

Queensland Integrity Commissioner



Annual Report 2005/2006

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

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

Location

Level 3
61 Mary Street
Brisbane Queensland Australia

Enquiries

Enquiries can be directed to:
Office of the Queensland Integrity Commissioner
PO Box 15290
City East Qld 4002

Telephone +61 (0) 7 3224 2351
Facsimile: +61 (0) 7 3224 2326
Web: www.integrity.qld.gov.au
Email: integrity.commissioner@qld.gov.au

Copies of this Annual Report can be obtained
by telephoning + 61 (0) 7 3224 2351
by faxing a request to +61 (0) 7 3224 2326
or by written request to the address provided.
Copies can also be downloaded from the website.



Integrity Commissioner

The Honourable Peter Beattie MP
Premier of Queensland
Executive Building
100 George Street
BRISBANE QLD 4000

My dear Premier

It gives me pleasure to submit to you my second annual report - the sixth Annual Report of the Integrity Commissioner.

This report is for the 12 months to 30 June 2006 and has been prepared in accordance with section 43 of the *Public Sector Ethics Act 1994*.

It is a written report about the performance of the Commissioner's functions for the financial year.

The report is in general terms and does not contain information likely to identify individuals who sought my advice about conflict of interest issues.

Yours sincerely

A handwritten signature in black ink, appearing to read "G Crooke".

Gary Crooke QC
Queensland Integrity Commissioner

Level 3 61 Mary Street
Brisbane
PO Box 15290, City East
Queensland 4002 Australia
Telephone + 61 7 3224 2351
Facsimile + 61 7 3224 2326
Website www.integrity.qld.gov.au

Report to the Premier

Section 43 of the *Public Sector Ethics Act 1994* provides that -

1. The integrity commissioner must, as soon as practicable after the end of each financial year, give the Premier a written report about the performance of the commissioner's functions for the financial year.
2. The report must be in general terms and must not contain information likely to identify individuals who sought the commissioner's advice about a conflict of interest issue.

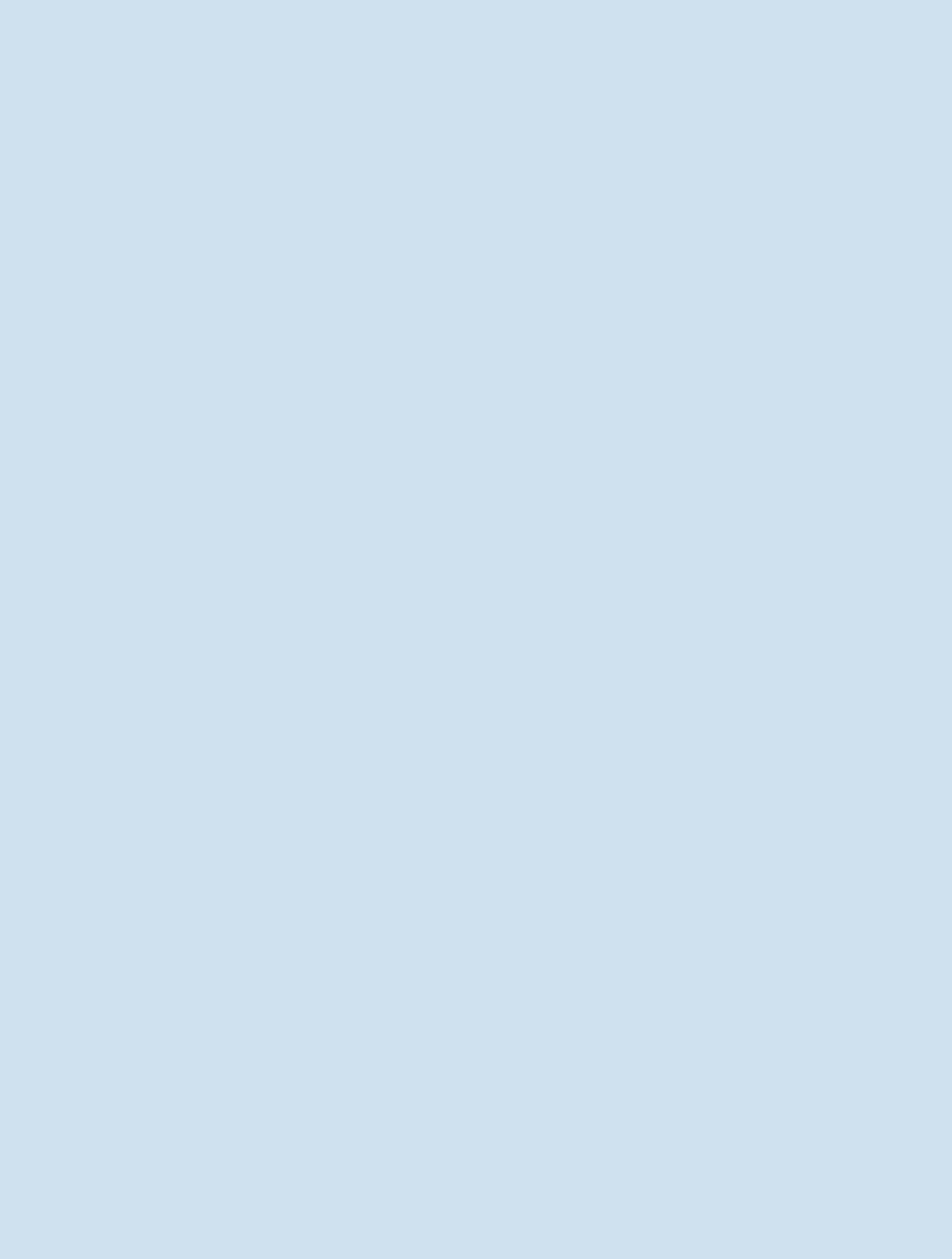


Table of contents

Who is the Integrity Commissioner?	2
The role and function of the Integrity Commissioner	3
Overview of the reporting year	4
Summary of requests	6
Issues considered	6
Contribution to public understanding of public integrity standards.....	8
Staffing of the Office of the Integrity Commissioner	10
Compliance disclosures	11
Financial statement	13
Statement of affairs	14
Privacy plan	15

Who is the Integrity Commissioner?



Mr Gary Crooke QC

Mr Gary Crooke QC was appointed by the Governor in Council on 1 July 2004 as Queensland's second Integrity Commissioner.

The role was established in 1999 under the *Public Sector Ethics Act 1994* and is detailed in the Statement of Affairs attached to this report.

Mr Crooke succeeded the Honourable Alan Demack AO, former Supreme Court Judge, who retired on 30 June 2004 after almost four years of service in the role. Mr Demack became Queensland's and Australia's first Integrity Commissioner in August 2000.

Mr Crooke is married with three adult sons and four grandchildren. His interests include cricket, fishing and farming beef cattle.

He began his education at Pulteney Grammar School Adelaide, and went on to graduate from a Bachelor of Arts in 1963 and a Bachelor of Law in 1966 at the University of Queensland. He began practising as a barrister in 1966 and was appointed Queen's Counsel (QC) in 1982.

During his career he has worked on a number of high profile matters including:

- Senior Counsel Assisting the Queensland Fitzgerald Inquiry 1987-89;
- Senior Counsel Assisting New South Wales Royal Commission into Police Corruption 1994-97.

He has also held the following appointments:

- Chairman National Crime Authority 1999-2002;
- Co-Chair Asia Pacific Group on Money Laundering 1999-2002.

Mr Crooke was also the President of the Queensland Bar Association 1989-90, the President of the Australian Bar Association 1990-91 and has been a Life Member of the Queensland Bar Association since 1993.

The role and function of the Integrity Commissioner

The *Public Sector Ethics Act 1994* was amended in 1999 to add Part 7 for that Act. This Part creates the Office of Integrity Commissioner and designates the role and function of that office.

The purpose of Part 7 is to help Ministers and others to avoid conflicts of interest and, in so doing, to encourage confidence in public institutions (section 25).

The functions of the Integrity Commissioner are:

- a. to give advice to designated persons about conflict of interest issues as provided under division 5;
- b. to give advice to the Premier, if the Premier asks, on issues concerning ethics and integrity, including standard-setting for issues concerning ethics and integrity; and
- c. to contribute to public understanding of public integrity standards by contributing to public discussion of policy and practice relevant to the Integrity Commissioner's functions.

The Queensland Integrity Commissioner can give advice only to designated persons (section 29). These persons are essentially government Members of Parliament, including the Premier, Ministers and Parliamentary Secretaries, but also including Members of other Parties or Independent Members who are themselves members of a Parliamentary Committee on the nomination of a Government Member.

The term also includes statutory office holders, departmental heads and senior officers employed in their departments, together with staff employed to give advice in the office of Ministers and Parliamentary Secretaries. It is possible for a Minister to nominate a person or class of persons to be included within the definition and, in the reporting year, the first example of the exercise of this power occurred. In March 2006, the Minister for Transport and Main Roads advised me by letter that he had included marine pilots as a class of persons nominated by him under section 27(1)(k) of the Act to be included in the classification of "designated persons".

All told, there are more than 5000 "designated persons" in Queensland.

A conflict of interest issue involving a person means an issue about a conflict between the person's personal interests and the person's official duties (this is defined in the Schedule to the Act).

Overview of the reporting year

This report covers the sixth year of operation of the Office of the Integrity Commissioner and my second year of tenure.

The passage of further time has shown that the initial impressions I expressed last year in my first report have been reinforced. In particular, I continue to support and favour the structure under which the Office of the Integrity Commissioner is set up. It provides a confidential resource to which senior people in public life or public service can resort on a voluntary basis. There is no investigative capacity and the function is to advise rather than direct. Our Queensland system has the Crime and Misconduct Commission and the Ombudsman to conduct investigations and to follow up when necessary.

In our system of government, and in the establishment of an ethical regime, leadership by example is a paramount factor. Paying lip service to ethical standards is futile if ethical standards are not embraced and openly practised. Perception of the public must be recognised as a fundamental factor and where perception is adverse, the challenge must be taken up to address it. As I observed in my last report, this involves a long journey with many hurdles to overcome.

In the all important field of public perception, actions will speak louder than words. Integrity bespeaks openness, honesty and accountability in fulfilling the trust that is reposed in an elected representative or in any holder of a public office. To the extent that actions depart from these criteria, public perception will be diminished.

The way forward must be incrementally to advance public standing by actions which, by example, show that all relevant criteria are being followed.

In the political field, conduct must withstand scrutiny from the Opposition in the Parliament and from the media who keep the public informed of such issues.

For our body politic to raise its ethical standards, the media plays an important role. It too must strive to improve the low public esteem that it is accorded in opinion polls for integrity and reliability of its reports. Objectivity and reasonableness are the touchstones of integrity in this area.

The goal to improve public administration by setting and adhering to the highest standards of integrity is an aspirational one, beset by constant challenges and difficulties in the world of real politics. Nevertheless, the community should continue to expect, and holders of public office should continue to strive for, the achievement of these highest standards.

If there is one abiding concern from the experience of the last year, it is the continuing misconception held by some holders of public office that they can set their own standards of conduct, heedless of recognisable public perception. In publicly reported actions, too often I have seen evidence of an approach to a potential conflict of interest which is no more and no less than the protagonist endeavouring to pull him or herself up by his or her own boot strings.

The approach seems to be that, because they are ethical, they can be relied upon to do the right thing and not be influenced by inappropriate considerations.

Once it is established that an unacceptable conflict of interest occurs when a reasonable member of the public, properly informed, would regard it as such, the error of this approach is apparent.

The proper test is the perception of a reasonable person. It is not the righteous indignation of the person involved.

Collective wisdom is that a person directly and personally involved in a situation is not in the best position to make an objective decision about their involvement, when it is called into question. Hence the practical wisdom on seeking independent advice.

If there is the real appearance of a conflict of interest or potential bias, then the public perception will rightly pronounce that the person concerned should not be involved in any decision.

These principles have been authoritatively demonstrated by our courts who have adopted the public perception test previously mentioned when an issue concerning potential conflict or bias arises. Few would argue against the proposition that those appointed as Judges in our community are beyond reproach for integrity and honesty in performing their judicial roles. Yet the touchstone of the public perception test applies, rather than one which espouses the integrity and impartiality of the judicial officer.

The community should continue to be astute in insisting that proper and objective standards are applied to the acceptability of any holder of public office to participate in a decision-making process when there are personal interests which potentially can run counter to public duty.

The comparative table of numbers of requests in the years shows that the rate of requests has been maintained for the year. This bespeaks an awareness in those making the requests of the importance of acting with integrity when questions of possible conflict of interest arose. Hopefully, those people are a representative sample of those who hold public office as “designated persons” who are enabled to seek advice.

Those who have sought advice have taken a step to ensure that public confidence in them and the institutions which they represent will be enhanced.

Summary of requests

Requests received	00/01	01/02	02/03	03/04	04/05	05/06
Premier	3	4	2	1	4	4
Ministers or Parliamentary Secretaries	4	3	2	10	9	8
Directors-General	6	4	6	5	4	6
Other designated persons*	1	14	14	5	8	3
Preliminary discussions / general advice*					6	9
TOTAL	14	25	24	21	31	30

* Prior to 04/05, there was no separation of these figures. These were included under the heading "Other".

Issues considered

A total of 30 requests for advice were received in the reporting year. Section 43(2) of *Public Sector Ethics Act 1994* requires that my report must be in general terms and must not contain information likely to identify individuals who sought my advice. Additionally, there are strict statutory secrecy provisions relating to disclosure by the Integrity Commissioner of any advice or material submitted for the purpose of obtaining advice, all of which is exempt from the provisions of Freedom of Information legislation.

Bearing this in mind, I can report that requests received covered a broad field within the category of a possible conflict between personal interests and public duty. As enabled by the statute, the Premier requested advice about matters in broader compass relating to the field of ethics and integrity.

Matters raised included examination of appropriate integrity principles to be employed in addressing misconceptions in reports made without due regard to proper process. Another enquiry involved an examination of integrity principles impacting upon the power of government to bring forward legislation to address a specific issue rather than allowing the issue to be addressed in accordance with established principles and procedures.

In relation to the conflict of interest issues raised, a number of requests related to the obligations of a decision-maker who had other personal interests in the area of his or her public responsibility. These included shareholdings, long-standing acquaintances or friendships, financial support for campaign funds and the holding of honorary positions in organisations who may prove to be applicants for funds in the area of responsibility.

Other enquiries related to the area of gifts and hospitality where the advantage in pursuing a cordial relationship needed to be balanced against the public perception of preferential treatment in return for hospitality.

Another issue which arose was the need to balance a long-standing personal association or friendship with the obligation to observe integrity in considering any application for a favourable decision by the acquaintance.

Another question raised related to appropriate use of entitlements concerning an accompanying spouse on official business trips.

Another topic raised related to ownership of shares in an organisation involved in an area of business that was a potential supplier of goods in the field of employment of the enquirer.

Advice was sought in relation to the propriety of preferring the personal interest of an individual in maintaining a position of employment and authority, against the countervailing consideration of standing aside during the course of an investigation.

In a number of enquiries, the solution suggested was to be scrupulous in maintaining procedures which ensured that all those who might be subject to a decision were treated equally. There should be no room for any applicant to take “short-cuts” or to have access to any personnel or procedure not available to all who seek favourable consideration. All suggestions of being in some way beholden to an applicant must be conclusively dispelled. Admirable traits such as inherent politeness and gratitude need to be constrained in applying these principles.

There is merit in having a clear and published policy which sets out any procedural steps with the emphasis that the steps apply to all, no matter what their relationship with a decision-maker or status within the community. Reference to this policy and the overarching requirement of integrity should be sufficient explanation to dispel embarrassment or the perception of rudeness or ingratitude.

Contribution to public understanding of public integrity standards

One of the functions of the Integrity Commissioner is to contribute to public understanding of public integrity standards by contributing to public discussion of policy and practice relevant to the Integrity Commissioner's functions.

To make this possible, a website www.integrity.qld.gov.au, was launched by the Office on 6 April 2001. The site includes information about the Integrity Commissioner, the *Public Sector Ethics Act 1994*, and various articles and papers prepared and presented by both the former and current Commissioners. During this reporting period, there were approximately 12,250 visits to the website.

The availability of the website to international and national governments, the Queensland public and the public sector, assists to increase awareness of ethics matters in the public arena, and contributes to broader understanding of ethical practices across the sector.

This function of the Integrity Commissioner is not a mandate to comment at large upon any matter of public interest. It is confined to public discussion of policy and practice relevant to the Queensland Integrity Commissioner's functions. In discharging this area of responsibility, the following steps have been undertaken in the reporting year:

a. Maintaining the website of the Integrity Commissioner, which includes publication of the following material:

- *Information Sheet No. 1* *Who is the Integrity Commissioner?*
Published in November 2000 and updated in 2005, describes the role of the Integrity Commissioner;
- *Information Sheet No. 2* *Conflicts of Interest in the Public Sector*
Published in March 2002, addresses conflict of interest issues for public servants;
- *Information Sheet No. 3* *Statutory office holders and conflicts of interest*
Published in June 2003, helps a specialist group of people in the public sector determine whether they are able to seek advice from the Integrity Commissioner;
- *Handbook* *Building Integrity in the Queensland Public Sector*
This handbook, prepared and published by the former Integrity Commissioner, discusses the relationship between ethics and law;
- *Annual Reports* Also on the website are the annual reports for the previous five financial years, making them available for public discussion;
- Papers and presentations given by the Integrity Commissioner are also included on the website.

b. During the reporting year, the Integrity Commissioner:

- attended meetings of a group consisting of the Auditor-General, the Chairperson of the Crime and Misconduct Commission, the Ombudsman, the Public Service Commissioner and the Information Commissioner to discuss informally matters of common interest;
- attended meetings and gave presentations to the Queensland Public Sector Ethics Network;
- attended meetings of the Queensland Public Sector Corporate Governance Collaborative;
- commented upon draft Codes of Conduct prepared by various agencies or departments;
- called upon newly appointed Ministers, Parliamentary Secretaries and Directors-General of government departments to explain the role of the Integrity Commissioner;
- attended meetings of a Reference Group set up by the Queensland Legal Services Commission;
- delivered a paper to the Annual Conference of Judges of the Queensland District Courts;
- delivered a paper to the Conference of the Queensland Bar Association;
- settled Guidelines for Managing Conflicts of Interest which were distributed to statutory office holders;
- met with a delegation from Malaysia which was studying integrity institutions in Australia;
- consulted with a researcher who was preparing a proposal for consideration by the Queensland Law Society which related to promoting ethical behaviour in the profession.

Staffing of the Office of the Integrity Commissioner

The conditions of employment of the Integrity Commissioner are engagement on a part-time basis, being the equivalent of two days per week. The Integrity Commissioner, like his predecessor, usually resides outside of Brisbane. Like his predecessor, he spends at least two days per month in Brisbane and for the balance works from elsewhere. The only claims made associated with the Integrity Commissioner's location outside Brisbane are for reimbursement of telephone expenses.

Whilst the premises of the Integrity Commissioner are located on the same floor as the Office of the Public Service Commissioner, the Integrity Commissioner is separate from, and independent of, any other Office. For reasons of economy and efficiency, funding for the Office of the Integrity Commissioner comes from within the appropriation for the Office of the Public Service Commissioner.

Funding includes the provision of a dedicated Executive Coordinator accountable to the Integrity Commissioner as well as the provision of incidental administrative support on an ad hoc basis, again for reasons of economy and efficiency. I express my gratitude for this assistance and for the capable way in which the position of Executive Coordinator is fulfilled by Mrs Mattea Slinger.

Compliance disclosures

The Office of the Queensland Integrity Commissioner uses the Code of Conduct for the Department of the Premier and Cabinet.

During 2006, my Executive Coordinator attended:

- meetings of the Queensland Public Sector Ethics Network;
- the second meeting of the Queensland Public Sector Corporate Governance Collaborative;
- meetings of the Privacy Coordinators' Network;
- privacy training sessions, conducted by the Department of Justice and Attorney-General;
- several training sessions conducted by the Department of the Premier and Cabinet, including:
 - Records Management Training
 - » to prepare for the introduction of a new records management system for the Office of the Integrity Commissioner;
 - » in relation to the eDRMS project;
 - » in relation to the new Corporate Filing Structure for Network Realignment;
 - » Workplace Harassment & Bullying Training; and
 - » various computer courses.

The Integrity Commissioner has approved a Records Classification Scheme and Records Disposal Authority to be submitted to Queensland State Archives for official review and endorsement. Once it is endorsed by Queensland State Archives, the Records Disposal Authority becomes a legal document which will be used to lawfully retain and dispose of corporate records.

The Privacy Plan for the Office of the Integrity Commissioner has been updated and approved by the Integrity Commissioner.

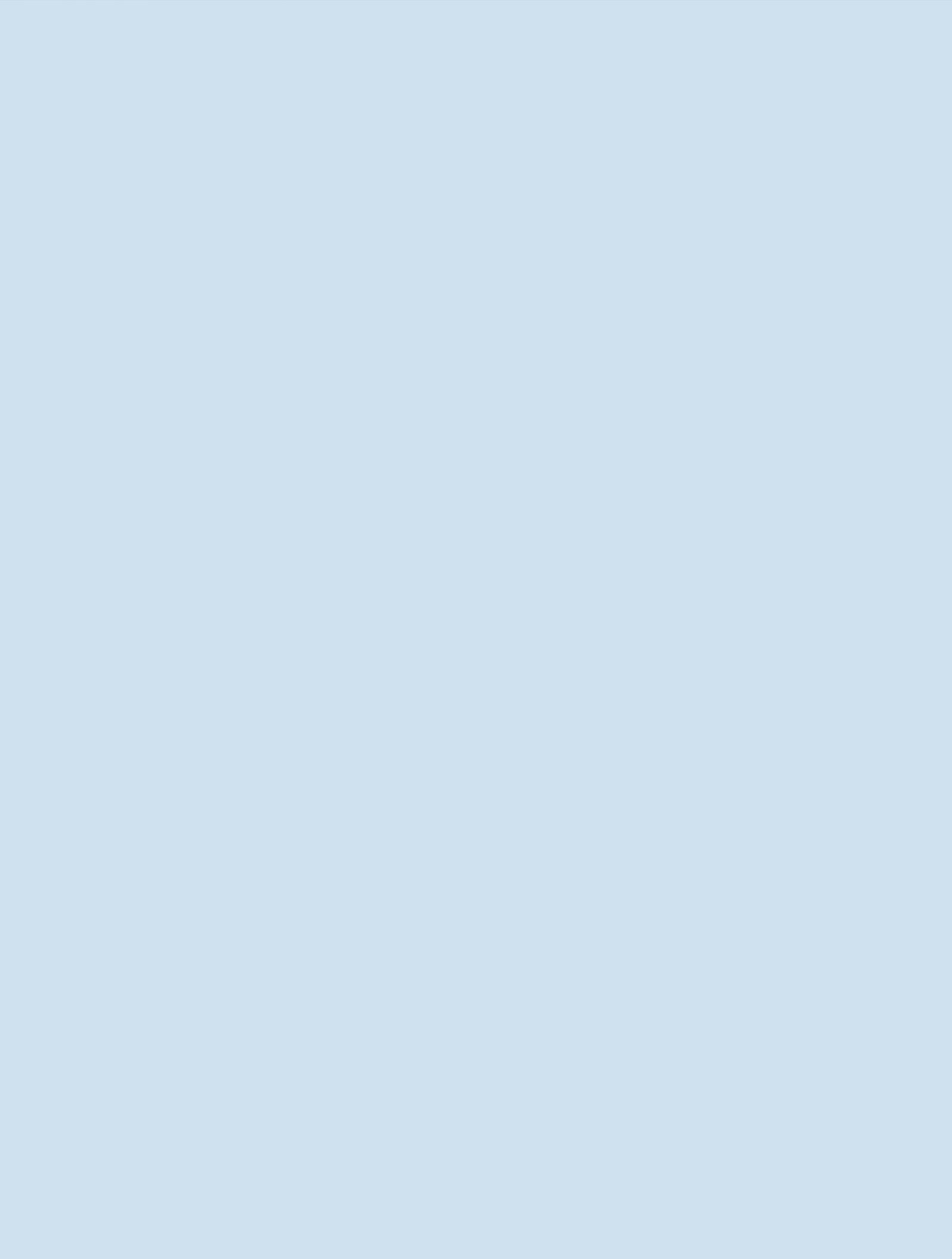
No consultants were used and no overseas travel was taken.

No public interest disclosures were received by the office under the *Whistleblowers Protection Act 1994*.

This Annual Report and the updated Privacy Plan for the Office of the Integrity Commissioner are also available on the website, www.integrity.qld.gov.au.

Attached to this report are:

- the Financial Statement of the Office of the Integrity Commissioner;
- the Statement of Affairs (required by the *Freedom of Information Act 1992*); and
- the updated Privacy Plan for the Office of the Integrity Commissioner.



Financial Statement

The Office of the Queensland Integrity Commissioner expenditure for Financial Year 2005/2006

	05-06	04-05
Revenues from ordinary activities		
Output revenue	144,100	149,100
User charges	-	-
Other revenue	-	34
Total revenue from ordinary activities	144,100	149,134
Expenses from ordinary activities		
Employee expenses		
Salaries and wages and related costs	114,476	112,912
Salary-related taxes	6,116	8,318
Other employee expenses	660	709
Superannuation	13,166	12,832
Total employee expenses	134,419	134,772
Supplies and services		
Consumables	459	2,479
Travel costs - domestic	568	740
Telecommunication costs	2,396	2,324
Legal Expenses	937	
Marketing and public relations	3,448	3,546
Hospitality and functions	46	55
Other administrative expenses	380	245
Repairs and maintenance	37	268
Minor plant and equipment	-	605
Minor works	-	63
Total supplies and services	8,271	10,325
Depreciation		
Depreciation expense	-	2,726
Total depreciation	-	2,726
Total expenses from ordinary activities	142,690	147,823
Net Operating Result	\$1,410	\$1,311

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

For reasons of economy and efficiency, funding and administrative support is received through the Office of the Public Service Commissioner. Corporate services and asset replacement have been provided through the Office of the Public Service Commissioner.

The Office of the Integrity Commissioner no longer reports assets due to the adoption of a whole-of-government non-current asset policy in 2005-06 which standardised the asset recognition threshold for all government assets and results in assets being expensed in the year of purchase rather than depreciated over a number of years.

Please note that this financial statement has not been subjected to audit.

Statement of Affairs of Agency

The following is published in accordance with s.18 of the *Freedom of Information Act 1992*:

- A) The Office of the Queensland Integrity Commissioner was established by the enactment of Part 7 of the *Public Sector Ethics Act 1994*.

The Queensland Integrity Commissioner has the following functions:

- a) to give advice to designated persons about conflict of interest issues as provided under Division 5 of Part 7 of the Act;
- b) to give advice to the Premier, if the Premier asks, on issues concerning ethics and integrity including standard-setting for issues concerning ethics and integrity;
- c) to contribute to public understanding of public integrity standards by contributing to public discussion of policy and practice relevant to the Queensland Integrity Commissioner's functions.

These functions are discharged by the Queensland Integrity Commissioner on a part-time basis equivalent to two days per week. The Queensland Integrity Commissioner's staff consists of an Executive Coordinator.

- B) The Queensland Integrity Commissioner's functions directly affect the following members of the community who are "designated persons" within the meaning of s.27 of the *Public Sector Ethics Act 1994*:

- a) the Premier;
- b) a Minister;
- c) a Parliamentary Secretary;
- d) a government member;
- e) a statutory office holder;
- f) a chief executive officer of a department of government or a public service office;
- g) a senior executive officer or senior officer employed in a department of government or public service office;
- h) a chief executive officer of a government entity or a senior executive equivalent employed in a government entity who is nominated by the Minister responsible for administering the entity;
- i) a person employed in the office of a Minister, or engaged, to give advice to the Minister;
- j) a person employed in the office of a Parliamentary Secretary, or engaged, to give advice to the Parliamentary Secretary;

- k) without limiting paragraph i) or j), a person, or a person within a class of person, nominated by a Minister or Parliamentary Secretary.

These people can seek confidential advice about conflicts of interest which arise because their personal interests conflict with their official duty.

- C) The Queensland Integrity Commissioner accepts invitations to speak at public meetings, conferences and seminars to further the objective of contributing to public understanding of relevant public integrity standards. Papers and speeches are found on the website, www.integrity.qld.gov.au. The functions of the Queensland Integrity Commissioner are exercised in accordance with the *Public Sector Ethics Act 1994*.
- D) The documents usually held by the Queensland Integrity Commissioner are relevant Acts of Parliament, Codes of Conduct, correspondence, lectures, papers and confidential advice. A limited number of fact sheets about the role of the Queensland Integrity Commissioner are available free of charge, as is the handbook for Queensland public sector employees, *Building Integrity in the Queensland Public Sector*. Lectures and papers are accessible on the website, www.integrity.qld.gov.au.
- E) The Queensland Integrity Commissioner does not provide subscription services or free mailing lists. Material is available on the website.
- F) No boards, councils, committees or other bodies constituted by two or more persons have been established for the purpose of advising the Queensland Integrity Commissioner.
- G) The Queensland Integrity Commissioner does not keep documents concerning the personal affairs of members of the community, except when such matters are disclosed as a basis for seeking confidential advice. The person whose affairs are so disclosed has the opportunity to ensure that they are accurately disclosed before advice is given.
- H) Requests for confidential advice on conflicts of interest are made in writing. If a "designated person" wishes to amend the personal affairs disclosed in such application, that should be done in writing addressed to:

The Queensland Integrity Commissioner
PO Box 15290
City East Queensland 4002

Privacy Plan

Privacy Plan for the Office of the Queensland Integrity Commissioner

This Privacy Plan is published in accordance with the mandatory requirements of the Queensland Government’s privacy policy: Information Standard 42 (IS42) – Information Privacy. IS42 and its 11 Information Privacy Principles are explained in detail on the Queensland Privacy website.

1. Functions and related matters

Functions

The Office of the Queensland Integrity Commissioner is established under Part 7 of the *Public Sector Ethics Act 1994* (the Act).

The Act is administered by the Premier per *Administrative Arrangements Order (No.1) 2006*, in relation to the Premier’s responsibility for “ensuring overall public service management and employment conditions to ensure the development of a highly professional public service in the areas of organisational and executive capability and performance, public service reform and governance”.

Under the Act, the Integrity Commissioner has the following functions:

1. to give advice to designated persons about conflict of interest issues as provided under Part 7, Division 5 of the Act;
2. to give advice to the Premier, if the Premier asks, on issues concerning ethics and integrity including standard-setting for issues concerning ethics and integrity; and
3. to contribute to public understanding of public integrity standards by contributing to public discussion of policy and practice relevant to the Integrity Commissioner’s functions.

Related Matters

The above functions are discharged by the Integrity Commissioner on a part-time basis equivalent to two (2) days per week.

The Office of the Integrity Commissioner has a staff of one person – being the Executive Coordinator to the Integrity Commissioner. The Executive Coordinator is also the Privacy Coordinator for the Office.

2. Treatment of personal information

Personal information is generally defined under IS42 as:

“information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion”.

Personal information of designated persons

The Integrity Commissioner’s functions directly affect members of the community who are designated persons within the meaning of s.27 of the Act. As such, as part of the discharge of the Integrity Commissioner’s functions, personal information may be collected and used for the purposes of giving advice to any or all of the following persons:

- a. the Premier;
- b. a Minister;
- c. a Parliamentary Secretary;
- d. a government member;
- e. a statutory office holder;
- f. a chief executive officer of a department of government or a public service office;
- g. a senior executive officer or senior officer employed in a department of government or public service office;
- h. a chief executive officer of a government entity or a senior executive equivalent employed in a government entity who is nominated by the Minister responsible for administering the entity;
- i. a person employed in the office of a Minister, or engaged, to give advice to the Minister;
- j. a person employed in the office of a Parliamentary Secretary, or engaged, to give advice to the Parliamentary Secretary;
- k. without limiting paragraph (i) or (j), a person, or a person within a class of person, nominated by a Minister or Parliamentary Secretary.

These designated persons can apply in writing to the Integrity Commissioner for confidential advice on conflicts of interest. When requests for confidential advice on conflicts of interest are made, the designated person may provide personal information relevant to that issue. Such personal information may include:

- name, title, professional contact details, personal contact details, and any other information that will or may identify the designated person; and
- personal information (which may include opinions) about another individual.

A designated person who provides personal information to the Integrity Commissioner for the purpose of obtaining advice about a conflict of interest issue is obliged to provide accurate information so that reliable advice can be given. If the person seeking advice does not provide enough information about the conflict of interest issue, the Integrity Commissioner may ask for further information (including any additional personal information required).

Personal information – Staff

The Office of the Queensland Integrity Commissioner does not collect or maintain its own personnel records. Such records, including employment history, payroll and other administrative information relating to an employee, are maintained by the Department of the Premier and Cabinet.

Personal information - General

The Queensland Integrity Commissioner does not keep documents containing the personal information of members of the general community, except when the information is provided by a person as a basis for seeking confidential advice which is then subject to statutory secrecy provisions. Where personal information is provided in this regard, it is maintained in a manner consistent with personal information provided by designated persons.

Disclosure of personal information

The Act requires the Integrity Commissioner to use and/or disclose personal information in strict accordance with the confidentiality and secrecy provisions of the Act. As such, any personal information collected by the Office of the Queensland Integrity Commissioner is used only for the purpose of giving advice on conflict of interest issues and is not disclosed to any other person or agency except in accordance with the Act.

Advice provided by the Integrity Commissioner is confidential and is not placed on the website.

Amendment of a Person's own Personal Information

If a designated person, or any other person, wishes to amend her/his own personal information provided in a written application to the Integrity Commissioner, a written request should be addressed to -

The Queensland Integrity Commissioner
PO Box 15290
City East QLD 4002.

3. Existing contracts/licences

The Office of the Queensland Integrity Commissioner does not have any current contracts for goods or services. Nor does it currently employ the services of business consultants or contractors.

4. List of public registers

The Queensland Integrity Commissioner does not hold any public registers.

5. Implementation schedule & review

This Privacy Plan, and a complementary website 'Privacy and Security Statement', is published with the approval of the Integrity Commissioner and is reviewed annually. This Privacy Plan is available on the Integrity Commissioner's website at www.integrity.qld.gov.au and may also be accessed in hard-copy format via written request to –

Office of the Queensland Integrity Commissioner
PO Box 15290
City East QLD 4002.

6. Retention and disposal of records

All records created and maintained by the Office of the Queensland Integrity Commissioner are managed in accordance with the *Public Records Act 2002*.

7. Security of personal information

All personal information collected by the Integrity Commissioner in order to give advice on conflict of interest issues is securely stored by the Privacy Coordinator, who is also the Executive Coordinator. The only people who have access to this information are the Privacy Coordinator and the Integrity Commissioner.

8. Access to a person's own personal information

All of the personal information collected and maintained by the Office of the Queensland Integrity Commissioner is exempt from disclosure under the *Freedom of Information Act 1992*.

9. Privacy complaints

If a person believes that the Office of the Queensland Integrity Commissioner has not dealt with her/his personal information in accordance with IS42, a complaint may be made in writing to the Integrity Commissioner. The complaint must clearly set out the alleged breach of one or more of the Information Privacy Principles and should be made as soon as possible after the incident.

Written complaints should be sent to the Office of the Integrity Commissioner for the attention of the Privacy Coordinator, at the following address –

Attn: Privacy Coordinator
Office of the Queensland Integrity Commissioner
PO Box 15290
City East QLD 4002.

Queensland Integrity Commissioner



Annual Report 2005 - 2006