioner's functions. In discharging this area of responsibility, the following steps have been undertaken in the reporting year:

- (a) Maintaining the website of the Integrity Commissioner, which includes publication of the following material:
 - Information Sheet No. 1 *Who is the Integrity Commissioner?*
Published in November 2000 and updated in 2005, describes the role of the Integrity Commissioner.
 - Information Sheet No. 2 *Conflicts of Interest in the Public Sector*
Published in March 2002 and addresses conflict of interest issues for public servants.
 - Information Sheet No. 3 *Statutory office holders and conflicts of interest*
Published in June 2003, helps a specialist group of people in the public sector determine whether they are able to seek advice from the Integrity Commissioner.
 - Handbook *Building Integrity in the Queensland Public Sector*
This handbook, prepared and published by the former Integrity Commissioner, discusses the relationship between ethics and law.
 - Annual Reports
Also on the website are the annual reports for the previous six financial years, making them available for public discussion.
 - Papers and presentations given by the Integrity Commissioner are also included on the website.

(b) During the reporting year, the Integrity Commissioner:

- spoke to the new Members of the Legislative Assembly during their Induction Program to discuss his role and functions;
- met personally with newly appointed Ministers, Parliamentary Secretaries and Directors-General to discuss his role and functions;
- met with the Members' Ethics and Parliamentary Privileges Committee to discuss his role and functions;
- met with the Leader of the Opposition to discuss the Integrity Commissioner's role and functions;
- attended meetings of a group consisting of the Auditor-General, the Chairman of the Crime and Misconduct Commission, the Ombudsman, the Public Service Commissioner and the Information Commissioner to discuss common work priorities;
- attended meetings and gave presentations to the Queensland Public Sector Ethics Network;
 - Facilitated session: *The Ethical Aspects of Secondary Employment*
 - Panel Session - *When does work life stop and private life start? Dealing with inappropriate outside work hours conduct.*
- attended meetings of the Queensland Public Sector Corporate Governance Collaborative;
 - Panel Session - *What are the elements of Corporate Governance and how they drive performance?*
- facilitated a workshop with Queensland Transport employees;
- spoke to officers of the CMC - *Fitzgerald Inquiry...20 years on*;
- met with the State Archivist to discuss the Retention and Disposal Schedule for documents held within this office;
- commented upon draft Codes of Conduct prepared by various agencies or departments and a draft directive on gifts prepared by the Public Service Commissioner;
- attended meetings of a Reference Group set up by the Queensland Legal Services Commission;
- met with delegations from Indonesia, the Solomon Islands and China to discuss the Queensland Integrity Commissioner's role and the Queensland Integrity Regime;
- gave an interview to The Courier-Mail to explain the role of the Integrity Commissioner;
- commenced a project to promote awareness across the public service of the role of the office, by having his role included in each department's Code of Conduct;
- worked with the Office of the Public Service Commissioner to increase awareness of ethical standards.

Staffing of the Office of the Integrity Commissioner

The conditions of employment of the Integrity Commissioner are engagement on a part-time basis, being the equivalent of two days per week. The Integrity Commissioner, like his predecessor usually resides outside of Brisbane. Like his predecessor, he spends at least two days per month in Brisbane and for the balance works from elsewhere. The only claim made associated with the Integrity Commissioner's location outside Brisbane is for reimbursement of telephone expenses.

Whilst the premises of the Integrity Commissioner are located on the same floor as the Office of the Public Service Commissioner, the Integrity Commissioner is separate from, and independent of, any other Office. For reasons of economy and efficiency, funding for the Office of the Integrity Commissioner comes from within the appropriation for the Office of the Public Service Commissioner.

Funding includes the provision of a dedicated Executive Coordinator accountable to the Integrity Commissioner as well as the provision of incidental administrative support on an ad hoc basis, again for reasons of economy and efficiency. I express my gratitude for this assistance and for the capable way in which the position is fulfilled by Mrs Mattea Slinger.

Compliance disclosures

- The Office of the Queensland Integrity Commissioner uses the Code of Conduct for the Department of the Premier and Cabinet.
- In July 2006, the Integrity Commissioner approved a Records Classification Scheme and Records Disposal Authority which was submitted to Queensland State Archives for official review and endorsement.
- The Privacy Plan for the Office of the Integrity Commissioner has been updated and approved by the Integrity Commissioner.
- No consultants were used and no overseas travel was taken.
- No public interest disclosures were received by the office under the *Whistleblowers Protection Act 1994*.
- This Annual Report and the updated Privacy Plan for the Office of the Integrity Commissioner are also available on the website www.integrity.qld.gov.au.
- Attached to this report are:
 - the Financial Statement of the Office of the Integrity Commissioner;
 - the Statement of Affairs (required by the *Freedom of Information Act 1992*); and
 - the updated Privacy Plan for the Office of the Integrity Commissioner.

Financial statement

Revenue and expenditure for the year ended 30 June 2007

	2006/07	2005/06
Revenue from ordinary activities		
Output revenue	150,800	144,100
Total revenue from ordinary activities	150,800	144,100
Expenses from ordinary activities		
Employee Expenses		
Salaries and wages and related costs	106,288	114,476
Salary-related taxes	7,971	6,116
Other employee expenses	965	660
Superannuation	14,239	13,166
Total employee expenses	129,463	134,418
Supplies and services		
Consumables	343	459
Parking	2,102	-
Travel costs - domestic	328	568
Telecommunications costs	2,111	2,396
Legal expenses	-	937
Marketing and public relations	3,079	3,448
Hospitality and functions	84	46
Minor plant and equipment	4,296	-
Other administrative expenses	212	380
Repairs and maintenance	242	37
Total supplies and services	12,797	8,271
Total expenses from ordinary activities	142,260	142,689
Net Operating Result	\$ 8,540	\$ 1,411

The Office of the Integrity Commissioner is an independent entity created by Statute.

For reasons of economy and efficiency, funding and administrative support is received through the Office of the Public Service Commissioner. Corporate services and asset replacement have been provided through the Office of the Public Service Commissioner.

The Office of the Integrity Commissioner no longer reports assets due to the adoption of a whole-of-government non-current asset policy in 2005-06 which standardised the asset recognition threshold for all government assets and results in assets being expensed in the year of purchase rather than depreciated over a number of years.

Please note that this financial statement has not been subject to audit.

Statement of Affairs of the Agency

The following is published in accordance with s.18 of the *Freedom of Information Act 1992*:

(A) The Office of the Queensland Integrity Commissioner was established by the enactment of part 7 of the *Public Sector Ethics Act 1994*.

The Queensland Integrity Commissioner has the following functions:

- (a) to give advice to designated persons about conflict of interest issues as provided under division 5 of part 7 of the Act;
- (b) to give advice to the Premier, if the Premier asks, on issues concerning ethics and integrity including standard-setting for issues concerning ethics and integrity;
- (c) to contribute to public understanding of public integrity standards by contributing to public discussion of policy and practice relevant to the Integrity Commissioner's functions.

These functions are discharged by the Queensland Integrity Commissioner on a part-time basis equivalent to two days per week. The Queensland Integrity Commissioner's staff consists of an Executive Coordinator.

(B) The Integrity Commissioner's functions directly affect the following members of the community who are "designated persons" within the meaning of s.27 of the *Public Sector Ethics Act 1994*:

- (a) the Premier;
- (b) a Minister;
- (c) a Parliamentary Secretary;
- (d) a government member;
- (e) a statutory office holder;
- (f) a chief executive officer of a department of government or a public service office;
- (g) a senior executive officer or senior officer employed in a department of government or public service office;
- (h) a chief executive officer of a government entity or a senior executive equivalent employed in a government entity who is nominated by the Minister responsible for administering the entity;
- (i) a person employed in the office of a Minister, or engaged, to give advice to the Minister;
- (j) a person employed in the office of a Parliamentary Secretary, or engaged, to give advice to the Parliamentary Secretary;
- (k) without limiting paragraph (i) or (j), a person, or a person within a class of person, nominated by a Minister or Parliamentary Secretary.

These people can seek confidential advice about conflicts of interest which arise because their personal interests conflict with their official duty.

- (C) The Queensland Integrity Commissioner accepts invitations to speak at public meetings, conferences and seminars to enable members of the community to participate in the formulation of policy. Papers and speeches are found on the web site www.integrity.qld.gov.au. The functions of the Queensland Integrity Commissioner are exercised in accordance with the *Public Sector Ethics Act 1994*.
- (D) The documents usually held by the Queensland Integrity Commissioner are relevant Acts of Parliament, Codes of Conduct, correspondence, lectures, papers and confidential advice. A limited number of fact sheets about the role of the Integrity Commissioner are available free of charge, as is the handbook for Queensland public sector employees, "*Building Integrity in the Queensland Public Sector*". Lectures and papers are accessible on the web site www.integrity.qld.gov.au.
- (E) The Queensland Integrity Commissioner does not provide subscription services or free mailing lists. Material is available on the website.
- (F) No boards, councils, committees or other bodies constituted by two or more persons have been established for the purpose of advising the Queensland Integrity Commissioner.
- (G) The Queensland Integrity Commissioner does not keep documents concerning the personal affairs of members of the community, except when such matters are disclosed as a basis for seeking confidential advice. The person whose affairs are so disclosed has the opportunity to ensure that they are accurately disclosed before advice is given.
- (H) Requests for confidential advice on conflicts of interest are made in writing. If a "designated person" wishes to amend the personal affairs disclosed in such application, that should be done in writing addressed to:

The Queensland Integrity Commissioner
PO Box 15290
City East QLD 4002

Privacy Plan for the Office of the Queensland Integrity Commissioner

This Privacy Plan is published in accordance with the mandatory requirements of the Queensland Government's privacy policy: **Information Standard 42 (IS42) – Information Privacy**. IS42 and its 11 Information Privacy Principles are explained in detail on the website www.privacy.qld.gov.au.

1. Functions and related matters

Functions

The Office of the Queensland Integrity Commissioner is established under part 7 of the *Public Sector Ethics Act 1994* (the Act).

The Act is administered by the Premier per *Administrative Arrangements Order (no.1) 2006*, in relation to the Premier's responsibility for "ensuring overall public service management and employment conditions to ensure the development of a highly professional public service in the areas of organisational and executive capability and performance, public service reform and governance".

Under the Act the Integrity Commissioner has the following functions:

- (a) to give advice to designated persons about conflict of interest issues as provided under Part 7, division 5 of the Act;
- (b) to give advice to the Premier, if the Premier asks, on issues concerning ethics and integrity including standard-setting for issues concerning ethics and integrity; and
- (c) to contribute to public understanding of public integrity standards by contributing to public discussion of policy and practice relevant to the Integrity Commissioner's functions.

Related matters

The above functions are discharged by the Integrity Commissioner on a part-time basis equivalent to two (2) days per week.

The Office of the Integrity Commissioner has a staff of one person – being the Executive Coordinator to the Integrity Commissioner. The Executive Coordinator is also the Privacy Coordinator for the Office.

2. Treatment of personal information

Personal information is generally defined under IS42 as:

"information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion".

Personal information of designated persons

The Integrity Commissioner's functions directly affect members of the community who are *designated persons* within the meaning of s.27 of the Act. As such, as part of the discharge of the Integrity Commissioner's functions, personal information may be collected and used for the purposes of giving advice to any or all of the following persons:

- (a) the Premier;
- (b) a Minister;
- (c) a Parliamentary Secretary;
- (d) a government member;
- (e) a statutory office holder;
- (f) a chief executive officer of a department of government or a public service office;
- (g) a senior executive officer or senior officer employed in a department of government or public service office;
- (h) a chief executive officer of a government entity or a senior executive equivalent employed in a government entity who is nominated by the Minister responsible for administering the entity;
- (i) a person employed in the office of a Minister, or engaged, to give advice to the Minister;
- (j) a person employed in the office of a Parliamentary Secretary, or engaged, to give advice to the Parliamentary Secretary;
- (k) without limiting paragraph (i) or (j), a person, or a person within a class of person, nominated by a Minister or Parliamentary Secretary.

These designated persons can apply in writing to the Integrity Commissioner for confidential advice on conflicts of interest. When requests for confidential advice on conflicts of interest are made, the designated person may provide personal information relevant to that issue. Such personal information may include:

- name, title, professional contact details, personal contact details, and any other information that will or may identify the designated person; and
- personal information (which may include opinions) about another individual.

A designated person who provides personal information to the Integrity Commissioner for the purpose of obtaining advice about a conflict of interest issue is obliged to provide accurate information so that reliable advice can be given. If the person seeking advice does not provide enough information about the conflict of interest issue, the Integrity Commissioner may ask for further information (including any additional personal information required).

Personal information – staff

The Office of the Queensland Integrity Commissioner does not collect or maintain its own personnel records. Such records, including employment history, payroll and other administrative information relating to an employee, are maintained by the Department of the Premier and Cabinet.

Personal information – general

The Queensland Integrity Commissioner does not keep documents containing the personal information of members of the general community, except when the information is provided by a person as a basis for seeking confidential advice which is then subject to statutory secrecy provisions. Where personal information is provided in this regard, it is maintained in a manner consistent with personal information provided by designated persons.

Disclosure of personal information

The Act requires the Integrity Commissioner to use and/or disclose personal information in strict accordance with the confidentiality and secrecy provisions of the Act. As such, any personal information collected by the Office of the Queensland Integrity Commissioner is used only for the purpose of giving advice on conflict of interest issues and is not disclosed to any other person or agency except in accordance with the Act.

Advice provided by the Integrity Commissioner is confidential and is not placed on the website.

Amendment of a person's own personal information

If a designated person, or any other person, wishes to amend her/his own personal information provided in a written application to the Integrity Commissioner, a written request should be addressed to –

The Queensland Integrity Commissioner
PO Box 15290
City East QLD 4002.

3. Existing contracts/licences

The Office of the Queensland Integrity Commissioner does not have any current contracts for goods or services, nor do we currently employ the services of business consultants or contractors.

4. List of public registers

The Queensland Integrity Commissioner does not hold any public registers.

5. Implementation schedule and review

This Privacy Plan, and a complimentary website 'privacy and security statement', is published with the approval of the Integrity Commissioner and is reviewed annually. This Privacy Plan is available on the Integrity Commissioner's website at www.integrity.qld.gov.au and may also be accessed in hard-copy format via written request to –

Office of the Queensland Integrity Commissioner
PO Box 15290
City East QLD 4002.

6. Retention and disposal of records

All records created and maintained by the Office of the Queensland Integrity Commissioner are managed in accordance with the *Public Records Act 2002*.

7. Security of personal information

All personal information collected by the Integrity Commissioner in order to give advice on conflict of interest issues is securely stored by the Privacy Coordinator, who is also the Executive Coordinator. The only people who have access to this information are the Privacy Coordinator and the Integrity Commissioner.

8. Access to a person's own personal information

Whilst a person may access his or her own personal information, all of the personal information collected and maintained by the Office of the Queensland Integrity Commissioner is exempt from disclosure under the *Freedom of Information Act 1992*.

9. Privacy complaints

If a person believes that the Office of the Queensland Integrity Commissioner has not dealt with her/his personal information in accordance with IS42, a complaint may be made in writing to the Integrity Commissioner. The complaint must clearly set out the alleged breach of one or more of the Information Privacy Principles and should be made as soon as possible after the incident.

Written complaints should be sent to the Office of the Integrity Commissioner for the attention of the Privacy Coordinator, at the following address –

Attn: Privacy Coordinator
Office of the Queensland Integrity Commissioner
PO Box 15290
City East QLD 4002.

