

# **Queensland Integrity Commissioner**

## **Annual Report 2016-17**

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

[This page left intentionally blank]

The Honourable Peter Wellington MP  
Speaker of the Legislative Assembly  
Parliament House  
George Street  
BRISBANE QLD 4000

Mr Peter Russo MP  
Chair  
Finance and Administration Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Speaker

Dear Mr Russo

I am pleased to provide you with the Annual Report of the Integrity Commissioner for the 12 months ending 30 June 2017.

It is the eighth report under the provisions of s. 85 of the *Integrity Act 2009*, and complies with the provisions of that section. I have not sought reappointment on the expiration of my term on 30 June 2017, and this is therefore my final report as Queensland Integrity Commissioner. I have completed this report subject to the addition later of a financial statement that will be prepared by the Department of the Premier and Cabinet.

Previous Annual Reports were provided to the Premier as required by the provisions of the *Public Sector Ethics Act 1994*. Since 1 January 2010, when the *Integrity Act 2009* came into force, the Integrity Commissioner has been an officer of the Parliament.

Yours sincerely

**Richard Bingham**  
Queensland Integrity Commissioner

30 June 2017

## About this report

This Annual Report provides information about the Integrity Commissioner's financial and non-financial performance for 2016-17. 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.

The Queensland Government is committed to providing accessible services to Queenslanders from all cultural and linguistically diverse backgrounds. If you have difficulty understanding the Annual Report, you can contact us on 07 3003 2888 and we will arrange an interpreter to effectively interpret the report to you.

Copies of this publication can be obtained from [www.integrity.qld.gov.au](http://www.integrity.qld.gov.au) or by contacting 07 3003 2888.

Our office location and contact details are:

Level 13  
53 Albert Street  
Brisbane QLD 4000  
T: 07 3003 2888  
F: 07 3224 2326  
E: [integrity.commissioner@integrity.qld.gov.au](mailto:integrity.commissioner@integrity.qld.gov.au)  
W: [www.integrity.qld.gov.au](http://www.integrity.qld.gov.au)

## Licence



This Annual Report is licensed by the State of Queensland (Queensland Integrity Commissioner) under a [Creative Commons Attribution 4.0 International License](https://creativecommons.org/licenses/by/4.0/).

You are free to copy, communicate and adapt this Annual Report, as long as you attribute the work to the State of Queensland (Queensland Integrity Commissioner).

To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>

## Attribution

Content from this Annual Report should be attributed as:

The State of Queensland (Integrity Commissioner) Annual Report 2016-17

ISSN 1838-3025

---

## Table of contents

1. The 2016-17 year in review	5
2. Requests from designated persons – chapter 3 part 2 of the <i>Integrity Act 2009</i>	7
3. Meetings with MPs on interests issues – chapter 3 part 3 of the <i>Integrity Act 2009</i>	10
4. Regulation of lobbying – chapter 4 of the <i>Integrity Act 2009</i>	11
5. Declarations of interests	14
6. Contribution to public awareness and understanding of ethics or integrity issues	15
7. The <i>Integrity Act 2009</i> - other administrative matters	18
8. Compliance disclosures	20
9. Financial statement	21
Appendix 1 - Who is the Queensland Integrity Commissioner?	22
Appendix 2 - The roles and functions of the Integrity Commissioner	23

---

## 1. The 2016-17 year in review

This section summarises significant developments in the past year. Further detail is provided in relevant sections of this report.

### *Strategic review*

Last year I reported on the outcomes of the strategic review of my office, conducted by Professor Peter Coaldrake. All documents associated with the review are available on my office's website at <http://www.integrity.qld.gov.au/publications/strategic-review.aspx>.

In its response to the review, the government announced its intention to introduce legislation to amend the *Integrity Act 2009*, in accordance with Professor Coaldrake's recommendations on some procedural issues associated with the giving of advice by the Integrity Commissioner to 'designated persons'. I have had discussions with government about the preparation of the necessary Bill, but it has not yet been introduced to Parliament.

Other actions which I have taken in pursuit of the strategic review's recommendations are outlined elsewhere in this report.

### *Requests from designated persons – chapter 3 part 2 of the Integrity Act 2009*

I responded to 59 requests for advice from designated persons, and 6 in respect of lobbying matters. The designated persons number is consistent with the average over recent years, whilst the lobbying number is slightly higher than last year.

### *Meetings with MPs on interests issues – chapter 3 part 3 of the Integrity Act 2009*

I held two such meetings with members in 2016-17. None resulted in the need for a request for advice to be put in writing.

### *Regulation of lobbying – chapter 4 of the Integrity Act 2009*

The activity associated with the office's regulation of lobbying over the past year has remained low. This is consistent with the experience in recent years, and reflects the fact that the scheme only applies to paid third party lobbyists. The low activity also reflects:

- the maturation of the system, which has led to a change in business model for many lobbyists who now offer services as consultants with little actual lobbying contact; and
- a better understanding of the requirements of the Lobbyists Code of Conduct, with continued low numbers of incorrect and unnecessary entries in the registers.

Following the strategic review of the office, the government decided not to make any changes to the scope of the lobbying regime.

### *Declarations of interest*

I have continued to receive and review declarations of interests from certain statutory office holders, Directors-General and others, as required under the Integrity Act and other government policies.

### *Contribution to public awareness and understanding of ethics or integrity issues*

During the year I gave presentations to 7 organisations and participated or made submissions to 5 Parliamentary and other inquiries.

I held 26 individual meetings with Ministers, Assistant Ministers, Directors-General and others to explain the role of the Integrity Commissioner and to emphasise my availability to provide advice under the Act.

The office's website continues to be a well-utilised resource.

Following a recommendation from the strategic review, I prepared a strategic education program for the period to 30 June 2017, which is available on the website.

## 2. Requests from designated persons – chapter 3 part 2 of the *Integrity Act 2009*

My comments on the performance of this function are necessarily expressed in a generalised and unspecific manner. This is dictated by the requirement in s. 85(3) of 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.

### *Numbers of requests for advice*

The number of requests for advice from designated persons continues at a comparable level to recent years.

During the year, I held 26 individual meetings with Ministers, Assistant Ministers, Directors-General and others to explain the role of the Integrity Commissioner and to emphasise my availability to provide advice under the Act.

59 requests for advice were received in 2016-17. The following table summarises the number of requests for advice received from designated persons since the office was established. It also includes formal advice given about lobbying matters since the commencement of the Act:

Year	Number of requests received		
	Designated persons	Lobbying advice	TOTAL
2000-01	14	NA	14
2001-02	25	NA	25
2002-03	24	NA	24
2003-04	21	NA	21
2004-05	31	NA	31
2005-06	30	NA	30
2006-07	39	NA	39
2007-08	40	NA	40
2008-09	29	NA	29
2009-10	57	13	70
2010-11	40	25	65
2011-12	67	14	81
2012-13	68	23	91
2013-14	41	24	65
2014-15	60	13	73
2015-16	66	3	69
2016-17	53	6	59

### *Time taken to respond to requests*

In 2016-17, approximately 81% of responses were provided by the close of the next business day following receipt of the request. Over the period since 2009-10, the two principal reasons for responses taking more than three business days were:

- the request involved complex issues requiring detailed research; and
- a designated person had not provided the required authority from their chief executive.

Further detail on the timeframes within which advice has been provided over the period since 2009-10 appears in the following table:

Year	Total	Same business day	Next business day	Within 2 business days	Within 3 business days	More than 3 business days
2016-17	53	26 (49.07%)	17 (32.07%)	8 (15.09%)	- (0%)	2 (3.77%)
2015-16	66	27	25	4	6	4
2014-15	60	22	32	2	2	2
2013-14	41	11	13	9	2	6
2012-13	68	27	20	11	6	4
2011-12	67	20	29	10	3	5
2010-11	40	14	15	2	1	8
2009-10	57	21	16	5	2	13
<b>TOTAL</b>	<b>452</b>	<b>168</b>	<b>167</b>	<b>51</b>	<b>22</b>	<b>44</b>
		<b>(37.18%)</b>	<b>(36.94%)</b>	<b>(11.29%)</b>	<b>(4.86%)</b>	<b>(9.73%)</b>

### *Sources of requests*

The following table indicates in general terms the source of each request for advice received in 2016-17:

Premier and other Ministers	16
Assistant Ministers	0
Other MPs	4
Directors-General	20
Other designated persons	13
<b>DESIGNATED PERSONS</b>	<b>53</b>
Lobbying – formal advice	6
<b>FORMAL ADVICE 2016-17</b>	<b>59</b>

### *Issues considered*

In common with previous years, most requests for advice concerned conflicts of interest of various kinds, some of which are detailed below. Other matters addressed included procurement and human resources issues. Advice about restrictions that apply when people cease to hold their public sector positions and move to other, private, employment reduced from the high in 2014-15 associated with the February 2015 change of government.

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 a member's constituency interests.

I continued to provide advice about a variety of other matters, such as proposed amendments to legislation or policies. This is not 'advice' of the kind specified in the Act, but an opinion.

### *Confidentiality of advice*

The Act imposes a high level of secrecy on the work of the Integrity Commissioner in providing advice to designated persons. It also provides for 'authorised disclosures' in various circumstances detailed in ss. 25 to 39. The Integrity Commissioner may not make public the name of a designated person who has sought advice or the advice that was given. However the person who has been given advice may disclose it to anyone, and may make it public.

---

### 3. Meetings with MPs on interests issues – Chapter 3 Part 3 of the *Integrity Act 2009*

#### *Meetings held with members*

The Integrity Act provides that members of the Legislative Assembly may request a meeting with the Integrity Commissioner relating to their declarations of interest on behalf of themselves or a related person, and particularly as to whether any conflicts of interest might arise.

The Act provides that advice may be given orally in these meetings. However, whilst I have discussed issues with members, it has been my practice to inform them that I would only provide them with formal advice in writing. I have done so 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.

I held 2 such meetings with members in 2016-17. None resulted in the need for a request for advice to be put in writing.

Meetings with members are subject to the same confidentiality obligations as apply in relation to the provision of advice to designated persons, and hence any comment which I make about them must be general in nature. As with designated person advice, most meetings with members concern conflicts of interest of various kinds.

#### *Registers of interests*

Under chapter 4, part 2A of the *Parliament of Queensland Act 2001*, members are obliged to lodge statements of interests with the Clerk of the Parliament, who for this purpose is designated as Registrar of Members' Interests. The statements are required to cover the interests of members and 'related persons', who are spouses and dependents of members.

It is necessarily the case that the Registrar will provide advice to members as they fulfil their statement of interests responsibilities.

Whilst to some extent the Registrar's duties in this respect may be seen to overlap with the Integrity Commissioner's function of meeting with members to discuss interests issues, this has not so far proven to be problematic. As a matter of practicality I have agreed with the Registrar that he will provide advice to members about what needs to be included in the registers, and I will provide advice about any conflict of interest issues arising from those interests.

#### 4. Regulation of lobbying – chapter 4 of the *Integrity Act 2009*

The lobbying regime established by the Integrity Act is now fully operational, with an amended Lobbyists Code of Conduct having commenced operation from 12 September 2013. I believe that the regime is well understood, and the relevant lobbyists have amended their practices to accommodate it.

In summary, the existing lobbying regulatory regime has now bedded down. This has led to a reduction in the number of queries coming into my office, and the activity associated with the office's regulation of lobbying over the past year has remained low. This is consistent with the experience in recent years, and reflects the fact that the scheme only applies to paid third party lobbyists. The low activity also reflects:

- the maturation of the system, which has led to a change in business model for many lobbyists who now offer services as consultants with little actual lobbying contact; and
- a better understanding of the requirements of the Lobbyists Code of Conduct, with continued low numbers of incorrect and unnecessary entries in the registers.

Following the strategic review of the office, the government decided not to make any changes to the scope of the lobbying regime.

##### *Registration of lobbyists*

The Integrity Commissioner became responsible for the Lobbyists Register on 1 January 2010, when the Act came into force. At that point, there were 65 registered entities, with 188 registered lobbyists having 695 clients. As at 30 June 2017, the Register contained the names of 170 registered entities, 313 registered lobbyists and 1,776 clients.

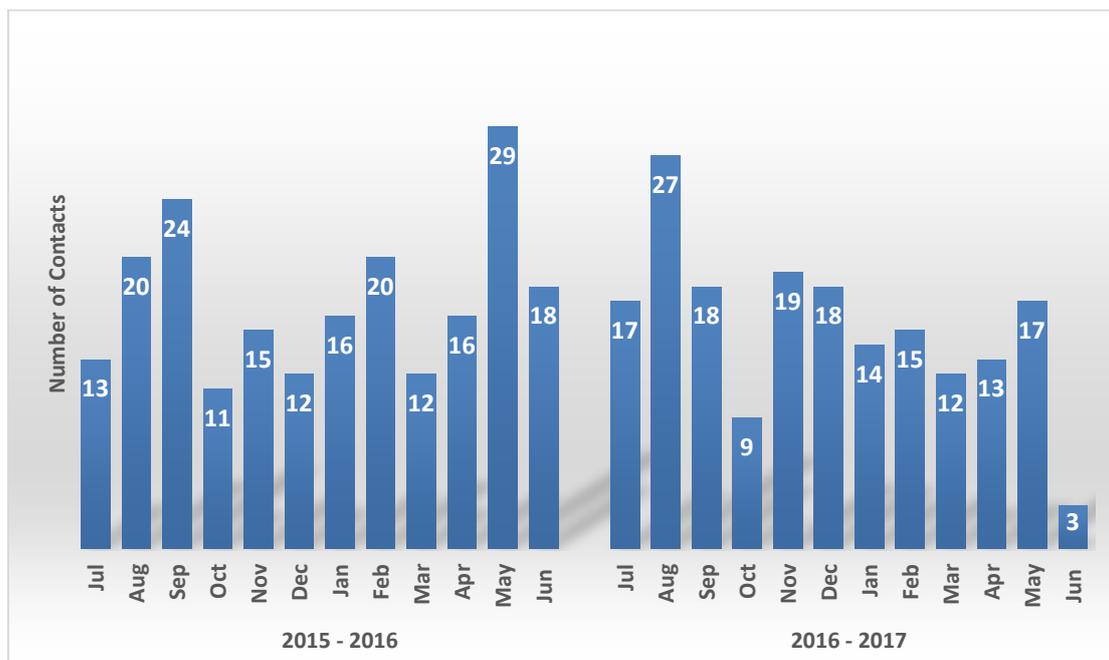
This table shows the way the registration figures have changed.

Date	Registered entities	Registered lobbyists	Clients (Current and previous combined)
01/01/2010	65	188	695
30/06/2010	97	225	1,332
30/06/2011	134	350	2,815
30/06/2012	154	374	2,700
30/06/2013	159	379	2,835
30/06/2014	153	315	1,757
30/06/2015	158	312	1,644
30/06/2016	156	303	1,693
30/06/2017	170	313	1,776

The numbers of registered entities, registered lobbyists and clients have remained largely consistent over the last 12 months, although there have been some changes in the names registered.

### *Extent of lobbying activity*

The following graph demonstrates the number of contacts recorded in the lobbyist contact logs administered by the office from 2015-16 to 2016-17:



This graph demonstrates that the number of lobbying contacts with senior government representatives recorded by lobbyists has continued at the reduced levels which became apparent in 2014-15.

During the past year, my office undertook a systematic comparison of lobbying activity as reported by lobbyists with other sources such as Ministerial diary extracts and agency records of contact with lobbyists for the month of August 2016. This involved seeking records from a wide variety of State and local government agencies, and I record my appreciation for the assistance provided to my office in this work.

The comparison resulted in the identification of relatively few inconsistencies, which my office followed up with agencies and/or lobbying entities to resolve. This was achieved quickly and effectively, and there are no matters of concern which remain outstanding. The inconsistencies arose from differences in recording practices rather than any failure on the part of lobbyists to comply with their obligations.

### *Requests and meetings concerning lobbying*

Over the past year I received and responded to 6 requests for advice about lobbying. Reflecting the factors outlined above, requests for advice in relation to lobbying matters have reduced significantly since 2013-14, from 24 down to 6.

I met with 4 state and local government organisations during the year to discuss the operation of the lobbying regime.

In September 2016, I met with regulators from other States and Territories to discuss the operation of the regulatory schemes in all jurisdictions. New legislation has been enacted formalising the schemes in South Australia and Western Australia, but Queensland remains the only jurisdiction which requires lobbyists to register details of each contact with government or Opposition representatives.

## 5. Declarations of interests

The Integrity Act provides in s. 72C that various statutory offices must provide a copy of their declarations of interest to the Integrity Commissioner. Chief executives are required by s. 101 of the *Public Service Act 2008* similarly to provide copies of their declarations of interest to the Integrity Commissioner.

Section 85(2) of the Act requires me 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 to give the Integrity Commissioner statements and written advice.

I can report that, as at 30 June 2017, all statutory office holders and chief executives had complied with these requirements.

The declarations made by Directors-General of departments are now published on the Public Service Commission website, but this does not extend to the declarations made by statutory officers and other chief executives. The *Public Records Act 2002* simply requires that they be retained by the Integrity Commissioner.

---

## 6. Contribution to public awareness and understanding of ethics or integrity issues

One of the functions of the Integrity Commissioner set out in s. 7 of the Integrity Act is to raise public awareness of ethics or integrity issues by contributing to public discussion of those issues relevant to the Commissioner's functions.

Following a recommendation from the strategic review, I prepared a strategic framework identifying education priorities for the period to 30 June 2017, which is available on the office's website at <http://www.integrity.qld.gov.au/publications/assets/strategic-education-framework.pdf>. This framework has guided my activities in this respect over the past year.

### *Meetings and workshops*

Under the Ministerial Code of Conduct<sup>1</sup> I am required to meet at least once in each year with each Minister to discuss their compliance with the code. Over the past year I met personally with each Minister and Assistant Minister (often with the relevant Chief of Staff) for this purpose. At these meetings, I also took the opportunity to explain the role of the Integrity Commissioner and to emphasise my availability to provide advice to designated persons.

I also held meetings with each Director-General, and with many statutory office holders.

In total I held 26 such meetings with Ministers, Assistant Ministers, Directors-General and others.

### *Presentations and submissions*

During the year I gave evidence to the Finance and Administration Committee on one occasion, and was available for its Estimates hearings.

On 19 September 2016 I was appointed as a member of a public hearing panel by the Crime and Corruption Commission (CCC), to assist in the conduct of its project to examine whether, on balance, it is in the public interest to publicise allegations of corrupt conduct; and if it is not, what legislation or other options are available to prevent this. The panel held public hearings on 6 and 7 October 2016, and the CCC reported to Parliament on its project later that year.

I made a submission and on 23 February 2017 gave evidence to the Commonwealth Joint Parliamentary Joint Committee on Corporations and Financial Services in its inquiry on whistleblower protection in the corporate, public and not-for-profit sectors.

---

<sup>1</sup> Ministerial Handbook published by the Department of Premier and Cabinet, p.63, Appendix 1, *Ministerial Code of Conduct*, available at <https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/ministerial-handbook.aspx>, retrieved on 18 January 2017.

I made a submission to the Attorney-General's review of the *Right to Information Act 2009* and the *Information Privacy Act 2009*.

I made a submission and on 15 May 2017 gave evidence to the Senate Select Committee on a National Integrity Commission. I suggested that the committee should consider the establishment at the national level of an office similar to the Queensland Integrity Commissioner.

I made 7 presentations to bodies such as foreign delegations, local government and various state government agencies.

I attended 11 other conferences and seminars, and I held numerous other personal meetings.

### *Website*

Perhaps the most basic way in which the Integrity Commissioner may contribute to the relevant public discussion is by making information available to anyone who is interested through the website, [www.integrity.qld.gov.au](http://www.integrity.qld.gov.au).

In 2014-15 my office reviewed the operation of the website, and an upgraded website has been operational since early in 2015-16. All existing information is now presented in more easily accessible formats, together with publication of the office's policies and business plan, and – following a suggestion by the strategic review – additional advice scenarios.

The Lobbyists Register is now published on the site and is searchable by anyone for registered entities, employed lobbyists and organisations that employ lobbyists to lobby for them. Lobbyists have secure access to the site to alter their own entries on the register, and to record all lobbying contacts.

The website includes papers, submissions and presentations by Integrity Commissioners past and present, and the most recent annual reports.

---

<b>Date range</b>	<b>No. Visits to website (year)</b>	<b>No. visits to website (monthly average)</b>	<b>No. page views (year)</b>	<b>No. page views (monthly average)</b>
1 July 2013 – 30 June 2014	7,626	635.5	23,000	1,916
1 July 2014 – 30 June 2015	7,859	654.9	22,804	1,900
1 July 2015 – 30 June 2016	8,988	749	22,026	1,835
1 July 2016 – 30 June 2017	10,980	915	22,182	1,848

---

## 7. The *Integrity Act 2009* - other administrative matters

### *Meetings with Parliamentary Committee*

I was available to appear before the Committee at Estimates hearings on 18 August 2016, and appeared in public and private hearings in fulfilment of the Committee's statutory oversight function held on 15 February 2017.

The Hansard record of these meetings has been tabled in the Parliament.

### *The Integrity Commissioner's declarations*

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

### *The Integrity Committee*

Since 2001, an informal meeting has been convened occasionally of what is known as the Integrity Committee. Apart from the Integrity Commissioner, those invited to attend are the Chair of the Crime and Corruption Commission, the Auditor-General, the Ombudsman, the Information Commissioner and the Commission Chief Executive of the Public Service Commission.

There were three meetings of the group in 2016-17, held on 12 October 2016, 1 February 2017 and 24 May 2017.

### *Staffing support*

The Integrity Commissioner has the support of a full-time Executive Coordinator. The position has been filled for the past 12 years by Mrs Mattea Slinger. I am very grateful for her extremely capable support.

In June 2016, Deborah Clark-Dickson retired from her position as Principal Policy Officer (Lobbying). In accordance with the recommendations of the strategic review, her position was then abolished. As a consequence Craig Hunter's position was reassessed and upgraded to one entitled Policy Officer (Lobbying).

Over the past year Craig's competence and dedication again ensured that the Lobbyists Register was kept accurate and up-to-date, and that the systematic comparison of records was effectively undertaken. Also, he has very capably maintained and updated the office's website.

### *Workload of the Integrity Commissioner*

Before the commencement of the *Integrity Act 2009* on 1 January 2010, the position of Integrity Commissioner was filled on the basis of two days work per week. This was increased

to full-time when the office first became responsible for the lobbying function on 1 January 2010; and on 1 July 2010 it was reduced to the equivalent of four days per week.<sup>2</sup>

Following my suggestion to the strategic review, from 30 May 2016, my terms of appointment were changed so that I was required to work up to four days a week as necessary. For the current year I have been remunerated on the basis of working two days a week.

I continue to be available to provide advice at any time that it is sought, and as noted elsewhere in this report, approximately 80 per cent of all requests for advice from designated persons are dealt with by the next business day.

I have not taken any leave during the year.

---

<sup>2</sup> See Queensland Integrity Commissioner, *Annual Report 2009-2010*, p 13.

---

## 8. 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.3) 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](http://www.archives.qld.gov.au).

No consultants were used.

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

### *Right to Information*

No applications were received under the *Right to Information Act 2009*.

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](http://www.integrity.qld.gov.au).

## 9. Financial statement

### Office of the Integrity Commissioner Revenue and Expenditure for the year ended 30 June 2017

	2016-17	2015-16
<b>Revenue from ordinary activities</b>		
Output revenue	537,044	717,988
<b>Total revenue from ordinary activities</b>	<b>537,044</b>	<b>717,988</b>
<b>Expenses from ordinary activities</b>		
<b>Employee Expenses</b>		
Salaries and wages and related costs	276,799	384,020
Salary-related taxes	4,421	3,822
Superannuation	30,565	54,079
Other employee expenses	36,869	141,934
<b>Total employee expenses</b>	<b>348,654</b>	<b>583,856</b>
<b>Supplies and services</b>		
Building Services	68,000	47,477
Computer Consumables	0	49
Corporate Technical Services SSP	87,996	73,330
Parking	9,168	8,968
Telecommunications costs	2,820	2,387
Travel costs	2,035	1,045
Marketing and public relations	12,668	2,387
Grants	5,000	1,045
Minor plant and equipment	389	0
Other Supplies and Services	315	877
<b>Total supplies and services</b>	<b>188,390</b>	<b>136,687</b>
<b>Total expenses from ordinary activities</b>	<b>537,044</b>	<b>720,543</b>
<b>Net Operating Result</b>	<b>-</b>	<b>-</b>

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.

## Appendix 1 - Who is the Queensland Integrity Commissioner?

Richard Bingham was appointed as Queensland's fourth Integrity Commissioner on 1 July 2014, for a three-year term.

Richard was previously the South Australian Ombudsman, having served for five years from 2009-14. Before that he was the inaugural chair of the Tasmanian Electoral Commission, and he was Secretary of the Tasmanian Department of Justice from 1994-2004.

He has a background in legal policy and law reform.



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.

In turn, Mr Crooke was succeeded by Dr David Solomon AM, who held office for a five-year term from 1 July 2009 to 30 June 2014.

Dr Solomon 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.

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

---

## Appendix 2 - The roles and functions of the Integrity Commissioner

### *Adviser and regulator*

The Integrity Commissioner has two main functions

- to provide advice (if asked) to Ministers, Members of Parliament, senior public servants and others on ethics or integrity issues; and
- to regulate contact between lobbyists and government and Opposition representatives, 'so that lobbying is conducted in accordance with public expectations of transparency and integrity' (*Integrity Act 2009*, s. 4).

The responsibilities and duties of the Integrity Commissioner are detailed in the Integrity Act. 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 Assistant Ministers and other people who may be nominated by a Minister or 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 Integrity 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 ss. 17 – 20 of the Integrity 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.

Since December 2012 the Act has also covered lobbying of the Leader and Deputy Leader of the Opposition and the Leader's staff.

'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 the definitions in s. 41 of the Integrity Act:

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.

A **third party client** is an entity that engages another entity to provide services constituting, or including, a lobbying activity for a fee or other reward that is agreed to before the other entity provides the service.

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 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 for 'former senior government representatives' 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 Assistant Minister, as well as Ministers and Assistant Ministers, and senior public servants, down to senior executive level or equivalent.

Lobbyists are also prohibited by s. 69 of the Act 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 Lobbyists Code of Conduct was amended in 2013, with effect from 1 May 2013, to require registered lobbyists to report details of their lobbying contacts with government and opposition representatives. The reports may be accessed by anyone on the Integrity Commissioner's website.

### *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.