

Queensland Integrity Commissioner

Annual Report 2011-12

The Integrity Commissioner is an independent officer of the Parliament who advises senior Queensland public officials on ethics or integrity issues

About this report

This annual report provides information about the Integrity Commissioner's financial and non-financial performance for 2011-12. It has been prepared in accordance with the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2009*.

This report has been prepared for the Speaker and the Finance and Administration Committee for tabling in the Legislative Assembly.

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Integrity Commissioner Annual Report 2011-12.

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The Honourable Fiona Simpson MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

Mr Michael Crandon MP
Chair
Finance and Administration Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Madam Speaker

Dear Mr Crandon

This is the Annual Report of the Integrity Commissioner for the 12 months ending 30 June 2012.

It is the third report under the provisions of s. 85 of the *Integrity Act 2009* and complies with the provisions of that section. It is, in accordance with that section, provided to the Speaker and the Parliamentary Committee for Finance and Administration. Previous Annual Reports were provided to the Premier as required by the provisions of the *Public Sector Ethics Act 1994*. However since 1 January 2010 when the *Integrity Act* came into force, the Integrity Commissioner has been an officer of the Parliament.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Solomon'.

Dr David Solomon AM
Queensland Integrity Commissioner

17 September 2012

Table of contents

Who is the Queensland Integrity Commissioner?	5
The roles and functions of the Integrity Commissioner	6
The 2011-2012 year in review	10
Summary of requests	17
Issues considered	17
Contribution to public awareness and understanding of ethics or integrity issues	18
Staffing for the Integrity Commissioner	18
Compliance disclosures	19
Financial statement	20

Who is the Queensland Integrity Commissioner?

Dr David Solomon AM became Queensland's third Integrity Commissioner on 1 July 2009.

The position of Queensland Integrity Commissioner was established in 1999 by amendments to the *Public Sector Ethics Act 1994*. The Honourable Alan Demack AO, a former judge of the Supreme Court of Queensland, took office as the first Integrity Commissioner in August 2000, and retired on 30 June 2004.

He was succeeded by Mr Gary Crooke QC, who served a five year term until 30 June 2009. Mr Crooke had a distinguished legal career that included serving as Senior Counsel assisting the Fitzgerald Inquiry, 1987-89 and Chairman of the National Crime Authority, 1999-2002.



Dr David Solomon was appointed to a five year term as Integrity Commissioner on 25 June 2009, and took office on 1 July 2009.

Dr Solomon was Chair of the Independent Panel appointed by the Bligh Government to review Queensland's Freedom of Information laws in 2007-08.

He spent most of his working life in Canberra, writing about politics and the law, for such newspapers as *The Australian*, *The Australian Financial Review* and *The Canberra Times*. He moved to Brisbane in 1992 to Chair the Electoral and Administrative Review Commission, and, when that Commission was wound up, began writing for the *Courier-Mail* as a Contributing Editor. He retired from full-time journalism at the end of 2005.

He has degrees from the Australian National University in Arts and Law (with honours), and a Doctorate of Letters. He has written almost a dozen books on parliament, politics, constitutional law and the High Court.

He received the Centenary Medal in 2001, and was appointed a Member of the Order of Australia in 2006.

The roles and functions of the Integrity Commissioner

The responsibilities and duties of the Queensland Integrity Commissioner are detailed in the *Integrity Act 2009*. They were originally contained in the *Public Sector Ethics Act 1994*.

The functions of the Integrity Commissioner are set out in section 7 of the *Integrity Act*. They are

- (a) to give written advice to a designated person on ethics or integrity issues;
- (b) to meet with, and give written or oral advice to, members of the Legislative Assembly;
- (c) to keep the lobbyists register and have responsibility for the registration of lobbyists;
- (d) to raise public awareness of ethics or integrity issues by contributing to public discussion of these issues relevant to the integrity commissioner's functions.

The integrity function

The Integrity Commissioner's role in providing advice on ethics or integrity matters, including conflict of interest issues, is limited. Advice may only be given when it is sought by a "designated person". The Act specifies who are or may be the "designated persons" that the Integrity Commissioner may assist. Essentially they are Ministers, Members of Parliament (though Opposition MPs were only added by an amendment that came into effect in September 2009), statutory office holders, Chief Executives of government agencies, senior executive officers and senior officers, staffers of Ministers and Parliamentary Secretaries/Assistant Ministers and other people who may be nominated by a Minister or Parliamentary Secretary/Assistant Minister.

There are more than 5,000 people who fit the description of a designated person. However senior executives, senior officers and senior officer equivalents, who together constitute the overwhelming majority of the designated persons, may only seek advice if they have the signed authority of their chief executive.

The term, "conflict of interest" is defined in the *Integrity Act*.

Conflict of interest issue, involving a person, is an issue about a conflict or possible conflict between a personal interest of the person and the person's official responsibilities.

The underlined words were added to the definition originally in the *Public Sector Ethics Act* to bring in the notion of a possible conflict, and to extend what were first described as "official duties" to "official responsibilities".

Requests for advice on ethics or integrity issues must be in writing. The Integrity Commissioner must base the advice provided on relevant approved codes of conduct or approved ethical standards and such other standards as the Integrity Commissioner considers appropriate. The advice must be in writing. The Integrity Commissioner may only decline to provide advice if the Integrity Commissioner reasonably believes that not enough information has been provided in relation to the issue or that giving the advice would not be in keeping with the purpose of the Act. Requests for advice, and the advice given, are confidential, and are not subject to disclosure under the *Right to Information Act 2009*. However a person who receives advice may disclose it.

The Premier may ask for the Integrity Commissioner's advice involving any person who is or has been a designated person, other than a non-government MP. The Premier may also ask for advice on standard setting for ethics or integrity issues.

Others in leadership positions – the Leader of the Opposition, Ministers, Assistant Ministers and Chief Executives – may ask for the Integrity Commissioner’s advice on an ethics or integrity issue involving a designated person for whom they have responsibility, as set out in sections 17-20 of the Act.

Members of the Legislative Assembly may request a meeting with the Integrity Commissioner to discuss ethics or integrity issues arising from their declaration of interests in the Parliamentary register of members’ interests or the register of related persons’ interests. The Integrity Commissioner may give such advice either orally or in writing.

The lobbyists function

Since 2010 the Integrity Commissioner has been responsible for administering the regulation of lobbying activities under the *Integrity Act*. This involves the maintenance of the Lobbyists Register and approval of a Code of Conduct for lobbyists. The regulatory system is based on the requirement, in s. 71 of the Act, that “government representatives” must not knowingly permit an entity that is not a registered lobbyist to carry out a lobbying activity for a third party client with the government representative.

“Government representative” is broadly defined. It includes the Premier, Ministers, Assistant Ministers and their respective staff members, Chief Executives and the staff of their departments, local government councillors and Chief Executives and staff of councils, the parliamentary staff, and the chief executives and staff of government owned corporations.

“Lobbyist” is narrowly defined. While “lobbying” has a meaning that would be accepted in many jurisdictions – “contact with a government representative in an effort to influence State or local government decision making” (s. 42(1)) – an entity that lobbies is defined in a very restrictive way that excludes many of those who do in fact lobby government. According to section 41(1),

A **lobbyist** is an entity that carries out a lobbying activity for a third party client or whose employees or contractors carry out a lobbying activity for a third party client.

The section goes on to provide a series of exceptions. Those who are declared not to be lobbyists for the purposes of the Act include –

- Non-profit entities
- Entities constituted to represent the interests of their members
- Entities lobbying on their own behalf
- Entities that carry out lobbying that is “occasional only and incidental to the provision of professional or technical services”.

The Integrity Commissioner maintains a register of registered lobbyists. To register, a lobbyist must provide

- (a) the lobbyist’s name and business registration particulars;
- (b) for each person (**listed person**) employed, contracted or otherwise engaged by the lobbyist to carry out a lobbying activity—
 - (i) the person’s name and role; and

- (ii) if the person is a former senior government representative, the date the person became a former senior government representative;
- (c) the name of each current client of the lobbyist;
- (d) the name of each client for which the lobbyist has carried out a lobbying activity within the 12 month period before the lobbyist most recently gave the integrity commissioner the particulars under this division or section 53;

These details are published in the register on the Integrity Commissioner's website.

Proposed "listed persons" (that is, lobbyists employed by lobbying entities) must provide a statutory declaration with details of any relevant criminal history, including any dishonesty offence with a conviction in the previous 10 years.

The requirement that "former senior government representatives" have to be identified on the register flows from the fact that the Act prohibits such people, for two years after they become "former" senior government representatives, from any lobbying activity relating to their official dealings as a government representative in the two years before becoming a former senior government representative.

"Former senior government representative" is defined in a very broad manner to include, for example, anyone who had worked in the office of a Minister or Parliamentary Secretary/Assistant Minister, as well as Ministers and Parliamentary Secretaries/Assistant Ministers, and senior public servants, down to senior executive level or equivalent.

Lobbyists are also prohibited by the Act (in section 69) from receiving a success fee for their efforts in lobbying government. If a lobbyist offended this prohibition, they would be liable not only to be fined but also to surrender the fee to the government.

Lobbyists are required to comply with a Lobbyists Code of Conduct, approved by the Integrity Commissioner, that is published on the website. The Lobbyists Code of Conduct was introduced in March 2010 and was largely based on an administrative code that was in force in 2009. The range of ethical requirements lobbyists are now required to meet was increased in the new code.

Significantly the Lobbyists Code of Conduct includes two important prerequisites to any lobbying activity, designed to make it easier for government and local government representatives to appreciate the nature of the lobbying activity to which they are being asked to respond.

First, when making an initial contact lobbyists have to make clear that they are on the lobbyist register, and the person conducting the lobbying is listed, who they are representing, the nature of the issue they wish to raise and the reasons for the approach.

Second, if the listed lobbyist is a former government representative, they must indicate when they became a former government representative and that the matter they wish to lobby about is not banned by the Act as a "related lobbying activity."

The public awareness function

The Integrity Commissioner is required –

to raise public awareness of ethics or integrity issues by contributing to public discussion of these issues relevant to the integrity commissioner's functions.

In performing this function, however, the Integrity Commissioner must not disclose information likely to identify a specific request for advice that has been received or information that could result in the identification of any person who sought advice or about whom advice was sought.

The 2011-2012 year in review

The Integrity Act

I gave details in my 2009-2010 annual report of the Bligh Government's decision to introduce a range of new integrity measures in Queensland, following consideration of the green paper that it issued in August 2009 on integrity and accountability. Some, including the new *Integrity Act 2009*, came into force during that year. Others came into effect during the 2010-2011 financial year.

In the 2011-12 year I made submissions to the Department of the Premier and Cabinet about amendments to the *Integrity Act* that I considered to be desirable. The Department had decided in June 2011 to conduct a formal review of the Act and submissions closed early in 2012. The Department had not made any public announcement about the results of its review by the end of the financial year.

The submissions that I made to the Department were published on the Integrity Commissioner's website (www.integrity.com.au) and are still accessible there. These were subsumed in a submission responding to the Department's issues paper on its review of the Act. That included the following summary:

Questions raised in the Issues Paper and responses

- 1. Do you consider that the role and functions of the Integrity Commissioner are appropriate or are there ways in which they could be improved?**
- 2. Are there any specific issues that the government needs to consider regarding the operation of the Integrity Act?**

Response: I **recommend**:

- (a) The secrecy provisions of the Integrity Act should be retained.
- (b) The Integrity Commissioner should not have an investigative role in relation to the advisory function under the Integrity Act.
- (c) The Integrity Act should be amended to allow the Integrity Commissioner the option of providing advice to a "relevant officer" where the officer's chief executive has not provided the authority required by section 15(3).
- (d) The Integrity Act should be amended to give the Integrity Commissioner authority to review all declarations of interest with which he must be provided under a statute. If the Integrity Commissioner identifies a conflict of interest or possible conflict, the Commissioner should be entitled to raise the issue directly with the officer concerned. If the issue is not resolved satisfactorily, the Integrity Commissioner should be permitted to raise the matter with the relevant Minister.
- (e) The definition of "designated person" (s. 12) be broadened to include endorsed candidates and declared independents standing for election to the Queensland Parliament.

(f) Section 77 (Leave of absence) be amended to reflect the equivalent provisions in the Ombudsman Act and the Right to Information Act.

3. Do you think that Members of Parliament should be required to meet with the Integrity Commissioner (at least once a year) to discuss ethics and integrity issues?

Response: I **recommend**:

(g) That no change be made to the present provisions in section 22 and 23.

4. What are your views on how the lobbyist provisions (Chapter 4 of the Integrity Act) are working in practice? Do you consider that there is a need to further clarify the operation of the Integrity Act in the context of town planners?

(h) That the lobbyists registration scheme be made to meet public expectations of transparency and integrity by requiring the registration of some of those third party lobbyists that are excluded at the moment and by making special provision to ensure that in-house lobbyists are also covered, though not by precisely the same regime as third party lobbyists. (See (j) below.)

(i) That s. 41(3)(b) of the *Integrity Act* be amended to provide an exemption only for representatives of employers and employees and professional bodies such as the Queensland Law Society and that there be no general exemption for entities constituted to represent the interests of members.

(j) That there be a requirement (added to s. 71) that a government representative must not allow themselves to be lobbied by an unregistered entity unless that entity undertakes to observe the relevant parts of the Lobbyists Code of Conduct in its dealings with the government.

(k) That s. 42(1)(e) of the *Integrity Act* be deleted and instead its provisions be included under s. 42(2) as matters that are not a lobbying activity.

(l) That an additional sentence be added to s. 41(6) b –

But such an entity does not carry out incidental lobbying activities where one of the reasons a client has engaged the entity is for the entity to seek to influence State or local government decision-making.

5. Do you consider that the sanctions for lobbyists who breach lobbying provisions are adequate and appropriate?

(m) That a sanctions regime be introduced for breaches of s. 71(1), (2) and (3) of the Integrity Act.

(i) That the penalty for undertaking lobbying while unregistered be a fine of \$10,000 (as in Western Australia).

- (ii) That the penalty for breaches of s. 71(2) and (3) be – for government representatives in local government – as proposed by the LGAQ

For a councillor – as misconduct (as that term is defined in section 176 of the *Local Government Act 2009* and section 178 of the *City of Brisbane Act 2010*); or

For a Council employee – as conduct for which disciplinary action can be taken pursuant to chapter 5, part 3 of the *Local Government (Operations) Regulation 2010* and chapter 5, part 3 of the *City of Brisbane (Operations) Regulation 2010*.

- (iii) That equivalent disciplinary penalties for government representatives subject to the Public Service Act be specified.

- (iv) In addition, a monetary penalty be provided as an alternative.

6. Are the post-separation employment requirements for senior government representatives appropriate?

7. Is there any further material required to guide contact between government the lobbying industry and former senior government representatives?

- (n) That Crown Law advice be sought about the use of legislative prohibitions in the Integrity Act to enforce the regulation of post-separation employment.

- (o) The Integrity Act should be amended to include a part detailing the post-separation obligations of former senior government representatives. The part should include sanctions for breaches of the Act.

- (p) As an alternative to (o), the Integrity Act should be amended to allow some former designated persons (former Members of Parliament and Ministers, former statutory office holders, former chief executives and former staff of Ministers and Parliamentary Secretaries) to seek advice from the Integrity Commissioner about post-separation issues for a period of two years after they cease to be designated persons.

8. Do you consider that nationally uniform lobbying regulations would be appropriate?

- (q) They would be appropriate but are unlikely to be achieved unless agreed to by heads of government.

9. How can the Queensland Government, local government and the Integrity Commissioner continue to work together to implement the integrity framework under the Integrity Act?

- (r) That section 72A should include a note pointing out that the *Public Records Act 2002* requires that records must be made and kept of all contact where entities seek to influence government decision making, whether the entity is registered as a lobbyist or not.

- (s) That section 72A be amended to make it clear that a “responsible person for a government representative” has an obligation to disclose to the Integrity Commissioner, if requested, information about contacts that amount to lobbying, whether by registered lobbyists or otherwise.

Other developments

(a) Requests from designated persons

The State election on 24 March 2012 helped generate a record number of requests for advice from designated persons. During the financial year there were 67 such requests, 10 more than the previous highest number (two years earlier) and almost 40 more than the average number of requests during the first 10 years that the position of Integrity Commissioner was established. In the past three years, the number of requests has been 57, 40 and 67. In the year under review, there were 30 requests made before the election and 37 after. Notably, the former Premier and other Ministers in the pre-election government made six requests for advice, while the new Premier and Ministers made 21 requests. A detailed breakdown is provided in a later section of this report.

Most requests for advice were answered in about 24 hours. Some took longer because I needed further information from the person making the request, or because a designated person needed to obtain permission from their chief executive to make the request.

These comments on my performance of this function are necessarily expressed in a generalised and unspecific manner. This is dictated by the requirement in the *Integrity Act* that the annual report “must not disclose information likely to identify a specific request for the Integrity Commissioner’s advice on an ethics or integrity issue, including information likely to identify” anyone requesting advice or about who advice was requested – s. 85 (3).

Additionally I received 14 requests for advice about lobbying issues. These requests are not “advice on ethics or integrity issues” of the kind specified in Chapter 3 of the *Integrity Act*. As noted later, the Integrity Commissioner is also asked to provide advice about other matters, such as proposed amendments to legislation. Again, this is not “advice” of the kind specified in the Act, but an opinion.

(b) Interviews with government MPs

The former Premier, Anna Bligh, maintained her Government’s commitment requiring each Labor Member of Parliament to meet annually with the Integrity Commissioner to discuss the Member’s pecuniary interests and how the Member intends to manage any potential conflicts of interest.

I met with every Bligh Government MP (including the Premier and all Ministers) during the year under review, as I had in the previous year. Most discussions, based on their publicly available declarations of interest, were brief and uneventful. The *Integrity Act* makes it possible for any Member of the Legislative Assembly to request a meeting with the Integrity Commissioner about their own interests issues and to obtain advice.

The new Premier, Campbell Newman, indicated to the LNP members of the Parliament after the election that they too should arrange to meet individually with the Integrity Commissioner to discuss their declarations of interest and any possible conflicts of interest. Many Ministers also arranged meetings to discuss their compliance with the provisions of the Ministerial Code of Ethics.

(c) Providing advice

Section 15 of the Act requires that all requests for advice by designated persons must be in writing, and s. 21 stipulates that the Integrity Commissioner must provide such advice in writing. Section 23 provides an exception to this system. It provides that when a Member of the Legislative Assembly has a meeting with the Integrity Commissioner to discuss ethics or integrity issues arising from the declaration of interests they have made to the Parliament on behalf of themselves or a related person, they may seek advice orally or in writing and that advice may be given orally or in writing. It has been my invariable practice, however, that when a Member of the Legislative Assembly does request such advice, I ask that it be put in writing, and I provide my advice in writing. This is to ensure there can be no doubt about the facts upon which the advice is provided, or the nature of the advice that is given. Very few interviews with Members of the Legislative Assembly have resulted in the need for a request for advice being put in writing.

I occasionally have discussions, directly or over the telephone, with non-parliamentary designated persons about matters they wish to raise that may or may not involve an ethics or integrity matter. If it appears to me that an issue does arise, I always tell them that I can only give them advice in writing in response to a request for such advice in writing. I am not permitted by the Act to give them oral advice, and nothing that I may say to them can be taken to be formal advice. Nevertheless there have been several occasions when a designated person has not followed up our discussions with a formal written request, and has suggested to others that they have had formal advice from the Integrity Commissioner. I must stress, however, that the only formal advice I provide to designated persons under Part 3 of the Act, is advice that is in writing, in response to a request that is in writing.

(d) Requests and meetings concerning lobbying

As indicated above, I received and responded to 14 written requests for advice about various aspects of the lobbying provisions of the *Integrity Act*, mainly from local government councils.

I gave evidence to a Senate Committee on possible changes to the Commonwealth's lobbyists register and code of conduct. I had made a submission along the lines of the submissions I had earlier made to the Department of the Premier and Cabinet in its review of the Integrity Act. The Commonwealth's lobbying scheme is an administrative scheme, not based on a statute, but otherwise similar to that in force in Queensland. The Senate Committee recommended no changes to the Commonwealth scheme.

I attended, with Deborah Clark-Dickson, Principal Policy Office (Lobbying), a meeting in Melbourne of officers administering lobbying legislation and/or codes of the Commonwealth and all the States.

(e) Other presentations and meetings

I gave presentations, and answered questions, at a large number of meetings with Councillors and/or senior staff of many local governments (generally 1-2 hours each) including the Sunshine Coast, Rockhampton and Western Downs Regional Councils, the Mount Isa City Council, and the Banana Shire Council.

Professional bodies to whom I made presentations included the Australian Public Sector Anti-Corruption Conference, the Institute of Arbitrators and Mediators, the University of Queensland's Business School and Corporate Education department, the Australia and New Zealand School of Government, the Institute of Public Affairs, Australia, the Australasian Institute of Judicial Administration and the Australian National University's Transnational Research Institute on Corruption. I also had three meetings with the Chief Executive Officers Leadership Team and addressed an induction for new members of the Legislative Assembly.

I attended conferences of the Australian Institute of Administrative Law and the Australasian Study of Parliament Group and was present at Griffith University's Tony Fitzgerald lecture and at the "Solomon lecture" organised by the Office of the Queensland Information Commissioner.

I had meetings with a number of individual lobbyists and organisations concerning lobbying, including the Government Relations Professionals Association (Inc.) and the Public Relations Institute of Australia.

(f) [Advice/responses to the Premier, Public Service Commission and others](#)

I have been consulted regularly by the Public Service Commission about material concerning integrity and ethics issues that they planned to issue, and occasionally by some other government agencies including the Department of the Attorney-General and Justice, the Department of Local Government and the Crime and Misconduct Commission. I was also consulted by the Queensland Police Commissioner, the Queensland State Archivist and the Queensland Information Commissioner.

As mentioned earlier, these consultations do not involve formal advice under the Act. However I can mention three matters that did involve formal advice, because the relevant designated person did make public the request, and at least part of the advice. In late 2011 the then Director-General of the Department of the Premier and Cabinet sought advice on the extent to which the Leader of the Opposition could provide free transport on Government aircraft for the Leader of the LNP and staff. Following the election, the Premier sought my advice (under s. 16(b) of the Act, which concerns standard setting for ethics or integrity matters) on a revised Ministerial Code of Conduct. He also sought my advice on his proposals to bring his personal financial arrangements into conformity with the Ministerial Code of Ethics that was then in force.

(g) [The Lobbyists Code of Conduct](#)

No changes have been made to the Lobbyists Code of Conduct though I did review it during the year. I hope to conduct a more formal review in the coming year. There have been no complaints made to me about possible breaches of the code.

(h) [The Integrity Commissioner's work-load](#)

For the whole of the 2011-2012 year I have been employed on the basis that I would carry a workload that was 80 per cent of full-time. That is a reasonably accurate reflection of what has occurred, though possibly a slight underestimate. The work had been split reasonably evenly between the integrity and lobbyist regulation functions until the March elections. Since then, I estimate that 95 per cent of my time has been spent on the integrity function.

(i) [Relations with Parliamentary Committee](#)

I have had three meetings with the Parliament's Finance and Administration Committee, which has oversight jurisdiction of the Integrity Commissioner. The Hansard record of these meetings has been tabled in the Parliament.

(j) [Declarations of interest by statutory office holders and chief executives](#)

Section 85(2) of the *Integrity Act* requires the Integrity Commissioner to provide details of compliance by statutory office holders and chief executives of departments with the respective requirements of s. 72C of the Act and s. 101 of the *Public Service Act 2008* to give the Integrity Commissioner statements and written advice. These sections deal with declarations of interest by statutory office holders and chief executives to a Minister and to the Integrity Commissioner. I can report that as at 30 June 2012, all statutory office holders and chief executives had complied with the requirements of the Act.

(k) The Integrity Commissioner's declarations

In accordance with s. 80 of the Act I have provided the Speaker with my own declaration of interests and with a declaration covering a related person (my wife).

(l) The Integrity Committee

Since 2001, an informal meeting has been convened three or four times a year of what is known as the Integrity Committee. Those invited to attend are the Chair of the Crime and Misconduct Commission, the Auditor-General, the Ombudsman, the chief executive of the Public Service Commission and the Integrity Commissioner. Since 2005 the Information Commissioner has also attended. The group discusses a wide range of ethical and integrity issues, and shares information about their activities. There were three meetings of the group in 2011-2012.

(m) Office location

The office of the Integrity Commissioner is on the 13th floor of 53 Albert Street, Brisbane. The Public Service Commission is on the same floor and provides accounting and some technical services to my office. Computer services are provided by the Department of the Premier and Cabinet.

Summary of requests

	Labor Govt	LNP Govt
Premier and Other Ministers	6	20
Parliamentary Secretaries/ Assistant Ministers		6
Other MPs	5	1
Directors-General	3	4
Other designated persons	16	6
	30	37
DESIGNATED PERSONS	67	
Lobbying – formal advice	9	5
LOBBYING	14	
FORMAL ADVICE 2011/12	81	

Issues considered

The preceding table lists the source of the requests for advice received in the 201-2012 year. The *Integrity Act* states that my report must not disclose information likely to identify a specific request for my advice on an ethics or integrity issue, including information likely to identify an individual who requested advice, or about whom advice was sought. The statistics this year once again combine any requests that the Premier may have made with requests from other Ministers.

Notwithstanding the secrecy provisions in the Act concerning the requesting of advice and the advice itself it is possible to indicate the general nature of the issues that have been raised by most requests during the year.

Most requests for advice concerned conflicts of interest of various kind, some of which are detailed below. There were also a significant number of requests for advice about restrictions that apply when people cease to hold their current positions and move to other, private, employment. Ministers in the new Government also sought advice about their compliance with requirements of the Ministerial Code of Ethics.

The conflicts issues included:

- Conflicts of interest about post separation employment
- Conflicts of interest arising from the interests of relatives
- Conflicts of interest arising from share holdings
- Conflicts of interest of staff
- Conflicts of interest arising from MP's constituency interests.

Contribution to public awareness and understanding of ethics or integrity issues

One of the functions of the Integrity Commissioner is “to raise public awareness of ethics or integrity issues by contributing to public discussion of these issues relevant to the Integrity Commissioner’s functions” – s. 7(1)(d) of the *Integrity Act*. As my immediate predecessor, Gary Crooke QC, noted in his final annual report, this is not a mandate to comment at large on any matter of public interest. What the Integrity Commissioner is required to do is discuss “issues relevant to the Integrity Commissioner’s functions”. That said, the mandate is reasonably broad. Ethics or integrity issues are involved in a wide range of matters concerning government structures, practices and policies. As noted earlier, I made a submission to a Senate Committee about the regulation of lobbying.

There are a number of ways in which the Integrity Commissioner may contribute to the relevant public discussion. Perhaps the most basic is by making information available to anyone who is interested through the website, www.integrity.qld.gov.au. This site was opened on 6 April 2001. It was updated in the first half of 2011 and given a fresh look. Much of the material that was on the site was rewritten, to reflect changes that were brought about in part by the enactment of the *Integrity Act*. It also acquired a complete new section, dealing with lobbyists. The Lobbyists Register is now published on the site and is searchable for registered entities, employed lobbyists and organisations that employ lobbyists to lobby for them. An upgrade for this part of the website is currently being prepared.

The website includes papers and presentations by Integrity Commissioners past and present, and the most recent annual reports of the Integrity Commissioner. In the past year there have been more than 42,000 visits to the website, some 12,000 fewer than in the previous year. The addition of the Lobbyist Register in January 2010 increased the number of visits in 2009-2010 by about 50 per cent it is estimated that more than half the visits are now related to the lobbying function.

As indicated earlier, I have given a large number of papers at conferences, in Queensland and interstate.

Staffing for the Integrity Commissioner

Throughout the 2011-2012 financial year, I have been employed on a part-time basis, the equivalent of four days a week, though I am generally in the office (or travelling on official business) on most working days.

The Integrity Commissioner has the support of a full-time Executive Coordinator. The position has been filled for the past eight years by Mrs Mattea Slinger. I am grateful for her extremely capable support.

In January 2010, two additional positions were created within the office to maintain the Lobbyists Register and other matters concerning lobbying. Deborah Clark-Dickson is the Principal Policy Officer (Lobbying). Craig Hunter is the Research Support Officer (Lobbying) and in recent months has been responsible for developing a new inter-active website that will enable lobbyists to directly change their details on the register. The competence and dedication of Deborah and Craig has ensured that the Lobbyists Register is kept accurate and up-to-date. Most requests for registration are dealt with within two days.

Compliance disclosures

The Code of Conduct for the Queensland Public Service, approved by the Premier for adoption, if appropriate, by public service agencies, is the Code to which the Integrity Commissioner and staff adhere.

A copy of the Records Retention and Disposal Schedule (QDAN 629 v.2) developed for the Queensland Integrity Commissioner and approved by the Queensland State Archivist on 29 November 2010 is available on the Queensland State Archives website, www.archives.qld.gov.au.

No consultants were used.

No overseas travel was undertaken.

No public interest disclosures under the *Whistleblowers Protection Act 1994* or the *Public Interest Disclosure Act 2010* were received by the office.

Right to Information

No requests were received. However no information may be provided about the Integrity Commissioner's activities under chapter 3 of the Act – see Schedule 1 – “Documents to which this Act does not apply” - of the *Right to Information Act 2009*. Section 6 of that Schedule says –

6 Documents received or created by integrity commissioner for *Integrity Act 2009*, ch 3

A document created, or received, by the Queensland Integrity Commissioner for the *Integrity Act 2009*, chapter 3.

This Annual Report, the Privacy Plan and Statement of Affairs of the Integrity Commissioner are available on the website, www.integrity.qld.gov.au.

Financial statement

Office of the Integrity Commissioner Revenue and Expenditure for the year ended 30 June 2012

	2011/12	2010/11
Revenue from ordinary activities		
Output revenue	678,273	626,458
Total revenue from ordinary activities	678,273	626,458
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Expenses from ordinary activities		
Employee Expenses		
Salaries and wages and related costs	389,820	367,582
Salary-related taxes	23,923	22,663
Superannuation	46,437	45,305
Other employee expenses	1,686	2,258
Total employee expenses	461,866	437,808
Supplies and services		
Building Services	62,384	59,122
Computer Software Expensed	-	551
Consumables	1,217	1,080
Corporate Technical Services SSP	88,920	88,870
Depreciation	973	973
External computer charge	834	-
Marketing and public relations	1,509	2,726
Minor plant and equipment	433	163
Other Administrative Expenses	458	1,145
Other Supplies and Services *	16,014	-
Parking	9,091	8,824
Professional Services	4,356	-
Repairs and maintenance	-	797
Telecommunications costs	5,012	5,604
Travel costs	25,207	18,796
Total supplies and services	216,407	188,650
Total expenses from ordinary activities	678,273	626,458
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Net Operating Result	\$ -	\$ -

* includes work done to upgrade database amounting to \$14,283. The balance of the work is to be completed in 2012/13.

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 Public Service Commission. Corporate services and asset replacement have been provided through the Public Service Commission.

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