



Queensland Integrity Commissioner

Annual Report 2020-21

Encouraging confidence in public office & public institutions

About this Report

This Annual Report has been prepared for the Speaker and the Economics and Governance Committee for tabling in the Legislative Assembly.

The report provides detailed information about the Queensland Integrity Commissioner's financial and non-financial performance for 2020–21, and has been prepared in accordance with the:

- *Integrity Act 2009*
- *Financial Accountability Act 2009*, and the
- *Financial and Performance Management Standard 2009*.

Additional annual reporting requirements have been published on the Queensland Government Open Data portal at www.data.qld.gov.au. This includes information about consultancies and overseas travel, if relevant.

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1. Letter to the Speaker

30 September 2021

The Honourable Curtis Pitt MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Speaker

I am pleased to provide you with the Queensland Integrity Commissioner Annual Report 2020-21.

This is the fourth annual report since my appointment as Queensland Integrity Commissioner, and the twelfth report provided pursuant to section 85 of the *Integrity Act 2009*. Previous Annual Reports were provided to the Premier as required by the *Public Sector Ethics Act 1994*.

The Annual Report highlights a further period of sustained activity relating to both the advice and lobbying regulation functions.

I am fortunate to enjoy the assistance and dedication of my staff who have supported me as I sought to fulfil my statutory obligations. I wish to extend my gratitude to them.

I would also like to acknowledge the efforts of those in public office and public institutions who have responded to the community's desire for a heightened level of integrity and ethical awareness in the public sector.

I confirm the Annual Report complies with section 85 of the *Integrity Act 2009*.

I also confirm the Annual Report is in general terms and does not contain information likely to identify advisees.

Yours sincerely



Dr Nikola Stepanov PhD (Melb.)
Queensland Integrity Commissioner

2. Acknowledgment of Country

The Queensland Integrity Commissioner and staff wish to acknowledge the Aboriginal peoples and Torres Strait Islander peoples, the Traditional Owners and Custodians of the Country on which we live and work.

We recognise and appreciate their deep and continuing relationship to the land, waters, and seas of Queensland and the Torres Straits.

We thank them for protecting our Queensland lands, coastline, and its ecosystems since time immemorial.

We recognise and value their stories, culture, history, and diversity.

We wish to pay our respects to First Nations peoples, to their culture, to their Elders, past, present and emerging.

3. Welcome and the Commissioner's overview of the reporting year

This Annual Report covers the 2020–21 financial year and marks the end of my fourth year as the Queensland Integrity Commissioner (QIC), having been reappointed by the Governor in Council for a further term of three years from 1 July 2020.

This financial year saw a continuation of the sustained demand for advice on ethics, integrity, and interest issues experienced during my tenure as the QIC, and also saw a substantial increase in recorded lobbying activity.

Advice on ethics, integrity, and interest issues

Overall, my office received 271 formal requests for advice, of which 233 related to an ethics, integrity, or interest issues; as well, 38 formal requests for advice were received regarding the conduct of registered lobbyists or lobbying related activity more generally.

In response to the 233 requests for advice on ethics, integrity, and interest issues, written advice was provided on 129 occasions, and oral advice was provided on 36 occasions (as provided for under section 23 of the *Integrity Act 2009* (the Act)).

Unfortunately, I was unable to provide advice in response to all requests received. On two separate occasions during the financial year, I was obliged to introduce interim service limits for periods when my ability to adequately respond to requests for advice was substantially affected by:

- surges of activity in the number of requests for advice I received, in particular the period following the State election when Ministers and Assistant Ministers are obliged, under the Ministerial Code of Conduct, to seek my advice within a specified timeframe
- a significant rise in the number of reports received relating to potential breaches of the Lobbying Code of Conduct, and
- reductions in the number of staff available to support me in performing the functions of my office.

An interim service limit was initially introduced in response to the significant surge in demand for advice in December of 2020 with 62 requests for advice received in that month. This coincided with a reduction in staffing levels, with two support staff available to assist me in the discharge of my functions. A further interim service limit was introduced in March 2021 when the number of staff available to assist me was further reduced to a single person.

Regarding any changes this year in the types of requests for advice I have received, there has been a noticeable increase in the number of requests relating to concerns about corrupt conduct, bullying, and other improper conduct. The concerns are often disclosed when an individual is seeking advice about their post-separation obligations, or where an individual is unsure as to which approach to take to resolving these matters. I speak in more detail about this later in the report.

Regulation of lobbying activity

With respect to the regulation of lobbying activity under Chapter 4 of the Act, my office experienced a pronounced rise across all activities relating to the lobbying functions including the administration of the Lobbyists Register.

108 notifications were received relating to potential breaches of the lobbying provisions of the Act and the Lobbyist Code of Conduct. This heightened level of concern regarding the conduct of lobbyists (both registered and unregistered) corresponded with a significant increase in recorded lobbying activity, increasing from an average of 239 recorded contacts per year between 2010 and 2019 to 988 recorded contacts this past financial year (based on data recorded in the Lobbying Contact Register).

As well, I provided written advice on nine occasions relating to lobbying matters, mainly in conjunction with providing advice in relation to post-separation matters. My office also received 38 discrete enquiries relating to complex lobbying matters and dealt with 1,545 enquiries or other communications regarding the lobbyists register and lobbying matters generally.

In keeping with my commitment to promote greater transparency and better record-keeping by public authorities and lobbyists, in 2019 I introduced a comprehensive lobbying audit program (lobbying audit). The lobbying audit is designed to ensure that public authorities meet their responsibilities under the *Public Records Act 2002* which provides that a public authority must make and keep full and accurate records of its activities, including records of contact with lobbyists.

As part of the audit, I formally requested the 21 chief executives of departments of government, and the 77 chief executive officers of local governments, conduct a review of their locally held records of contact with lobbyists, and compare the results with data entered in the lobbyists register for the preceding 12-month period (i.e. 1 December 2019 to 30 November 2020). I also requested that each chief executive of a department of government forward my request to each public sector entity included within the relevant ministerial portfolio, to ensure that those public sector entities were also included in this process.

Further, I requested that, in the event of a discrepancy between the locally held records and the lobbyists register, the discrepancies be reported to my office for assessment.

Although the Act does not permit me to compel any public sector officer to assist me in undertaking the lobbying audit, I was delighted with the overwhelmingly positive and helpful response received in response to my request. In this regard, I am very grateful to all 77 chief executives of local governments, and to the 20 chief executive officers of departments of government, who assisted in this important undertaking.

A thematic analysis of the reported discrepancies will be made available on our website shortly. It is my intention that the lobbying audit will be repeated on an annual basis.

Raising public awareness of ethics or integrity issues

In relation to fulfilling the public awareness functions of the QIC, I continue to be deeply committed to raising public awareness of ethics and integrity issues, as well as raising awareness about issues relating to lobbying.

To that end I co-hosted the inaugural ‘Integrity Summit’ together with the Crime and Corruption Commission and the South Australian Independent Commissioner Against Corruption. The theme for the inaugural summit was ‘Lobbying and the public sector’ and was chosen because of the particular relevance of lobbying activity to all integrity agencies across Australia.

Attendees included representatives of more than 20 different agencies across several jurisdictions and the key theme to emerge was that attendees were united in their view that equal access to decision-makers and ensuring that decisions made are free from undue influence are centrally important to good government.

I also co-hosted a ‘Leading Womens Network’ professional development and networking event with representatives from the Crime and Corruption Commission, the Office of the Inspector-General Emergency Management and Queensland Racing Integrity Commission on 12 May 2021 with the topic, ‘Rise and Define – Retaining your individuality and defining your identity at work’.

As well, in May of 2021 the program was finalised for this year’s ‘Integrity in Health’ series which typically runs from June through to November each year. This year’s topic is ‘Providing medical care without consent: exploring the ethical and legal issues’ with a focus on the emergency principle as a protection against a claim of trespass when providing care in the emergency setting. The topic was based on a research

paper I co-authored with Dr Sam Boyle of the Queensland University of Technology, and which was published in the *Emergency Medicine Australasia* journal in April 2021.

Administration and governance arrangements

The 2020-21 year was particularly challenging in respect of administrative and governance arrangements. At the time of writing this report, some of these issues have been raised publicly and it would be remiss of me not to refer to the governance arrangements and issues in this report.

Strategic Review

In light of the substantial expansion of the functions of the QIC since the Act was introduced, and the heightened level of activity that has occurred during my tenure in the role, it is timely that the five year ‘Strategic Review into the Functions of the Queensland Integrity Commissioner’ fell due this year.

Mr Kevin Yearbury was appointed as reviewer and at the time of writing the review had not yet concluded.

It was delightful to work with Mr Yearbury and to be able to reflect on operation of the Act, the role of the QIC in fulfilling the purposes of the Act, and the future direction of the office. I look forward to the completion of Mr Yearbury’s review and discussing his findings and recommendations with the Economics and Governance Committee.

Final notes

It is with sadness that I acknowledge the passing of first two Queensland Integrity Commissioners, the Hon. Alan G Demack AO and Mr Gary W Crooke AM QC.

The former commissioners each played a vital role in laying the foundations of a strong and thriving integrity commission, and their individual contributions are deeply valued and acknowledged.

Finally, I wish to warmly thank the staff who have supported me in the office—both on a permanent basis, and those who have temporarily assisted. It continues to be a privilege to serve the people of Queensland and the Parliament of Queensland. I am very proud of the achievements made by the integrity team, particularly in the face of the unique challenges that arise due to the nature of the work.



Dr Nikola Stepanov JD, PhD
Queensland Integrity Commissioner

4. About the Queensland Integrity Commissioner

Establishment

The QIC is an independent officer of the Queensland Parliament reporting through the Economics and Governance Committee.

The QIC was initially established in 1999 under the *Public Sector Ethics Act 1994*. *The Integrity Act 2009* (the Act) transferred and updated the provisions of the *Public Sector Ethics Act 1994* concerning the QIC, with expanded responsibilities.

The Integrity Act 2009

The Act provides for a Queensland Integrity Commissioner:

- to facilitate the giving of advice to Ministers and others on ethics and integrity issues,
- to ensure Ministers and others appropriately manage conflicts of interest, and
- to establish a register of lobbyists, and
- provide appropriate limitations on the contact between lobbyists and government representatives and contact between lobbyists and key representatives of the Opposition, including by providing for a code of conduct and prohibiting the payment of success fees.

Vision

Encouraging confidence in public office and public institutions.

Purpose

The QIC has four functions under the Act:

- to give written advice to current and former designated persons about ethics and integrity issues
- to meet with and give written or oral advice to Members of the Legislative Assembly about interest issues
- to keep the lobbyists register and have responsibility for the registration of lobbyists, and
- to raise public awareness of ethics and integrity issues by contributing to public discussion of these issues.

Values

Challenge

Value integrity by contributing to research in the area of integrity. Challenge misconceptions and myths around ethics and integrity.

Engage

Value integrity by promoting integrity. Engage with the public and public officials to raise awareness about ethics and integrity, and the role of the QIC.

Lead

Value integrity by projecting integrity. Show leadership by developing and promoting good practice standards for ethics and integrity.

Resolve

Value integrity by embedding integrity. Support and assist designated persons to resolve ethics and integrity issues in the public interest.

Strategic Plan 2021-24

Access the QIC's strategic plan 2021-24 to learn more about the QIC's role and functions, vision and purpose, objectives and strategies, performance measures, and strategic risks and opportunities: <https://www.integrity.qld.gov.au/publications/strategic-plans.aspx>

5. About the current Commissioner

Dr Nikola Stepanov is the fifth Queensland Integrity Commissioner, and the first female Commissioner.

Dr Stepanov is an ethicist, mediator, and lawyer. She holds six degrees: a Bachelor of Nursing, a Graduate Diploma of Vocational Education and Training, a Graduate Diploma of Legal Practice, a Master of Education, a Juris Doctor, and a Doctor of Philosophy (Melb.). As well, Dr Stepanov holds numerous certificates including: Admission as a Legal Practitioner in Queensland, Dispute Resolution (NMAS), Family Dispute Resolution (FDRP), Legal Business Studies, Business Management, Registered Nursing, and various specialised health service certificates.

Her professional accreditations, professional memberships, and voluntary work, include:

- Adjunct Professor, Division of Tropical Health and Medicine, James Cook University
- Fellow of the Governance Institute of Australia (FGIA)
- President and Board Chair at the Brisbane Youth Service (BYS)
- Governing Board Member, 'ALIVE' - a landmark National Mental Health Research Centre funded by the National Health and Medical Research Council
- accreditation as a Mediator under the National Mediator Accreditation System (NMAS)
- Professional Member with the Resolution Institute (PRI)
- Elder Mediator (EMAN)
- Member, Women Lawyers Association of Queensland (WLAQ)
- Member, Childrens Health Queensland Clinical Ethics Committee (CCHL)
- Member Steering Committee, Queensland Health Ethics and Law Network (HEaL)
- Associate Member, Medico-legal Society of Queensland (MSLQ), and
- Member, Corruption Prevention Network Queensland.

Dr Stepanov is highly regarded for her work in governance and regulation; government, public law and administration; and human rights and advocacy. She has expertise in board governance; government; administrative decision-making including conflicts of interest and duty on duty conflicts; professional practice standards; and lobbying regulation. She is particularly well known for her work in medical ethics and law, and advocacy for vulnerable populations. As well, Dr Stepanov has a strong interest in corruption, complex criminal law, and space law.

As QIC, Dr Stepanov is the Chair and Convenor of Queensland's Integrity Committee, and Co-Patron of the Public Safety and Integrity Agencies Women's Network. She also sits on a number of Government reference committees and groups including the Government Reference Group of the Public Trustee, Public Trustee Fee and Charges Steering Advisory Board, and the Queensland Family and Child Commission's Strategic Cross-Agency Oversight Group.

In her spare time, as well as her voluntary community work, Dr Stepanov continues to supervise PhD and master's students, and to research and publish on a wide range of matters.

Pursuant to section 80 of the Act, Dr Stepanov has disclosed any and all relevant interests including memberships, to the Speaker, and provided updated information as necessary.

6. Activity dashboard

Ethics, integrity, and interest advice



Who can seek advice? More than 10,000 persons are 'designated persons' and are therefore able to seek advice from the Integrity Commissioner



233

Formal requests for ethics and integrity or interest issues advice from designated persons



129

Formal written advices issued



53

Formal written advices issued within one business day or request



36

Meeting with Members of the Legislative Assembly under chapter 3 part 3 of the *Integrity Act 2009*

Lobbying regulation



123

Registered entities



277

Registered listed persons



38

Enquiries about lobbying



989

Lobbying contact with government representatives

Public awareness function



20

Information sessions run state-wide



13

Preliminary education events



113

Committees, meetings and other events

General information



71

Enquiries from non-designated persons (members of the public)



42

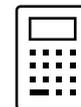
Media enquiries

Staff



Commissioner 1 FTE
Permanent Staff 4 FTE

Budget



1M

Original budget \$1.087M
Actual budget \$1.029M

7. Advice on ethics, integrity, and interest issues

This section deals with the advice functions of the QIC as set out in ‘Chapter 3 Advice on ethics or integrity issues’ and ‘Chapter 3A Managing conflicts of interest’ of the Act. In this regard, sections 7(1)(a) and 7(1)(b) of the Act detail these functions.

More than 10,000 people fall under the advice section of the Act. That is, they fall within the meaning of ‘designated person’ under section 12 of the Act, and include:

- a Member of the Legislative Assembly
- a statutory office holder
- a chief executive of a department of government or public service office
- a senior executive or senior officer
- a chief executive of, or senior officer equivalent employed in, a government entity nominated by the Minister responsible for administering the entity
- a ministerial staff member who gives, or a person engaged to give, advice to a Minister
- an assistant minister staff member who gives, or a person engaged to give, advice to an Assistant Minister
- a person, or a person within a class of person, nominated by a Minister or Assistant Minister.

While the actual number is not known, as the QIC’s jurisdiction has expanded, so too has the number of potential advisees. For example, recent amendments to the Act have extended the advice functions to all former designated persons for a period of two years on ceasing to be a ‘designated person’ (section 20A).

In providing advice, the QIC is obliged to consider any standards or codes that are relevant. The range of such materials is diverse and prone to amendments and updates. Keeping abreast of changes to the relevant standards and codes is a time consuming but necessary activity.

To maintain a high quality of service, including consistency of advice relating to standards and codes, the QIC routinely undertakes research into particular areas of best practice; develops and updates materials that set out the process, tests and factors relied on when providing advice; and publishes these materials on the website of the Queensland Integrity Commissioner.

This approach serves to enhance trust in public officials and public authorities by ensuring that standards and codes are known and applied universally and aims to reduce any public perceptions of unfairness, discrimination, favouritism or bias. The materials also serve as a useful point of reference for advisees in the event that they wish to understand more about best practice standards.

When providing advice, the QIC may do so under two discrete sections of the Act: Chapter 3, Part 2; and Chapter 3, Part 3.

Under Chapter 3, Part 2 of the Act the QIC provides formal written advice to current or former ‘designated persons’ on ethics or integrity issues.

The statutory processes to follow for requests for advice is detailed in section 15 of the Act and includes that the request must be received in writing. Further, section 21 of the Act obliges the QIC to provide advice in writing.

Chapter 3, Part 3 of the Act allows for Members of the Legislative Assembly (‘Members of Parliament’, ‘MP’) to request a meeting with the QIC to discuss any concerns they may have about their interests. In response, the QIC can provide oral and/ or written advice about interest issues pursuant to section 23.

The QIC is committed to ensuring that, irrespective of location, MPs can seek a ‘meeting’ and advice when and as often as is required. On that basis, the QIC does not limit the meaning of ‘meetings’ to merely face to face encounters, but also includes meetings that were convened via telephone or via online options such as ‘Microsoft Teams’.

Meetings with Members of the Legislative Assembly

During the 2020-21 financial year, the QIC had 36 meetings with MPs under section 22 of the Act. All of these meetings included the provision of oral advice by the QIC even if the advice of the QIC was that no further action was required. A written record was made by the QIC of each meeting.

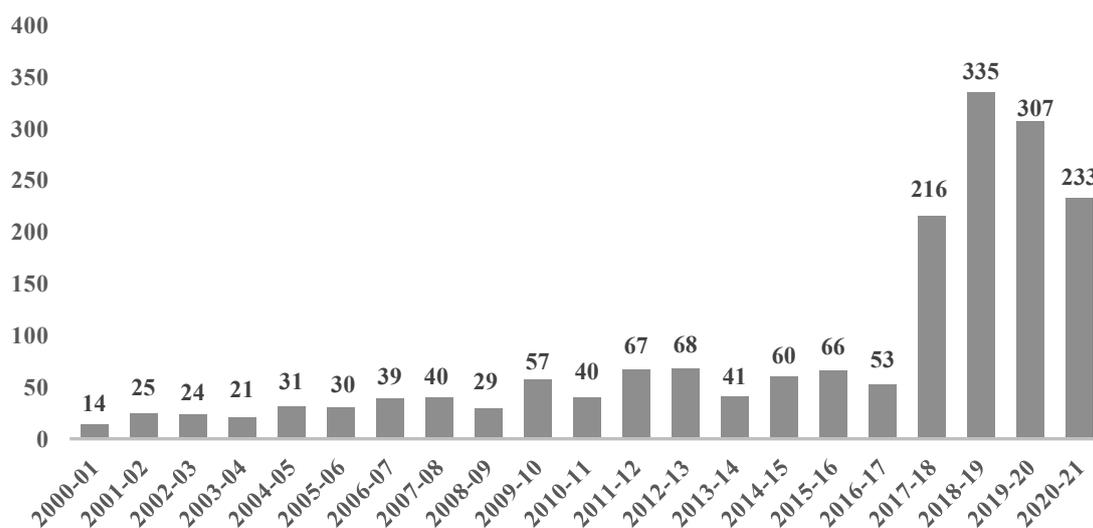
Where relevant, the QIC also provided written advice following a meeting, for example, if the MP requested the advice also be in writing or if the matter was substantive or complex. In this regard, the QIC provided written advice on 29 occasions following a meeting with an MP and this is included in the total number below.

Number and sources of advice requests

During the 2020-21 financial year, the QIC received 233 requests for advice including oral requests for advice by MPs.

This represented a slight downturn in requests for advice received in comparison to the previous two years as shown below in Table 1. However, the number remains much higher than historical rates:

Table 1-Advice requests received: all years



Persons seeking advice from the QIC were primarily MPs, who sought advice on 105 occasions, including:

- 92 requests from the class of persons, ‘Premier, Ministers or Assistant Ministers’, and
- 13 from other MPs.

Mayors and councillors were the second most prominent class of designated persons seeking advice with 29 requests received. This number is substantially lower than the previous years due to changes in legislation in the local government sector. The management of conflicts of interest at local government level is more often a matter of legal interpretation rather than a discrete ethics or integrity issue. Such matters are best left for other integrity agencies who have jurisdiction over the local government sector.

As such, the decrease in the total number of advice requests this financial year in comparison to the 2018-19 and 2019-20 years as shown in Table 1 is primarily due to a reduction in requests for advice from mayors and councillors.

Of the remaining requests for advice received, ministerial staff sought advice on 24 occasions, statutory officer holders on 25 occasions, and chief executive officers on 21 occasions.

In addition, 19 requests for advice were received from senior executives or senior officers, and nine requests from former designated persons regarding post-separation obligations made pursuant to the recently enacted section 20A of the Act.

Nature of advice requests

Of requests for advice received, the main sub-categories of issues, per class of designated persons, were:

- Members of the Legislative Assembly most commonly sought advice about developing conflict of interest management plans to manage perceived conflicts arising from interest issues such as memberships of community groups, pecuniary interests, and related party arrangements. Memberships of community groups was also a common topic of advice requests from mayors and councillors. It is to be expected that elected officials at both State and local government levels will seek advice on such issues as people will typically have long-standing community ties and advocate strongly in support of community groups working in their particular electorates.
- Statutory officer holders mainly sought advice about duty-on-duty conflicts, their statutory obligations to report a reasonable suspicion or belief about the corrupt conduct of another, and perceived conflicts arising from related party arrangements such as employment and shareholdings (i.e. work or pecuniary interests of adult children or a spouse).
- Directors-General and other chief executive officers generally sought advice about managing conflicts of interest in relation to past and current professional acquaintances; duty-on-duty conflicts arising due to ongoing private business arrangements; and perceived conflicts arising due to pecuniary interests such as shareholdings.
- Ministerial staff, together with senior executives or senior officers, most commonly sought advice about conflicts of interest arising due to related party arrangements and advice on post-separation obligations.

Regarding any changes this year in the types of requests for advice received by the QIC, there has been a noticeable increase in the number of requests relating to concerns about corrupt conduct, bullying, and other improper conduct.

Often the concerns are disclosed when an individual:

- sought advice about their post-separation obligations in advance of leaving the public service
- sought advice as to the proper avenue available to address the matter, or
- sought advice having exhausted every avenue available to them but ultimately they were not satisfied that they had done all they were obliged to do under a standard or code.

Effect of interim service limit

The QIC did not provide advice on 68 of the 233 occasions where advice was requested. On each occasion the affected party was advised to seek alternative resources of advice and details of such avenues was provided.

This inability to meet demand resulted from a gap between demand and resourcing. In response, the QIC prioritised requests from MPs and other matters involving substantive public interest issues, as opposed to requests from individuals about their personal obligations or more minor matters which could be dealt with via other, more appropriate avenues of assistance. In this regard, the QIC deemed that:

- 16 requests were not discrete and/ or substantive ethics and integrity issues but instead were policy, law, or administrative matters. Advisees were referred to a more appropriate agency
- 11 requests were dealt with by preliminary oral or written opinion only, and
- 8 requests were withdrawn at the request of the advisee, primarily due to the extent of the delay expected in receiving advice.

Response Times

Advices are prioritised on the basis of risk to the public interest and not dealt with on a ‘first come–first served’ basis.

Further, it is common that the work of the QIC involves prioritising urgent matters as they arise, and which must be dealt with appropriately before a meeting in which a relevant decision will be made, for example a meeting of a Government Board or of Cabinet.

The sustained demand for advice from the QIC, unscheduled reductions in staffing, the inability of the QIC to delegate the function of providing advice, and the increasing range and complexity requests for advice has led to an increase in overall response times in comparison to previous years.

However, urgent matters, that is, those matters involving a substantial public interest issue, and which require an urgent response, are generally dealt on the same day they are received. In addition, other high priority matters are routinely assessed and also dealt with on the same day, or within three working days.

Overall, during the 2020-21 financial year:

- 41% of all advice requests were met with formal advice from the QIC within one business day
- 24% received formal advice within three business days
- 12% received formal advice within four to five business days
- 16% received formal advice within six to nine business days, and
- a further 7% received advice after 10 or more business days

Of the 7% of matters dealt with in 10 or more business days, these requests generally related to private interest matters such as post-separation advice requests or were requests about very complex matters that required further inquiries to be made.

Further, for those 68 matters where the QIC did not provide formal advice, generally the advisee was informed within one to two days of the request being received.

The work of the QIC is not limited to weekdays. During the period of time that the QIC serviced the local government sector, from February 2018 to June 2020, 21% of all requests were received after-hours, including on weekends, and often required a reasonably urgent response.

As previously discussed, amendments to local government legislation have resulted in the QIC no longer providing advice to mayors and councillors on conflict of interest issues. This change has reduced out of hours requests received to two percent (2%) of all advice requests.

8. Regulation of lobbying activity

Section 7(1)(c) of the Act states that it is a function of the QIC to keep the lobbyists register and have responsibility for the registration of lobbyists. The express provisions are set out in ‘Chapter 4 Regulation of lobbying activity’ of the Act.

The regulatory system provided for by Chapter 4 of the Act is based on a requirement that ‘government representatives’ must not knowingly permit an entity that is not a registered lobbyist to carry out lobbying activity for a third party client with the government representative.

Whilst the QIC has no power to investigate or prosecute under the Act, where appropriate, the QIC refers any matters of concern to a relevant agency such as the Queensland Police Service or the Crime and Corruption Commission.

Code of Conduct

Lobbyists are required to comply with a Lobbyists Code of Conduct which codifies the ethical obligations and responsibilities of lobbyists seeking to influence government policy and decision making, whilst representing the interests of a third party clients for fee or other reward.

Ethical lobbying is widely regarded to be a legitimate activity as part of the contest of ideas in the democratic process. Lobbyists can assist individuals and organisations to communicate their views to government and opposition representatives on matters of public interest.

However, there are also inherent risks associated with the commercialised aspects of lobbying. Lobbyists are often former politicians, ministerial staff or senior government representatives and are perceived by members of the public to have personal influence over key decision-makers, often because of their pre-existing political associations and ties, or past public sector employment roles.

Further, understanding what is and what is not ‘lobbying activity’ as defined under the Act can be problematic, and will ultimately be determined by reference to the facts of each particular case.

To assist interested parties and the public generally a question and answer fact sheet has been developed and made available on the website of the QIC, which outlines the QIC’s interpretations of lobbying activity. The fact sheet is updated from time to time as required and can be accessed via:
<https://www.integrity.qld.gov.au/lobbyists/lobbying-questions-answers.asp>

The QIC has also developed a framework, with reference to the relevant sections of the Act, that the QIC relies on when determining whether:

- the conduct of a person or entity might warrant removal from the Lobbyists Register, or
- the conduct of a person or entity might warrant the QIC’s refusal to register an entity or list a person, or
- the conduct of a person or entity might warrant a referral by the QIC to an investigative agency such as the Crime and Corruption Commission.

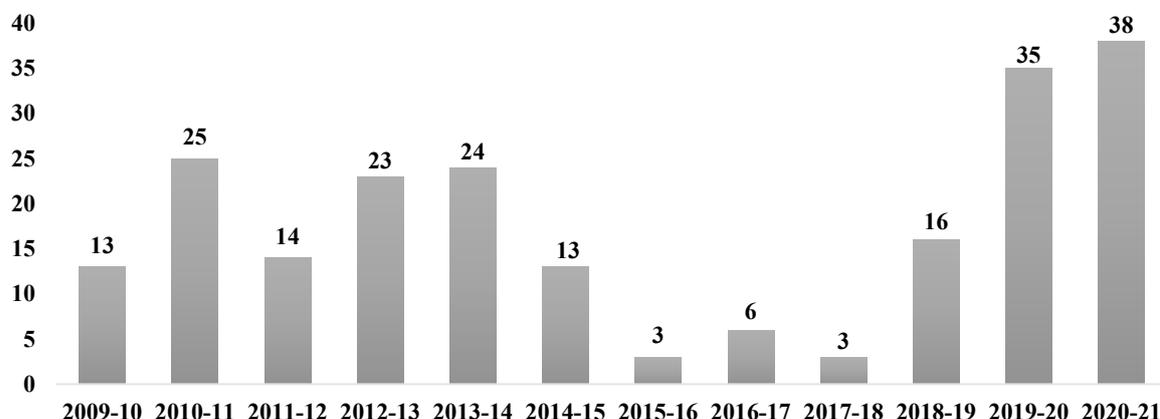
Number of Requests for Advice about Lobbying

The QIC provided formal advice on nine occasions regarding post-separation restraints on lobbying, and requests for advice of this nature commonly occurred in conjunction with the provision of general advice regarding post-separation obligations. Due to the inherent nexus between the two areas of post-separation obligations and restrictions on lobbying activity, more information about the provision of post-separation advice is detailed on the following page.

The office also dealt with more than 1,545 enquiries or other communications about the use of the lobbyists register and lobbying in general, as well as receiving 38 requests for specific advice on more complex issues involving lobbying, for example, interpretation and application of the Act.

These figures represent a further increase on last year's activity levels as shown in Table 3 below.

Table 3- Lobbying Requests



Post-Separation Restraints

Post-separation restraints exist to promote transparency and accountability, and to prevent former senior government representatives from taking personal advantage of special relationships or confidential information acquired through their former positions.

Section 70 of the Act prohibits a 'former senior government representative', which includes a former ministerial staff member, from carrying out 'related lobbying activity' for a 'third party client' within two years of their separation from Queensland public sector employment.

'Related lobbying activity' refers to matters in which the 'former senior government representative' has had 'official dealings' in the two years prior to separation. While not defined in the Act, the QIC considers that 'official dealings' would include even formal attendance at briefings or receiving confidential analysis on a particular matter.

There is also an obligation imposed under section 71(2) of the Act to the effect that current ministerial and government employees must not meet with any 'former senior government representative' in circumstances that would give rise to a breach of the post-separation restraints, including with respect to lobbying.

The QIC was asked to provide advice on post-separation obligations, including to persons prior to their separating from their role in government or ministerial service, on 26 occasions. These requests are included in the overall number of advice requests and accounted for over ten percent of all advice requests received. Formal written advice was provided on nine occasions, and these advices were usually of a limited and general nature.

In determining whether to provide advice, the QIC is cognisant of the fact that the definition of post-separation obligations in the Act encompasses a very broad range of obligations including any obligation under an Act, contract of employment, directive, policy or code of conduct, that applies to the person because the person was (but is no longer) a designated person and relates to contact with a government representative or Opposition representative.¹ Further, the definition also applies to

¹ *Integrity Act 2009* (Qld), s 20A(2).

post-separation obligations arising from the private legal instruments entered into between the person and the government, and the person and their new employer.

In addition to the myriad of obligations arising from the definition of post-separation obligation referred to above, there are also post-separation restraints that apply to lobbying activity.

As a general proposition, the QIC will provide detailed advice about post-separation restraints as they relate to lobbying activities, based on a specific set of facts. However, the specific application of the various standards relating to post-separation obligations arising from private legal instruments entered into between a person and their government employer, and/ or the person and their new employer (if relevant) are essentially legal questions about a person's personal obligations and are to be resolved by reference to established legal principles. The QIC is not able to provide advice on such matters.

Efforts to increase transparency and better record keeping

The QIC must keep a register of registered lobbyists.² The lobbyists register must be published on the QIC's website,³ and must contain the following particulars for each registered lobbyist—

- (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 or a former Opposition representative, the date the person became a former senior government representative or a former Opposition representative;
- (c) the name of each current third party client of the lobbyist;
- (d) the name of each third party client for which the lobbyist has carried out a lobbying activity within the 12-month period before the lobbyist most recently gave the QIC the particulars under this division or section 53; and
- (e) other particulars prescribed under a regulation.⁴

Further, the *Public Records Act 2002* provides that a public authority must make and keep full and accurate records of its activities.⁵

The QIC is committed to promoting greater transparency and better record-keeping by public authorities and lobbyists. In keeping with this commitment in 2019 a comprehensive annual lobbying audit program was introduced (lobbying audit).

The annual audit involves the QIC writing to each of the 21 chief executives of departments of government, and each of the 77 chief executive officers of local governments, during the month of November, and requesting that a review be undertaken of locally held records of contact with lobbyists, and that the local data be compared to the data entered on the lobbyists register, for the preceding 12-month period (i.e. 1 December 2019 to 30 November 2020).

The QIC also requests that each chief executive of a department of government forward the request to each public sector entity within the relevant ministerial portfolio to ensure that those entities also undertake this process.

² *Integrity Act 2009* (Qld), s 49(1).

³ *Integrity Act 2009* (Qld), s 49(2).

⁴ *Integrity Act 2009* (Qld), s 49(3).

⁵ *Public Records Act 2002* (Qld), s 7.

In the event of a discrepancy between the locally held records and the lobbyists register, the discrepancies are reported to my office for assessment.

Although the Act does not permit the QIC to compel any public sector officer to assist in undertaking the annual audit, this financial year the response of the chief executives of departments of government and chief executive officers of local governments was overwhelmingly positive. All local government chief executive officers, and 20 chief executives of departments of government, participated as requested.

As a result of the annual audit, 46 discrepancies were identified by chief executives of a department of government, and a further 57 discrepancies identified by chief executive officers of local governments.

In total, 103 discrepancies were reported as a result of this year's audit with a further five discrepancies identified before or after the audit period.

The office is now in the process of assessing those discrepancies for possible further action. A thematic analysis of the discrepancies will be available on the website of the QIC, shortly.

9. Raising public awareness of ethics and integrity matters

One of the QIC's functions is to raise public awareness of ethics or integrity issues by contributing to public discussion about the QIC's functions, and by raising public awareness of ethics and integrity issues more generally.

Ethics and integrity issues are entwined in a broad range of matters concerning government structure, practices and policies, and the QIC's contributions to enhancing awareness is critical.

Detailed below are the key events the QIC was involved with, and more information can be found on the website of the QIC.

Inaugural Integrity Summit

The inaugural 'Integrity Summit' was held in Brisbane on 25 March 2021. The theme for the summit was 'Lobbying and the public sector' and was chosen because of the particular relevance of this topic to all integrity agencies across Australia.

The meeting was convened by the QIC, the Queensland Crime and Corruption Commission and the Independent Commissioner Against Corruption, South Australia.

Attendees included representatives of more than 20 different agencies across several jurisdictions and the key theme to emerge was that attendees overwhelmingly shared the view that equal access to decision-makers and ensuring decisions are free from undue influence are centrally important to good government.

A summary of the day's learning will be available via the website of the QIC and also via the website of the Crime and Corruption Commission.

Leading women's event

The 'Leading Women Network' is an initiative of Queensland's Public Safety and Integrity Agencies and commenced in August 2019 with a mission to promote a diverse and inclusive work environment through the representation of women in all levels of workplaces by providing professional development and networking opportunities targeting women and a forum to raise common issues to the senior executive members of partner agencies.

The Network encompasses the following Queensland Government agencies:

- Queensland Police Service
- Queensland Fire and Emergency Services
- Public Safety Business Agency
- Queensland Corrective Services
- Crime and Corruption Commission
- Office of the Inspector-General Emergency Management
- Queensland Racing Integrity Commission,
- Queensland Family and Child Commission, and
- Queensland Integrity Commissioner.

The Network incorporates several ongoing activities including:

- quarterly professional development and networking events, featuring a guest speaker/s addressing topics of interest and facilitated discussion regarding common issues; and
- an interagency mentoring program to connect mentors and mentees from within and between the partner agencies.

This year, the office of the QIC co-hosted a professional development and networking event with representatives from the Crime and Corruption Commission, the Office of the Inspector-General Emergency Management and Queensland Racing Integrity Commission on 12 May 2021 with the topic, ‘Rise and Define – Retaining your individuality and defining your identity at work’.

The Hon. Kate Jones attended and gave the keynote address.

Integrity in Health Series

The QIC has extensive experience in the health sector and given the importance of health services to all Queenslanders, each year the QIC hosts the ‘Integrity in Health’ series, hosted at various Queensland hospital and health service sites.

At each event a panel session of expert representatives from the partner organisations explores professional practice standards, and the ethical and legal aspects of the year’s topic.

This year’s topic was ‘Providing medical care without consent: exploring the ethical and legal issues’ with a focus on the emergency principle as a protection against a claim of trespass when providing care in the emergency setting. The topic was based on a research paper co-authored by the QIC and Dr Sam Boyle of the Queensland University of Technology and published in the ‘Emergency Medicine Australasia’ journal in April 2021. Attendance (including online) at the events can be used for CME/CPD points for health practitioners across the Queensland public sector.

Series collaborators this year include:

- Royal Brisbane and Womens Hospital and Central West Hospital and Health Service (Longreach) as Hosts
- Jamieson Trauma Institute at RBWH (with Assoc. Professor Anthony Lynham),
- Health Ethics and Law Qld
- Avant Insurance
- the Queensland Health Ombudsman,
- Queensland Health and Clinical Excellence Queensland, and
- The Australian Centre for Health Law Research at Queensland University of Technology (ACHLR).

More sessions are to be scheduled at other Queensland hospital and health service sites.

The QIC acknowledges the important contributions of the hosts and event partners.

Other activity

Throughout 2020-21, the QIC was involved with 146 interactions including 20 information sessions delivered to bodies such as statutory boards and other public sector entities; providing 13 education events (seminars, conferences etc.), and participating in 113 committee meetings facilitated by the QIC committee meetings, as well as other meetings and events attended by the QIC.

Queensland Integrity Committee

In August 2001, the inaugural QIC, the Honourable Alan Demack AO (2000-2004) convened the first meeting of the Integrity Committee. Since then, the Integrity Committee has met quarterly to discuss shared issues.

Members of the Integrity Committee include:

- Queensland Integrity Commissioner

- Chair of the Crime and Corruption Commission
- Queensland Auditor-General
- Queensland Ombudsman
- Queensland Information Commissioner
- Commission Chief Executive of the Public Service Commission
- Queensland Racing Integrity Commissioner
- Queensland Independent Assessor, and
- Queensland Electoral Commissioner.

For 2020-21, the Integrity Committee met on the following dates:

- 21 September 2020
- 16 December 2020
- 24 March 2021, and
- 23 June 2021.

A new Terms of Reference for the Committee was developed during the 2020-21 year. The Integrity Committee's meeting notes and updates are available on the office of the QIC's website at: <https://www.integrity.qld.gov.au/publications/integrity-committee-meeting-notes.aspx>

10. Compliance Obligations

This section details the QIC's compliance obligations including obligations under the Ministerial Code of Conduct and the Act.

Declarations of Interest

Section 40E (previously section 72C) of the Act provides that various statutory office holders must provide a copy of their Declaration of Interests to the QIC.

Further, section 85(2) of the Act requires the QIC to provide details of compliance by statutory office holders named in Schedule 1 of the Act.

As of 30 June 2021, all statutory office holders named in Schedule 1 of the Act had complied with their obligation to provide a copy of their Declaration of Interests to the QIC.

Ministerial Code of Conduct

The *Ministerial Code of Conduct* ('Code of Conduct') requires Ministers and Assistant Ministers to meet with the QIC within twelve months of any previous formal advice or meeting, to discuss their compliance with the code of conduct.

During the period 18 November 2020 to 30 June 2021, all Ministers and Assistant Ministers complied with this obligation of the Code of Conduct during the financial year. That is, the QIC either met with and/ or provided formal advice to each Minister and Assistant Minister regarding their obligations under the Code of Conduct.

Further, the Code of Conduct also requires the QIC to undertake random checks of Ministers and Assistant Ministers compliance with the Code of Conduct. Ministers and Assistant Ministers are expected to provide the QIC with such relevant materials as requested and answer any relevant questions in order for the QIC to carry out or delegate this task.

Noting that this term of Parliament commenced on 25 November 2020, this particular obligation of the Code of Conduct will be complied with by 1 November 2021.

Submissions and Hearings

The QIC appeared before the Economics and Governance Committee in a public briefing in fulfilment of the Committee's statutory oversight function held on 7 December 2020, and in a private briefing in held on 15 June 2021.

Among other confidential consultations and submissions, the QIC also:

- made a public submission in relation to the proposed Commonwealth Integrity Commission on 12 February 2021 to the Attorney-General's Department,
- attended a consultation session in relation to the Commonwealth/Federal Government draft legislation to establish a Commonwealth Integrity Commission, and
- attended a consultation session for State and Territory integrity bodies in December 2020 in relation to the same matter.

Right to information and information privacy

The QIC received two Right to Information applications and one Information Privacy application in 2020-21. One of the Right to Information applications was withdrawn, and the other Right to Information application and Information Privacy application were redirected to the appropriate agencies.

The QIC did not collect any application fees or processing charges.

No public interest disclosure applications under the *Public Interest Disclosure Act 2010* were received by the QIC.

No applications were received in relation to the advice functions of the Act and no information can be provided about the QIC's activities under Chapter 3 of the Act.

11. Administration and Governance Arrangements

This section provides general information about governance, as well as information about staffing, resourcing, risk management, and information systems.

Governance and administration arrangements generally

Good governance structures are important, particularly where independence is valued.

Under the current administrative and governance arrangements which are historical, the Public Service Commission (PSC) is accountable for the financial, operational, and administrative performance of the office supporting the QIC, including the provision and management of human resources.

In undertaking this function, the PSC in turn is supported by the Department of the Premier and Cabinet (DPC), in relation to information technology services and a range of other support services.

The QIC does not control the budget allocated by Government, with the PSC retaining the authority and responsibility to provide the resources and administrative support necessary to ensure that the QIC is able to undertake the statutory functions associated with the role.

The governance and administration arrangements are not replicated in the case of any other integrity agency in Queensland. Further, the arrangements operate in a such a way as to place the QIC in a position of inherent vulnerability, due to dependence on the PSC exercising its powers in a judicious manner. However, the QIC is an independent Officer of Parliament, appointed by the Governor in Council, with statutory functions which require a commensurate degree of independence.

Issues in the governance and administration structure were highlighted in the Bridgeman Review ('the review'). The review found that, given the independence and importance of the QIC, locating budget and support arrangements under the PSC is not appropriate.⁶

The review noted that the QIC's functions extend well beyond the scope of the PSC, and that the QIC is an officer of the Parliament and has functions affecting ministers and other members of parliament, ministerial staff, senior public servants, local government and lobbyists. Further, the QIC is excluded from the operations of the *Public Service Act 2008* for various purposes.

The review also noted that support for the QIC through the PSC is neither administratively efficient nor free from potential conflicts between the two entities' functions.

It is timely then that, in light of the issues identified in the review, the substantial expansion of the jurisdictions and functions of the QIC since the Act was introduced, and the heightened level of activity that has occurred during the past four years, that the 'Strategic Review into the Functions of the Queensland Integrity Commissioner' commenced this year with Mr Kevin Yearbury appointed as reviewer.

The Strategic Review provides a timely and appropriate forum for the governance arrangements, as well as other aspects of the functions of the QIC, to be considered by Parliament.

Staffing and Resources

Four permanent fulltime equivalent (FTE) positions exist to support the QIC perform her functions.

⁶ See section 10.7 of the Bridgeman Review: [A fair and responsive public service for all \(www.qld.gov.au\)](http://www.qld.gov.au)

Over the course of the year, of the four permanent positions:

- the position of Director, Legal and Operations (SO3) is permanently filled, however, the person occupying the position was removed to another agency in March 2021 and the role was not backfilled
- the position of Senior Legal Officer (PO5) was vacant from 1 July 2020 until 29 March 2021 when it was filled temporarily by a person seconded from another agency
- the position of Office Manager (AO6) is filled permanently and has been occupied for the full financial year, and
- the position Executive Officer (AO4) is permanently filled, however, the person occupying the position was removed to another agency in November 2020 and the role was not backfilled.

Given the highly specialised work of the QIC, and the lack of legal expertise in the office after the staff changes in March of 2021, a temporary Senior Legal Officer (PO5) position was created and has been filled by a person seconded from another agency from 12 April 2021.

Further, following the changes in March 2021, from mid-March, on a limited and intermittent basis, the PSC provided access to a (non-legal) Senior Officer to assist with higher level of administrative tasks such as developing the risk register. A legal officer of the level of Senior Executive was also provided on a short term three-week secondment from late March to early April 2021 by the Department of State Development, Infrastructure, Local Government and Planning. The QIC wishes to thank those two persons for their assistance.

As above, the number of available staff to assist the QIC fluctuated between one and three staff members through the year. Staff level changes and capabilities affected the ability of the QIC to fully discharge her functions and led to the introduction of interim service limits on two occasions. Further, as there were a number of the temporary staff engagements, given the specialised work of the office, additional time and effort was required to train the staff as this expectedly led to delays.

During the QIC's annual leave arrangements, the role was filled by the Acting Integrity Commissioner, Mr Mark Glen from 21 May 2021 to 4 June 2021, and again on 11 and 14 of June 2021.

No redundancy or retrenchment packages were paid during this period and no employees received an early retirement package.

Staff training and human rights

The PSC is the employer of staff who support the QIC and is responsible for the conduct, supervision, training, and performance of the staff.

The PSC requires new employees to complete the new starter induction program to ensure they are aware of expected obligations and workplace behaviours, and that their performance and behaviour must comply with the Code. These expectations are incorporated by the PSC into the ongoing cycle of employees' performance and development.

Employees are required to adhere to the Code of Conduct (the Code), as required by the *Public Sector Ethics Act 1994*.

Further, the secrecy provisions of the Act impose particular obligations on staff and all others in relation to the protected advice materials of the office.

Employees can access the Act, the Code, and a range of supporting resources through the PSC's intranet.

The PSC required that staff undertake online training to further understand:

- the functions of the Queensland Human Rights Commission
- modern human rights law
- human rights law in Queensland
- responsibilities of public entities, courts, tribunals and Parliament, and
- human rights dispute resolution and compatibility with human rights.

Risk management

The Commission Chief Executive of the PSC is the accountable authority under the *Financial Accountability Act 2009* for the financial, operational, and administrative performance of the office supporting the QIC. However, the ‘office’ is covered by the Department of the Premier and Cabinet’s Risk management framework—oversighted by an Audit and Risk Management Committee—which aligns with the Australian Standard AS/NZ ISO 31000:2018 on risk management principles and guidelines and includes appropriate governance arrangements and risk reporting and analysis.

A ‘Risk Treatment Plan’ was completed for 2020-21 encompassing the identification of some strategic and operational risks, and the mitigating actions to address those risks.

Information systems and recordkeeping

The staff use information systems for corporate functions via existing administrative arrangements with the PSC.

The QIC uses information systems for corporate functions via existing administrative arrangements with the DPC.

The recordkeeping practices of the QIC and staff must adhere to Information Standard (Recordkeeping), Information Standard (Retention and Disposal of Public Records) and the *Public Records Act 2002*. HP Record Manager is used to manage electronic and physical documents, and there are policies and processes in place for recordkeeping, email management, retention and disposal of records, managing information on shared network drives and information security.

To rectify outstanding legacy filing issues, an experienced Information Support Officer was provided by the DPC, on a part-time basis, to undertake filing in accordance with the Records Retention and Disposal Schedule (see below). The QIC gratefully acknowledge assistance with this important body of work.

Further, the forensic reconciliation of a small volume of protected material is yet to be undertaken. This body of work will occur in the 2021-22 financial year.

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 22 November 2013, is available on the Queensland State Archives website at: www.archives.qld.gov.au.

This Annual Report and previous reports from the QIC are available online at: www.integrity.qld.gov.au/publications/annual-reports.aspx.

12. Financial Statement

Queensland Integrity Commissioner Statement of Comprehensive Income Year ended 30 June 2021

	2021	2020	2021		Note
	Actual	Actual	Original	Budget	
OPERATING RESULT	\$'000	\$'000	Budget	Variations	Budget
			\$'000	\$'000	Variance
Income from Continuing Operations					
Appropriation revenue	1,091	1,292	1,087	4	
Grants and other contributions	-	-	-	-	
Total Income from Continuing Operations	1,091	1,292	1,087	4	
Expenses from Continuing Operations					
Employee expenses	725	840	751	(26)	1
Supplies and services	302	340	334	(32)	2
Grants and subsidies	-	-	-	-	
Depreciation and amortisation	1	1	1	(0)	
Total Expenses from Continuing Operations	1,029	1,181	1,087	(58)	
Operating Result for the Year	62	111	-	62	
OTHER COMPREHENSIVE INCOME	-	-	-	-	
TOTAL COMPREHENSIVE INCOME	62	111	-	62	

The accompanying notes form part of these statements.

Explanation of major budget variances

1. A decrease in Employee expenses primarily due to short-term vacancies during the financial year.
2. A decrease in Supplies and Services is primarily due to lower than budgeted domestic travel costs and lower legal costs.

