



Queensland
Integrity Commissioner

Annual Report

2022–23

*Encouraging confidence in public
office and public institutions*

Office of the Queensland Integrity Commissioner Annual Report 2022–23

ISSN: 1837–2201

© The State of Queensland (Office of the Queensland Integrity Commissioner) 2023

This Annual Report can be accessed at:
www.integrity.qld.gov.au/publications/annual-reports.aspx.

Contact

Address: Level 13, 53 Albert Street

Postal: PO Box 15290
City East
Brisbane Qld 4002

Telephone: +61 7 3003 2888

Email: office@integrity.qld.gov.au

Website: www.integrity.qld.gov.au

Interpreter service statement



The Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds.

If you have difficulty in understanding the annual report, you can contact us on (07) 3003 2888 and we will arrange an interpreter to effectively communicate the report to you.

Licence

This annual report is licensed by the State of Queensland (Queensland Integrity Commissioner) under a Creative Commons Attribution (CC BY) 4.0 International licence.

CC BY Licence Summary Statement



You are free to copy, communicate and adapt this annual report, as long as you attribute this work.

Content from this annual report should be attributed as: The State of Queensland (Integrity Commissioner) Annual Report 2022–23.

To view a copy of this licence, visit:
creativecommons.org/licenses/by/4.0/

Feedback

The Office of the Queensland Integrity Commissioner is committed to continuous improvement and open and accountable governance. We welcome feedback and suggestions on this publication, which can be provided via email on office@integrity.qld.gov.au or by calling (07) 3003 2888.

Acknowledgement of Traditional Owners and Elders

The Integrity Commissioner and staff wish to acknowledge the Aboriginal peoples and Torres Strait Islander peoples, the Traditional Owners and Custodians of the Country on which we live and work and pay our respects to their Elders past and present.

We recognise and appreciate their deep and continuing relationship to the land, waters and seas of Queensland and the Torres Strait. We thank them for protecting our Queensland lands, coastline and its ecosystems since time immemorial. We recognise and value their stories, culture, history and diversity.

7 November 2023

The Honourable Curtis Pitt MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE Qld 4000

Dear Mr Speaker

I am pleased to submit for presentation to the Parliament the Annual Report 2022–23 and financial statement for the Office of the Queensland Integrity Commissioner.

This is the 14th report provided pursuant to section 85 of the *Integrity Act 2009*. Previous annual reports were provided to the Premier as required by the *Public Sector Ethics Act 1994*.

I confirm the Annual Report complies with section 85 of the *Integrity Act 2009*.

Yours sincerely



Linda Waugh
Queensland Integrity Commissioner

About this Report

This Annual Report has been prepared for the Speaker and the Economics and Governance Committee for tabling in the Legislative Assembly.

The report provides information about the performance of the Queensland Integrity Commissioner's functions for 2022–23 and has been prepared in accordance with section 85 of the *Integrity Act 2009*.

This is not an annual report under the *Financial Accountability Act 2009*. For the purposes of that Act, the financial results for the Office of the Queensland Integrity Commissioner (OQIC) are reported and included in the *Public Sector Commission Annual Report 2022–23*.

Additional annual reporting requirements have been published on the Queensland Government Open Data portal at www.data.qld.gov.au. This includes information about consultancies and overseas travel, if relevant.

Contents

Message from the Queensland Integrity Commissioner	2
About us	4
2022–23 at a glance	5
Advice on ethics, integrity and interests issues	6
Regulation of lobbying activity	11
Stakeholder engagement and raising awareness	14
Projects and activities	16
Governance, staffing and administrative support	18
Appendix 1 – Financial Statement	20

Message from the Queensland Integrity Commissioner

I am pleased to present the Office of the Queensland Integrity Commissioner (OQIC) Annual Report 2022–23. This year has been a significant one for the Office, and was marked by important changes to our funding, legislation and governance arrangements.

Two reviews were instrumental to reforming the operation of the OQIC and the role of the Queensland Integrity Commissioner (Integrity Commissioner) during 2022–23. These were:

- the *Strategic Review of the Integrity Commissioner's Functions*, Mr Kevin Yearbury PSM, 30 September 2021 (Yearbury Review Report)
- the *Let the sunshine in – Review of culture and accountability in the Queensland public sector*, Professor Peter Coaldrake AO, 28 June 2022 (Coaldrake Review Report).

Both aimed to improve integrity and accountability in Queensland Government and the Queensland public sector, albeit in different ways.

Professor Coaldrake supported the recommendations made by Mr Yearbury and, insofar as my Office is concerned, made further recommendations on the regulation of lobbying in Queensland (a key function of my role) and for funding arrangements for Queensland integrity bodies to be independent of executive government.

The *Integrity and Other Legislation Amendment Act 2022*, which implemented a number of recommendations made by Mr Yearbury, amended the *Integrity Act 2009* to:

- formally establish the OQIC
- make staff assisting the Integrity Commissioner, previously employees of the Public Sector Commission, integrity officers employed within the OQIC
- include provisions to reinforce our independence (the OQIC is under the control of the Integrity Commissioner and not subject to direction)
- establish the position of Deputy Integrity Commissioner.

These amendments improve and reinforce the independence of my role and the Office. This Act also created the new offence of unregistered lobbying.

Additionally, the Queensland Government increased our staffing and funding. This increase is critical to ensuring we can effectively discharge our functions and provide the support and resources our key stakeholders require, and have asked for, in terms of managing ethics and integrity issues and meeting obligations under the lobbying regulation scheme.

A significant activity undertaken this year was the development and implementation of a new Lobbying Register. This followed a recommendation made by Mr Yearbury, who noted the previous register was no longer fit for purpose and was built on a dated and inflexible technology platform. This work was funded by the Department of the Premier and Cabinet (DPC) and ably project managed by information technology specialists from the DPC. The project was governed and overseen by a steering committee chaired by the Integrity Commissioner.

In May 2023, the new Lobbying Register was launched. It provides enhanced functionality for users and registrants alike. It also automates some manual processes, providing work efficiencies for OQIC staff.

In 2023–24, we will commence Phase 2 of the project to further improve the register's functionality, address any issues identified during its initial operation, and make changes required as a result of any legislative changes to the lobbying regulation scheme.

In my first six months as Integrity Commissioner, I prioritised meeting with key stakeholders and listening to their feedback on the work we do, and the services and support we provide. This has resulted in changes to our work advising on ethics and integrity issues, and informed the development of our work program for next year.

From my meetings with stakeholders it was clear that my role and the important work the OQIC undertakes is supported by all sides of politics, public sector leaders, and our regulated population. This is critically important for successfully delivering our work, supporting and advising our broad range of clients and stakeholders, and operating as a trusted independent office. I thank those I met with for their frank and honest observations.

While this year has been an exciting one with many positive changes, there are more to come. In June 2023, the *Integrity and Other Legislation Amendment Bill 2023* was introduced into the Parliament. If passed, it will establish the Office as a statutory body, an important and final step in our journey to independence. It will give us new responsibilities for delivering training to key stakeholder groups and provide us with powers to enforce lobbying standards of conduct.

I look forward to the coming year and the role the OQIC will play within the broader integrity framework in our state. We will continue our contribution to building trust and confidence in the Queensland Government, and in our public institutions and departments.

The significant work program ahead means we will need additional staff. This year I appointed a Manager, Corporate Services – an important position for a newly created independent office. I also commenced recruitment for the inaugural Deputy Integrity Commissioner and the development of position descriptions for other key roles in the Office. Recruitment of these roles will continue into the first half of 2023–24, with the objective of having the full contingent of staff in place by the end of 2023.

In early 2023, I reviewed the information data and physical security arrangements of the OQIC. As part of this, I formalised arrangements through the development of a service level agreement with the DPC. Critical outcomes of this process are a strong control framework and the implementation of protocols that can only be enacted under the authority and supervision of the Integrity Commissioner. These arrangements ensure the information the OQIC holds is effectively protected and secured.

In this and many other ways, the DPC has provided invaluable administrative support to the OQIC this year. I appreciate the collegial, responsive and professional departmental staff who have assisted our Office, and who have respected and recognised the independence of my role and the Office when doing so.

I would also like to take this opportunity to thank Mr Tony Keyes for his stewardship in leading the Office from July to December 2022 as the Acting Integrity Commissioner. I also thank him for ensuring staff stability on my commencement and for his work during the consultation process and in the development of the Integrity and Other Legislation Amendment Bill 2022.

Finally, I wish to thank OQIC staff, both present and past – particularly those who welcomed me warmly and gave me unwavering support on my arrival in December. We are a small office with a significant workload – a combination of our business-as-usual work and the extraordinary challenges arising from the change and reform program that continues to this day. Meeting these requirements would not have been possible without their dedication, commitment and willingness to work the additional hours necessary to deliver the many significant achievements of this year.



Linda Waugh
Queensland Integrity Commissioner

About us

The Queensland Integrity Commissioner (Integrity Commissioner) is an independent statutory officer and officer of the Queensland Parliament established under the *Integrity Act 2009 (Qld)* (Integrity Act).

The Office of the Queensland Integrity Commissioner (OQIC) is also established under the Integrity Act and consists of the Integrity Commissioner, the Deputy Integrity Commissioner and Integrity Officers. OQIC staff are employed under the *Public Sector Act 2022 (Qld)*.

What we do

Our statutory functions are set out in section 7 of the Integrity Act and are to:

- help Ministers, members of the Legislative Assembly, senior public sector leaders and others to deal appropriately with ethics or integrity issues
- regulate lobbying activity between lobbyists and state or local government representatives, and contact between lobbyists and key representatives for the opposition, so that lobbying is conducted in accordance with public expectations of transparency and integrity
- raise awareness of ethics and integrity issues.

Oversight of the OQIC

The OQIC is overseen by the Economics and Governance Committee (EGC) of the Legislative Assembly. The EGC has a range of functions, including to monitor and review the performance by the Integrity Commissioner in fulfilling their functions under the Integrity Act and to examine each annual report tabled in the Legislative Assembly.

Our vision, purpose and values

Our Strategic Plan 2022–25, which sets out the Integrity Commissioner’s role and functions, vision and purpose, objectives and strategies, performance measures, and strategic risks and opportunities is accessible at: www.integrity.qld.gov.au/publications/strategic-plans.aspx.

Our vision

Encouraging confidence in public office and public institutions.

Our purpose

The Integrity Commissioner’s purpose is to:

- advise designated persons on ethics and integrity issues
- raise public awareness of ethics and integrity matters
- on request of the Premier, provide advice on standard setting for ethics or integrity issues
- set conduct standards for registered lobbyists
- regulate lobbying activity and maintain the register.

Our values

Challenge misconceptions and myths around ethics and integrity.

Engage the public and public officials to raise awareness about ethics and integrity.

Lead by developing and promoting good practice standards for ethics and integrity.

Resolve ethics and integrity issues in the public interest.

2022–23 at a glance

Ethics, integrity and interests advice

We provide ethics and integrity or interests issues advice to ‘designated persons’ under the Integrity Act. Designated persons include ministers, members of the Legislative Assembly, senior public sector leaders, statutory officers and others.



78

Formal requests for ethics and integrity or interests issues advice from designated persons



71

Formal written advices **issued**



7

Formal written advices issued **within one business day** of request (urgent matters)



54

Formal written advices finalised **within two weeks** of request

Lobbying regulation

We maintain the Queensland Lobbying Register, which records all registered lobbyists entities and lobbyists, and all lobbying contacts between lobbyists and government and opposition representatives.



110

Registered **entities**



300

Registered **listed persons**



52

Enquiries about **lobbying**



665

Lobbying contacts with government and opposition representatives

Stakeholder engagement and awareness raising

We meet regularly with our key stakeholders and deliver education and awareness sessions on our statutory functions and related matters.



21

Requests for education and awareness presentations



4

Education and awareness presentations **delivered**



65

Meetings with designated persons (advice request and/or service)



63

Other stakeholder meetings

General information



23

Enquiries from non-designated persons (including members of the public)



6

Media enquiries

Staff



8

Commissioner 1
Permanent staff 7 (full-time equivalent)

Budget



1.4M

Original budget \$1.258M
Actual budget \$1.447M

Advice on ethics, integrity and interests issues

The Integrity Commissioner’s role is to provide advice on ethics and integrity and interests issues to designated persons or former designated persons.

About the advice function

Advice requested under section 15 of the Integrity Act must be sought by a designated person in writing. The Integrity Commissioner must have regard to the following in preparing advice:

- approved codes of conduct and approved standards of practice under the *Public Sector Ethics Act 1994*
- ethical standards or codes of conduct adopted by the Legislative Assembly by resolution
- ethical standards or codes of conduct approved by the Premier for Ministers.

The Integrity Commissioner may also have regard to other ethical standards considered appropriate for the matter under consideration.

All records relating to an advice request (including the advice provided) are not subject to the *Right to Information Act 2009* (Qld). However, there are provisions in the Integrity Act that apply to the disclosure of advice under certain circumstances. As these are nuanced to the classification of the designated person, these disclosure provisions are included in each advice.

In his review report on the Integrity Commissioner’s functions, Mr Yearbury commented, based on stakeholder submissions and feedback, that written advice had become increasingly complex and legalistic and recommended that:

The Integrity Commissioner structure advice provided so that there is a summary of the advice and any recommended course of action as the first section of the document.¹

The new Integrity Commissioner, who commenced in December 2022, sought to better understand the feedback provided by stakeholders to Mr Yearbury. The Integrity Commissioner undertook a desktop review of advices provided by previous Commissioners and met with 65 designated persons. During these meetings, the Integrity Commissioner sought feedback and invited suggestions from key stakeholders as to how advices could be better structured to meet their needs, and their preferences for writing style.

This feedback has been instrumental in a process of continuous improvement adopted by the Integrity Commissioner, which has resulted in written advice:

- setting out the advice and recommended action upfront
- adopting a plain English approach
- including an annexure with detailed analysis of the issues in more complex advice requests
- referring to annexures with general information about the topic (as opposed to the information being contained within correspondence).

Meetings with designated persons were also an opportunity to hear from stakeholders about what other services and resources could be provided by the Integrity Commissioner to assist in dealing with ethics and integrity issues. Feedback was also sought on the topics and issues that might be addressed in a training and awareness program spanning all functions of the Integrity Commissioner and all stakeholder groups. These discussions resulted in a number of projects being incorporated in the Integrity Commissioner’s annual work plan.

¹ *Strategic Review of the Integrity Commissioner’s Functions*, Kevin Yearbury PSM, 30 September 2021, Recommendation 22, p 64.

Who is a designated person?

Section 12(1) of the Integrity Act defines a designated person as:

- a. a Member of the Legislative Assembly
- b. a statutory office holder
- c. a chief executive of a department of government or public service office
- d. a senior executive or senior officer
- e. a chief executive of, or senior officer equivalent employed in, a government entity nominated by the Minister responsible for administering the entity
- f. a ministerial staff member who gives, or a person engaged to give, advice to a Minister
- g. an assistant minister staff member who gives, or a person engaged to give, advice to an Assistant Minister
- h. a person, or a person within a class of person, nominated by a Minister or Assistant Minister.

Nominations of designated persons are generally made under section 12(1)(h) of the Act.

What is an ethics or integrity issue?

Section 9 of the Integrity Act defines an ethics or integrity issue as 'an issue concerning ethics or integrity and includes a conflict of interest issue'. Additionally, and only for a request of the Premier, the definition includes 'standard setting for ethics or integrity issues'.

A conflict of interest issue is defined as involving 'a conflict or possible conflict between a personal interest of the person and the person's official responsibilities'.

What is an interests issue?

An interests issue is a particular type of ethics or integrity issue that applies only to a member of the Legislative Assembly. It means an ethics or integrity issue relevant to the member for, or in, the register of members' interests, or the register of related persons' interests, kept under the *Parliament of Queensland Act 2001*, section 69C.

Meetings with members of the Legislative Assembly about interests issues

Unlike other ethics and integrity advice requests – where the request must be made in writing and the Integrity Commissioner must provide advice in writing – Part 3 of the Integrity Act allows an advice request relating to interests issues to be made in writing or orally at a meeting with the Integrity Commissioner. The Integrity Commissioner must give the member advice on the interests issues raised, which may be provided orally or in writing.

There have been no instances this year where the Integrity Commissioner has provided oral advice under this part of the Act.

Our approach to advice work

In providing advice, the Integrity Commissioner must consider any relevant standards or codes as well as a broad range of issues or materials relevant to the topic of the advice request. This range of materials is diverse, and the OQIC does not yet have a centralised knowledge management system that facilitates ease of reference.

The OQIC has implemented a short-term solution to this issue utilising existing technology. However, a longer-term solution needs to be explored and implemented to more efficiently manage the research and information required when considering any request for advice.

The OQIC has developed tools aimed at improving the capture and quality of data to enable improved trend analysis, which will assist in identifying the categories of advice most frequently requested, and the class of designated persons who are seeking advice.

This data analysis will then inform and prioritise the development of materials most relevant to the classifications of designated persons and the types of ethics or integrity and interests issues most often received in advice requests.

These are all significant pieces of work and may take some time to fully implement. However, the longer-term benefits will increase the OQIC's capacity to improve the timeliness of responses to advice requests, and promote awareness to help Ministers, Members of the Legislative Assembly, Statutory Office Holders and senior executives in public service entities deal appropriately with ethics or integrity-related issues.

Meetings about advice requests

Taking into consideration the recommendation in the Yearbury Review Report in relation to the structure of advice, new protocols have been introduced to complement a new approach and structure.

Where a matter is particularly complex or nuanced, the Integrity Commissioner will request a meeting with the designated person to fully understand the nature and risk profile of the conflict. Where necessary, the Integrity Commissioner will also seek more information to consider individual circumstances, roles and responsibilities, to inform the advice and the operability of proposed management strategies.

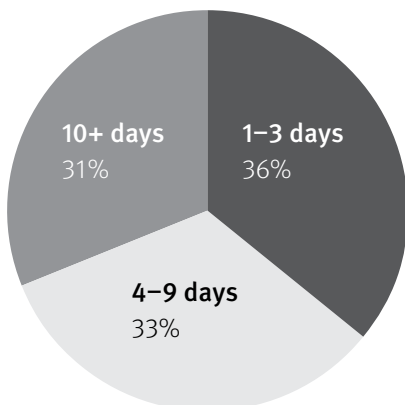
While this approach may increase the timeframe to provide the advice, on balance, the Integrity Commissioner is of the view that by taking this time with the designated person in the preparation and drafting stage of the process, a better overall outcome is achieved. The designated persons will better understand the advice provided and any actions they may need to take to manage the issue subject to advice.

Timeliness of advice provided

In the 2022–23 financial year, the Integrity Commissioner received 78 requests for advice. Twenty-eight were responded to within one to two business days. These were generally requests for advice that were relatively straightforward or were required urgently.

The Integrity Commissioner responded to 26 requests within four to nine business days. These were predominantly moderately complex issues. The remaining 24 requests required more than nine business days to resolve and often presented a more significant risk profile.

Figure 1: Response timeframes



Many of the more complex requests required the collection of supplementary information from the designated person, which was a contributing factor to these longer timeframes.

These lengthy matters involved intricate scenarios and/or multiple roles or responsibilities. For one complex matter, the designated person also changed roles and responsibilities during the research and preparation stage, which considerably changed the risk profile associated with the interests issues.

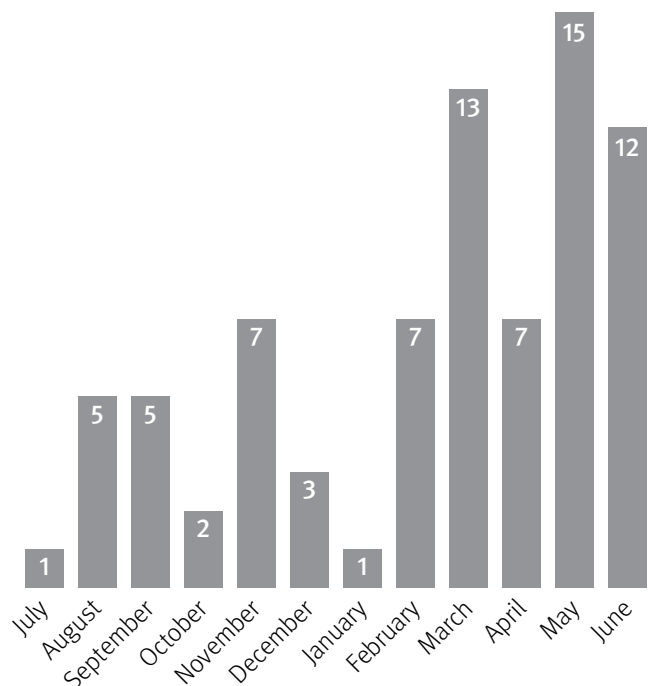
Various factors influenced the turnaround time, resulting in an average response time of nine working days. This is a reflection of the complex nature of integrity and ethics issues dealt with by the Integrity Commissioner. Response times were further impacted by limited resources due to staff turnover and recruitment activities, particularly in the second half of the year.

Advice requests received

Of the 78 requests received, 55 were received between January and June 2023.

The increase in numbers in the second half of the year is likely the result of a substantive Integrity Commissioner commencing in the role in December 2022 and the extensive engagement with stakeholders undertaken by the Integrity Commissioner between January and June 2023.

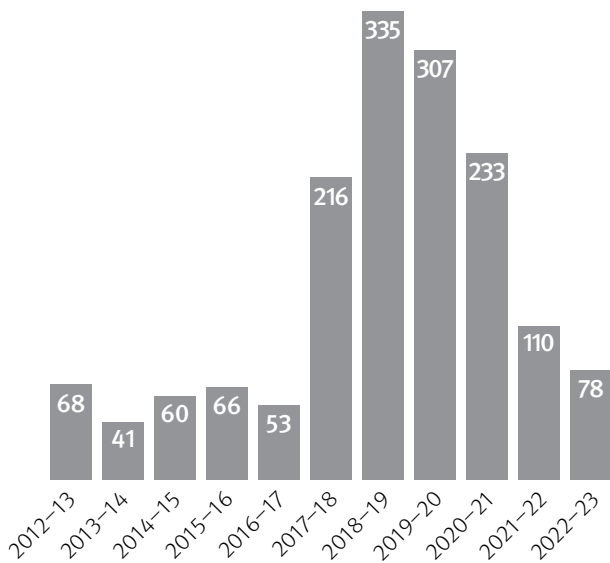
Figure 2: Advice requests by month – Financial Year 2022–23



Advice request trends over time

The OQIC saw a decrease in advice requests during the 2022–23 financial year compared to the previous five years.

Figure 3: Number of formal advice requests received – financial years 2012–13 to 2022–23



Between 2017–18 and 2019–20 there was a significant increase in advice requests. This was attributed to the nomination of councillors and mayors as a class of designated person under section 12(1)(h) of the Integrity Act.

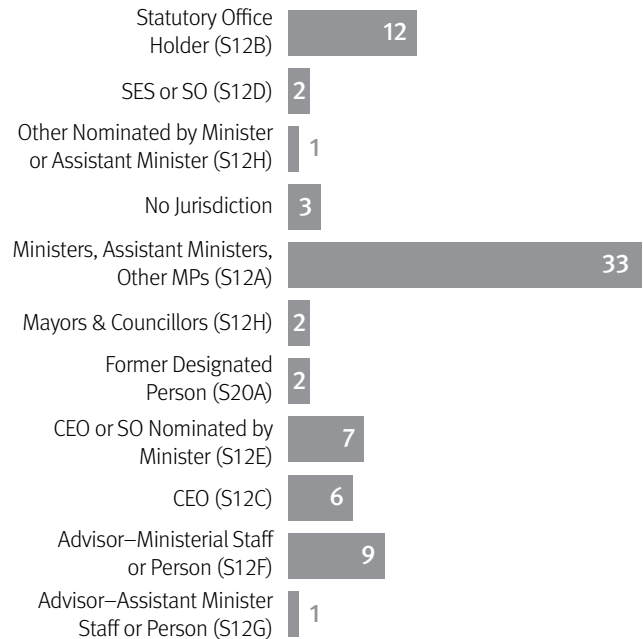
The then Integrity Commissioner introduced service limits in the 2020–21 financial year. These service limits have since been removed.

Removing those years impacted by councillors and mayors being nominated, the trend over time suggests the number of advice requests received this year is marginally higher than in previous years (2012–13 to 2016–17).

Advice requests by class of designated person

As shown in Figure 4, Members of the Legislative Assembly were the largest category of designated person, with 33 requests for advice.

Figure 4: Advice requests – designated persons: financial year 2022–23



Statutory office holders were the next largest category of designated persons, seeking advice on 12 occasions.

Ministerial advisors were the third largest class of designated persons seeking advice, with nine requests. When certain provisions of the *Integrity and Other Legislation Amendment Act 2022* are proclaimed, this class of designated persons will no longer be able to seek advice from the Integrity Commissioner, except for chiefs of staff. Ministerial staff will need to request their Minister to make an advice request if they have an ethics or integrity issue on which they would like independent advice. This change implements Recommendation 5 from the Yearbury Review Report.

When certain provisions of the *Integrity and Other Legislation Amendment Act 2022* are proclaimed next year, Senior Officers, captured under section 12(1)(d) as a class of designated persons, will also no longer be able to seek advice from the Integrity Commissioner. This change implements Recommendation 3 from the Yearbury Review Report.

Senior Officers belong to one of the largest categories of designated persons who can currently seek advice from the Integrity Commissioner. Note, however, that there were only two requests this year from a Senior Officer. One factor attributable to the low number may be a lack of awareness within this category of their designated person status.

What advice requests concerned

As shown in Figure 5, conflict of interest and personal interest issues represented the largest category of ethics and integrity issues that advice was sought on, accounting for 85% of all requests for advice. Primarily, these requests related to advice on identifying, declaring and managing conflicts of interest, including the development or endorsement of conflict of interest management plans.

Figure 5: Advice requests 2022–23 by topic

	Count	Percentage of total requests
Conflicts of Interest and Personal Interests	66	85
Consultation	1	1
General Enquiry	4	5
Post-separation	3	4
Probity	3	4
Projects	1	1
Grand Total	78	100

Conflict of interest issues is a broad category that captures issues including:

- duty-on-duty conflicts
- review of conflict of interest management plans
- memberships (where there is an actual, potential or perceived nexus between the designated person’s membership and their official roles and responsibilities) of sporting clubs, unions, professional associations or community organisations
- personal interests – for example, shareholdings or other business interests
- recruitment
- relationships – for example where there is a potential nexus between the respective roles and responsibilities of related parties.

Changes implemented in May 2023 relating to the quality of data captured will facilitate more detailed analysis both of the class of designated persons seeking advice, and the matters on which advice is sought.

Post-separation obligations

Another area where advice was sought relates to the obligations on government representatives who are also a class of designated persons when separating from their role. Three requests for advice under this category were received.

A government representative is defined under section 44 of the Integrity Act as:

- the Premier or another Minister
- an Assistant Minister
- a councillor
- a public sector officer
- a ministerial staff member
- an assistant minister staff member.

Post-separation obligations exist to promote transparency and accountability, and to prevent former senior government representatives from taking personal advantage of special relationships or confidential information acquired through their position, for the two years prior to their separation.

The Integrity Commissioner provides advice to assist designated persons leaving government to ensure they are aware of their obligations, what actions they can take in preparation for their separation, and relevant constraints on any future interactions they may have with government representatives for the duration of the obligations.

These obligations are set out in the post-separation employment provisions policy, which outlines quarantine periods based on the type of interaction with government, and the role the senior government representative held in the prescribed period (18 months or two years) prior to ceasing. There are also enduring confidentiality provisions, which are nuanced to the class of designated person and the individual’s employment conditions at the time of separation.

Regulation of lobbying activity

The Integrity Commissioner is responsible for the regulation of lobbying activity in Queensland. Chapter 4 of the Integrity Act sets out how the scheme works and the role and powers of the Integrity Commissioner.

How the regulatory scheme works

Lobbying is an important part of our system of government and of democratic representation. It has a role in informing good policy development but should also be ethical, equitable, and transparent. Importantly, lobbying should not result in decisions being made because of undue influence or preferential access.

Lobbying has always been present and forms part of our political process. Lobbying is undertaken by citizens, clubs and associations, corporations, not-for-profit entities, and other community stakeholders. More recent decades have seen the emergence of consultants who are paid by third parties to advocate on their behalf. Typically, these consultants have previously been involved in politics and/or government so are familiar with both the system and processes of government as well as those currently within government who can influence or make decisions.

The regulatory scheme requires:

- certain entities and persons who engage in 'lobbying activity' with government/opposition representatives to be registered with the OQIC
- each registered lobbyist to record their clients and contacts with government/opposition representatives in the Queensland Lobbying Register (publicly accessible on the OQIC website)
- each registered lobbyist to comply with the requirements under the Integrity Act and with the Lobbying Code of Conduct.

In addition to obligations relating to lobbyists, the Integrity Act also imposes some requirements on government/opposition representatives (e.g. in relation to mandatory reporting of unregistered lobbying activity), former senior government/opposition representatives (e.g. the prohibition against related lobbying activity) and other entities (which are prohibited from paying success fees to lobbyists).

Which lobbyists must be registered?

In Queensland, an entity that carries out lobbying on behalf of a third-party client for fee or other reward is required to be registered with the OQIC. However, the following entities are exempt from the requirement to register:

- a non-profit entity
- an entity constituted to represent the interests of its members (e.g. a trade union or professional group)
- an entity carrying out incidental lobbying activities
- an entity carrying out lobbying activities only for the purpose of representing its own interests.

For each registered lobbyist, the Lobbying Register must include the lobbyist's name and business registration particulars. It must also include the details of each person employed, contracted or otherwise engaged by the lobbyists to carry out lobbying (called a 'listed person') and the names of its third-party clients.

What is lobbying activity and how is it recorded?

Lobbying activity is:

- any contact with a government representative in an effort to influence state or local government decision-making
- any contact with the Leader of the Opposition (or their staff) or the Deputy Leader of the Opposition in an effort to influence the opposition's decision-making on legislation, policy, programs or position or view in relation to state or local government decision-making.

A registered lobbyist must record every lobbying contact in the Queensland Lobbying Register, accessed via the OQIC website. This is a publicly accessible register that provides transparency to the community as to who registered lobbyists are having contact with, about what, and who they are representing when they do have contact.

Powers of the Integrity Commissioner

The scheme provides the Integrity Commissioner with several powers in relation to lobbying, including:

- the power to refuse registration of an applicant (e.g. if the application includes materially false or misleading information or due to previous compliance failures with requirements under the Integrity Act or Lobbyists Code of Conduct)
- the power to cancel the registration of a lobbyist, on substantially similar grounds to those outlined above in relation to registration
- the power to issue a warning or suspend registration.

Prior to exercising these powers, the Integrity Commissioner is required to first apply a 'show cause notice' process to the matter.

Lobbyists Code of Conduct

The Integrity Act gives the Integrity Commissioner the power to approve a Lobbyists Code of Conduct (Code) after consultation with the Parliamentary Economics and Governance Committee.

The current Code was last amended in 2013 and is published on our website. It sets out the ethical obligations and requirements for registered lobbyists, including:

- standards of conduct
- what information must be provided when making contact with a government or opposition representative (e.g. purpose of contact)
- the consequences of failing to comply with the Code (e.g. cancellation or suspension of registration)
- what information about lobbying activities must be included in the Queensland Lobbying Register (date, purpose of contact, who the contact was with, and which client was being represented)
- the requirement to update the Queensland Lobbying Register within 15 days of the close of the month, with details of all contacts made during that month.

As noted elsewhere, the Integrity and Other Legislation Amendment Bill 2023 includes provisions to amend the lobbying regulation scheme. Once the Bill has been passed by Parliament, the Integrity Commissioner will commence a consultation process as part of its work to review and update the Code.

Lobbying activities

At the close of 2022–23 the Queensland Lobbying Register recorded:

- 110 active registered entities
- 300 active listed persons
- 665 lobbying contacts, which took place over the course of 2022–23.

Figure 6 shows the trends in key lobbying activities over the last three years.

Figure 6: Lobbying activities – financial years 2020–21 to 2022–23

Year	Registered entities*	Registered listed persons*	Lobbying contact with government/opposition representatives
2022–23	110	300	665
2021–22	129	305	1,518
2020–21	123	227	989

* Figures as at 30 June of each year.

While the number of registered entities has slightly decreased, the number of listed persons has remained relatively stable over the last two financial years, with an increase between 2020–21 and 2021–22. The total number of contacts has varied considerably over time. The specific reason for the spike in contacts during 2021–22 is as yet unclear but may become apparent over the longer term.

The reduction in the number of contacts in 2022–23 coincided with a change announced in June 2022² to the way lobbyists can make contact with a Minister.

The change required registered lobbyists to request all meetings in writing via an online form and to make any other contact only via a Chief of Staff. Anecdotal evidence suggests that Ministers took fewer or no meetings with registered lobbyists during the year.

Lobbying enquiries

The OQIC receives email and telephone enquiries about the lobbying regulation scheme throughout the year. For instance, the OQIC receives many queries as to whether an activity is a 'lobbying activity' or whether an entity is required to be registered.

During 2022–23, the OQIC responded to 52 enquiries about lobbying; this was higher than 2021–22 and 2020–21, when the OQIC received 31 and 38 enquiries respectively.

² Media statement, 'New rules for lobbyists', Premier and Minister for the Olympics, The Honourable Anastacia Palaszczuk, 27 June 2022.

Annual renewal of lobbying registration

Section 51 of the Integrity Act requires registered lobbyists to renew and update their particulars for continued registration.

By 31 July each year, registrants must give the Integrity Commissioner:

- confirmation that the particulars they provided in relation to their registration remain correct
- if a statutory declaration by a person was required for the registrant's application for registration, a new statutory declaration by the person.

During the last financial year, registrants were sent a reminder in advance of the annual renewal process. After 31 July 2022, a further reminder was sent to registrants who had failed to update their particulars by the due date.

In September 2022, the Acting Integrity Commissioner issued 25 show cause notices on the grounds that the registrant had failed to comply with a requirement under Chapter 4 of the Integrity Act. Each notice advised the registrant that the Acting Integrity Commissioner proposed to cancel their registration and invited the registrant to make written representations within the show cause period.

The Acting Integrity Commissioner issued a warning to seven registrants following the show cause period, and subsequently deregistered 11 registrants. A further five registrants sought to be deregistered during the annual renewal process.

Show cause and other actions

During 2022–23, the Integrity Commissioner issued a total of 26 show cause notices – 25 for failure to comply with annual renewal processes and one relating to a new application for registration. The latter did not proceed as the application was withdrawn.

During 2022–23, seven warnings were also issued for failures to update particulars; no registrants had their registration suspended.

Replacement of the Lobbying Register

In the Yearbury Review Report, Mr Yearbury observed that the then Lobbyist Register was not fit for purpose. He noted that the register was created in 2009, the technology on which it was based was outdated and its functionality was limited, which in turn impacted on the reliability of the register. Mr Yearbury recommended that:

The Integrity Commissioner and the Department of the Premier and Cabinet (DPC) ICT team complete, as a priority, work being undertaken to scope an upgrade or replacement of the Lobbyists Register platform, and once a solution has been identified that funding be given favourable consideration to enable its prompt implementation.

On 1 August 2022, the Replacement of the Lobbying Register (RoLR) Project was commenced. A steering committee was formed for the project, which was chaired by the Integrity Commissioner. The Committee had representatives from the OQIC and the DPC.

Following a competitive tender process, a supplier was selected to build the new Lobbying Register, which was launched on 29 May 2023.

A new offence for unregistered lobbying

A further observation from the Yearbury Review Report related to the Integrity Commissioner's powers to deal with unregistered lobbying activity.

Mr Yearbury found that the Integrity Commissioner has no powers under the Act to deal with unregistered lobbying activity or circumstances where lobbying activity continues after registration has been cancelled, and that the absence of penalties or sanctions for unregistered lobbying impacts the effectiveness of the Integrity Act.

Mr Yearbury recommended that:

To improve its effectiveness, the Act should be amended to make unregistered lobbying activity an offence, together with penalties commensurate with those in other legislation for acts of deception intended to subvert the integrity of public administration.

Following this recommendation, the *Integrity and Other Legislation Amendment Act 2022* (Qld) was passed, which implemented a new offence for unregistered lobbying. This new provision commenced on 1 March 2023 and carries a maximum penalty of 200 penalty units.

Stakeholder engagement and raising awareness

One of the Integrity Commissioner's functions is to raise public awareness of ethics or integrity issues by contributing to public discussion about the Integrity Commissioner's functions, and by raising public awareness of ethics and integrity issues more generally.

Ethics and integrity issues are entwined in a broad range of matters concerning government structure, practices and policies, and the OQIC's contributions to enhancing awareness is important. The OQIC achieves these objectives through information on its website, meeting with key stakeholders and delivering education and awareness sessions.

Stakeholder engagement meetings

As part of Integrity Commissioner's initial stakeholder engagement strategy for 2022–23, meetings with the following designated persons were prioritised:

- the Premier, Cabinet Ministers and Assistant Ministers
- Members of Parliament
- Directors-General of Queensland Government departments
- Chief Executives of other Queensland Government agencies and statutory bodies.

Between 14 December 2022, when the new Integrity Commissioner commenced in the role, and 30 June 2023, 128 meetings with stakeholders were completed:

- 65 meetings with Ministers and Assistant Ministers, Directors-General and Chief Executives about integrity and ethics advising and/or services
- 25 meetings with DPC corporate service providers
- 38 meetings with other stakeholders (e.g. Chief Executives of other Queensland integrity agencies, the reviewer for the *Public Interest Disclosure Act 2010* (Qld), representatives from the Integrity Reform Taskforce).

The meetings with designated persons provided invaluable feedback about the operation of the OQIC and the provision of ethics and integrity advice, and likely contributed to the increase in ethics and advice requests between January and June 2023.

Meetings with Ministers and Assistant Ministers

The *Queensland Ministerial Handbook* requires the Integrity Commissioner to meet with each Minister and Assistant Minister within 12 months of any previous advice or meeting to discuss compliance with that previous advice. Ministers and Assistant Ministers are expected to provide the Integrity Commissioner with relevant materials when requested and to answer any relevant questions.

This year, the newly appointed Integrity Commissioner met with all Ministers and Assistant Ministers irrespective of whether advice or an advice meeting was sought in the previous 12 months. For those where advice had been sought, the Integrity Commissioner discussed whether the advice had been complied with and if any further issues had arisen.

In instances where the Integrity Commissioner forms the belief that a Minister or Assistant Minister has an actual or perceived, and significant, ethics and integrity issue, and that the person has failed to resolve the issue to the satisfaction of the Integrity Commissioner, the Integrity Commissioner under section 29 of the Integrity Act, must give the Premier a copy of the relevant documents.

The Integrity Commissioner also sought feedback about the advice function and views and ideas on what the Integrity Commissioner could do or provide to assist Ministers and Assistant Ministers manage ethics and integrity issues. This resulted in several projects being identified and placed on the OQIC's annual work program.

The Integrity Commissioner reached agreement with each Minister and Assistant Minister to meet annually, irrespective of whether advice had been sought in the previous 12 months. The next set of annual meetings will occur in early 2024.

Requests for presentations

There has been a noticeable increase in requests for information and awareness presentations by the Integrity Commissioner about:

- ethics and integrity advising
- assessing and managing conflicts of interest
- regulation of lobbying
- public sector integrity.

While the focus of the new Integrity Commissioner was meeting with key stakeholder groups, presentations were delivered to:

- Queensland Cabinet (obligations and the ethics and integrity advice service)
- Queensland Assistant Ministers (obligations and the ethics and integrity advice service)
- an Indonesian delegation (role of the Integrity Commissioner, lobbying regulation, and transparency and accountability in government)
- Integrity Reform Steering Committee (overview of changes to the OQIC and about the Lobbying Register).

As at 30 June 2023, 21 requests for conflict of interests and lobbying education presentations had been received from various government departments and agencies. These are expected to be delivered in the first half of financial year 2023–24. The OQIC also received requests from other jurisdictions to share educational resources.

Development of training and presentation material

In the second half of 2022–23, and with the expected increase in requests for educational presentations for government-owned corporation boards and government department executive and senior leadership teams, the OQIC commenced actively developing a suite of presentations with content targeted at these audiences on a number of different topics. Continual development and delivery of this suite of educational training material aligns with the OQIC's Strategic Plan objectives for areas of focus in 2023–24. Next year, the OQIC will recruit a Training and Engagement Officer who will lead the projects to develop new training and awareness materials and presentations.

Supporting the Corruption Prevention Network Queensland

In March 2023, the Integrity Commissioner was invited to take up the role of Patron for Corruption Prevention Network Queensland (CPNQ), a not-for-profit community of professionals drawn from both public and private sectors. The Integrity Commissioner accepted the invitation and works with the CPNQ to promote ethics and integrity awareness and better practice in accountability and transparency.

Projects and activities

In addition to performing our statutory functions, staff of the OQIC were involved in projects and activities concerned with improving the operation of the Office and way that we work.

Many of these additional activities were related to the implementation of recommendations from the Yearbury and Coaldrake reviews.

These projects and activities had to be managed with the limited staff resources available and as secondary priorities to our statutory work to advise on ethics and integrity issues and regulate lobbying.

The Integrity and Other Legislation Amendment Act 2022

The development of the Integrity and Other Legislation Amendment Bill 2022 was in response to the recommendations of the Yearbury Review Report and the Coaldrake Review Report.

During the year, the government consulted with the OQIC on the development of the Bill and the then Acting Integrity Commissioner made a submission to the Economics and Governance Committee on its Inquiry into the Bill.

The Bill and subsequent amending Act made the following changes to the Integrity Act:

- established the OQIC
- established the Deputy Integrity Commissioner position and a provision for the Integrity Commissioner to delegate powers and functions to the Deputy Integrity Commissioner
- gave the Integrity Commissioner the power to employ staff in the OQIC (called integrity officers under the Integrity Act and employed under the *Public Sector Act 2022* (Qld))
- inserted independence provisions (the OQIC is under the control of the Integrity Commissioner, and is not subject to direction)
- created a new offence of unregistered lobbying.

These are important and welcome changes to the governance, structure and operation of the OQIC and greatly enhance the independence of the OQIC.

Other provisions will commence by proclamation later in 2023 and will change certain aspects of the ethics and integrity advice function by:

- removing the power for Ministers to nominate persons or positions as a 'designated person' – instead persons or positions will only be able to be made a designated person through regulation
- removing Ministerial advisers from the definition of designated person under section 12 of the Integrity Act
- allowing former ministerial advisers to seek advice on ethics and integrity issues arising from post-separation obligations.

The Integrity and Other Legislation Amendment Bill 2023

During the year, the government consulted with the OQIC on the development of the Integrity and Other Legislation Amendment Bill 2023. The Integrity Commissioner and staff participated in several meetings and provided two submissions as part of that internal consultation process.

The Bill was introduced into the Legislative Assembly on 16 June 2023 by the Premier and referred the same day to the Economics and Governance Committee for examination to consider the policy to be enacted, the application of the legislative principles set out in section 4 of the *Legislative Standards Act 1992*, and the compatibility of the legislation with the *Human Rights Act 2019* (Qld).

The Bill addresses further recommendations arising from the Yearbury Review Report and the Coaldrake Review Report and, of relevance to the OQIC. It includes amendments to:

- remove Senior Officers from the definition of designated person under section 12 of the Integrity Act
- require a Chief of Staff or acting Chief of Staff to give notice to their Minister if they make an advice request
- give the Integrity Commissioner additional powers to enhance regulation of lobbying
- prevent registered lobbyists from advising on political campaign strategy and lobbying in the next term of government
- include professional and technical service entities within the scheme

- establish the OQIC as a statutory body for the purposes of the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*
- give the Economics and Governance Committee a role in dealing with funding proposals made by the OQIC, in approving the appointment of the Integrity Commissioner, and in setting remuneration, allowances, and terms and conditions of office.

The Integrity Commissioner will make a submission to the Economics and Governance Committee on the Bill and will appear at any subsequent public hearing if invited.

Replacement of the Lobbying Register

As noted in the preceding section, the Lobbying Register was replaced this year following a recommendation in the Yearbury Review Report that it be replaced or upgraded.

The DPC provided funding of \$0.564 million for the project to be completed over two years from 2022–23.

During 2022–23, a project team and steering committee were formed, comprising staff from DPC and the OQIC. The steering committee was chaired by the Integrity Commissioner. The project was led by the DPC IT team and supported by OQIC staff as the subject matter experts.

A new Lobbying Register was built during the year using contemporary technology, which gives the OQIC capacity to modify the register and its functionality as the needs of register users change. It was launched on 30 May 2023 and provides a much-improved user experience. It also automates some internal business processes for OQIC staff.

The remaining budget will be used to implement changes following the passing of the Integrity and Other Legislation Amendment Bill 2023, and in response to user feedback provided in its first six months of operation.

Changes to requirements to provide declarations to the Integrity Commissioner

Prior to this year there were statutory requirements for certain Statutory Office Holders and Chief Executives of government departments to lodge their Declaration of Interests and any subsequent amendments following a change in interests, with the Integrity Commissioner.

Mr Yearbury noted in his report: “Why declarations of interest must be provided to the Integrity Commissioner is unclear to both the Integrity Commissioner and stakeholders”,³ and he subsequently recommended that these declarations no longer be provided to the Integrity Commissioner. These changes occurred during 2022–23.

Similarly, the Integrity Commissioner has had responsibility for the receipt of AASB 124 Related Party Disclosures – a disclosure of related interests that shareholding Ministers are required to make in the financial statements of government-owned corporations. This requirement was also removed this year and the Office no longer receives these filings.

³ *Strategic Review of the Integrity Commissioner’s Functions*, Kevin Yearbury PSM, 30 September 2021, p. 41.

Governance, staffing and administrative support

This section provides general information about governance, as well as information about staffing, resourcing, risk management and information systems.

Governance and administrative arrangements

Good governance structures are important, particularly where independence is valued. The Yearbury Review Report recommended that the independence of the Integrity Commissioner be enhanced by:

- formally establishing an Office of the Integrity Commissioner
- making the Integrity Commissioner accountable for the performance of the Office in discharging functions under the Act within the budget provided, and financial delegations commensurate with prudent financial management under the *Financial Management Act 2009*
- ensuring staff are appointed directly to the new Office and are managed autonomously by the Integrity Commissioner (Recommendation 24).

On 1 March 2023, the Integrity Act was amended to establish the OQIC, and staff assisting the Integrity Commissioner were transferred to the new Office. Other amendments specify that the Integrity Commissioner is not subject to direction and that the Integrity Commissioner controls the Office.

The Integrity and Other Legislation Amendment Bill 2023, introduced into the Legislative Assembly on 16 June 2023, proposes to establish the OQIC as a statutory body for the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*. This amendment, if passed, will give the OQIC independence in the same way as other Queensland integrity bodies, such as the Crime and Corruption Commission and the Ombudsman.

The Public Sector Commission (PSC) was responsible for the financial, operational and administrative performance of the Office supporting the Integrity Commissioner during 2022–23. This included some support from the DPC in relation to information technology services. The establishment of the OQIC on 1 March 2023 kicked off a transition for the provision of administrative support services. From 1 July 2023, the DPC will provide administrative support services to the OQIC.

Integrity Commissioner – appointment and acting arrangements

During the year, there have been various holders of the position of Integrity Commissioner or Acting Integrity Commissioner:

- 1–3 July 2022: Ms Nikola Stepanov, Integrity Commissioner
- 4–15 July 2022: Mr Mark Glen, Acting Integrity Commissioner
- 18 July to 9 December 2022: Mr Tony Keyes, Acting Integrity Commissioner
- 12–13 December 2022: Mr Mark Glen, Acting Integrity Commissioner.

Ms Waugh was appointed as Integrity Commissioner effective on 5 December 2022, but did not commence in the role until 14 December 2022.

Ms Waugh took two short periods of leave during the year. For both periods, an Acting Integrity Commissioner was appointed as follows:

- Mr Forbes Smith, 7–17 April 2023
- Mr Mark Glen, 16–21 June 2023.

Staffing and budget

During the year and in response to recommendations made in the Yearbury Review Report, the Queensland Government increased the OQIC's funding by \$0.242 million and three additional full-time equivalent staff.

This increased the original 2022–23 budget of \$1.258 million to \$1.5 million. Major components of the budget are for employment-related expenditure, supplies and services (such as workplace accommodation, third-party corporate support services, and legal advice), and amortisation expenses for the Lobbying Register. Refer to Appendix 1 for the Financial Statement for the 2022–23 financial year.

Staff induction and training

From 1 July 2022 to 28 February 2023, the PSC was the employer of staff who assisted and supported the Integrity Commissioner. These staff had access to the PSC intranet page and could access training material/courses and other support as required.

From 1 March 2023, the OQIC was established and the Integrity Commissioner became the employer of staff. All staff assisting the Integrity Commissioner prior to 1 March were transferred or otherwise moved to become an employee of the OQIC.

Since 1 March 2023, the DPC provides the OQIC with staff induction and training support services.

New OQIC employees are required to complete the new starter induction program provided by the DPC. The program ensures new starters are aware of expected obligations and workplace behaviours, and that their performance and behaviour must comply with the Code of Conduct under the *Public Sector Ethics Act 1994*. These expectations are incorporated into the ongoing cycle of employees' performance and development.

All new starters are required to complete a 'Confidentiality of Information Agreement', which sets out the various confidentiality provisions and obligations that apply, including the confidentiality under the Integrity Act.

All OQIC employees have access to the DPC intranet page, which provides a range of resources to support and assist employees. Employees also have access to the iLearn platform through which they can access a wide range of online and face-to-face training courses.

Risk management

As noted elsewhere, the Commissioner of the PSC was the accountable officer during 2022–23 for the purposes of deploying an appropriate risk management system in accordance with the *Financial Accountability Act 2009*. As such, the joint DPC and PSC Audit and Risk Management Committee provided oversight of risk management activities for the OQIC during 2022–23.

In March 2023, we revised our risk register and developed an updated register.

Information systems and recordkeeping

The recordkeeping practices of the OQIC and staff must adhere to Information Standard (Recordkeeping), Information Standard (Retention and Disposal of Public Records) and the *Public Records Act 2002*. Records management services and support is provided by the DPC, and HP Enterprise Content Manager is used to manage electronic and physical documents. There are policies and processes in place for recordkeeping, email management, retention and disposal of records, managing information on shared network drives and information security.

During the year, the DPC provided an experienced Information Support Officer who assisted with reviewing physical record holdings, ensured records were digitised, and dealt with a backlog in filing in accordance with the Records Retention and Disposal Schedule (see below). The Integrity Commissioner gratefully acknowledges assistance provided by the DPC with this important body of work.

A copy of the Records Retention and Disposal Schedule (QDAN 629 v.3) developed for the Integrity Commissioner and approved by the Queensland State Archivist on 22 November 2013, is available on the Queensland State Archives website at: www.archives.qld.gov.au.

This Annual Report and previous reports from the Integrity Commissioner are available online at: www.integrity.qld.gov.au/publications/annual-reports.aspx.

Right to information and information privacy

We received no properly made access applications under the *Right to Information Act 2009* or the *Information Privacy Act 2009* in 2022–23.

The OQIC did not collect any application fees or processing charges.

Complaints management

During the year, the OQIC commenced development of a complaints management framework and associated procedures. This project will be completed during 2023–24.

No applications for public interest disclosures under the *Public Interest Disclosure Act 2010* were received by the Integrity Commissioner.

Appendix 1 – Financial Statement

Office of the Queensland Integrity Commissioner Statement of Comprehensive Income Year ended 30 June 2023

	2023	2022	2023		Note
	Actual	Actual	Original Budget	Budget Variances	Budget Variance
OPERATING RESULT	\$'000	\$'000	\$'000	\$'000	
Income from Continuing Operations					
Appropriation revenue	1,500	1,337	1,258	242	1
Grants and other contributions	–	–	–	–	
Total Income from Continuing Operations	1,500	1,337	1,258	242	
Expenses from Continuing Operations					
Employee expenses	1,154	949	879	275	2
Supplies and services	284	316	378	(94)	3
Grants and subsidies	3	–	–	3	
Depreciation and amortisation	7	1	1	6	
Total Expenses from Continuing Operations	1,447	1,266	1,258	189	
Operating Result of the Year	53	72	–	53	
OTHER COMPREHENSIVE INCOME	–	–	–	–	
TOTAL COMPREHENSIVE INCOME	53	72	–	53	

The accompanying notes form part of these statements.

Presentation amounts included in the financial statements are in Australian dollars and rounded to the nearest \$1,000, or where that amount is less than \$500 to zero.

Explanation of major budget variances

1. The increase in appropriation revenue is primarily due to the contribution by the DPC for the replacement of the Queensland Lobbying Register.
2. An increase in the employee expenses is primarily due to the additional temporary full-time equivalent resources provided during the 2022–23 financial year and enterprise bargaining adjustments.
3. A decrease in supplies and services is primarily due to lower than anticipated domestic travel, legal costs and accommodation costs.





Queensland
Integrity Commissioner