

# Integrity Committee Update

## for the period of July to December 2021

### Members

Nikola Stepanov	Committee Chair and Queensland Integrity Commissioner
Brendan Worrall	Auditor-General, Queensland Audit Office
Alan MacSporran QC	Chairperson, Crime and Corruption Commission
Pat Vidgen	Electoral Commissioner
Kathleen Florian	Independent Assessor
Rachael Rangihaeata	Information Commissioner
Anthony Reilly	Queensland Ombudsman
Robert Setter	Chief Executive, Public Service Commission
Shane Gillard	Queensland Racing Integrity Commissioner

### Integrity Agencies

#### *Queensland Integrity Commissioner*

- It is with sadness that the office acknowledges the passing of the first two Queensland Integrity Commissioners, the Hon. Alan G Demack AO and Mr Gary W Croke AM QC. The former commissioners each played a vital role in laying the foundations of a strong and thriving integrity commission, and their individual contributions are deeply valued and acknowledged. As well, the Hon. Alan G Demack AO first brought together independent integrity heads back in 2003 to form the 'Integrity Committee'.
- Mr Kevin Yearbury was appointed as reviewer in early 2021 and concluded his work on 14 October 2021. The office of the Queensland Integrity Commissioner (QIC) enjoyed working with Mr Yearbury and reflecting on the operation of the Act, the role of the QIC in fulfilling the purposes of the Act, and the future direction of the office.
- There was a continuation of demand for advice on ethics, integrity, and interest issues and also a continuation of lobbying matters being referred to the office for assessment.
- On two separate occasions during the previous financial year, the Integrity Commissioner was obliged to introduce interim service limits for periods when her ability to adequately respond to requests for advice was substantially affected by:
  - surges of activity in the number of requests for advice received,
  - a significant rise in the number of reports received relating to potential breaches of the Lobbying Code of Conduct, and
  - reductions in the number of staff available to support the performance of the commissioner's functions.

- The interim service limits continued in place through the July to December period as new staff required training; reported breaches from the lobbying audit required assessment and analysis; and additional work arose assisting the Strategic Reviewer among other obligations.
- Regarding the lobbying audit, in total, 103 discrepancies were reported as a result of the 2021 audit including 46 discrepancies identified by chief executives of a department of government and 57 discrepancies identified by chief executive officers of local governments. 29 discrepancies related to just two registered lobbyists. The summary of our findings is available on our website.
- The Integrity Commissioner chaired the Governance Institute of Australia's 2021 Public Sector Governance Conference in Adelaide in October. The conference theme was 'Frank and fearless: Leadership, inclusion and accountability' and was very well attended with an impressive cohort of speakers.

- Nikola Stepanov

### *Queensland Audit Office*

- The Queensland Audit Office (QAO) continues to experience staff shortages with limited applicant pools for roles requiring experience.
- State entities met their 31 August financial reporting and audit statutory deadlines – machinery of government changes created additional work and complexity for many departments and auditors.
- The local government sector is largely on track to meet its financial reporting and audit statutory deadlines.
- Since publishing requests for audit from elected members (state and local governments) from 1 November, we have now had 6 such requests – 1 from a councillor and 5 from members of parliament.
- The Auditor-General has continued outreach activities including central Queensland, Bundaberg region, the cape and the far north.
- We will table a number of reports to parliament before 17 December 2021, per the topics in our Forward work plan 2021–24, including the results of our 2020–21 financial audits.
- On 17 November 2021, QAO tabled 2021 status of Auditor-General recommendations and a supporting interactive dashboard. It captures entities' self-assessed progress in implementing the recommendations we made in our 2015 to 2018 performance audit reports. It shares insights on the most common types of recommendations we have made, and the most common types that have not been implemented which highlights some of the challenges and opportunities facing the public sector. This is the first in what will be an annual report to parliament.
- We have started work on our Forward work plan 2022–25, which we will send to parliamentary committees and involved audit clients for consultation in January/February 2022. The plan will continue to reflect the critical risks and issues facing public service delivery, and ensures we conduct the right audit topics at the right time.

- On 23 November 2021, we published our new interactive data visualisation. The QAO Queensland dashboard helps users understand more about the region they live in and the public services they receive. They can search by address, postcode or region to explore key financial data and how entities are performing, and compare to other regions.
- The Auditor-General (AG) continued to travel throughout Queensland to meet with more regionally located clients to understand more about the areas they work in and to receive feedback on our services. The AG and senior staff presented at the Interdepartmental Accounting Group (IAG) and Local Government Finance Professionals (LGFP) conferences.
- An external review of QAO's internal data and analytics function has been completed (following a recommendation in the 2017 Strategic Review of the Queensland Audit Office) and we are moving forward on the suggested initiatives.
- An external review of QAO's learning and development framework has been completed and we are moving forward on the resultant recommendations.
- We continue to face recruitment challenges post COVID-19 given the high demand for professional services staff and competition with the private sector.

- Brendan Worrall

### *Crime and Corruption Commission*

- The activities undertaken by the Crime and Corruption Commission (CCC) are conveniently summarised in our Annual Report which was tabled in State Parliament on 30 September 2021.
- The report itself is available on the CCC website [Annual Report-2020-21](#).
- In addition, our latest publication CCC Connect Issue 18, is also available on our website [CCC Connect Issue 18](#).
- Quite apart from the activities reflected in the Annual Report, the CCC has also been busy providing feedback and a range of submissions to the Attorney-General in respect of various pieces of legislation.
- The CCC Corruption Allegations Data Dashboard has now been updated and includes data from July 2015 – June 2021. That data is available from the following [CCC Corruption Allegations Data Dashboard](#).
- The CCC continues its usual operational activity in both the crime and corruption portfolios. There are a number of matters currently before the courts which will take their place in the normal listing arrangements;
- In the crime jurisdiction, an area of focus regrettably continues to be facilitators (lawyers, business analysts, accountants and other professionals).
- The CCC has made a number of submissions in relation to proposed legislation including the Brisbane Olympic and Paralympic Games Arrangements Bill 2021. The report of the Economics and Governance Committee No. 20 of the 57th Parliament, was tabled on 26 November.

- In relation to the important work of prevention, the results of a voluntary survey of nineteen public service departments, including sixteen hospital and health services, examining perceptions of corruption and integrity have been analysed and distributed to stakeholders. The CCC encourages further collaborative work to alert stakeholders to corruption risks and develop capability to encourage methodologies for prevention.
- The CCC also published audit summaries and guides in relation to “Assessing complaints of corrupt conduct: a guide for assessors and decision-makers” and “Managing gifts and benefits for Hospital and Health Service employees”. These are practical step-by-step guides using case studies to assist prevention initiatives across the public sector.
- November 2021 also saw the publication of the inaugural edition of the newsletter “Integrity in Focus” containing a message from Paul Alsbury, the Senior Executive Officer (Corruption), introducing the staff of the CCC’s Integrity Services Unit.
- Corruption staff made presentations to external agencies including the Clean Energy Regulator and the Local Government Assurance Forum.
- To mark International Fraud Awareness Week (14-20 November) the CCC released a short video for public sector managers about the importance of empowering staff to report fraud and corruption.
- On International Anti-Corruption Day (9 December), the CCC reissued five corruption prevention advisories dealing with major corruption risks – gifts and benefits, procurement and contract management, lobbying, post-separation employment, and disposal of assets. The advisories are designed to assist agencies identify risks and implement prevention strategies, with more to be published early in 2022.
- The CCC Corruption Allegations Data Dashboard has now been updated and includes data from July 2015 – September 2021. That data is available from the following [CCC Corruption Allegations Data Dashboard](#).

- Alan MacSporran QC

### *Electoral Commission Queensland*

The Electoral Commission Queensland (ECQ) is currently in the ‘assess’ phase of the election delivery cycle, following completion of the local government quadrennial elections and State general election in 2020. In preparation for the next major cycle of elections in 2024, the ECQ is undertaking an in-depth program of evaluations of delivery of the 2020 elections. These evaluations have identified a range of operational improvements which will be implemented prior to the 2024 elections.

Post-election activities arising from the 2020 elections have also continued, including an ongoing non-voter compliance program to enforce compulsory voting in Queensland elections. Repeat non-voters have been issued with penalty infringement notices and unresolved matters have now been referred to the State Penalties Enforcement Registry for further action. The ECQ also administers public funding for eligible political parties and candidates who stand for election and approved election funding claims totalling \$12.837 million for five registered political parties and 300 candidates from the 2020 State general election.

By-elections to fill local government and State vacancies also continue to be held on an ongoing basis – since the 2020 State general election in October 2020, the ECQ has conducted one State by-election and filled 16 local government vacancies through by-elections, uncontested elections or appointment of runners-up. This includes the State by-election for Stretton, which was held on 24 July 2021, with the result declared on 28 July 2021.

The ECQ also provides administrative support to the operation of the Local Government Change Commission, which undertakes independent assessments of local government boundaries and electoral arrangements, on referral from the Minister responsible for Local Government. The Change Commission is currently undertaking four assessments: Rockhampton Regional Council /Livingstone Shire Council (external boundary review); Cook Shire Council (electoral arrangement review); Toowoomba Regional Council/Western Downs Regional Council (external boundary review); and Barcaldine Regional Council and six adjoining councils (external boundary review). From October 2022, the Change Commission will be required to start the process of divisional boundary reviews to balance enrolment in divided councils prior to the next local government quadrennial elections in 2024.

- Pat Vidgen

### *Office of the Independent Assessor*

- For the first time since the Office of the Independent Assessor (OIA) was established it appears the number of complaints about councillor conduct have begun to stabilise. Figures showed 1,074 complaints were lodged in the past financial year and while this represents a four percent increase on the preceding 12 months, 2020-21 was also the first full financial year with all 77 Queensland councils under the OIA's jurisdiction.
- The OIA assesses all councillor conduct complaints however it does not have the power to investigate alleged inappropriate conduct and must instead refer these matters to the relevant council to resolve. Over time we observed some challenges being experienced by councils in this space, and I am pleased to report that initiatives, introduced by the OIA in September 2020, appear to be assisting councils to deal more effectively with inappropriate conduct. In 2020-21, 53 per cent of inappropriate conduct matters were finalised by councils representing a significant improvement on the preceding year when the result was 15 per cent. Despite this increase, opportunities for continued improvement remain and the OIA will explore these with councils and other stakeholders. It is vital to address lower-level matters, such as inappropriate conduct, to prevent an escalation to more serious conduct.
- The OIA has been advised of the outcome of an analysis of the councillor conduct complaints, framework, conducted by the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP) framework earlier this year. The analysis found the framework is fundamentally sound and is achieving the Government's intent of an independent system for managing councillor conduct complaints. It also contained some recommendations which included ceasing a 2018 ministerial directive that expanded the OIA's training and prevention functions. Going forward the OIA's training and capacity-building role will be as stated in section 150CU(b) of the *Local Government Act 2009* (LG Act), which requires the OIA to provide advice, training, and information about dealing with alleged or suspected conduct breaches. It is believed this measure will allow the OIA to maintain a strong focus on its core business and reduce workload pressures on staff who have

dealt with 2,928 complaints since the OIA's inception on 3 December 2018 through to 30 June 2021.

- Over the next 12 months we will be directing our energies into the timely resolution of misconduct investigations and referrals to the Councillor Conduct Tribunal, where required.
- In November 2021, the parliamentary State Development and Regional Industries Committee resolved to hold an Inquiry into the functions of the Independent Assessor and the performance of those functions. The Terms of Reference are:
  - whether the performance by the Independent Assessor of the Independent Assessor's functions is consistent with the intent of the local government complaints system,
  - whether the powers and resources of the Independent Assessor are being applied in accordance with the public interest, and
  - any amendments to the *Local Government Act 2009* or changes to the functions, structures or procedures of the Independent Assessor that the committee considers desirable for the more effective operation of the Independent Assessor and/or the local government complaints system.
- The OIA welcomed the inquiry as the Office had been established three years as of 3 December 2021, and three years is a good time to review any new system and legislation to see how it is working in practice.
- In response to the Committee's Terms of Reference, the OIA provide a detailed submission and gave evidence before the Committee in a public briefing: [OIA submission](#).

- Kathleen Florian

### ***Office of the Information Commissioner***

The Office of the Information Commissioner (OIC) continues to support the COVID-19 response with privacy advice about key initiatives such as the Check In Qld app and digital vaccine passport. OIC advice is consistent with the [National COVID-19 Privacy Principles](#) agreed by all Privacy Commissioners across Australian jurisdictions.

The OIC welcomed amendments to the *Public Health Act 2005* to enhance trust and transparency in the use of Check In Qld app data in September 2021. The amendments enhance privacy protections for personal information collected through the Check In Qld app, or alternative methods, by ensuring it can only be used for contact tracing or related purposes.

The OIC celebrated International Access to Information (IAI) Day 2021 on 28 September with the theme *Open by Design: Government transparency everyone can see*. Our key event was the Solomon Lecture presented by Professor Beth Simone Noveck on [Solving Public Problems with Data](#) now available [online](#). Professor Noveck discusses how a focus on public problem solving and improving people's lives changes how we think about data. She discusses specific policy prescriptions for creating a right to know that fosters better government, stronger citizenship and more agile solutions to contemporary challenges.

Australian Information Access Commissioners and Ombudsmen (with access responsibilities) have published a [statement](#) to promote the proactive release of information. The *Open by Design Principles*

should be used by government agencies to encourage and authorise the proactive release of information and promote open government.

The 2021 Community attitudes to information access [survey](#) conducted in conjunction with five Australian jurisdictions indicates Queenslanders are aware of and value their right to information. The majority of respondents also agreed that agencies should publicly report on their use of AI and the information they maintain.

The OIC finalised a record 753 external review applications in 2020-21, however substantial ongoing demand resulted in continued high on hand files. The Enquiries Service responded to consistent record demand from previous year. Voluntary data breach notifications continue to increase year on year, in anticipation of a recommended mandatory scheme.

Queensland Police Service (QPS) comprised 29% of reviews, including a large proportion of delay resulting in and during reviews. QPS engagement continues to be a key focus to improve [proactive and administrative release](#), and reduce formal access application demand and delay.

Current OIC audits include Administrative access in schools, Privacy and Contracted Service Providers and a Compliance audit of Sunshine Coast Regional Council was tabled in Parliament in November 2021.

The OIC has supported an [OAIC submission](#) to the Senate Finance and Public Administration Legislation Committee that raises significant concerns about amendments to the Commonwealth *Freedom of Information Act 1982* that expand the Cabinet exemption to include National Cabinet and its committees. The OIC also made a [submission](#) to the Queensland Parliamentary Economics and Governance Committee on the Brisbane Olympic and Paralympic Games Arrangements Bill 2021. The submission addresses proposed amendments to the RTI Act to exclude certain documents from the operation of the RTI Act.

The OIC welcomed the [appointment of Paxton Booth](#) as Queensland's new Privacy Commissioner from 13 December 2021. Mr Booth brings to the role extensive executive experience in regulatory compliance, and a proactive and strategic approach to working with agencies to adopt effective systems and processes to manage their regulatory responsibilities and minimise risk.

- Rachael Rangihaeata

### *The Office of the Queensland Ombudsman*

Over the past 12 months, the Office of the Queensland Ombudsman has innovated in variety of ways including:

- Shifting across to remote working
- Transitioning to on-line training
- Releasing Casebook 2021, containing case studies from 24 investigations
- Developing the virtual prison visits program
- Publishing the Fire Ants report in a new, shorter report format
- Completing the PID self-assessment audit roll-out

- Improving policy and procedures for deciding complaints under our Act
- Implementing new governance arrangements including a new Executive Leadership Team, Senior Management Team and Major Investigations Program Board
- Improving our risk management processes
- Developing a new strategic plan

Our operational plan for 2021-22 maintains our commitment to innovation, including projects such as:

- On-line complaint form upgrade
- Establish a Complaint handlers network
- Release our new information video on good decision making
- Complete Microsoft 365 implementation
- Replacement of our ageing intranet
- Records management improvements

- Anthony Reilly

### *Public Service Commission*

#### Special Commissioner, Equity and Diversity

- Following Gazettal on 3 September 2021, we are pleased to announce that Dr Linda Colley joined the Public Service Commission (PSC) as the Special Commissioner, Equity and Diversity on 11 October 2021.
- Establishing the role was a recommendation from the [Review of public sector employment laws – A Fair and Responsive Public Service for All](#) conducted by Mr Peter Bridgman. The Special Commissioner will have an initial focus on gender pay equity and exploring opportunities to address gender-based disparities across the Queensland public service and will also consider issues of sexual harassment in the public sector workplace.
- Dr Colley was an Associate Professor of Human Resource Management and Industrial Relations and Leader of the Work and Employment Research Group at the School of Business and Law, at CQUniversity. Her research interests include gender and public sector management, and she has conducted research projects with all Australian public service jurisdictions. Dr Colley was the Chair of the Work Health and Safety Board, and worked in employment policy and practice during her previous career in the public sector.

#### 2021 Working for Queensland Survey

- The 2021 Working for Queensland (WFQ) survey was conducted in September 2021.
- The WFQ survey is an annual survey which measures Queensland public sector employee perceptions of their work, manager, team, and organisation.
- Given the ongoing COVID-19 health response the results will assist in understanding the impact this has had on employees, how they have adjusted and coped with the constantly



changing landscape and those areas we need to pay attention to, in order to support our employees and enable them to be the best they can be.

#### Employee Mobilisation Service (EMS)

- The PSC through the Employee Mobilisation Service (EMS) mobilised employees across the public service to support the COVID response.
- The EMS was called on by the State Disaster Coordination Group (SDCG) to rapidly stand up a workforce to support vaccination hubs.
- EMS supported the Health Contact Centre (HCC) team as they received high volumes of call relating to vaccination appointments.

#### Community of Practice for Ethical Behaviour

- The PSC's role under the *Public Service Act 2008* includes enhancing and promoting an ethical culture and ethical decision making across the sector.
- To help meet this responsibility, the PSC formed CoPEB in September 2018 to connect ethics and human resource officers to learn and share best practice approaches.
- The PSC provides the Secretariat and thought leader functions for the group, and each meeting is chaired by a different public sector agency (with the intention of enabling that agency to use the meeting to highlight relevant work being undertaken in the field of ethics by them).
- Sexual harassment in the workplace was the key topic for our September meeting, and we were fortunate to have presentations from Neroli Holmes, Deputy Commissioner, Queensland Human Rights Commission and Kate Flanders, Assistant Branch Secretary, Together.
- December's meeting included a presentation from Peter Cantwell, Assistant Ombudsman, Queensland Ombudsman, who provided some practical tips for complaint handlers.
- Cheryl Leavy, Cultural Agency Leader, QPWS and Partnerships, Department of Environment and Science, supported by Duncan Kerslake, DTIS, and Kristian Rose, DSDILGP, led a discussion around declaration and conflict of interest issues involving Aboriginal and Torres Strait Islander employees in the Queensland Government.

#### Impact of COVID-19 on public sector workforces

- The PSC supported agencies with advice on a range of COVID related matters that impacted on public sector workforces including managing the consequences of Chief Health Officer directions requiring staff to be vaccinated and agencies determining other circumstances where employees were required to be vaccinated.

- Robert Setter

#### ***Queensland Racing Integrity Commission***

In 2021, the Queensland Racing Integrity Commission (QRIC) saw significant change in its leadership, with inaugural Racing Integrity Commissioner, Mr Ross Barnett APM, resign on 1 January 2021 to take on the role of Director of Investigations within the Office of the Special Investigator, which is responsible for investigating and addressing potential criminal matters raised

in the Inspector-General of the Australian Defence Force's Afghanistan Inquiry Report. Further, on 2 July 2021, Mr Mark Ainsworth APM, the interim Acting Racing Integrity Commissioner and former Deputy Commissioner commenced his retirement after more than 40 years of public service. At present, Mr Paul Brown PSM is acting Racing Integrity Commissioner. The Department of Agriculture and Fisheries is currently in the process of finalising recruitment for a new Racing Integrity Commissioner.

This year was again marked most significantly by COVID-19, but the QRIC – in partnership with Racing Queensland and racing participants – was able to ensure racing continued, even though lockdowns occurred in Queensland, by implementation of appropriate protocols, checks and balances.

During these difficult times, the QRIC Corporate office also successfully vacated Brisbane CBD premises and joined the operational team at Albion. This move has created significant budgetary savings for the Commission, and allowed for increased collaboration opportunities between the corporate and operational areas of the QRIC.

The QRIC and Racing Queensland continue to work together, under the Joint Martin Inquiry Working Group (JMIWG) to deliver recommendations contained in Part One of the Inquiry into animal cruelty in the management of retired Thoroughbred and Standardbred horses in Queensland (the Martin Inquiry). As at 1 September 2021, the JMIWG has met 15 times since inception in March 2020. Of the 55 recommendations made in the Martin Inquiry, the QRIC has full responsibility for 6 recommendations, and the QRIC and Racing Queensland have joint responsibility for 6 recommendations. As at 1 September 2021, the QRIC has satisfied its responsibilities for four of the recommendations it has sole responsibility for, including the recruitment of two integrity stewards to conduct audits and inspections of stables and the development of a penalty standard for those who do not fulfil their obligations in respect to providing timely retirement and death notifications.

In December 2021, the QRIC welcomed its second permanent Racing Integrity Commissioner, Mr Shane Gillard, after an international recruitment search. Mr Gillard comes to the QRIC after spending five years establishing the Greyhound Racing Integrity Unit in Victoria (GRIU) as the General Manager Integrity. The GRIU has been structured as a risk-based and evidence-led regulatory body and is considered one of the leading regulatory bodies across all racing codes in Australia.

During this time, he worked closely with the Victorian Government on the development and delivery of the Victorian Racing Integrity Board (VRIB) as well as the transition of the code specific disciplinary structures to the Victorian Racing Tribunal that presides over all three racing codes in Victoria.

Mr Gillard's experience in the above will assist greatly with the recent Queensland Government announcement of the new Queensland Racing Appeals Panel, which was approved in December 2021. The new body will eventually replace all current QRIC internal reviews and the majority of QCAT appeals.

Key drivers for the changes to the review process highlights industry concerns regarding the current model, which has created loopholes in allowing industry participants to continue riding pending a review of a steward's decision; decisions taking too long to finalise upon external review; and insufficient industry knowledge at external review.

The QRIC also finalised and released its Regulatory Strategy and Framework 2021-2025 (the Framework) in late 2021, which will replace its inaugural Compliance and Enforcement Strategy and Framework. The Framework is the Commission's cornerstone strategic and operational planning document, and highlights current regulatory threats, challenges and opportunities for the next four years.

It has an emphasis on education, engagement and then enforcement as a best-practice regulatory approach and will be driven by intelligence-led, risk-based decision-making to ensure that regulatory responses are proportionate and meet the Commission's resource model.

- Paul Brown and Shane Gillard

### **Next Meeting**

To Be Confirmed