

# Information sheet 1

## About the Integrity Commissioner

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

*The Commissioner does not provide legal advice.*



### **Dr David Solomon AM is the current Integrity Commissioner.**

The Commissioner provides advice to the Premier, Ministers, Parliamentary Secretaries, their staff, government backbenchers, statutory office holders, chief executive officers and senior officers of the public service whose request for advice is supported by their CEO. The *Public Sector Ethics Act 1994* contains complete details.

The Commissioner primarily provides advice on whether public officials may have a conflict of interest. The Commissioner, if asked, is also responsible for giving the Premier advice on issues concerning ethics and integrity. The Commissioner contributes to public awareness of public integrity standards.

### **What is a conflict of interest?**

A conflict of interest exists if a public official has an interest in the decision making process that will prevent them from acting impartially.

The interest could be that they, their friends or relatives may benefit from a decision if it is made in a particular way. This interest conflicts with the public interest.

Public officials who have such an interest in a matter should remove themselves from the decision making process.

A public official should make all decisions in an unbiased manner and in the interest of the public. This ensures that everyone who deals with the government is treated fairly and on their merits.

### **Who can request advice?**

The Integrity Commissioner may give advice about a conflict of interest issue to any designated person. Designated persons include all Ministers, Parliamentary Secretaries and their staff, CEOs of Government departments, senior executive officers and senior officers, statutory office holders and other people nominated by Ministers and Parliamentary Secretaries.

Any request for advice must be in writing.

Some people can request advice about other people:

- The Premier may seek advice about any designated person.
- A Minister may seek advice about their own staff or any statutory office holder or CEO in their portfolio.
- Parliamentary Secretaries may seek advice about their staff.
- CEOs may seek advice about senior executives and senior officers in their agencies.

No one can seek advice if they are no longer a designated person. Nor can anyone seek advice about a person who is no longer a designated person.

## How are requests handled?

You should provide all relevant information for the Commissioner to make a decision. If necessary, the Commissioner can ask for further information.

The Commissioner will advise you in writing of the decision made on your case.

If you do have a conflict of interest, you have seven days to resolve the conflict of interest to the Commissioner's satisfaction. The Commissioner will advise you in writing. A copy of the Commissioner's advice may be provided to the Premier if your conflict of interest is not resolved within seven days.

The Commissioner can refuse to give advice if there is not enough information to make a determination, or if giving advice would not be in keeping with the purpose of the Act. In such cases, the Commissioner must give a written explanation as to why advice was refused.

## Is the process confidential?

Yes, this process is confidential. If you are the person about whom the advice is made then you can disclose it to anyone.

However, it is an offence for anyone to disclose information discovered while administering your application.

Further, all material is exempt from disclosure under Section 11 of the *Right to Information Act 2009*.

Advice sought about another person cannot be released unless compelled by another Act. For example, a CEO who is advised that a senior officer acted on a conflict of interest is obliged to disclose this information under the *Crime and Misconduct Act 2001* to the Crime and Misconduct Commission.

This information sheet has been prepared to assist chief executive officers, senior executive officers, senior officers and the staff of Ministers and Parliamentary Secretaries in the effective discharge of their duties.

Location: Level 13, 53 Albert Street, Brisbane Q 4000

Postal Address: PO Box 15290, City East Q 4002

Telephone: (07) 3224 2351

Facsimile: (07) 3224 2326