

# **Queensland Integrity Commissioner**

## **Annual Report 2015-16**

**The Integrity Commissioner is an independent officer of the Parliament who advises senior Queensland public officials on ethics or integrity issues**

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The Honourable Peter Wellington MP  
Speaker of the Legislative Assembly  
Parliament House  
George Street  
BRISBANE QLD 4000

Mr Peter Russo MP  
Chair  
Finance and Administration Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Speaker

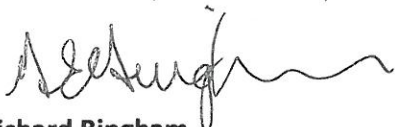
Dear Mr Russo

I am pleased to provide you with the Annual Report of the Integrity Commissioner for the 12 months ending 30 June 2016.

It is the seventh report under the provisions of s. 85 of the *Integrity Act 2009*, and complies with the provisions of that section.

Previous Annual Reports were provided to the Premier as required by the provisions of the *Public Sector Ethics Act 1994*. Since 1 January 2010, when the *Integrity Act 2009* came into force, the Integrity Commissioner has been an officer of the Parliament.

Yours sincerely



**Richard Bingham**  
Queensland Integrity Commissioner

29 July 2016

## About this report

This Annual Report provides information about the Integrity Commissioner's financial and non-financial performance for 2015-16. It has been prepared in accordance with the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2009*.

This report has been prepared for the Speaker and the Finance and Administration Committee for tabling in the Legislative Assembly.

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Copies of this publication can be obtained from [www.integrity.qld.gov.au](http://www.integrity.qld.gov.au) or by contacting 07 3003 2888.

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## 1. The 2015-16 year in review

This section summarises significant developments in the past year. Further detail is provided in relevant sections of this report.

### *Strategic review*

Chapter 6 of the *Integrity Act 2009* deals with strategic reviews of the Integrity Commissioner's functions, and requires that the first review should be commenced 4 years after the commencement of the Act. Section 86(8) requires that such a review should include a review of the commissioner's performance of the functions to assess whether they are being performed economically, effectively and efficiently.

On 11 December 2014, the Governor in Council appointed Professor Peter Coaldrake to conduct a review. The practical commencement of the review was deferred until after the State election held on 31 January 2015.

Professor Coaldrake's final report was tabled in Parliament on 16 July 2015.<sup>1</sup> It was referred to the Finance and Administration Committee (**FAC**), which conducted an inquiry into the matter and reported on 11 December 2015.<sup>2</sup> The government response to the FAC's report was tabled on 11 March 2016.<sup>3</sup>

The principal issue raised in the review was whether the existing regulatory regime covering only paid third party lobbyists should be expanded to cover other groups such as in-house lobbyists and industry groups. Professor Coaldrake recommended so, but the FAC and government response took the view that the existing regime was achieving its objectives and did not require expansion.

As a result, resourcing for my office has been adjusted in accordance with the Professor Coaldrake's recommendations, to reflect current needs.

In its response the government announced its intention to introduce legislation to amend the *Integrity Act 2009*, in accordance with Professor Coaldrake's recommendations on some procedural issues associated with the giving of advice by the Integrity Commissioner to 'designated persons'.

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<sup>1</sup> Available at <http://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2015/5515T804.pdf>, retrieved on 18 April 2016.

<sup>2</sup> The FAC report is available at <http://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2015/5515T1885.pdf>, retrieved on 18 April 2016.

<sup>3</sup> The government response is available at <http://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2016/5516T273.pdf>, retrieved on 18 April 2016.

All documents associated with the review are available on my office's website at <http://www.integrity.qld.gov.au/publications/strategic-review.aspx>.

#### *Requests from designated persons – chapter 3 part 2 of the Integrity Act 2009*

During the past year I held 44 individual meetings with Ministers, Assistant Ministers, Directors-General and others to explain the role of the Integrity Commissioner and to emphasise my availability to provide advice under the Act.

I responded to 66 requests for advice from designated persons, and 3 in respect of lobbying matters. This represents a slight increase in requests for advice from designated persons, but requests for advice in relation to lobbying matters have reduced significantly since 2013-14, from 24 down to 3. The total number of requests for advice has averaged 78.8 over the past five years.

Advice is provided in accordance with a very strict confidentiality provision in the Act.

#### *Meetings with MPs on interests issues – chapter 3 part 3 of the Integrity Act 2009*

I held three such meetings with members in 2015-16. None resulted in the need for a request for advice to be put in writing.

Whilst to some extent the Integrity Commissioner's function of meeting with members to discuss interests issues may be seen to overlap with the duties of the Clerk of the Parliament in his capacity as the Registrar of Members' Interests, this has not so far proven to be problematic.

#### *Regulation of lobbying – chapter 4 of the Integrity Act 2009*

The activity associated with the office's regulation of lobbying over the past year has remained low. This is consistent with the experience in 2014-15, and reflects:

- a better understanding of the system by lobbyists, which has reduced the number of incorrect and unnecessary entries in the registers; and
- the maturation of the system, which has led to a change in business model for many lobbyists who now offer services as consultants with little actual lobbying contact.

Following the strategic review of the office, the government decided not to make any changes to the scope of the lobbying regime.

As a result of these developments, at my suggestion the resourcing of the office devoted to lobbying issues has been reduced.

### *Declarations of interest*

I have continued to receive and review declarations of interests from certain statutory office holders, Directors-General and others, as required under the Integrity Act and other policy requirements.

### *Contribution to public awareness and understanding of ethics or integrity issues*

As noted above, I held 44 individual meetings with Ministers, Assistant Ministers, Directors-General and others to explain the role of the Integrity Commissioner, and to emphasise my availability to provide advice under the Act.

During the year I gave 11 presentations to bodies such as the Australian Public Sector Anti-Corruption Conference, the Queensland Government's CEO Leadership Board, the Local Government Association of Queensland, and various state government agencies. I gave evidence to the FAC on 2 occasions, and to Commonwealth and Victorian Parliamentary Committees on a further 2 occasions. I attended 8 other conferences and seminars, and held numerous other personal meetings.

The office's website was upgraded early in the year, and continues to be a well-utilised resource.

Following a recommendation from the strategic review, I prepared a strategic education program for the period to 30 June 2017, which is available on the website.



## 2. Requests from designated persons – chapter 3 part 2 of the *Integrity Act 2009*

My comments on the performance of this function are necessarily expressed in a generalised and unspecific manner. This is dictated by the requirement in s. 85(3) of the Integrity Act that the annual report 'must not disclose information likely to identify a specific request for the Integrity Commissioner's advice on an ethics or integrity issue, including information likely to identify' anyone requesting advice or about who advice was requested.

### *Numbers of requests for advice*

The number of requests for advice from designated persons continues at a comparable level to recent years.

During the year, I held 44 individual meetings with Ministers, Assistant Ministers, Directors-General and others to explain the role of the Integrity Commissioner and to emphasise my availability to provide advice under the Act.

Sixty-six requests for advice were received in 2015-16. The following table summarises the number of requests for advice received from designated persons since the office was established. It also includes formal advice given about lobbying matters since the commencement of the Act:

Year	Number of requests received		
	Designated persons	Lobbying advice	TOTAL
2000-01	14	NA	14
2001-02	25	NA	25
2002-03	24	NA	24
2003-04	21	NA	21
2004-05	31	NA	31
2005-06	30	NA	30
2006-07	39	NA	39
2007-08	40	NA	40
2008-09	29	NA	29
2009-10	57	13	70
2010-11	40	25	65
2011-12	67	14	81
2012-13	68	23	91
2013-14	41	24	65
2014-15	60	13	73
<b>2015-16</b>	<b>66</b>	<b>3</b>	<b>69</b>

### *Time taken to respond to requests*

In 2015-16, approximately 78% of responses were provided by the close of the next business day following receipt of the request. Over the period since 2009-10, the two principal reasons for responses taking more than three business days were:

- the request involved complex issues requiring detailed research; and
- a designated person had not provided the required authority from their chief executive.

Further detail on the timeframes within which advice has been provided over the period since 2009-10 appears in the following table:

Year	Total	Same business day	Next business day	Within 2 business days	Within 3 business days	More than 3 business days
2015-16	66	27 (40.90%)	25 (37.88%)	4 (6.06%)	6 (9.09%)	4 (6.06%)
2014-15	60	22	32	2	2	2
2013-14	38	10	13	9	2	4
2012-13	59	24	19	9	3	4
2011-12	59	18	27	9	2	3
2010-11	37	13	15	2	1	6
2009-10	53	19	16	5	2	11
<b>TOTAL</b>	<b>372</b>	<b>133</b>	<b>147</b>	<b>40</b>	<b>18</b>	<b>34</b>
		<b>(35.75%)</b>	<b>(39.52%)</b>	<b>(10.75%)</b>	<b>(4.84%)</b>	<b>(9.14%)</b>

### *Sources of requests*

The following table indicates in general terms the source of each request for advice received in 2015-16:

Premier and other Ministers	19
Assistant Ministers	0
Other MPs	13
Directors-General	18
Other designated persons	16
DESIGNATED PERSONS	66
Lobbying – formal advice	3
<b>FORMAL ADVICE 2015-16</b>	<b>69</b>

### *Issues considered*

Most requests for advice concerned conflicts of interest of various kinds, some of which are detailed below. Other matters addressed included procurement and human resources issues. Advice about restrictions that apply when people cease to hold their public sector positions and move to other, private, employment reduced from the high last year associated with the February 2015 change of government.

The conflicts issues included:

- conflicts of interest about post-separation employment
- conflicts of interest arising from the interests of relatives
- conflicts of interest arising from share holdings
- conflicts of interest of staff
- conflicts of interest arising from a member's constituency interests.

I continued to provide advice about other matters, such as proposed amendments to legislation or policies. This is not 'advice' of the kind specified in the Act, but an opinion.

### *Confidentiality of advice*

The Act imposes a high level of secrecy on the work of the Integrity Commissioner in providing advice to designated persons. It also provides for 'authorised disclosures' in various circumstances detailed in ss. 25 to 39. The Integrity Commissioner may not make public the name of a designated person who has sought advice or the advice that was given. However the person who has been given advice may disclose it to anyone, and may make it public.

Whether this position should change was an issue considered by the strategic review of my office. The reviewer recommended that it should, to require full disclosure of advice given if it was to be publicly relied on. This recommendation was consistent with the views expressed to the review and elsewhere by me and my predecessor.

However, the Finance and Administration Committee, and subsequently the government, did not accept the recommendation on the basis that it might deter people from seeking advice. I accept that this position is a reasonable one.

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### 3. Meetings with MPs on interests issues – Chapter 3 Part 3 of the *Integrity Act 2009*

#### *Meetings held with members*

The Integrity Act provides that members of the Legislative Assembly may request a meeting with the Integrity Commissioner relating to their declarations of interest on behalf of themselves or a related person, and particularly as to whether any conflicts of interest might arise.

The Act provides that advice may be given orally in these meetings. However, whilst I have discussed issues with members, it has been my practice to inform them that I would only provide them with formal advice in writing. I have done so to ensure there can be no doubt about the facts upon which the advice is provided, or the nature of the advice that is given.

I held three such meetings with members in 2015-16. None resulted in the need for a request for advice to be put in writing.

Meetings with members are subject to the same confidentiality obligations as apply in relation to the provision of advice to designated persons, and hence any comment which I make about them must be general in nature. As with designated person advice, most meetings with members concerned conflicts of interest of various kinds.

#### *Registers of interests*

Under chapter 4, part 2A of the *Parliament of Queensland Act 2001*, members are obliged to lodge statements of interests with the Clerk of the Parliament, who for this purpose is designated as Registrar of Members' Interests. The statements are required to cover the interests of members and 'related persons', who are spouses and dependents of members.

It is necessarily the case that the Registrar will provide advice to members as they fulfil their statement of interests responsibilities.

Whilst to some extent the Registrar's duties in this respect may be seen to overlap with the Integrity Commissioner's function of meeting with members to discuss interests issues, this has not so far proven to be problematic. As a matter of practicality I have agreed with the Registrar that he will provide advice to members about what needs to be included in the registers, and I will provide advice about any conflict of interest issues arising from those interests.

#### 4. Regulation of lobbying – chapter 4 of the *Integrity Act 2009*

The lobbying regime established by the Integrity Act is now fully operational, with an amended Lobbyists Code of Conduct having commenced operation from 12 September 2013. I believe that the regime is well understood, and the relevant lobbyists have amended their practices to accommodate it.

In summary, the existing lobbying regulatory regime has now bedded down. This has led to a reduction in the number of queries coming into my office, and the activity associated with the office's regulation of lobbying over the past year has remained low. This is consistent with the experience in 2014-15, and reflects:

- a better understanding of the system by lobbyists, which has reduced the number of incorrect and unnecessary entries in the registers; and
- the maturation of the system, which has led to a change in business model for many lobbyists who now offer services as consultants with little actual lobbying contact.

##### *Registration of lobbyists*

The Integrity Commissioner became responsible for the Lobbyists Register on 1 January 2010, when the Act came into force. At that point, there were 65 registered entities, with 188 registered lobbyists having 695 clients. As at 30 June 2016, the Register contained the names of 156 registered entities, 303 registered lobbyists and 1,693 clients.

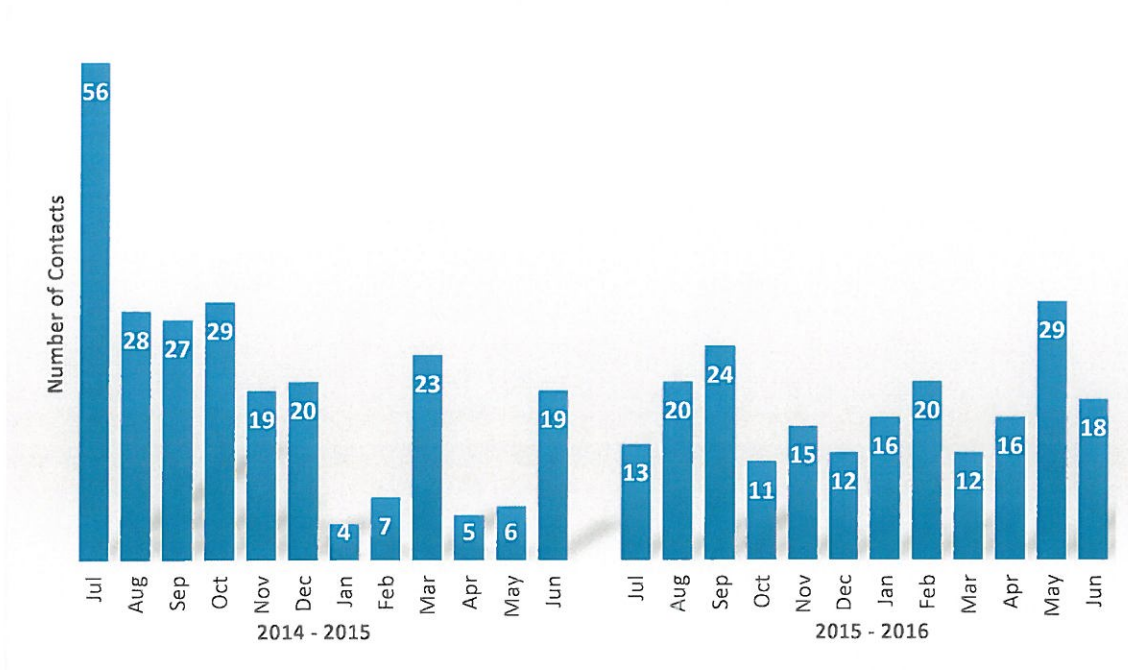
This table shows the way the registration figures have changed.

Date	Registered entities	Registered lobbyists	Clients (Current and previous combined)
01/01/2010	65	188	695
30/06/2010	97	225	1,332
30/06/2011	134	350	2,815
30/06/2012	154	374	2,700
30/06/2013	159	379	2,835
30/06/2014	153	315	1,757
30/06/2015	158	312	1,644
30/06/2016	156	303	1,693

The numbers of registered entities, registered lobbyists and clients have remained largely consistent over the last 12 months, although there have been some changes in the names registered.

### Extent of lobbying activity

The following graph demonstrates the number of contacts recorded in the lobbyist contact logs administered by the office from 2014-15 to 2015-16:



This graph demonstrates that the number of lobbying contacts with senior government representatives recorded by lobbyists has continued at the reduced levels which became apparent last year.

As I commented last year, this trend is due to several factors. A better understanding of the system by lobbyists has reduced the number of incorrect and unnecessary entries, and the attitude of government towards paid lobbyists has caused some reorganisation among the lobbying identities, especially those who were seen as politically aligned. This has led to a change in practice for many lobbyists, who have responded by offering services as consultants with little actual lobbying contact.

In June/July 2015, my office undertook a systematic comparison of lobbying activity as reported by lobbyists with other sources such as Ministerial diary extracts and agency records of contact with lobbyists. This involved seeking records from a wide variety of State and local government agencies, and I record my appreciation for the assistance provided to my office in this work.

The comparison resulted in the identification of relatively few inconsistencies, which my office followed up with agencies and/or lobbying entities to resolve. This was achieved quickly and effectively, and there are no matters of concern which remain outstanding. The inconsistencies arose from differences in recording practices rather than any failure on the part of lobbyists to comply with their obligations.

#### *Requests and meetings concerning lobbying*

Over the past year I received and responded to 3 requests for advice about lobbying. Reflecting the factors outlined above, requests for advice in relation to lobbying matters have reduced significantly since 2013-14, from 24 down to 3.

I met with five lobbyists during the year to discuss the operation of the lobbying regime, and with a local government organisation for the same purpose.

#### *Scope of the Queensland regulatory regime*

Proposals for extension of the registration requirements to include in-house and industry lobbyists were recommended by the strategic review of the office.

Following that process, the Finance and Administration Committee, and subsequently the government, did not accept the recommendations.

## 5. Declarations of interests

The Integrity Act provides in s. 72C that various statutory offices must provide a copy of their declarations of interest to the Integrity Commissioner. Chief executives are required by s. 101 of the *Public Service Act 2008* similarly to provide copies of their declarations of interest to the Integrity Commissioner.

Section 85(2) of the Act requires me to provide details of compliance by statutory office holders and chief executives of departments with the respective requirements of s. 72C of the Act and s. 101 of the *Public Service Act* to give the Integrity Commissioner statements and written advice.

I can report that, as at 30 June 2016, all statutory office holders and chief executives had complied with these requirements.

The declarations made by Directors-General of departments are now published on the Public Service Commission website, but this does not extend to the declarations made by statutory officers and other chief executives. The *Public Records Act 2002* simply requires that they be retained by the Integrity Commissioner.



## 6. Contribution to public awareness and understanding of ethics or integrity issues

One of the functions of the Integrity Commissioner set out in s. 7 of the Integrity Act is to raise public awareness of ethics or integrity issues by contributing to public discussion of those issues relevant to the Commissioner's functions.

Following a recommendation from the strategic review, I prepared a strategic framework identifying education priorities for the period to 30 June 2017, which is available on the office's website at <http://www.integrity.qld.gov.au/publications/assets/strategic-education-framework.pdf>.

### *Meetings and workshops*

Under the Ministerial Code of Conduct<sup>4</sup> I am required to meet at least once in each year with each Minister to discuss their compliance with the code. Over the past year I met personally with each Minister and Assistant Minister (often with the relevant Chief of Staff) for this purpose. At these meetings, I also took the opportunity to explain the role of the Integrity Commissioner and to emphasise my availability to provide advice to designated persons.

I also held meetings with each Director-General, and with many statutory office holders.

In total I held 44 such meetings with Ministers, Assistant Ministers, Directors-General and others.

### *Presentations and submissions*

During the year I gave 11 presentations to bodies such as the Australian Public Sector Anti-Corruption Conference, the Queensland Government's CEO Leadership Board, the Local Government Association of Queensland, and various state government agencies.

I gave evidence to the Finance and Administration Committee on 2 occasions, and was available for its Estimates hearings. I gave evidence to Commonwealth and Victorian Parliamentary Committees on a further 2 occasions. I attended 8 other conferences and seminars, and held numerous other personal meetings.

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<sup>4</sup> Ministerial Handbook published by the Department of Premier and Cabinet, p.63, Appendix 1, *Ministerial Code of Conduct*, available at <http://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/assets/ministerial-handbook.pdf>, retrieved on 18 April 2016.

## Website

Perhaps the most basic way in which the Integrity Commissioner may contribute to the relevant public discussion is by making information available to anyone who is interested through the website, [www.integrity.qld.gov.au](http://www.integrity.qld.gov.au).

This site was opened on 6 April 2001, and updated in the first half of 2010. In 2014-15 my office reviewed the operation of the website, and an upgraded website has been operational since early in the current year. All existing information is now presented in more easily accessible formats, together with publication of the office's policies and business plan, and – following a suggestion by the strategic review – additional advice scenarios.

The Lobbyists Register is now published on the site and is searchable by anyone for registered entities, employed lobbyists and organisations that employ lobbyists to lobby for them. Lobbyists have secure access to the site to alter their own entries on the register, and to record all lobbying contacts.

The website includes papers, submissions and presentations by Integrity Commissioners past and present, and the most recent annual reports.

Date range	No. Visits to website (year)	No. visits to website (monthly average)	No. page views (year)	No. page views (monthly average)
1 July 2013 – 30 June 2014	7,626	635.5	23,000	1,916
1 July 2014 – 30 June 2015	7,859	654.9	22,804	1,900
1 July 2015 – 30 June 2016	8,988	749	22,026	1,835

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## 7. The Integrity Act 2009 - other administrative matters

### *Meetings with Parliamentary Committee*

I appeared before the Committee at Estimates hearings on 18 August 2015, and in public briefings in fulfilment of the Committee's statutory oversight function held on 15 July 2015 and 14 October 2015.

The Hansard record of these meetings has been tabled in the Parliament.

### *The Integrity Commissioner's declarations*

In accordance with s. 80 of the Integrity Act I have provided the Speaker with my own declaration of interests and with a declaration covering a related person (my wife) along with two variations.

### *The Integrity Committee*

Since 2001, an informal meeting has been convened occasionally of what is known as the Integrity Committee. Apart from the Integrity Commissioner, those invited to attend are the Chair of the Crime and Corruption Commission, the Auditor-General, the Ombudsman, the Information Commissioner and the Commission Chief Executive of the Public Service Commission.

There were two meetings of the group in 2015-2016, held on 10 March 2016 and 23 June 2016.

The earlier meeting established a working group to consider enhanced strategies and resources to deal with awareness of integrity issues, upon which I participated. This met on 30 March 2016, and 29 April 2016.

### *Staffing support*

Over the period 9 -27 May 2016 I took annual leave. My predecessor, Dr David Solomon AM, was appointed as Acting Integrity Commissioner during this period, and I thank him for acting in the role for this time.

The Integrity Commissioner has the support of a full-time Executive Coordinator. The position has been filled for the past 11 years by Mrs Mattea Slinger. I am very grateful for her extremely capable support.

In January 2010, two additional positions were created within the office to maintain the Lobbyists Register and other matters concerning lobbying. Deborah Clark-Dickson was appointed as the Principal Policy Officer (Lobbying). Craig Hunter was appointed as the Research Support Officer (Lobbying).

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Over the past year the competence and dedication of Deborah and Craig again ensured that the Lobbyists Register was kept accurate and up-to-date, and that the systematic comparison of records was effectively undertaken. Also, Craig has very capably maintained and updated the office's website.

In June 2016, following the implementation of the recommendations of the strategic review, Deborah left the office. Over more than 6 years, she has made a significant contribution to the lobbying work of the Integrity Commissioner, and we wish her well in her retirement.

#### *Workload of the Integrity Commissioner*

Before the commencement of Act on 1 January 2010, the position of Integrity Commissioner was filled on the basis of two days work per week. This was increased to full-time when the office first became responsible for the lobbying function on 1 January 2010; and on 1 July 2010 it was reduced to the equivalent of four days per week.<sup>5</sup>

Over most of the past year I continued the four days a week arrangement. However, as a result of the reduction in lobbying responsibilities outlined above, I suggested to the strategic review that unless the scope of the position's responsibilities were to change, this amount of time was more than is necessary to fulfil the office's responsibilities.

This position was accepted by the review, by the Finance and Administration Committee and by government. Consequently, from 30 May 2016, my terms of appointment have been changed so that I am required to work up to four days a week as necessary.

I continue to be available to provide advice at any time that it is sought, and as noted elsewhere in this report, approximately 80 per cent of all requests for advice from designated persons are dealt with by the next business day.

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<sup>5</sup> See Queensland Integrity Commissioner, *Annual Report 2009-2010*, p 13.

## 8. Compliance disclosures

The Code of Conduct for the Queensland Public Service, approved by the Premier for adoption, if appropriate, by public service agencies, is the Code to which the Integrity Commissioner and staff adhere.

A copy of the Records Retention and Disposal Schedule (QDAN 629 v.3) developed for the Queensland Integrity Commissioner and approved by the Queensland State Archivist on 29 November 2010 is available on the Queensland State Archives website, [www.archives.qld.gov.au](http://www.archives.qld.gov.au).

No consultants were used.

No public interest disclosures under the *Whistleblowers Protection Act 1994* or the *Public Interest Disclosure Act 2010* were received by the office.

### *Right to Information*

No applications were received under the *Right to Information Act 2009*.

No information may be provided about the Integrity Commissioner's activities under chapter 3 of the Act – see schedule 1 – “Documents to which this Act does not apply” - of the *Right to Information Act 2009*. Section 6 of that schedule says –

#### **6 Documents received or created by integrity commissioner for *Integrity Act 2009*, ch 3**

A document created, or received, by the Queensland Integrity Commissioner for the *Integrity Act 2009*, chapter 3.

This Annual Report, the Privacy Plan and Statement of Affairs of the Integrity Commissioner are available on the website, [www.integrity.qld.gov.au](http://www.integrity.qld.gov.au).

## 9. Financial statement

### Office of the Integrity Commissioner Revenue and Expenditure for the year ended 30 June 2016

	2015-16	2014-15
<b>Revenue from ordinary activities</b>		
Output revenue	717,988	694,289
<b>Total revenue from ordinary activities</b>	<b>717,988</b>	<b>694,289</b>
<b>Expenses from ordinary activities</b>		
<b>Employee Expenses</b>		
Salaries and wages and related costs	384,020	436,124
Salary-related taxes	3,822	5,677
Superannuation	54,079	60,458
Other employee expenses	141,934	21,686
<b>Total employee expenses</b>	<b>583,856</b>	<b>523,945</b>
<b>Supplies and services</b>		
Building Services	47,477	62,715
Consumables	49	1,283
Corporate Technical Services SSP	73,330	88,000
Depreciation	-	649
External computer charge	-	1,259
Other Administrative Expenses	877	1,146
Parking	8,968	9,120
Telecommunications costs	2,387	3,614
Travel costs	1,045	2,558
<b>Total supplies and services</b>	<b>134,132</b>	<b>170,344</b>
<b>Total expenses from ordinary activities</b>	<b>717,988</b>	<b>694,289</b>
<b>Net Operating Result</b>	<b>-</b>	<b>-</b>

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

For reasons of economy and efficiency funding and administrative support, is provided by the Public Service Commission.

## Appendix 1 - Who is the Queensland Integrity Commissioner?

Richard Bingham was appointed as Queensland's fourth Integrity Commissioner on 1 July 2014, for a three-year term.

Richard was previously the South Australian Ombudsman, having served for five years from 2009-14. Before that he was the inaugural chair of the Tasmanian Electoral Commission, and he was Secretary of the Tasmanian Department of Justice from 1994-2004.

He has a background in legal policy and law reform.



The position of Queensland Integrity Commissioner was established in 1999 by amendments to the *Public Sector Ethics Act 1994*. The Honourable Alan Demack AO, a former judge of the Supreme Court of Queensland, took office as the first Integrity Commissioner in August 2000, and retired on 30 June 2004.

He was succeeded by Mr Gary Crooke QC, who served a five-year term until 30 June 2009. Mr Crooke had a distinguished legal career that included serving as Senior Counsel assisting the Fitzgerald Inquiry, 1987-89 and Chairman of the National Crime Authority, 1999-2002.

In turn, Mr Crooke was succeeded by Dr David Solomon AM, who held office for a five-year term from 1 July 2009 to 30 June 2014.

Dr Solomon spent most of his working life in Canberra, writing about politics and the law, for such newspapers as *The Australian*, *The Australian Financial Review* and *The Canberra Times*. He moved to Brisbane in 1992 to chair the Electoral and Administrative Review Commission, and, when that Commission was wound up, began writing for *The Courier-Mail* as a Contributing Editor. He retired from full-time journalism at the end of 2005.

Dr Solomon was Chair of the Independent Panel appointed by the Bligh Government to review Queensland's Freedom of Information laws in 2007-08. He received the Centenary Medal in 2001, and was appointed a Member of the Order of Australia in 2006.

## Appendix 2 - The roles and functions of the Integrity Commissioner

### *Adviser and regulator*

The Integrity Commissioner has two main functions

- to provide advice (if asked) to Ministers, Members of Parliament, senior public servants and others on ethics or integrity issues; and
- to regulate contact between lobbyists and government and Opposition representatives, 'so that lobbying is conducted in accordance with public expectations of transparency and integrity' (*Integrity Act 2009*, s. 4).

The responsibilities and duties of the Integrity Commissioner are detailed in the Integrity Act. They were originally contained in the *Public Sector Ethics Act 1994*.

The functions of the Integrity Commissioner are set out in section 7 of the Integrity Act. They are:

- (a) to give written advice to a designated person on ethics or integrity issues;
- (b) to meet with, and give written or oral advice to, members of the Legislative Assembly;
- (c) to keep the lobbyists register and have responsibility for the registration of lobbyists;
- (d) to raise public awareness of ethics or integrity issues by contributing to public discussion of these issues relevant to the integrity commissioner's functions.

### *The integrity function*

The Integrity Commissioner's role in providing advice on ethics or integrity matters, including conflict of interest issues, is limited. Advice may only be given when it is sought by a 'designated person'. The Act specifies who are or may be the 'designated persons' that the Integrity Commissioner may assist. Essentially they are Ministers, Members of Parliament (though Opposition MPs were only added by an amendment that came into effect in September 2009), statutory office holders, chief executives of government agencies, senior executive officers and senior officers, staffers of Ministers and Assistant Ministers and other people who may be nominated by a Minister or Assistant Minister.

There are more than 5,000 people who fit the description of a designated person. However senior executives, senior officers and senior officer equivalents, who together constitute the overwhelming majority of the designated persons, may only seek advice if they have the signed authority of their chief executive.

The term 'conflict of interest' is defined in the Integrity Act:

Conflict of interest issue, involving a person, is an issue about a conflict or possible conflict between a personal interest of the person and the person's official responsibilities.



The underlined words were added to the definition originally in the Public Sector Ethics Act to bring in the notion of a possible conflict, and to extend what were first described as 'official duties' to 'official responsibilities'.

Requests for advice on ethics or integrity issues must be in writing. The Integrity Commissioner must base the advice provided on relevant approved codes of conduct or approved ethical standards and such other standards as the Integrity Commissioner considers appropriate. The advice must be in writing. The Integrity Commissioner may only decline to provide advice if the Integrity Commissioner reasonably believes that not enough information has been provided in relation to the issue or that giving the advice would not be in keeping with the purpose of the Integrity Act.

Requests for advice, and the advice given, are confidential, and are not subject to disclosure under the *Right to Information Act 2009*. However a person who receives advice may disclose it.

The Premier may ask for the Integrity Commissioner's advice involving any person who is or has been a designated person, other than a non-government MP. The Premier may also ask for advice on standard setting for ethics or integrity issues.

Others in leadership positions – the Leader of the Opposition, Ministers, Assistant Ministers and chief executives – may ask for the Integrity Commissioner's advice on an ethics or integrity issue involving a designated person for whom they have responsibility, as set out in ss. 17 – 20 of the Integrity Act.

Members of the Legislative Assembly may request a meeting with the Integrity Commissioner to discuss ethics or integrity issues arising from their declaration of interests in the Parliamentary register of members' interests or the register of related persons' interests. The Integrity Commissioner may give such advice either orally or in writing.

### *The lobbyists function*

Since 2010 the Integrity Commissioner has been responsible for administering the regulation of lobbying activities under the Integrity Act. This involves the maintenance of the Lobbyists Register and approval of a code of conduct for lobbyists. The regulatory system is based on the requirement, in s. 71 of the Act, that 'government representatives' must not knowingly permit an entity that is not a registered lobbyist to carry out a lobbying activity for a third party client with the government representative.

'Government representative' is broadly defined. It includes the Premier, Ministers, Assistant Ministers and their respective staff members, chief executives and the staff of their departments, local government councillors and chief executives and staff of councils, the parliamentary staff, and the chief executives and staff of government owned corporations.

Since December 2012 the Act has also covered lobbying of the Leader and Deputy Leader of the Opposition and the Leader's staff.

'Lobbyist' is narrowly defined. While 'lobbying' has a meaning that would be accepted in many jurisdictions – 'contact with a government representative in an effort to influence State or local government decision making' (s. 42(1)) – an entity that lobbies is defined in a very restrictive way that excludes many of those who do in fact lobby government. According to the definitions in s. 41 of the Integrity Act:

A **lobbyist** is an entity that carries out a lobbying activity for a third party client or whose employees or contractors carry out a lobbying activity for a third party client.

A **third party client** is an entity that engages another entity to provide services constituting, or including, a lobbying activity for a fee or other reward that is agreed to before the other entity provides the service.

The section goes on to provide a series of exceptions. Those who are declared not to be lobbyists for the purposes of the Act include:

- non-profit entities
- entities constituted to represent the interests of their members
- entities lobbying on their own behalf
- entities that carry out lobbying that is 'occasional only and incidental to the provision of professional or technical services'.

The Integrity Commissioner maintains a register of lobbyists. To register, a lobbyist must provide:

- (a) the lobbyist's name and business registration particulars;
- (b) for each person (**listed person**) employed, contracted or otherwise engaged by the lobbyist to carry out a lobbying activity—
  - (i) the person's name and role; and
  - (ii) if the person is a former senior government representative, the date the person became a former senior government representative;
- (c) the name of each current client of the lobbyist;
- (d) the name of each client for which the lobbyist has carried out a lobbying activity within the 12 month period before the lobbyist most recently gave the integrity commissioner the particulars under this division or section 53;

These details are published in the register on the Integrity Commissioner's website.

Proposed "listed persons" (that is, lobbyists employed by lobbying entities) must provide a statutory declaration with details of any relevant criminal history, including any dishonesty offence with a conviction in the previous 10 years.

The requirement for 'former senior government representatives' to be identified on the register flows from the fact that the Act prohibits such people, for two years after they become 'former' senior government representatives, from any lobbying activity relating to their official dealings as a government representative in the two years before becoming a former senior government representative.

'Former senior government representative' is defined in a very broad manner to include, for example, anyone who had worked in the office of a Minister or Assistant Minister, as well as Ministers and Assistant Ministers, and senior public servants, down to senior executive level or equivalent.

Lobbyists are also prohibited by s. 69 of the Act from receiving a success fee for their efforts in lobbying government. If a lobbyist offended this prohibition, they would be liable not only to be fined but also to surrender the fee to the government.

Lobbyists are required to comply with a Lobbyists Code of Conduct, approved by the Integrity Commissioner, that is published on the website. The Lobbyists Code of Conduct was introduced in March 2010 and was largely based on an administrative code that was in force in 2009. The range of ethical requirements lobbyists are now required to meet was increased in the new code.

Significantly the Lobbyists Code of Conduct includes two important prerequisites to any lobbying activity, designed to make it easier for government and local government representatives to appreciate the nature of the lobbying activity to which they are being asked to respond.

First, when making an initial contact lobbyists have to make clear that they are on the lobbyist register, and the person conducting the lobbying is listed, who they are representing, the nature of the issue they wish to raise and the reasons for the approach.

Second, if the listed lobbyist is a former government representative, they must indicate when they became a former government representative and that the matter they wish to lobby about is not banned by the Act as a 'related lobbying activity'.

The Lobbyists Code of Conduct was amended in 2013, with effect from 1 May 2013, to require registered lobbyists to report details of their lobbying contacts with government and opposition representatives. The reports may be accessed by anyone on the Integrity Commissioner's website.

### *The public awareness function*

The Integrity Commissioner is required:

to raise public awareness of ethics or integrity issues by contributing to public discussion of these issues relevant to the integrity commissioner's functions.

In performing this function, however, the Integrity Commissioner must not disclose information likely to identify a specific request for advice that has been received or information that could result in the identification of any person who sought advice or about whom advice was sought.