

# **Integrity in Decision Making**

The Hon. Alan Demack AO, Queensland Integrity Commissioner  
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Although it is common for people to express a desire for ‘small governments’, we all know that, in more and more aspects of life, various agencies and entities make decisions which seriously affect us. Banks close branches. Local authorities install water meters. New tax systems call for new methods of record keeping. New types of television sets thrust us into new expense. People say that you cannot stop change, but we know that all the change that falls upon us is the result of decisions people make. We hope the decisions are soundly and fairly made.

Some of the decisions which affect us are made by people we do not see or know. We feel we cannot influence them in any way that will benefit us. Other decision -makers are elected representatives and we have an expectation, not only that they will have our interests in mind, but that there will be integrity in their decision making.

This morning I want to explain to you something of the work I do in my retirement, because it is concerned with the integrity in the decision making of our Queensland Government, our Queensland Public Service and the various boards and authorities which affect our lives.

I am the Queensland Integrity Commissioner, a position created by an *Act of Parliament* in November 1999. I was appointed in August last year, the first person to hold this office. My primary responsibility is to give advice on issues involving a conflict of interest. A conflict of interest arises when there is a conflict between a person’s personal interest and the person’s official duty. An obvious example would arise if a cabinet minister, who was responsible for deciding the route for a new main road, owned a large block of land which would be ripe for subdivision if a main road

ran through it. Such a minister would have a duty to select the route that conformed to the best professional advice, but the natural desire to sub divide and sell the land could encourage a search for advice which favoured that possibility.

The people who can seek my advice are, in very broad terms, the Premier and Cabinet Ministers, senior public officials, the staff of the Premier and Cabinet Ministers and members of statutory boards and authorities. There are more than five thousand of these people and only a very small percentage are elected members of Parliament. If I tell some one that I am the Queensland Integrity Commissioner, the common response is that “you must be kept very busy”.

However, the activities which were examined by the Shepherdson Inquiry do not raise issues of conflict of interest. You will recall a conflict of interest arises when there is a conflict between a person’s personal interests and the person’s official duty. In the so called electoral rorting, “official duty” never entered into the equation. The only issue was how to advance political fortunes. Also, as I have said, over 5000 people can seek my advice on conflicts of interest and no more that 65 are elected members of Parliament. The vast majority of my client base is senior public officials and members of boards and authorities.

In what circumstances can senior public officials be involved in a conflict of interest? Most commonly the issue arises through offers of gifts and hospitality. You may remember that during the Olympic Games, Cabinet ministers and senior officials were offered tickets and accommodation to attend the games. The Queensland and Victorian Government said “no” to the offer. The Commonwealth Government accepted this offer.

To give guidance to the public service there is a requirement that gifts of more than \$100 be reported to the Head of the Department and such gifts become the property of the Department. However there can be cases where an offer of hospitality may be well over \$100 in value, but where no difficulty arises because there can be no conflict of interest. The example, a scientist working on research into tropical grasses may be invited by a company selling grass seed to attend an international conference in Brazil with all expenses paid. The company would want to use the results of the

research to advance the sale of its products. The scientist would have the duty to report accurately whom the results of the research, something uninfluenced by an offer made after the research has been completed.

On the other hand a gift of less value than \$100 may compromise a decision that a public official has to make. For example, a development company may have been having difficulty complying with environmental requirements. If the public official handling the application accepted the offer of a seat in the development company's corporate box to watch the Broncos play, the decision making process would be flawed, even if the seat was worth only \$75. Such closeness to a company having difficulties with an application would be improper. The duty of the official is to be and to appear to be impartial, something that requires an 'arms length' approach.

Most of the difficulties public officials are likely to encounter are well enough identified in the codes of conduct each government department has.

However, in respect of the statutory bodies whose members may seek advice, there are fewer guidelines, and it is in respect of them that I expect that over the next 2 years most of my work will come. What kind of bodies are involved in this? They are bodies or entities which are established under an *Act of Parliament* to which directors or board members are appointed by a minister or the Governor in Council. Examples are Port Authorities, Royal Queensland Theatre Company, Rural Lands Protection Board, Dental Board of Queensland, Anzac Day Trust and Queensland Heritage Council. There are well over 400 such bodies. They make decisions that affect many different aspects of our lives. The people who are appointed to them carry out their duties responsibly and, with the additional resource that my office provides, the public should be able to accept that their decision making is performed with integrity.