

Integrity and Other Legislation Amendment Bill 2023

Amendments during consideration in detail to be moved by
The Honourable the Attorney-General and Minister for Justice and Minister
for the Prevention of Domestic and Family Violence

1 Clause 2 (Commencement)

Page 10, line 7—

omit, insert—

- (1) This Act, other than part 3A and part 4, division 2, commences on a day to be fixed by proclamation.
- (2) Part 4, division 2 commences 60 days after the date of assent.

2 Clause 4 (Amendment of s 9 (Appointment of auditor-general))

Page 11, line 7, after ‘Minister’—

insert—

(the *original period*) or within the further period agreed under subsection (4)

3 Clause 4 (Amendment of s 9 (Appointment of auditor-general))

Page 11, after line 13—

insert—

- (4) The Minister and chair of the parliamentary committee may, before the end of the original period, agree to extend the original period by a further period of not more than 20 business days.

4 Clause 5 (Amendment of s 11 (Terms of appointment))

Page 12, line 3, after ‘Minister’—

insert—

(the *original period*) or within the further period

agreed under subsection (6)

5 Clause 5 (Amendment of s 11 (Terms of appointment))

Page 12, after line 10—

insert—

(4B) The Minister and chair of the parliamentary committee may, before the end of the original period, agree to extend the original period by a further period of not more than 20 business days.

6 Clause 5 (Amendment of s 11 (Terms of appointment))

Page 12, line 12, '(7)'—

omit, insert—

(8)

7 Clause 18 (Amendment of s 72 (Conduct of independent audit))

Page 21, lines 13 to 18—

omit.

8 After clause 26

Page 30, after line 6—

insert—

**Part 3A Amendment of
Evidence Act 1977**

26A Act amended

This part amends the *Evidence Act 1977*.

26B Amendment of s 14H (Deciding whether to grant leave)

(1) Section 14H—

insert—

(2A) For deciding the application, the court may do any of the following—

- (a) order a person to produce the protected counselling communication to the court;
- (b) consider the protected counselling communication;
- (c) make any other order it considers appropriate to facilitate its consideration of the protected counselling communication.

(2B) If the protected counselling communication is produced to the court under subsection (2A), the court must not disclose it, or make it available to a party to the proceeding, before deciding the application.

(2) Section 14H(3), ‘For’—

omit, insert—

Also, for

26C Insertion of new pt 9, div 15

Part 9—

insert—

**Division 15 Integrity and Other
 Legislation
 Amendment Act 2023**

171 Sexual assault counselling privilege

- (1) This section applies to any of the following (a *relevant action*) done before the commencement of this section—
 - (a) an exercise or purported exercise of a court's jurisdiction in dealing with a leave application;
 - (b) anything else done or purportedly done by a court or person in relation to a leave application.
- (2) The rights and liabilities of all persons affected by the relevant action are the same, and are taken to have always been the same, as they would be or would have been if amended section 14H had been in force at the time of the relevant action.
- (3) Subsection (2) applies for all purposes, including for the purpose of a leave application made but not decided before the commencement.
- (4) In this section—

amended section 14H means section 14H as amended by the *Integrity and Other Legislation Amendment Act 2023*.

leave application means an application for the leave of the court under part 2, division 2A, subdivision 3.

9 After clause 27

Page 30, after line 12—

insert—

Division 1

Amendments commencing by proclamation

10 Clause 28 (Replacement of long title)

Page 30, line 25, after ‘representatives’—

insert—

including by a code of conduct, a training course and directives

11 Clause 30 (Amendment of s 12 (Meaning of *designated person*))

Page 31, line 9, ‘Section’—

omit, insert—

(1) Section

12 Clause 30 (Amendment of s 12 (Meaning of *designated person*))

Page 31, after line 11—

insert—

(2) Section 12(1)—

insert—

(fa) a person, or a person within a class of persons, nominated by the Premier;

(3) Section 12(2), after ‘subsection (1)(e)’—

insert—

or (fa)

(4) Section 12—

insert—

(2A) A nomination under subsection (1)(fa) ends 28 days after the start of the nomination.

13 Clause 32 (Amendment of s 17 (Request by Minister))

Page 31, after line 22—

insert—

- (1) Section 17(b), ‘or senior officer’—
omit.

14 Clause 32 (Amendment of s 17 (Request by Minister))

Page 31, line 23, ‘Section 17(c)’—

omit, insert—

- (2) Section 17(c)

15 After clause 33

Page 32, after line 2—

insert—

33A Insertion of new s 20CA

After section 20C—

insert—

20CA Request by chief of staff about ministerial adviser

- (1) A chief of staff (however called) in the office of a Minister or Assistant Minister may ask for the integrity commissioner’s advice on an ethics or integrity issue involving a ministerial advisor who gives advice to the Minister or Assistant Minister.
- (2) However, a chief of staff may ask for advice under subsection (1) only if the chief of staff has given notice of the request to the Minister or Assistant Minister mentioned in subsection (1).

16 After clause 33

Page 32, after line 2—

insert—

33B Amendment of s 20D (Request by former ministerial advisor)

Section 20D—

insert—

- (1A) Also, a ministerial adviser who may become a former ministerial adviser may ask for the integrity commissioner’s advice on an ethics or integrity issue involving the ministerial adviser that may arise from a post-separation obligation.

17 Clause 34 (Amendment of s 29 (Disclosure to Premier))

Page 32, lines 4 to 6—

omit, insert—

Section 29(1), ‘, senior officer or senior officer equivalent’—

omit, insert—

or a senior executive equivalent

18 Clause 35 (Amendment of s 30 (Disclosure to Minister))

Page 32, lines 8 to 10—

omit, insert—

Section 30, ‘, senior officer or senior officer equivalent,’—

omit, insert—

or a senior executive equivalent

19 Clause 36 (Replacement of ch 4 (Regulation of lobbying activities))

Page 33, lines 10 to 15—

omit.

20 Clause 36 (Replacement of ch 4 (Regulation of lobbying activities))

Page 35, line 32 and page 36, line 1, from ‘fee’ to ‘reward’—
omit, insert—

commission, payment or other reward, whether pecuniary or otherwise,

21 Clause 36 (Replacement of ch 4 (Regulation of lobbying activities))

Page 39, lines 8 to 10, from ‘for a commission’ to ‘otherwise’—

omit.

22 Clause 36 (Replacement of ch 4 (Regulation of lobbying activities))

Page 41, line 13 to page 42, line 15—

omit, insert—

49 Disqualification of individual engaged in dual hatting

(1) This section applies to an individual who—

(a) is a registered lobbyist during the period (the *inter-election period*) that—

(i) starts on the day on which a general election is held (the *first general election*); and

(ii) ends at the end of the day on which the next general election after the first general election is held (the *second general election*); and

(b) during the inter-election period is required to give a notice under section 66A.

Note—

See section 66N(3) for removal of the individual's name from the lobbying register.

- (2) This section also applies to an individual who was a registered lobbyist at any time during the inter-election period.
- (3) The individual is disqualified from being a registered lobbyist, or continuing to be a registered lobbyist, if the individual performs a substantial role, during the inter-election period, in the election campaign of a political party relating to the second general election.

Note—

See also sections 66H(1)(b) and 66N(2).

- (4) If the individual performs a substantial role in the election campaign, relating to the second general election, of the political party that wins the second general election, the individual is disqualified under subsection (3) for the period that—
 - (a) starts when the individual starts performing the substantial role in the election campaign; and
 - (b) ends at the end of the day on which the next general election after the second general election is held.
- (5) If the individual performs a substantial role in the election campaign, relating to the second general election, of a political party that does not win the second general election, the individual is disqualified under subsection (3) for the period that—
 - (a) starts when the individual starts performing the substantial role in the election campaign; and
 - (b) ends at the end of the day on which the second general election is held.

(6) In this section—

general election see the *Electoral Act 1992*, schedule 1.

win, a general election, means from government after the election.

23 Clause 36 (Replacement of ch 4 (Regulation of lobbying activities))

Page 49, line 3, ‘during election period’—

omit.

24 Clause 36 (Replacement of ch 4 (Regulation of lobbying activities))

Page 49, lines 6 and 7, ‘, during an election period for an election,’—

omit.

25 Clause 36 (Replacement of ch 4 (Regulation of lobbying activities))

Page 52, lines 16 to 21—

omit, insert—

(1) This section applies if an individual who is a registered lobbyist intends to perform a substantial role in the election campaign of a political party.

26 Clause 36 (Replacement of ch 4 (Regulation of lobbying activities))

Page 63, line 2, after ‘who is’—

insert—

a

27 Clause 37 (Amendment of s 74 (Procedure before appointment))

Page 65, line 26, after ‘Minister’—

insert—

(the *original period*) or within the further period agreed under subsection (4)

28 Clause 37 (Amendment of s 74 (Procedure before appointment))

Page 65, after line 32—

insert—

(2B) The Minister and chair of the parliamentary committee may, before the end of the original period, agree to extend the original period by a further period of not more than 20 business days.

29 Clause 37 (Amendment of s 74 (Procedure before appointment))

Page 66, line 4, ‘and’—

omit, insert—

to

30 Clause 37 (Amendment of s 74 (Procedure before appointment))

Page 66, line 5, ‘and (4)’—

omit, insert—

to (5)

31 Clause 38 (Amendment of s 76 (Remuneration and conditions))

Page 66, line 18, after ‘Minister’—

insert—

(the *original period*) or within the further period agreed under subsection (6)

32 Clause 38 (Amendment of s 76 (Remuneration and conditions))

Page 66, after line 25—

insert—

- (6) The Minister and chair of the parliamentary committee may, before the end of the original period, agree to extend the original period by a further period of not more than 20 business days.

33 Clause 45 (Insertion of new ch 8, div 5)

Page 73, line 17, ‘Insertion of new’—

omit, insert—

Replacement of

34 Clause 45 (Insertion of new ch 8, div 5)

Page 73, line 18, after ‘Chapter 8’—

insert—

, division 5

35 Clause 45 (Insertion of new ch 8, div 5)

Page 73, line 19, before ‘*insert*’—

insert—

omit,

36 Clause 45 (Insertion of new ch 8, div 5)

Page 74, after line 5—

insert—

104A Disqualification of individual engaged in dual hatting only after commencement

New section 49 applies only in relation to an individual who performs a substantial role in an election campaign of a political party after the commencement.

104B Individual disqualified under former section 53A before commencement

An individual disqualified before the commencement under former section 53A from being a registrant, or continuing to be a registrant, for the period mentioned in former section 53A(4) or (5) is taken to be disqualified under new section 49 from being a registered lobbyist, or continuing to be a registered lobbyist, for the period mentioned in new section 49(4) or (5).

37 After clause 45

Page 75, after line 8—

insert—

45A Amendment of sch 1 (Statutory office holders for section 40E)

Schedule 1, ‘*Energy Ombudsman Act 2006*’

omit, insert—

Energy and Water Ombudsman Act 2006

38 Clause 46 (Amendment of sch 2 (Dictionary))

Page 75, line 15, after ‘*registrant,*’—

insert—

senior officer, senior officer equivalent,

39 Clause 46 (Amendment of sch 2 (Dictionary))

Page 77, after line 6—

insert—

- (3) Schedule 2, definition *government entity*, ‘public service office’—

omit, insert—

public service entity mentioned in the *Public Sector Act 2022*, section 9(b)

40 After clause 46

Page 77, after line 6—

insert—

**Division 2 Amendments commencing
60 days after assent**

**46A Amendment of s 50 (Timely updating of
particulars)**

Section 50—

insert—

- (3) Also, if the integrity commissioner becomes aware that a registrant is disqualified under section 53A from being a registrant, or continuing to be a registrant, the integrity commissioner must immediately remove from the lobbyists register the individual’s name as a registrant.
- (4) In addition, if the integrity commissioner receives a notice under section 66B that an individual who is a registrant intends to perform a substantial role in an election campaign, the integrity commissioner must immediately remove from the lobbyists register the individual’s name as a registrant.

46B Insertion of new s 53A

After section 53—

insert—

53A Disqualification of individual engaged in dual hatting

- (1) This section applies to an individual who—
 - (a) is a registrant during the period (the *inter-election period*) that—
 - (i) starts on the day on which a general election is held (the *first general election*); and
 - (ii) ends at the end of the day on which the next general election after the first general election is held (the *second general election*); and
 - (b) during the inter-election period is required to give a notice under section 66A.

Note—

See section 50(4) for removal of the individual's name from the lobbyists register.

- (2) This section also applies to an individual who was a registrant at any time during the inter-election period.
- (3) The individual is disqualified from being a registrant, or continuing to be a registrant, if the individual performs a substantial role, during the inter-election period, in the election campaign of a political party relating to the second general election.

Note—

See also sections 50(3) and 62(1)(ba).

- (4) If the individual performs a substantial role

in the election campaign, relating to the second general election, of the political party that wins the second general election, the individual is disqualified under subsection (3) for the period that—

- (a) starts when the individual starts performing the substantial role in the election campaign; and
- (b) ends at the end of the day on which the next general election after the second general election is held.

(5) If the individual performs a substantial role in the election campaign, relating to the second general election, of a political party that does not win the second general election, the individual is disqualified under subsection (3) for the period that—

- (a) starts when the individual starts performing the substantial role in the election campaign; and
- (b) ends at the end of the day on which the second general election is held.

(6) In this section—

general election see the *Electoral Act 1992*, schedule 1.

win, a general election, means form government after the election.

46C Amendment of s 55 (Grounds for refusing registration)

Section 55—

insert—

- (ba) the entity is disqualified from being a registrant under section 53A;

46D Amendment of s 62 (Grounds for cancellation etc.)

Section 62(1)—

insert—

- (ba) the integrity commissioner believes the registrant is disqualified under section 53A from being a registrant;

46E Insertion of new s 66B

After section 66A—

insert—

66B Individual who is registrant must give notice of intention to perform substantial role in election campaign

- (1) This section applies if an individual who is a registrant intends to perform a substantial role in the election campaign of a political party.
- (2) The individual must, immediately after forming the intention, give the integrity commissioner a notice stating the individual's intention.

46F Insertion of new s 71AA

After section 71A—

insert—

71AA Registrant must not perform substantial role in election campaign of political party

- (1) This section applies to a registrant.
- (2) The registrant must not perform a substantial role in the election campaign of a political party.

46G Insertion of new ch 8, div 5

Chapter 8—

insert—

Division 5 Transitional provision for Integrity and Other Legislation Amendment Act 2023

104 Disqualification of individual engaged in dual hatting only after commencement

Section 53A applies only in relation to an individual who performs a substantial role in the election campaign of a political party after the commencement.

46H Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

substantial role, in the election campaign of a political party—

- (a) means a role at a senior level, whether paid or unpaid, that—
 - (i) involves employment or engagement by the party; and
 - (ii) incorporates significant involvement in the party's election strategy or policy development; and
- (b) does not include any of the following—
 - (i) general membership of the party;
 - (ii) volunteering for, or advising, a particular candidate;

- (iii) door knocking, placing documents in letter boxes or other campaign communications;
- (iv) media liaison;
- (v) handing out how to vote material.

41 Clause 50 (Amendment of s 59 (Procedure before appointment))

Page 79, line 18, after ‘Minister’—

insert—

(the *original period*) or within the further period agreed under subsection (3)

42 Clause 50 (Amendment of s 59 (Procedure before appointment))

Page 79, after line 25—

insert—

(1B) The Minister and chair of the parliamentary committee may, before the end of the original period, agree to extend the original period by a further period of not more than 20 business days.

43 Clause 50 (Amendment of s 59 (Procedure before appointment))

Page 79, line 29, ‘and’—

omit, insert—

to

44 Clause 50 (Amendment of s 59 (Procedure before appointment))

Page 79, line 30, ‘and (3)’—

omit, insert—

to (4)

45 Clause 51 (Amendment of s 62 (Remuneration and conditions))

Page 80, line 17, after ‘Minister’—

insert—

(the *original period*) or within the further period agreed under subsection (7)

46 Clause 51 (Amendment of s 62 (Remuneration and conditions))

Page 80, after line 24—

insert—

(7) The Minister and chair of the parliamentary committee may, before the end of the original period, agree to extend the original period by a further period of not more than 20 business days.

47 Clause 64 (Amendment of s 135 (Procedure before appointment))

Page 90, line 24, after ‘Minister’—

insert—

(the *original period*) or within the further period agreed under subsection (3)

48 Clause 64 (Amendment of s 135 (Procedure before appointment))

Page 91, after line 3—

insert—

(1B) The Minister and chair of the parliamentary committee may, before the end of the original period, agree to extend the original period by a

further period of not more than 20 business days.

49 Clause 64 (Amendment of s 135 (Procedure before appointment))

Page 91, line 7, ‘and’—

omit, insert—

to

50 Clause 64 (Amendment of s 135 (Procedure before appointment))

Page 91, line 8, ‘and (3)’—

omit, insert—

to (4)

51 Clause 65 (Amendment of s 137 (Remuneration and conditions))

Page 91, line 21, after ‘Minister’—

insert—

(the *original period*) or within the further period agreed under subsection (6)

52 Clause 65 (Amendment of s 137 (Remuneration and conditions))

Page 91, after line 28—

insert—

(6) The Minister and chair of the parliamentary committee may, before the end of the original period, agree to extend the original period by a further period of not more than 20 business days.

53 Long title

Long title, after ‘the *Crime and Corruption Act 2001*,’—
insert—

the *Evidence Act 1977*,

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