

# Ethics and integrity information for Ministerial Advisors and Chiefs of Staff

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This fact sheet provides a summary of the obligations of ministerial advisors, including chiefs of staff, in relation to ethics, integrity, conflicts of interests, and lobbying.

## Relevant standards and obligations for ministerial advisors

Your functions are outlined in your contract of employment and you are also subject to any direction by your employing Minister and the Premier.<sup>1</sup> You are an employee of the State.<sup>2</sup> You are not empowered to direct public service employees.<sup>3</sup>

You are required to act in a way that is consistent with:

- [the Code of Conduct Ministerial Staff Members](#)<sup>4</sup>
- the work performance and personal conduct principles set out in section 16 of the *Ministerial and Other Office Holder Staff Act 2010* (MOOHSA), and
- the ethics values stated in the *Public Sector Ethics Act 1994*.<sup>5</sup>

## Code of conduct

The [Code of Conduct Ministerial Staff Members](#) sets out a broad framework of ethical conduct. It provides a high standard for the ethical behaviour expected in ministerial offices. It also provides guidance to support a culture of integrity, respect and transparency.

You must comply with the code of conduct throughout the entire period of your ministerial employment, including periods of leave and off-duty times.

Any questions regarding the principles and values or the contents of the code of conduct should be directed to your chief of staff in the first instance.

[1] Sections 5 and 14 of the MOOHSA.

[2] Ibid, section 11.

[3] Ibid, section 15.

[4] Section 22 of the MOOHSA.

[5] Section 17 of the MOOHSA and [part 3, division 2](#) of the Public Sector Ethics Act 1994. Note section 17(2) of the MOOHSA provides that ethics values about providing advice, or acting in relation to policies, apply to staff members subject to the way they may

[6] Section 24, MOOHSA

[7] Ministerial Handbook, 3.4.2.

[8] Ministerial Handbook, 3.4.2

## Declarations of interest

You are required to submit a declaration of interests form to your minister/assistant minister:<sup>6</sup>

- within one month of starting employment/change of minister<sup>7</sup>
- as soon as practicable and within one month when there is a change to your interests, and
- in June each year.

The [Queensland Ministerial Handbook](#) (Ministerial Handbook) provides the ministerial staff member declaration of interests form at Appendix 1. Your chief of staff and minister should sign and date all completed declarations.

## Conflicts of Interest

Conflicts of interests must be managed transparently and resolved in the public interest. You are required to take reasonable steps to avoid any conflicts between your personal interests and your employment and manage any conflicts transparently and in the public interest.

If you identify a potential conflict of interest, you must prepare a conflict of interest / other employment management plan (Ministerial Handbook, Appendix 2) and submit the plan to your minister as soon as possible after of becoming aware of the potential conflict, but in any event within one month.

If a conflict is identified in a meeting, you should verbally disclose the interest, ensure the declaration is recorded, leave the meeting and submit a COI management plan as soon as possible.<sup>8</sup>

## Gifts and benefits

Ministerial advisors must seek their chief of staff's approval prior to accepting or retaining a gift of any value.

The minister's approval for staff to accept or retain gifts with a retail value above \$150 must be included on the 'Declaration of Gifts Received' form (Ministerial Handbook, Appendix 3).

A limit of \$350 retail value applies to any gift given by the same person. If it is not appropriate to refuse or return the gift, it remains the property of Ministerial Services on behalf of the State of Queensland.<sup>9</sup>

Ministerial staff must notify and seek the approval of either the chief of staff or minister when they receive any invitation of hospitality benefits.<sup>10</sup>

### Integrity Commissioner's advice

Chiefs of staff for ministers are designated persons under the *Integrity Act 2009* (Integrity Act) and as such are able to obtain ethics or integrity advice from the Integrity Commissioner.<sup>11</sup>

Other staff in the minister's office are not able to seek advice from the Integrity Commissioner, except in relation to post separation obligations and within 2 years after separation.<sup>12</sup>

Chiefs of staff may obtain ethics or integrity advice about a ministerial officer after they have given notice to the minister or assistant minister.<sup>13</sup>

A minister (and assistant minister) may also seek ethics or integrity advice from the Integrity Commissioner about themselves or their chief of staff or another ministerial staff member whose role is to give advice to the minister (i.e. ministerial advisors).

## Post Separation Obligations

For two years after you leave your role you must not carry out a 'related lobbying activity' (i.e. a lobbying activity relating to official dealings you had in the two years prior to leaving your role) for a third party client.

## Lobbying

As a ministerial staff member, you have several obligations under the Integrity Act when communicating or meeting with lobbyists.

The Integrity Act regulates lobbying activity that is carried out for a third party client (i.e., a client who pays a lobbyist to lobby government on their behalf).

Some entities may lobby for their own interests, or the interests of their members, without being registered as a lobbyist. Examples of these entities include, a charity, a club, a society for environmental protection, an industrial body or a professional association.<sup>14</sup>

The following obligations apply to you, government representatives<sup>15</sup> and opposition representatives<sup>16</sup> (collectively referred to as 'representatives'):

- A representative must not knowingly permit a person who has been a 'former senior government representative' or a 'former Opposition representative' for less than 2 years, to lobby them on matters relating to official dealings the person had in their former role.
- A representative must also not knowingly permit an unregistered lobbyist to lobby them. To check if a lobbyist is registered, please see our website: [www.integrity.qld.gov.au](http://www.integrity.qld.gov.au)

## Meeting with a lobbyist

If a lobbyist wants to meet with a minister, an assistant minister, or ministerial staff, they must request the meeting in writing via the chief of staff. A ministerial staff member (senior advisor and above) may only meet with a registered lobbyist or any person working for the lobbyists with approval of their chief of staff.<sup>17</sup>

The lobbyist must inform you of the following information as part of their initial contact with you:

- they are registered lobbyist
- they are making the communication on behalf of a third party
- the name of the third party
- the nature of that third party's issue, and
- the reasons for the approach.

[9] Ministerial Handbook, 3.7.

[10] Ministerial Handbook, 4.7.2.

[11] This does not apply to a chief of staff for an assistant minister.

[12] Section 20D, Integrity Act.

[13] Section 20CA, Integrity Act.

[14] Section 47, Integrity Act.

[15] Section 44 of the Integrity Act - includes ministers, assistant ministers and ministerial staff members - refer to section for a full list.

[16] Section 45, Integrity Act - Opposition Leader, Deputy Leader of the Opposition; and a staff member of the office of the Leader of the Opposition.

[17] Section 3.6, Ministerial Handbook.

Additionally, a lobbyist who became a [former senior government representative](#) or a [former Opposition representative](#) (collectively referred to as ‘former representatives’) less than two years ago must tell you:

- that they are a former representative
- when they became a former representative
- that the matter they are contacting you about does not relate to official dealings they had in their official capacity in the two years immediately before they became a former representative.

Failure to provide this information is a breach of the Queensland Registered Lobbyists Code of Conduct and should be reported to the Integrity Commissioner.<sup>18</sup>

You can check a former representative’s official dealings on the [Queensland Lobbying Register](#).

## Maintaining office register of communications with registered lobbyists

A ministerial office should keep a register of all communications with registered lobbyists. Registered lobbyists are required to enter these communications in the Queensland Lobbying Register. It is prudent to regularly check the office register against the Queensland Lobbying Register and report any inconsistencies to the Integrity Commissioner.<sup>19</sup>

Also, meetings with lobbyists should be recorded in the relevant minister’s, assistant minister’s or chief of staff diary. The diary entry must include details about all attendees and a short description of the subject matter of the meeting.<sup>20</sup>

## Reporting unregistered lobbying

If you become aware that an entity that is not a registered lobbyist is seeking to lobby you, your minister or their delegate must provide the Integrity Commissioner with the details, as soon as practicable.

If you are unsure whether a person is a registered lobbyist, you can check the [Queensland Lobbyist Register](#).

A lawyer, accountant, engineer, architect or other professional does not need to register as a lobbyist if they are contacting a minister’s office in the ordinary course of providing professional or technical services to their client.<sup>21</sup>

Also, a person does not need to be registered as a lobbyist if they are acting on behalf of a third party for free (no payment or other reward).

For further information about lobbying, including your reporting obligations, please refer to the fact sheets available on our [website](#).

[18]Section 66C, Integrity Act.

[19]Ibid.

[20] Ministerial Handbook, 3.12.

[21] Section 43, Integrity Act.