



*I hereby certify that this PUBLIC BILL has finally passed the Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,  
Brisbane,*

*The Clerk of the Parliament*

*19 FEBRUARY 2024*

*In the name and on behalf of the King, I assent to this Bill*

*Charles III*

*Government House,*

*Brisbane,*

*19th February*

*2024.*



Queensland

**No. 3 of 2024**

**A BILL for**

**An Act to amend the Auditor-General Act 2009, the Crime and Corruption Act 2001, the Evidence Act 1977, the Integrity Act 2009, the Ombudsman Act 2001, the Parliament of Queensland Act 2001, the Right to Information Act 2009 and the legislation mentioned in schedule 1 for particular purposes**





## Queensland

# Integrity and Other Legislation Amendment Bill 2024

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# 2024

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## A Bill

for

***An Act to amend the *Auditor-General Act 2009*, the *Crime and Corruption Act 2001*, the *Evidence Act 1977*, the *Integrity Act 2009*, the *Ombudsman Act 2001*, the *Parliament of Queensland Act 2001*, the *Right to Information Act 2009* and the legislation mentioned in schedule 1 for particular purposes***

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[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Integrity and Other Legislation Amendment Act 2024*.

### **2 Commencement**

- (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.

## **Part 2 Amendment of Auditor-General Act 2009**

### **3 Act amended**

This part amends the *Auditor-General Act 2009*.

*Note—*

See also the amendments in schedule 1.

### **4 Amendment of s 9 (Appointment of auditor-general)**

- (1) Section 9(2)(b)—

*omit, insert—*

- (b) the person has been selected for appointment in accordance with a process for selection approved by the parliamentary committee; and

- (c) the Minister has obtained the parliamentary committee's approval for the appointment of the person as the auditor-general.

(2) Section 9—

*insert—*

- (3) For subsection (2)(c), the parliamentary committee—
  - (a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister (the *original period*) or within the further period agreed under subsection (4); and
  - (b) is taken to have approved the appointment of the person as the auditor-general if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.
- (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.

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

- (1) Section 11(2), 'a salary at a rate'—

*omit, insert—*

the remuneration and allowances

- (2) Section 11(3)—

*omit, insert—*

- (3) The auditor-general holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.

- (3) Section 11(4)—

*omit, insert—*

[s 6]

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- (4) The Minister may make a recommendation to the Governor in Council regarding the remuneration, allowances, and terms and conditions of office only with the approval of the parliamentary committee.
  - (4A) For subsection (4), the parliamentary committee—
    - (a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister (the *original period*) or within the further period agreed under subsection (6); and
    - (b) is taken to have approved the remuneration, allowances, and terms and conditions of office stated in the request if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.
  - (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.
- (4) Section 11(4A) to (6)—  
*renumber* as section 11(5) to (8).

## **6 Omission of s 21 (Estimates)**

Section 21—  
*omit.*

## **7 Amendment of s 27 (Secondment of public service employees)**

- (1) Section 27, heading—  
*omit, insert—*

**27 Engagement of public service employees for temporary period**

(2) Section 27(1)—

*omit, insert—*

(1) The auditor-general may engage a public service employee to perform work for or within, or duties in, the audit office for a temporary period under a mobility arrangement under the *Public Sector Act 2022*, section 82.

(3) Section 27(2), ‘seconded’—

*omit, insert—*

engaged

**8 Amendment of s 28 (Restriction on employment or secondment of person)**

(1) Section 28, heading, ‘secondment’—

*omit, insert—*

**engagement**

(2) Section 28, ‘seconded’—

*omit, insert—*

engaged

**9 Amendment of s 29 (Criminal history report)**

Section 29(1) and (5), ‘seconded’—

*omit, insert—*

engaged

**10 Amendment of s 29D (Preservation of rights if public service employee seconded)**

(1) Section 29D, heading, ‘seconded’—

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*omit, insert—*

**engaged**

- (2) Section 29D(1), ‘seconded’—

*omit, insert—*

**engaged**

- (3) Section 29D(2), from ‘the secondment’ to ‘audit office’—

*omit, insert—*

the engagement, the person’s employment as a member of the staff of the audit office under the engagement

- (4) Section 29D(3), ‘secondment’—

*omit, insert—*

**engagement**

## **11 Insertion of new pt 2, div 6**

Part 2—

*insert—*

### **Division 6            Funding proposals**

#### **29E Definitions for division**

In this division—

***additional funding***, for a financial year, means funding from the State for the audit office in addition to the allocated amount for the financial year.

***allocated amount***, for a financial year, means the amount of funding from the State allocated to the audit office for the financial year.

***funding proposal*** means a written request for additional funding for a financial year or 2 or



more financial years.

## **29F Application of division**

This division applies if the auditor-general decides additional funding is needed for a financial year or 2 or more financial years.

## **29G Requirement for, and approval of, funding proposal**

- (1) The auditor-general must—
  - (a) prepare a funding proposal for the additional funding; and
  - (b) give the funding proposal to the parliamentary committee and a copy of the proposal to the Minister.
- (2) Within the period stated in subsection (3), the parliamentary committee must review the auditor-general's funding proposal and give the Minister a report approving 1 of the following—
  - (a) the auditor-general's funding proposal;
  - (b) a funding proposal for a different amount or a different purpose, or both;
  - (c) a proposal that provides for no additional funding for the audit office.
- (3) For subsection (2), the period is—
  - (a) 20 business days after the parliamentary committee receives the auditor-general's funding proposal; or
  - (b) if, in the circumstances, the Treasurer decides the approval of a proposal under subsection (2) is required within a shorter period and has notified the parliamentary committee of the shorter period and the

[s 11]

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reasons for the shorter period—the shorter period.

*Example for paragraph (b)—*

The Treasurer may decide the approval of a proposal under subsection (2) is required within a shorter period so the Minister's response to the proposal can be considered in the preparation of the State budget.

- (4) The parliamentary committee must prepare the report under subsection (2) in consultation with the appropriate officers of Queensland Treasury.
- (5) If the parliamentary committee does not give the Minister a report under subsection (2) within the period stated in subsection (3), the committee is taken to have approved the auditor-general's funding proposal.

## **29H Tabling requirement**

- (1) The Minister must table the following documents in the Legislative Assembly for each proposal approved, or taken to be approved, by the parliamentary committee under this division—
  - (a) the committee's report about the proposal under section 29G(2), if any;
  - (b) a report setting out the Minister's response to the proposal.
- (2) The documents must not be tabled in the Legislative Assembly before the Minister's response to the proposal has been implemented.
- (3) The parliamentary committee's report about the proposal under section 29G(2) must not be tabled in the Legislative Assembly other than as provided under subsections (1) and (2).
- (4) In this section—

***proposal*** means—

- (a) a funding proposal mentioned in section 29G(2)(a) or (b); or
- (b) a proposal mentioned in section 29G(2)(c).

### **29I Parliamentary committee may obtain advice or information**

For preparing a report under section 29G(2), the parliamentary committee may obtain advice or other information from any of the following persons—

- (a) the Treasurer;
- (b) the Minister;
- (c) the auditor-general.

### **29J Confidential information not required to be given**

Nothing in this division requires the auditor-general to include in a funding proposal, or the auditor-general or any other person to give the parliamentary committee, any details that would, if given—

- (a) prejudice a current audit by the auditor-general; or
- (b) disclose information that is privileged or subject to a duty to maintain confidentiality under an Act or other law.

## **12 Insertion of new s 34A**

After section 34—

*insert—*

### **34A Auditor-general must audit particular trusts**

- (1) The auditor-general must audit each trust subject

[s 13]

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to the control of 1 or more public sector entities.

- (2) For subsection (1), a trust is subject to control by 1 or more public sector entities if—
  - (a) the trustee of the trust is a public sector entity or 2 or more public sector entities; and
  - (b) 1 or more public sector entities collectively hold, directly or indirectly, interests in at least 50% of the trust or the assets of the trust.
- (3) An audit of a trust under this section may be conducted as part of an audit of a public sector entity mentioned in subsection (2).

### **13 Amendment of s 37 (Way in which audit is to be conducted)**

Section 37—

*insert—*

- (5) For the audit of a trust conducted under section 34A—
  - (a) the auditor-general must conduct the audit under this division as if the trust were a public sector entity; and
  - (b) for the purposes of the audit, references in this division relating to an entity apply—
    - (i) generally to the trust but, if the context requires, to the trustee of the trust; and
    - (ii) with any other necessary changes.

### **14 Insertion of new s 60A**

After section 60—

*insert—*

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**60A Annual reports on audits of trusts under s 34A**

- (1) The auditor-general must prepare a report to the Legislative Assembly on each audit of a trust conducted under section 34A.
- (2) The report must—
  - (a) set out the results of the audit; and
  - (b) include any other information or recommendations the auditor-general considers appropriate.
- (3) A report to the Legislative Assembly on an audit of a trust under this section may be included in a report to the Legislative Assembly under section 60 on an audit of a public sector entity.

**15 Amendment of s 68 (Conduct of strategic review of audit office)**

- (1) Section 68(1), ‘this part’—

*omit, insert—*

this division
- (2) Section 68(5)—

*omit, insert—*

  - (5) The Minister may make a recommendation to the Governor in Council regarding the appointment of a reviewer or the terms of reference for a strategic review only—
    - (a) with the approval of the parliamentary committee; and
    - (b) after consultation with the auditor-general.
  - (5A) For subsection (5)(a), the parliamentary committee—
    - (a) must decide to give or not give the approval within 20 business days after receiving the

[s 16]

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request for the approval from the Minister;  
and

- (b) is taken to have approved the appointment of a reviewer, or the terms of reference for a strategic review, stated in the request if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.

- (3) Section 68(5A) to (7)—  
*renumber* as section 68(6) to (8).

## **16 Amendment of s 70 (Report of strategic review)**

- (1) Section 70(4), before ‘the Minister’—  
*insert*—  
the parliamentary committee,
- (2) Section 70(5), ‘to them’—  
*omit*.
- (3) Section 70(6)—  
*omit, insert*—
- (6) The chair of the parliamentary committee must table the review report in the Legislative Assembly within 3 sitting days after the committee receives the report.

## **17 Amendment of s 71 (Audit of audit office)**

- (1) Section 71(2) and (3)—  
*renumber* as section 71(4) and (5).
- (2) Section 71—  
*insert*—
- (2) The Minister may make a recommendation to the Governor in Council regarding the appointment

of a person under subsection (1) only with the approval of the parliamentary committee.

- (3) For subsection (2), the parliamentary committee—
- (a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister; and
  - (b) is taken to have approved the appointment of the person stated in the request if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.

## **18 Amendment of s 72 (Conduct of independent audit)**

- (1) Section 72(2)—

*omit, insert—*

- (2) After an audit, the person must give a report about the audit (the ***audit report***) to the parliamentary committee, the Premier, the Treasurer and the auditor-general.

- (2) Section 72(3), ‘person’s’—

*omit, insert—*

audit

## **19 Insertion of new s 72AA**

Before section 72A—

*insert—*

### **72AA Annual report**

- (1) For the application of the *Financial Accountability Act 2009*, section 63 to the audit office, the appropriate Minister is the Minister

[s 20]

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administering this section.

(2) Also—

(a) despite the *Financial Accountability Act 2009*, section 63(1)(b), the annual report for the audit office must be given to the parliamentary committee, the Speaker, the appropriate Minister and the Treasurer in the way and within the time mentioned in that section; and

(b) despite the *Financial Accountability Act 2009*, section 63(2), the chair of the parliamentary committee must table the annual report in the Legislative Assembly within the time mentioned in that section.

(3) This section does not limit any other provision of this Act under which the auditor-general may or must make a report.

## 20 Insertion of new pt 6, div 5

Part 6—

*insert—*

### **Division 5                      Transitional provisions for Integrity and Other Legislation Amendment Act 2024**

#### **97 Definitions for division**

In this division—

***amendment Act*** means the *Integrity and Other Legislation Amendment Act 2024*.

***former***, for a provision of this Act, means the provision as in force from time to time before the



commencement.

*new*, for a provision of this Act, means the provision as in force from the commencement.

## **98 Existing appointments unaffected**

- (1) New sections 9(2) and 11(4) do not apply to the appointment of a person as the auditor-general in effect immediately before the commencement.
- (2) New section 68(5) does not apply to the appointment of a reviewer in effect immediately before the commencement.
- (3) New section 71(2) does not apply to the appointment of a person under section 71(1) in effect immediately before the commencement.

## **99 Existing strategic review**

- (1) This section applies in relation to a strategic review conducted before the commencement if the review report for the review has not been given under former section 70(4).
- (2) Former section 70 continues to apply in relation to the strategic review as if the amendment Act had not been enacted.
- (3) New section 70 does not apply in relation to the strategic review.

## **100 Existing independent audit**

- (1) This section applies in relation to an audit conducted under section 71(1) before the commencement if a report about the audit has not been given under former section 72(2).
- (2) Former section 72 continues to apply in relation to the audit as if the amendment Act had not been enacted.

[s 21]

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- (3) New section 72 does not apply in relation to the audit.

### **101 Matters relating to funding**

- (1) Former section 21 continues to apply in relation to the audit office for the current financial year as if the amendment Act had not been enacted.
- (2) New part 2, division 6 applies in relation to the audit office for the next financial year and each subsequent financial year.
- (3) In this section—

*current financial year* means the financial year in which this section commences.

*next financial year* means the next financial year to start after this section commences.

### **102 Annual report for current financial year**

New section 72AA does not apply in relation to the annual report for the audit office for the financial year in which this section commences.

### **103 Audits of trusts under s 34A**

New section 34A applies in relation to a trust mentioned in the section for the financial year in which this section commences and each subsequent financial year.

## **21 Amendment of schedule (Dictionary)**

Schedule—

*insert—*

*additional funding*, for a financial year, for part 2, division 6, see section 29E.

*allocated amount*, for a financial year, for part 2, division 6, see section 29E.

*annual report* means annual report under the *Financial Accountability Act 2009*.

*funding proposal*, for part 2, division 6, see section 29E.

*Queensland Treasury* means the department in which the *Financial Accountability Act 2009* is administered.

## Part 3                      Amendment of Crime and Corruption Act 2001

### 22      Act amended

This part amends the *Crime and Corruption Act 2001*.

### 23      Amendment of s 259 (Budget and performance)

Section 259(4)—

*insert—*

*Note—*

See division 6A in relation to increasing the commission's budget in a financial year.

### 24      Insertion of new ch 6, pt 1, div 6A

Chapter 6, part 1—

*insert—*

## Division 6A      Funding proposals

### 260A Definitions for division

In this division—

[s 24]

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***additional funding***, for a financial year, means funding from the State for the commission in addition to the allocated amount for the financial year.

***allocated amount***, for a financial year, means the amount of funding from the State allocated to the commission for the financial year.

***funding proposal*** means a written request for additional funding for a financial year or 2 or more financial years.

## **260B Application of division**

This division applies if the chief executive officer decides additional funding is needed for a financial year or 2 or more financial years.

## **260C Requirement for, and approval of, funding proposal**

- (1) The chief executive officer must—
  - (a) prepare a funding proposal for the additional funding; and
  - (b) give the funding proposal to the relevant portfolio committee and a copy of the proposal to the Minister.
- (2) Within the period stated in subsection (3), the relevant portfolio committee must review the chief executive officer's funding proposal and give the Minister a report approving 1 of the following—
  - (a) the chief executive officer's funding proposal;
  - (b) a funding proposal for a different amount or a different purpose, or both;

- (c) a proposal that provides for no additional funding for the commission.
- (3) For subsection (2), the period is—
  - (a) 20 business days after the relevant portfolio committee receives the chief executive officer's funding proposal; or
  - (b) if, in the circumstances, the Treasurer decides the approval of a proposal under subsection (2) is required within a shorter period and has notified the relevant portfolio committee of the shorter period and the reasons for the shorter period—the shorter period.

*Example for paragraph (b)—*

The Treasurer may decide the approval of a proposal under subsection (2) is required within a shorter period so the Minister's response to the proposal can be considered in the preparation of the State budget.

- (4) The relevant portfolio committee must prepare the report under subsection (2) in consultation with the appropriate officers of Queensland Treasury.
- (5) If the relevant portfolio committee does not give the Minister a report under subsection (2) within the period stated in subsection (3), the committee is taken to have approved the chief executive officer's funding proposal.
- (6) In this section—

***Queensland Treasury*** means the department in which the *Financial Accountability Act 2009* is administered.

## **260D Tabling requirement**

- (1) The Minister must table the following documents in the Legislative Assembly for each proposal

[s 24]

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approved, or taken to be approved, by the relevant portfolio committee under this division—

- (a) the committee's report about the proposal under section 260C(2), if any;
  - (b) a report setting out the Minister's response to the proposal.
- (2) The documents must not be tabled in the Legislative Assembly before the Minister's response to the proposal has been implemented.
- (3) The relevant portfolio committee's report about the proposal under section 260C(2) must not be tabled in the Legislative Assembly other than as provided under subsections (1) and (2).
- (4) In this section—

***proposal*** means—

- (a) a funding proposal mentioned in section 260C(2)(a) or (b); or
- (b) a proposal mentioned in section 260C(2)(c).

### **260E Relevant portfolio committee may obtain advice or information**

For preparing a report under section 260C(2), the relevant portfolio committee may obtain advice or other information from any of the following persons—

- (a) the Treasurer;
- (b) the Minister;
- (c) the chief executive officer;
- (d) an officer of the department.

**260F Confidential information not required to be given**

Nothing in this division requires the chief executive officer to include in a funding proposal, or the chief executive officer or any other person to give the relevant portfolio committee, any details that would, if given—

- (a) prejudice a current investigation by the commission; or
- (b) disclose information that is privileged or subject to a duty to maintain confidentiality under an Act or other law.

**25 Insertion of new ch 8, pt 18**

Chapter 8—

*insert—*

**Part 18 Integrity and Other  
Legislation  
Amendment Act 2024**

**457 Matters relating to funding**

- (1) Chapter 6, part 1, division 6A applies in relation to the commission for the next financial year and each subsequent financial year.
- (2) In this section—  
*next financial year* means the next financial year to start after this section commences.

**26 Amendment of sch 2 (Dictionary)**

Schedule 2—

*insert—*

[s 26A]

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***additional funding***, for a financial year, for chapter 6, part 1, division 6A, see section 260A.

***allocated amount***, for a financial year, for chapter 6, part 1, division 6A, see section 260A.

***funding proposal***, for chapter 6, part 1, division 6A, see section 260A.

***relevant portfolio committee*** means the portfolio committee under the *Parliament of Queensland Act 2001* whose portfolio area within the meaning of that Act includes the department, or the part of the department, in which this Act is administered.

## 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 2024**

#### **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.

[s 27]

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(4) In this section—

*amended section 14H* means section 14H as amended by the *Integrity and Other Legislation Amendment Act 2024*.

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

## Part 4                      Amendment of Integrity Act 2009

### 27            Act amended

This part amends the *Integrity Act 2009*.

*Note—*

See also the amendments in schedule 1.

## Division 1                      Amendments commencing by proclamation

### 28            Replacement of long title

Long title—

*omit, insert—*

**An Act to provide for the Queensland Integrity Commissioner and Office of the Queensland Integrity Commissioner, to facilitate the giving of advice to Ministers, chief executives and others on ethics or integrity issues, to ensure Ministers, chief executives and others appropriately manage conflicts of interest, and to regulate particular lobbying activities with government representatives and Opposition representatives including by a code of conduct, a training course and directives**

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**29 Amendment of s 7 (Functions of integrity commissioner)**

Section 7(1)(c)—

*omit, insert—*

- (c) to keep the lobbying register and have responsibility for the registration of lobbyists under chapter 4, and to provide education and training to government representatives, Opposition representatives and registered lobbyists about the operation of chapter 4;

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

- (1) Section 12(1)(e), ‘officer’—

*omit, insert—*

executive

- (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.

**31 Amendment of s 15 (Request for advice)**

- (1) Section 15—

*insert—*

[s 32]

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(2A) However, a designated person under section 12(1)(f) may ask for advice under subsection (1) only if the designated person has given notice of the request to the Minister in whose office the person is employed.

(2) Section 15(2A) to (5)—  
*renumber* as section 15(3) to (6).

### **32 Amendment of s 17 (Request by Minister)**

- (1) Section 17(b), ‘or senior officer’—  
*omit*.
- (2) Section 17(c), ‘officer’—  
*omit, insert—*  
executive

### **33 Amendment of s 20 (Request by chief executive)**

Section 20(2), ‘officer’—  
*omit, insert—*  
executive

### **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

[s 33B]

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).

**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.

**34 Amendment of s 29 (Disclosure to Premier)**

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

*omit, insert—*

or a senior executive equivalent

**35 Amendment of s 30 (Disclosure to Minister)**

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

*omit, insert—*

or a senior executive equivalent

**36 Replacement of ch 4 (Regulation of lobbying activities)**

Chapter 4—

*omit, insert—*

## **Chapter 4 Lobbying activity**

### **Part 1**

### **Preliminary**

## 41 Definitions for chapter

In this chapter—

***approved training course*** means a course approved by the integrity commissioner under section 56.

***communicate*** means communicate by any means, including, for example—

- (a) in writing; and
- (b) by meeting in person; and
- (c) by post, telephone, email, instant messaging or another form of electronic communication.

***councillor*** means a councillor of a local government under the *City of Brisbane Act 2010* or the *Local Government Act 2009*.

***election*** means an election of a member or members of the Legislative Assembly.

***employee***, of an entity, includes a person contracted or otherwise engaged by the entity.

***former Opposition representative*** see section 60.

***former representative*** see section 61.

***former senior government representative*** see section 59.

***government representative*** see section 44.

***listed person***, for an entity, means an officer or employee of the entity—

- (a) who carries out a lobbying activity for the entity; and
- (b) is registered as a lobbyist under part 3 in that capacity.

***lobbying activity*** see section 42.

***lobbying register*** see section 66L(1).

***officer***, of an entity, means a person who—

- (a) holds an office, or position of authority, in the entity; or
- (b) carries out, or has a duty to carry out, the functions of an office of the entity; or
- (c) has a right to participate in the administration or management of the affairs of the entity.

***official dealings***, in relation to a person who is a former representative, means any of the following dealings that the person engaged in as part of the person's ordinary duties on a regular basis—

- (a) government or Opposition business or activities;
- (b) negotiations, briefings, contracts and the making or receipt of representations relating to government or Opposition business or activities.

***Opposition representative*** see section 45.

***public sector officer*** means a person who is an officer or employee of any of the following entities—

- (a) a public sector entity under the *Public Sector Act 2022*, section 8;
- (b) a local government;
- (c) a corporate entity under the *Local Government Act 2009*;
- (d) the parliamentary service;
- (e) a government owned corporation;
- (f) a rail government entity under the *Transport Infrastructure Act 1994*;
- (g) an entity, prescribed by regulation, that is assisted by public funds.

[s 36]

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***recorded particulars***, of a registered lobbyist, means the information relating to the lobbyist given to the integrity commissioner under section 50, 52, 65 or 66 and recorded on the lobbying register.

***registered lobbyist*** means an entity recorded in the lobbying register as a registered lobbyist.

***registered lobbyists code of conduct*** see section 55.

***representative*** means—

- (a) a government representative; or
- (b) an Opposition representative.

***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.

***third party client*** means an entity that engages another entity to provide services constituting, or



including, a lobbying activity for a commission, payment or other reward, whether pecuniary or otherwise, that is agreed to before the other entity provides the services.

## **42 What is a *lobbying activity***

(1) A *lobbying activity* is—

- (a) communicating with a government representative in an effort to influence decision-making of the State government or a local government, including, for example, the making of a decision relating to any of the following matters—
  - (i) the making, amendment or repeal of legislation;
  - (ii) the development, amendment or abandonment of a government policy or program;
  - (iii) the awarding of a government contract or grant;
  - (iv) the allocation of funding;
  - (v) the making of a decision about planning or the giving of a development approval under the *Planning Act 2016*; or
- (b) communicating with an Opposition representative in an effort to influence decision-making of the Opposition, including, for example, the making of a decision relating to any of the following matters—
  - (i) the making, amendment or repeal of legislation;

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- (ii) the development, amendment or abandonment of an Opposition policy or program;
  - (iii) the position or view of the Opposition in relation to a decision of the State government or a local government, including, for example, a matter mentioned in paragraph (a).
- (2) This section is subject to section 43.

### **43 What is not a lobbying activity**

None of the following activities is a lobbying activity—

- (a) communicating with a committee of the Legislative Assembly or a local government;
- (b) communicating with a member of the Legislative Assembly or a councillor in the member's or councillor's capacity as local representative on a constituency matter;
- (c) responding to a call for submissions;
- (d) petitioning or campaigning of a grassroots nature;
- (e) responding to a request for tenders;
- (f) communicating with a representative in a public forum;
- (g) responding to a request by a representative for information;
- (h) communicating with a representative about a non-business or non-commercial matter;
- (i) communicating with a representative in the ordinary course of making an application, or seeking a review or appeal about a decision, under an Act;

- (j) participating in an incidental meeting with a representative beyond the control of the representative;

*Example—*

A Minister or the Leader of the Opposition speaks at a conference and has an unscheduled discussion with a person who is a conference participant.

- (k) communicating with a representative in the ordinary course of providing professional or technical services to a person.

*Example—*

An entity is engaged by a person to provide accounting, architectural, engineering or legal services. The entity communicates with a representative on behalf of the person. The communication is not a lobbying activity if the communication is part of the ordinary course of the entity providing the services to the person.

#### **44 Who is a *government representative***

A *government representative* is any of the following persons—

- (a) the Premier;
- (b) a Minister;
- (c) an Assistant Minister;
- (d) a councillor;
- (e) a ministerial staff member;
- (f) an assistant minister staff member;
- (g) a public sector officer.

#### **45 Who is an *Opposition representative***

An *Opposition representative* is any of the following persons—

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- (a) the Leader of the Opposition;
- (b) the Deputy Leader of the Opposition;
- (c) a staff member in the office of the Leader of the Opposition.

## **Part 2                      Requirement for    registration**

### **46   Lobbying activity by unregistered entity          prohibited**

- (1) An unregistered person must not carry out a lobbying activity for a third party client.

Maximum penalty—200 penalty units.

- (2) For subsection (1), if an individual is disqualified under section 49 from being registered as a lobbyist, or continuing to be registered as a lobbyist, the individual is taken not to be a registered lobbyist even if the individual's name remains on the lobbying register.
- (3) To remove any doubt, it is declared that this section does not apply to an unregistered person who is an entity mentioned in section 47(1).
- (4) In this section—  
***unregistered person*** means an entity that is not a registered lobbyist.

### **47   Particular entities not required to be registered**

- (1) The following entities may carry out a lobbying activity without being a registered lobbyist—
  - (a) a non-profit entity but only if the purpose of the lobbying activity is to represent the interests of the entity;

*Examples—*

- a charity
  - a club
  - a society for environmental protection
- (b) an entity constituted to represent the interests of its members but only if the purpose of the lobbying activity is to represent the interests of its members;

*Examples—*

- an industrial organisation under the *Industrial Relations Act 2016*
  - a professional body, for example, the Queensland Law Society
- (c) a member of a trade delegation visiting Queensland but only if the purpose of the lobbying activity is to represent the interests of the delegation;
- (d) an officer or employee of an entity mentioned in paragraph (a), (b) or (c).
- (2) In this section—

***non-profit entity*** means an entity that—

- (a) is not carried on for profit or gain to its individual members; and
- (b) is, under the entity's constitution, prohibited from making any distribution, whether in money, property or otherwise, to its members.

## Part 3                      Applying for    registration

### 48 Who may apply

- (1) An entity (the ***applicant***) may apply to the

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integrity commissioner for registration as a lobbyist.

- (2) The application may be for registration of—
- (a) the applicant; or
  - (b) the applicant and each officer or employee of the applicant who carries out a lobbying activity for the applicant; or
  - (c) if the applicant is already a registered lobbyist—an officer or employee of the applicant who carries out a lobbying activity for the applicant and who is not a listed person for the applicant.

#### **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 form government after the election.

## **50 Requirements for making application**

- (1) The application must be made in the approved form.
- (2) The approved form may provide for—
  - (a) if the entity for whom registration as a lobbyist is sought is an individual—
    - (i) a statement that the individual is not disqualified from being a registered lobbyist under section 49; and
    - (ii) a written report about the criminal history of the individual; and
  - (b) if the entity for whom registration as a lobbyist is sought is a former representative—a statement about the official dealings engaged in by the former representative in the 2 years immediately before becoming a former representative; and
  - (c) if the applicant has officers or employees—a statement listing the name of each officer or employee of the applicant other than—
    - (i) an officer or employee who is already a registered lobbyist, or for whom registration as a lobbyist is sought by the application; or
    - (ii) an employee whose role within the entity involves only administrative duties; or
    - (iii) an employee whose role within the entity involves work only outside Queensland.
- (3) Information in the application must, if the approved form requires, be verified by a statutory declaration by each entity for whom registration as a lobbyist is sought by the application.



(4) In this section—

***criminal history***, of an individual, means the individual's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions, in relation to the following offences—

- (a) an offence for which the individual has been sentenced to a term of imprisonment of at least 30 months;
- (b) an offence involving fraud or dishonesty for which the individual has been convicted as an adult.

***spent conviction*** means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11 of that Act.

## 51 Deciding application

- (1) The integrity commissioner must, as soon as practicable after the application is made, decide to approve or refuse to approve the application for—
  - (a) if the application is made under section 48(2)(a)—the applicant; or
  - (b) if the application is made under section 48(2)(b) or (c)—the applicant and each officer or employee of the applicant who carries out a lobbying activity for the applicant.
- (2) The integrity commissioner may decide to approve an application for an individual only if the integrity commissioner is satisfied the individual is not disqualified under section 49.

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- (3) The integrity commissioner may decide to refuse to approve an application for an applicant, or an officer or employee of an applicant, on any of the following grounds—
- (a) the application includes a materially false or misleading representation or declaration;
  - (b) the applicant, or the officer or employee of the applicant, has previously failed to comply with—
    - (i) a provision of this chapter; or
    - (ii) the registered lobbyists code of conduct or a directive;
  - (c) the registration of the applicant, or the officer or employee of the applicant, as a lobbyist in another jurisdiction has been cancelled or suspended;
  - (d) another ground the integrity commissioner considers sufficient.

*Example—*

The integrity commissioner may consider it sufficient that, in Queensland or elsewhere, the applicant, or an officer or employee of the applicant, has acted in a way the integrity commissioner considers is inconsistent with general standards of ethical behaviour.

## **52 Inquiry about application**

- (1) Before deciding the application, the integrity commissioner may, by notice given to the applicant, require the applicant to give the integrity commissioner further information or a document the integrity commissioner reasonably requires to decide the application.
- (2) The further information or document must be given—

- (a) within the reasonable period of at least 5 business days stated in the notice; or
  - (b) if the integrity commissioner and the applicant agree in writing to a longer period within which the applicant is to give the information or document—within the longer period.
- (3) The applicant is taken to have withdrawn the application if, within the stated period under subsection (2)(a) or the longer period under subsection (2)(b), the applicant does not comply with the requirement.
- (4) The information or document under subsection (1) must, if the notice requires, be verified by statutory declaration.

### **53 Conditions**

- (1) It is a condition of registration of an entity as a lobbyist that—
- (a) the entity, or each listed person for the entity, undertake an approved training course within a stated period after the registration takes effect; or
  - (b) if the integrity commissioner considers it appropriate—the entity, or each listed person for the entity, undertakes an approved training course at regular intervals of not longer than 12 months.
- (2) Registration of an entity as a lobbyist is also subject to any other condition the integrity commissioner considers appropriate.

### **54 Steps after, and taking effect of, decision**

- (1) As soon as practicable after deciding the application, the integrity commissioner must—

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- (a) give the applicant notice of the integrity commissioner's decision; and
  - (b) if the integrity commissioner approves an application for an entity, update the lobbying register to include the entity as a registered lobbyist.
- (2) If the integrity commissioner approves an application for an entity, the registration of the entity as a lobbyist takes effect on the earlier of the following days—
  - (a) the day stated in the notice;
  - (b) the day the lobbying register is updated under subsection (1)(b).

## **Part 4                      Powers of integrity commissioner**

### **55    Code of conduct**

- (1) The integrity commissioner may, after consultation with the parliamentary committee, approve a code of conduct for registered lobbyists (the *registered lobbyists code of conduct*).
- (2) The integrity commissioner must publish the registered lobbyists code of conduct on the integrity commissioner's website.
- (3) The purpose of the registered lobbyists code of conduct is to provide standards of conduct for registered lobbyists designed to ensure that communication between registered lobbyists and representatives is carried out in accordance with public expectations of transparency and integrity.
- (4) The registered lobbyists code of conduct must include a policy relating to conflicts of interest for registered lobbyists.

- (5) The registered lobbyists code of conduct may impose obligations on registered lobbyists to give the integrity commissioner information about lobbying activities carried out by them.
- (6) Registered lobbyists must comply with the registered lobbyists code of conduct.

## **56 Approved training**

- (1) The integrity commissioner must approve a training course for the purpose of enabling individuals to be registered lobbyists or continue to be registered lobbyists.
- (2) The integrity commissioner must publish a description of the approved training course on the integrity commissioner's website.

## **57 Directives**

- (1) The integrity commissioner may make a directive about any of the following matters—
  - (a) the operation of a provision of this chapter or the registered lobbyists code of conduct, including, for example, a procedural or technical requirement relating to the provision or code;
  - (b) the application of the policy relating to conflicts of interest for registered lobbyists mentioned in section 55(4);
  - (c) any other matter the integrity commissioner considers appropriate.
- (2) Registered lobbyists must comply with a directive made under subsection (1).
- (3) The integrity commissioner must publish each directive made under subsection (1) on the integrity commissioner's website.

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- (4) To remove any doubt, it is declared that, if a directive is inconsistent with an Act or subordinate legislation, the Act or subordinate legislation prevails over the directive to the extent of any inconsistency.

## **Part 5                      Restrictions on particular lobbying activity**

### **Division 1              Dual hatting**

#### **58    Registered lobbyist must not perform substantial role in election campaign of political party**

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

### **Division 2              Former representatives**

#### **59    Who is a *former senior government representative***

*A former senior government representative* is a person who held, but no longer holds, any of the following offices—

- (a) Premier;
- (b) Minister;
- (c) Assistant Minister;
- (d) councillor;

- (e) ministerial staff member;
- (f) assistant minister staff member;
- (g) an office of a public sector officer that is an office of chief executive, senior executive or senior executive equivalent.

## **60 Who is a *former Opposition representative***

A *former Opposition representative* is a person who held, but no longer holds, any of the following offices—

- (a) Leader of the Opposition;
- (b) Deputy Leader of the Opposition;
- (c) staff member in the office of the Leader of the Opposition.

## **61 Who is a *former representative***

A *former representative* means—

- (a) a former senior government representative;  
or
- (b) a former Opposition representative.

## **62 Former representative must not carry out lobbying activity relating to official dealings of previous 2 years**

- (1) This section applies to a person who is a former representative.
- (2) Within 2 years after the person becomes a former representative, the person must not carry out lobbying activity for a third party client if the activity relates to official dealings in which the person engaged in the person's official capacity in the 2 years immediately before the person became a former representative.

## **Part 6                      Obligations of representatives**

### **63 Representative must not knowingly permit lobbying in contravention of s 46**

A representative must not knowingly permit an entity to carry out a lobbying activity with the representative in contravention of section 46.

### **64 Representative must not knowingly permit lobbying in contravention of s 62**

A representative must not knowingly permit a former representative to carry out a lobbying activity with the representative in contravention of section 62.

## **Part 7                      Information disclosure**

### **65 Registered lobbyist must give notice of change in recorded particulars**

- (1) This section applies if there is a change in the recorded particulars of a registered lobbyist.
- (2) The registered lobbyist must give the integrity commissioner a notice stating the details of the change within 10 business days after the registered lobbyist becomes aware of the change.

*Note—*

See also sections 66F(1)(a)(iv), 66H(1)(c)(iv) and 66N(1).

- (3) If the registered lobbyist is a listed person for an entity—



- (a) the obligation under subsection (2) applies to the entity in relation to the entity's registration as a lobbyist; and
- (b) the listed person must ensure the entity is notified of the change.

## **66 Registered lobbyist must give annual return of recorded particulars**

- (1) A registered lobbyist must, within 1 month after the end of each financial year, give the integrity commissioner a notice stating the recorded particulars of the registered lobbyist remain correct.

*Note—*

See also sections 66F(1)(a)(iv) and 66H(1)(c)(iv).

- (2) If the registered lobbyist is a listed person for an entity—
  - (a) the obligation under subsection (1) applies to the entity in relation to the entity's registration as a lobbyist; and
  - (b) the listed person must ensure the entity is notified of any changes in the recorded particulars of the listed person that happen in the financial year.

## **66A Individual who is registered lobbyist must give notice of intention to perform substantial role in election campaign**

- (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.
- (2) The individual must, immediately after forming the intention, give the integrity commissioner a notice stating the individual's intention.

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*Note—*

See also sections 66F(1)(a)(iv), 66H(1)(c)(iv) and 66N(3).

**66B Representative must give integrity commissioner notice if subject to lobbying activity by unregistered person**

- (1) This section applies if a representative becomes aware that an entity that is not a registered lobbyist is seeking to carry out, or has carried out, lobbying activity with the representative.
- (2) The responsible person for the representative must, as soon as practicable after the representative becomes aware, give the name and details of the entity to the integrity commissioner.
- (3) A responsible person for a representative may delegate a function under subsection (2) to an appropriately qualified person.

**66C Representative may give integrity commissioner information about lobbying activity**

- (1) This section applies if an entity carries out, or seeks to carry out, a lobbying activity with a representative.
- (2) The responsible person for the representative may, if the responsible person reasonably believes the information may be relevant to the functions or powers of the integrity commissioner, give the integrity commissioner information relating to the lobbying activity.
- (3) Without limiting subsection (2), the information given under subsection (2) may include personal information about an individual who is carrying out, or seeking to carry out, the lobbying activity.

- (4) A responsible person for a representative may delegate a function under subsection (2) to an appropriately qualified person.

**66D Integrity commissioner may require information from registered lobbyist or another person**

- (1) This section applies if the integrity commissioner suspects—
- (a) a registered lobbyist—
    - (i) may be disqualified from being a registered lobbyist under section 49; or
    - (ii) may have failed to comply with—
      - (A) a condition of the lobbyist's registration; or
      - (B) the registered lobbyists code of conduct or a directive; or
      - (C) part 5; or
      - (D) section 65, 66, 66A or this section; or
  - (b) another person may have information relating to a matter mentioned in paragraph (a).
- (2) The integrity commissioner may, by notice, require the registered lobbyist or other person to give the commissioner information or a document relating to the suspicion.
- (3) The registered lobbyist or other person must, unless the lobbyist or other person has a reasonable excuse, comply with the notice—
- (a) within the reasonable period of at least 15 business days stated in the notice; or

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- (b) if the integrity commissioner and the lobbyist or other person agree in writing to a longer period within which the information or document is to be given—within the longer period.

*Note—*

See also sections 66F(1)(a)(iv) and 66H(1)(c)(iv).

### **66E Verification by statutory declaration**

The integrity commissioner may require information or a document given under this part to be verified by statutory declaration.

## **Part 8 Compliance notices**

### **66F When compliance notice may be given**

- (1) This section applies if the integrity commissioner—
  - (a) suspects a registered lobbyist may have failed to comply with—
    - (i) a condition of the lobbyist's registration; or
    - (ii) the registered lobbyists code of conduct or a directive; or
    - (iii) part 5; or
    - (iv) section 65, 66, 66A or 66D; and
  - (b) believes—
    - (i) a matter relating to the failure is reasonably capable of being rectified; and

- (ii) it is appropriate to give the registered lobbyist an opportunity to rectify the matter.
- (2) The integrity commissioner may give the registered lobbyist a notice (a ***compliance notice***) requiring the lobbyist to rectify the matter, including, for example, by doing an act or refraining from doing an act.

### **66G Requirements for compliance notice**

- (1) The compliance notice must state—
  - (a) that the integrity commissioner suspects the registered lobbyist is failing, or has failed, to comply with—
    - (i) a condition of the lobbyist's registration; or
    - (ii) the registered lobbyists code of conduct or a directive; or
    - (iii) part 5; or
    - (iv) section 65, 66, 66A or 66D; and
  - (b) briefly, how it is suspected the registered lobbyist is failing, or has failed, to comply; and
  - (c) the matter relating to the failure that the integrity commissioner believes is reasonably capable of being rectified; and
  - (d) the reasonable steps the registered lobbyist must take to rectify the matter; and
  - (e) that the registered lobbyist must take the steps within a stated reasonable period; and
  - (f) that failure to comply with the notice may lead to the integrity commissioner taking action under part 9.

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- (2) If the compliance notice requires the registered lobbyist to refrain from doing an act, it also must state either—
  - (a) a period for which the requirement applies; or
  - (b) that the requirement applies until further notice.

## **Part 9                      Sanctions for non-compliance**

### **66H Grounds for taking action**

- (1) The integrity commissioner may take 1 or more of the actions mentioned in subsection (2) in relation to the registration of an entity as a lobbyist if—
  - (a) the registration was obtained because of incorrect or misleading information; or
  - (b) the integrity commissioner believes the entity is disqualified as a registered lobbyist under section 49; or
  - (c) the integrity commissioner believes the entity has failed to comply with—
    - (i) a condition of the registration; or
    - (ii) the registered lobbyists code of conduct or a directive; or
    - (iii) part 5; or
    - (iv) section 65, 66, 66A or 66D; or
  - (d) the integrity commissioner believes the entity has failed to comply, without a reasonable excuse, with a compliance notice; or

- (e) the entity has been charged with an indictable offence; or
- (f) the registration of the entity as a lobbyist in another jurisdiction has been cancelled or suspended; or
- (g) the integrity commissioner believes there is another sufficient ground to take the action.

*Example—*

The integrity commissioner may consider it sufficient that, in Queensland or elsewhere, the entity has acted in a way the integrity commissioner considers is inconsistent with general standards of ethical behaviour.

- (2) The actions are—
  - (a) to impose a condition on, or vary or remove a condition of, the registration; or
  - (b) to suspend the registration for a stated period of not more than 12 months; or
  - (c) to cancel the registration.

## **66I Show cause notice before taking action**

- (1) This section applies if the integrity commissioner is considering taking action under section 66H in relation to an entity.
- (2) The integrity commissioner must first give the entity a notice (a *show cause notice*) stating—
  - (a) that the integrity commissioner intends to take the action; and
  - (b) the proposed action; and
  - (c) the ground for the proposed action; and
  - (d) an outline of the facts and circumstances forming the basis for the ground for the proposed action; and

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- (e) that the entity may, within 14 days after the notice is given, or a longer period agreed to by the integrity commissioner, give the integrity commissioner a written response to the proposed action.
- (3) If the entity is a listed person for an entity, the written response under subsection (2)(e) can be given by either the listed person or the entity.

### **66J Decision in relation to taking action after show cause process**

- (1) After considering any written response received under section 66I(2)(e), the integrity commissioner may decide—
  - (a) to take the proposed action stated in the show cause notice; or
  - (b) to take different action under section 66H(2) the integrity commissioner considers appropriate; or

#### *Example—*

The proposed action stated in the show cause notice was to cancel the entity's registration as a lobbyist. After considering the written response to the show cause notice, the integrity commissioner may decide to suspend the entity's registration for a stated period of not more than 12 months instead of cancelling the registration.

- (c) to issue a warning to the entity instead of taking any action under section 66H(2); or
  - (d) not to take any action under section 66H(2).
- (2) The integrity commissioner must give notice of the decision to the entity.
- (3) The decision takes effect at the end of 10 days after the date of the decision or, if the notice states a later day of effect, on the later day.



- (4) If the entity is a listed person for an entity, the notice given under subsection (2) must be given to the listed person and the entity.

### **66K Extension of suspension of registration**

- (1) This section applies if—
- (a) under section 66H, the integrity commissioner suspends the registration of an entity as a lobbyist for a stated period (the *initial suspension period*); and
  - (b) after the initial suspension period starts, the integrity commissioner decides that the facts and circumstances forming the basis for the ground for suspending the registration warrant the suspension of the registration for a further period.
- (2) The integrity commissioner may extend the period of the suspension for a further stated period.
- (3) The total period of suspension must not be more than 12 months.
- (4) The integrity commissioner must give the entity notice of the further period of suspension before the initial suspension period ends.
- (5) If the entity is a listed person for an entity, the notice given under subsection (4) must be given to the listed person and the entity.

## **Part 10 Register**

### **66L Lobbying register**

- (1) The integrity commissioner must keep a register of registered lobbyists (the *lobbying register*).

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(2) The lobbying register—

- (a) may be kept in the way the integrity commissioner considers appropriate, including, for example, in an electronic form; and
- (b) must be published on the integrity commissioner's website.

**66M Particulars to be recorded in lobbying register**

The lobbying register must contain the following particulars for each registered lobbyist—

- (a) the name of the registered lobbyist;
- (b) if the registered lobbyist trades as a business—
  - (i) the business or trading name of the business; and
  - (ii) the ABN for the business;
- (c) if the registered lobbyist is an entity for which listed persons carry out a lobbying activity—the name of each listed person for the entity;
- (d) if the registered lobbyist is a listed person for an entity—the lobbyist's role in the entity;
- (e) if the registered lobbyist is a former representative—
  - (i) the date on which the lobbyist became a former representative; and
  - (ii) details of the official dealings in which the registered lobbyist engaged in the person's official capacity in the 2 years immediately before becoming a former representative;

- (f) if the registered lobbyist has officers or employees—the name of each officer or employee of the registered lobbyist other than—
  - (i) an officer or employee who is a registered lobbyist; or
  - (ii) an employee whose role within the entity involves only administrative duties; or
  - (iii) an employee whose role within the entity involves work only outside Queensland;
- (g) the name and contact details of each entity with whom the registered lobbyist has a contract or other agreement under which the registered lobbyist is required or permitted to provide a lobbying activity;
- (h) the name and contact details of each entity for whom the registered lobbyist has carried out a lobbying activity in the 12 months immediately before—
  - (i) the application for the lobbyist's registration was made; or
  - (ii) the lobbyist gave the integrity commissioner information under section 65 or 66;
- (i) if the registration of the registered lobbyist has been suspended under part 9—the grounds for the suspension and the period of the suspension;
- (j) any other particulars prescribed by regulation.

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## **66N Updating lobbying register**

- (1) If the integrity commissioner receives a notice under section 65 relating to a change in the recorded particulars of a registered lobbyist, the integrity commissioner must update the lobbying register to reflect the change as soon as practicable after receiving the notice.
- (2) If the integrity commissioner becomes aware that a registered lobbyist is disqualified under section 49 from being a registered lobbyist, or continuing to be a registered lobbyist, the integrity commissioner must immediately remove from the lobbying register the individual's name as a registered lobbyist.
- (3) If the integrity commissioner receives a notice under section 66A that an individual who is a registered lobbyist intends to perform a substantial role in an election campaign, the integrity commissioner must immediately remove from the lobbying register the individual's name as a registered lobbyist.
- (4) If the integrity commissioner cancels or suspends an entity's registration as a lobbyist under part 9, the integrity commissioner must immediately update the lobbying register to reflect the cancellation or suspension.

## **Part 11                      Other offences**

### **66O Particular conduct of unregistered person prohibited**

A person who is not a registered lobbyist must not—

- (a) carry on, or purport to carry on, a business of providing services constituting, or

including, a lobbying activity for another person; or

- (b) hold out that the person is a registered lobbyist; or
- (c) take or use a title, name or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate the person is a registered lobbyist.

Maximum penalty—200 penalty units.

### **66P Success fee prohibited**

- (1) A person must not give, or agree to give, to another person (a *lobbyist*), or a related person of the lobbyist, a success fee in relation to a lobbying activity carried out by or for the lobbyist.

Maximum penalty—200 penalty units.

- (2) A person (a *lobbyist*), or a related person of the lobbyist, must not receive, or agree to receive, from another person a success fee in relation to a lobbying activity carried out by or for the lobbyist.

Maximum penalty—200 penalty units.

- (3) If a conviction is obtained against a person under subsection (1) or (2), the success fee is forfeited to the State.
- (4) If the conviction of a person under subsection (1) or (2) is quashed, a success fee forfeited to the State must be returned to the person.
- (5) In this section—

*conviction* includes a plea of guilty or a finding of guilt by a court even if a conviction is not recorded.

*related person*, of a lobbyist, is a related person of

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the lobbyist within the meaning of the *Duties Act 2001*, section 61(1).

*success fee*, in relation to a lobbying activity, means an amount of money or other reward the giving or receiving of all or part of which is contingent on the outcome of a lobbying activity.

## Part 12                      Miscellaneous

### **66Q Act not to require or limit particular communication**

To remove any doubt, it is declared that nothing in this chapter—

- (a) requires a representative to communicate with a particular entity carrying out a lobbying activity, or entities carrying out lobbying activities in general; or
- (b) limits an entity from communicating with a representative if the representative is required under a law to take account of information communicated by the entity.

### **37                      Amendment of s 74 (Procedure before appointment)**

(1) Section 74(1)(b)—

*omit, insert—*

- (b) the person has been selected for appointment in accordance with a process for selection approved by the parliamentary committee; and
- (c) the Minister has obtained the parliamentary committee's approval for the appointment of the person as the integrity commissioner.

(2) Section 74—

*insert—*

(2A) For subsection (1)(c), the parliamentary committee—

- (a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister (the *original period*) or within the further period agreed under subsection (4); and
- (b) is taken to have approved the appointment of the person as the integrity commissioner if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.

(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.

(3) Section 74(3), ‘and (b)(i)’—

*omit, insert—*

and (b)

(4) Section 74(2A) to (3)—

*renumber* as section 74(3) to (5).

### **38 Amendment of s 76 (Remuneration and conditions)**

Section 76—

*insert—*

- (4) The Minister may make a recommendation to the Governor in Council regarding the remuneration, allowances, and terms and conditions of office only with the approval of the parliamentary committee.
- (5) For subsection (4), the parliamentary committee—

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- (a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister (the *original period*) or within the further period agreed under subsection (6); and
  - (b) is taken to have approved the remuneration, allowances, and terms and conditions of office stated in the request if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.
- (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.

**39 Amendment and relocation of s 85 (Annual reports of integrity commissioner)**

- (1) Section 85, heading—

*omit, insert—*

**85 Report about performance of functions**

- (2) Section 85(4)—

*omit, insert—*

- (4) The chair of the parliamentary committee must table the report in the Legislative Assembly within 3 sitting days after the committee receives the report.

- (3) Section 85—

*relocate* to chapter 5, part 5, as inserted by this Act and *renumber* as section 85K.

**40 Insertion of new s 85BA**

Before section 85C—



*insert—*

### **85BA Integrity office is a statutory body**

- (1) The integrity office is a statutory body for the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the integrity office's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

## **41 Insertion of new ch 5, pts 4 and 5**

Chapter 5—

*insert—*

## **Part 4 Funding proposals**

### **85E Definitions for part**

In this part—

***additional funding***, for a financial year, means funding from the State for the integrity office in addition to the allocated amount for the financial year.

***allocated amount***, for a financial year, means the amount of funding from the State allocated to the integrity office for the financial year.

***funding proposal*** means a written request for additional funding for a financial year or 2 or more financial years.

### **85F Application of part**

This part applies if the integrity commissioner

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decides additional funding is needed for a financial year or 2 or more financial years.

### **85G Requirement for, and approval of, funding proposal**

- (1) The integrity commissioner must—
  - (a) prepare a funding proposal for the additional funding; and
  - (b) give the funding proposal to the parliamentary committee and a copy of the proposal to the Minister.
- (2) Within the period stated in subsection (3), the parliamentary committee must review the integrity commissioner's funding proposal and give the Minister a report approving 1 of the following—
  - (a) the integrity commissioner's funding proposal;
  - (b) a funding proposal for a different amount or a different purpose, or both;
  - (c) a proposal that provides for no additional funding for the integrity office.
- (3) For subsection (2), the period is—
  - (a) 20 business days after the parliamentary committee receives the integrity commissioner's funding proposal; or
  - (b) if, in the circumstances, the Treasurer decides the approval of a proposal under subsection (2) is required within a shorter period and has notified the parliamentary committee of the shorter period and the reasons for the shorter period—the shorter period.

*Example for paragraph (b)—*

The Treasurer may decide the approval of a proposal under subsection (2) is required within a shorter period so the Minister's response to the proposal can be considered in the preparation of the State budget.

- (4) The parliamentary committee must prepare the report under subsection (2) in consultation with the appropriate officers of Queensland Treasury.
- (5) If the parliamentary committee does not give the Minister a report under subsection (2) within the period stated in subsection (3), the committee is taken to have approved the integrity commissioner's funding proposal.
- (6) In this section—

***Queensland Treasury*** means the department in which the *Financial Accountability Act 2009* is administered.

## **85H Tabling requirement**

- (1) The Minister must table the following documents in the Legislative Assembly for each proposal approved, or taken to be approved, by the parliamentary committee under this part—
  - (a) the committee's report about the proposal under section 85G(2), if any;
  - (b) a report setting out the Minister's response to the proposal.
- (2) The documents must not be tabled in the Legislative Assembly before the Minister's response to the proposal has been implemented.
- (3) The parliamentary committee's report about the proposal under section 85G(2) must not be tabled in the Legislative Assembly other than as provided under subsections (1) and (2).

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(4) In this section—

*proposal* means—

- (a) a funding proposal mentioned in section 85G(2)(a) or (b); or
- (b) a proposal mentioned in section 85G(2)(c).

### **85I Parliamentary committee may obtain advice or information**

For preparing a report under section 85G(2), the parliamentary committee may obtain advice or other information from any of the following persons—

- (a) the Treasurer;
- (b) the Minister;
- (c) the integrity commissioner;
- (d) an officer of the department.

### **85J Confidential information not required to be given**

Nothing in this part requires the integrity commissioner to include in a funding proposal, or the integrity commissioner or any other person to give the parliamentary committee, any details that would, if given—

- (a) prejudice a current ethics or integrity issue being considered by the integrity commissioner; or
- (b) disclose information that is privileged or subject to a duty to maintain confidentiality under an Act or other law.

## **Part 5 Reporting**

## **85L Annual report**

- (1) For the application of the *Financial Accountability Act 2009*, section 63 to the integrity office, the appropriate Minister is the Minister administering this section.
- (2) Also—
  - (a) despite the *Financial Accountability Act 2009*, section 63(1)(b), the annual report for the integrity office must be given to the parliamentary committee, the Speaker, the appropriate Minister and the Treasurer in the way and within the time mentioned in that section; and
  - (b) despite the *Financial Accountability Act 2009*, section 63(2), the chair of the parliamentary committee must table the annual report in the Legislative Assembly within the time mentioned in that section.
- (3) This section does not limit any other provision of this Act under which the integrity commissioner may or must make a report.

## **42 Amendment of s 86 (Conduct of reviews)**

- (1) Section 86(6)—

*omit, insert—*

- (6) The Minister may make a recommendation to the Governor in Council regarding the appointment of a reviewer or the terms of reference for a strategic review only—
  - (a) with the approval of the parliamentary committee; and
  - (b) after consultation with the integrity commissioner.
- (6A) For subsection (6)(a), the parliamentary

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committee—

- (a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister; and
- (b) is taken to have approved the appointment of a reviewer, or the terms of reference for a strategic review, stated in the request if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.

- (2) Section 86(6A) to (8)—

*renumber* as section 86(7) to (9).

#### **43 Amendment of s 88 (Report of strategic review)**

- (1) Section 88(4), before ‘the Minister’—

*insert—*

the parliamentary committee,

- (2) Section 88(6)—

*omit, insert—*

- (6) The chair of the parliamentary committee must table the review report in the Legislative Assembly within 3 sitting days after the committee receives the report.

#### **44 Amendment of s 89 (Functions of parliamentary committee)**

- (1) Section 89(c), from ‘tabled’ to ‘this Act’—

*omit, insert—*

for the integrity office tabled in the Legislative Assembly under the *Financial Accountability Act 2009*

- (2) Section 89(d), ‘strategic review’—  
*omit.*

**45 Replacement of ch 8, div 5**

Chapter 8, division 5—  
*omit, insert—*

**Division 5 Transitional provisions for  
Integrity and Other  
Legislation Amendment  
Act 2024**

**104 Definitions for division**

In this division—

*amendment Act* means the *Integrity and Other  
Legislation Amendment Act 2024*.

*former*, for a provision of this Act, means the  
provision as in force from time to time before the  
commencement.

*new*, for a provision of this Act, means the  
provision as in force from the commencement.

**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

[s 45]

---

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).

### **105 Existing appointments unaffected**

- (1) New sections 74(1) and 76(4) do not apply in relation to the appointment of a person as the integrity commissioner in effect immediately before the commencement.
- (2) New section 86(6) does not apply in relation to the appointment of a reviewer in effect immediately before the commencement.

### **106 Existing strategic review**

- (1) This section applies in relation to a strategic review conducted before the commencement if the review report for the review has not been given under former section 88(4).
- (2) Former section 88 continues to apply in relation to the strategic review as if the amendment Act had not been enacted.
- (3) New section 88 does not apply in relation to the strategic review.

### **107 Funding proposals**

- (1) New chapter 5, part 4 applies in relation to the integrity office for the next financial year and each subsequent financial year.
- (2) In this section—

*next financial year* means the next financial year



to start after this section commences.

### **108 Reports for current financial year**

- (1) Former section 85 continues to apply in relation to the financial year in which this section commences as if the amendment Act had not been enacted.
- (2) New sections 85K and 85L do not apply in relation to the financial year in which this section commences.

### **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*

### **46 Amendment of sch 2 (Dictionary)**

- (1) Schedule 2, definitions *accepted representations, contact, councillor, former Opposition representative, former senior government representative, government representative, listed person, lobbying activity, lobbyist, lobbyists code of conduct, lobbyists register, Opposition representative, proposed listed person, public sector entity, public sector officer, registrant, senior officer, senior officer equivalent, show cause notice, show cause period* and *third party client*—

*omit.*

- (2) Schedule 2—

*insert—*

***additional funding***, for a financial year, for chapter 5, part 4, see section 85E.

***allocated amount***, for a financial year, for chapter 5, part 4, see section 85E.

***annual report*** means annual report under the *Financial Accountability Act 2009*.

***approved training course***, for chapter 4, see section 41.

***communicate***, for chapter 4, see section 41.

***councillor*** see section 41.

***directive***, for chapter 4, means a directive made under section 57.

***election***, for chapter 4, see section 41.

***employee***, of an entity, for chapter 4, see section 41.

***former Opposition representative***, for chapter 4, see section 60.

***former representative***, for chapter 4, see section 61.

***former senior government representative***, for chapter 4, see section 59.

***funding proposal***, for chapter 5, part 4, see section 85E.

***government representative*** see section 44.

***listed person***, for an entity, for chapter 4, see section 41.

***lobbying activity*** see section 42.

***lobbying register*** see section 66L(1).

***officer***, of an entity, for chapter 4, see section 41.

***official dealings***, for chapter 4, see section 41.

***Opposition representative*** see section 45.

***parliamentary service*** means the parliamentary service established under the *Parliamentary Service Act 1988*.

***public sector entity*** see the *Public Sector Act*

2022, section 8.

*public sector officer* see section 41.

*recorded particulars*, of a registered lobbyist, for chapter 4, see section 41.

*registered lobbyist* see section 41.

*registered lobbyists code of conduct*, for chapter 4, see section 55.

*representative*, for chapter 4, see section 41.

*senior executive equivalent* means an employee, other than a chief executive, whose remuneration is equal to or greater than the remuneration payable to a senior executive.

*substantial role*, in the election campaign of a political party, for chapter 4, see section 41.

*third party client*, for chapter 4, see section 41.

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

*omit, insert—*

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

## 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

[s 46B]

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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.

[s 46C]

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**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 2024**

**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

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- (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.

## **Part 5                      Amendment of Ombudsman Act 2001**

### **47            Act amended**

This part amends the *Ombudsman Act 2001*.

### **48            Amendment of s 8 (Meaning of *agency*)**

Section 8—

*insert—*

*Note—*

See also section 12A in relation to entities that are taken to be an agency for the exercise of the ombudsman's functions under that section.

### **49            Insertion of new s 12A**

After section 12—

*insert—*



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**12A Ombudsman's functions for administrative action taken by entity that is not an agency**

- (1) This section applies in relation to an entity—
  - (a) that is not an agency; and
  - (b) that takes administrative action of an agency as mentioned in section 10(c).
- (2) The functions of the ombudsman include—
  - (a) to investigate administrative action taken by the entity for, or in the performance of functions conferred on, the agency—
    - (i) on reference from the Assembly or a statutory committee of the Assembly; or
    - (ii) on complaint; or
    - (iii) on the ombudsman's own initiative; and
  - (b) to consider the administrative practices and procedures of the entity and make recommendations to the entity—
    - (i) about appropriate ways of addressing the effects of inappropriate administrative actions; or
    - (ii) for the improvement of the administrative practices and procedures; and
  - (c) to provide advice, training, information or other help to the entity about ways of improving the quality of the entity's administrative practices and procedures.
- (3) However, the functions of the ombudsman apply only in relation to the entity's decision-making, practices and procedures that relate to taking administrative action for, or in the performance of functions conferred on, the agency.

[s 50]

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- (4) For applying this Act in relation to the functions of the ombudsman under this section—
  - (a) the entity is taken to be an agency; and
  - (b) this Act applies in the same way it applies in relation to the ombudsman performing functions under section 12, subject to necessary changes to give effect to the limitation under subsection (3).

## **50 Amendment of s 59 (Procedure before appointment)**

- (1) Section 59(1)(b)—

*omit, insert—*

- (b) the person has been selected for appointment in accordance with a process for selection approved by the parliamentary committee; and
- (c) the Minister has obtained the parliamentary committee's approval for the appointment of the person as the ombudsman and the inspector of detention services.

- (2) Section 59—

*insert—*

- (1A) For subsection (1)(c), the parliamentary committee—
  - (a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister (the *original period*) or within the further period agreed under subsection (3); and
  - (b) is taken to have approved the appointment of the person as the ombudsman and the inspector of detention services if the committee does not notify the Minister of its

decision under paragraph (a) within the period stated in that paragraph.

- (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.

- (3) Section 59(2), ‘and (b)(i)’—

*omit, insert—*

and (b)

- (4) Section 59(1A) to (2)—

*renumber* as section 59(2) to (4).

## 51 **Amendment of s 62 (Remuneration and conditions)**

Section 62—

*insert—*

- (4) The ombudsman holds office, as the ombudsman and the inspector of detention services, on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.
- (5) The Minister may make a recommendation to the Governor in Council regarding the remuneration, allowances, and terms and conditions of office only with the approval of the parliamentary committee.
- (6) For subsection (5), the parliamentary committee—
- (a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister (the *original period*) or within the further period agreed under subsection (7); and
- (b) is taken to have approved the remuneration, allowances, and terms and conditions of

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office stated in the request if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.

- (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.

## **52 Amendment of s 83 (Strategic review of ombudsman office)**

- (1) Section 83(7)—

*omit, insert—*

- (7) The Minister may make a recommendation to the Governor in Council regarding the appointment of a reviewer or the terms of reference for a strategic review only—

- (a) with the approval of the parliamentary committee; and
- (b) after consultation with the ombudsman.

- (7A) For subsection (7)(a), the parliamentary committee—

- (a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister; and
- (b) is taken to have approved the appointment of a reviewer, or the terms of reference for a strategic review, stated in the request if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.

- (2) Section 83(7A) to (9)—

*renumber* as section 83(8) to (10).

---

**53 Amendment of s 85 (Report of strategic review)**

- (1) Section 85(4), before ‘the Minister’—

*insert—*

the parliamentary committee,

- (2) Section 85(6)—

*omit, insert—*

- (6) The chair of the parliamentary committee must table the review report in the Assembly within 3 sitting days after the committee receives the report.

**54 Insertion of new pt 8, div 4A**

Part 8—

*insert—*

**Division 4A Funding proposals**

**85A Definitions for division**

In this division—

***additional funding***, for a financial year, means funding from the State for the ombudsman office in addition to the allocated amount for the financial year.

***allocated amount***, for a financial year, means the amount of funding from the State allocated to the ombudsman office for the financial year.

***funding proposal*** means a written request for additional funding for a financial year or 2 or more financial years.

**85B Application of division**

This division applies if the ombudsman decides

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additional funding is needed for a financial year or 2 or more financial years.

### **85C Requirement for, and approval of, funding proposal**

- (1) The ombudsman must—
  - (a) prepare a funding proposal for the additional funding; and
  - (b) give the funding proposal to the parliamentary committee and a copy of the proposal to the Minister.
- (2) Within the period stated in subsection (3), the parliamentary committee must review the ombudsman's funding proposal and give the Minister a report approving 1 of the following—
  - (a) the ombudsman's funding proposal;
  - (b) a funding proposal for a different amount or a different purpose, or both;
  - (c) a proposal that provides for no additional funding for the ombudsman office.
- (3) For subsection (2), the period is—
  - (a) 20 business days after the parliamentary committee receives the ombudsman's funding proposal; or
  - (b) if, in the circumstances, the Treasurer decides the approval of a proposal under subsection (2) is required within a shorter period and has notified the parliamentary committee of the shorter period and the reasons for the shorter period—the shorter period.

*Example for paragraph (b)—*

The Treasurer may decide the approval of a proposal under subsection (2) is required within a

shorter period so the Minister's response to the proposal can be considered in the preparation of the State budget.

- (4) The parliamentary committee must prepare the report under subsection (2) in consultation with the appropriate officers of Queensland Treasury.
- (5) If the parliamentary committee does not give the Minister a report under subsection (2) within the period stated in subsection (3), the committee is taken to have approved the ombudsman's funding proposal.
- (6) In this section—

*Queensland Treasury* means the department in which the *Financial Accountability Act 2009* is administered.

### **85D Tabling requirement**

- (1) The Minister must table the following documents in the Assembly for each proposal approved, or taken to be approved, by the parliamentary committee under this division—
  - (a) the committee's report about the proposal under section 85C(2), if any;
  - (b) a report setting out the Minister's response to the proposal.
- (2) The documents must not be tabled in the Assembly before the Minister's response to the proposal has been implemented.
- (3) The parliamentary committee's report about the proposal under section 85C(2) must not be tabled in the Assembly other than as provided under subsections (1) and (2).
- (4) In this section—

*proposal* means—

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- (a) a funding proposal mentioned in section 85C(2)(a) or (b); or
- (b) a proposal mentioned in section 85C(2)(c).

### **85E Parliamentary committee may obtain advice or information**

For preparing a report under section 85C(2), the parliamentary committee may obtain advice or other information from any of the following persons—

- (a) the Treasurer;
- (b) the Minister;
- (c) the ombudsman;
- (d) an officer of the department.

### **85F Confidential information not required to be given**

Nothing in this division requires the ombudsman to include in a funding proposal, or the ombudsman or any other person to give the parliamentary committee, any details that would, if given—

- (a) prejudice a current investigation by the ombudsman; or
- (b) disclose information that is privileged or subject to a duty to maintain confidentiality under an Act or other law.

## **55 Amendment of s 87 (Annual report)**

- (1) Section 87(1), from ‘office’ to ‘being’—

*omit, insert—*

ombudsman office, the appropriate Minister is the



Minister

(2) Section 87(2) and (3)—

*omit, insert—*

(2) Also—

- (a) despite the *Financial Accountability Act 2009*, section 63(1)(b), the annual report for the ombudsman office must be given to the parliamentary committee, the Speaker, the appropriate Minister and the Treasurer in the way and within the time mentioned in that section; and
  - (b) despite the *Financial Accountability Act 2009*, section 63(2), the chair of the parliamentary committee must table the annual report in the Assembly within the time mentioned in that section.
- (3) This section does not limit any other provision of this Act under which the ombudsman may or must make a report.

**56 Omission of s 88 (Estimates)**

Section 88—

*omit.*

**57 Amendment of s 89 (Functions)**

(1) Section 89—

*insert—*

- (ca) to examine each annual report for the ombudsman office tabled in the Assembly under the *Financial Accountability Act 2009* and, if appropriate, to comment on any aspect of the report;

(2) Section 89(d), ‘annual’—

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---

*omit.*

- (3) Section 89(ca) to (f)—  
*renumber* as section 89(d) to (g).

## **58 Insertion of new pt 12, div 7**

Part 12—

*insert—*

### **Division 7                      Transitional provisions for Integrity and Other Legislation Amendment Act 2024**

#### **114 Definitions for division**

In this division—

*amendment Act* means the *Integrity and Other Legislation Amendment Act 2024*.

*former*, for a provision of this Act, means the provision as in force from time to time before the commencement.

*new*, for a provision of this Act, means the provision as in force from the commencement.

#### **115 Investigation etc. of particular entities**

The functions of the ombudsman stated in new section 12A apply in relation to administrative action of an agency taken, by an entity that is not an agency as mentioned in section 10(c), after the commencement.

#### **116 Existing appointments unaffected**

- (1) New sections 59(1) and 62(5) do not apply in

relation to the appointment of a person as the ombudsman and the inspector of detention services in effect immediately before the commencement.

- (2) New section 83(7) does not apply in relation to the appointment of a reviewer in effect immediately before the commencement.

### **117 Existing strategic review**

- (1) This section applies in relation to a strategic review conducted before the commencement if the review report for the review has not been given under former section 85(4).
- (2) Former section 85 continues to apply in relation to the strategic review as if the amendment Act had not been enacted.
- (3) New section 85 does not apply in relation to the strategic review.

### **118 Matters relating to funding**

- (1) Former section 88 continues to apply in relation to the ombudsman office for the current financial year as if the amendment Act had not been enacted.
- (2) New part 8, division 4A applies in relation to the ombudsman office for the next financial year and each subsequent financial year.
- (3) In this section—

***current financial year*** means the financial year in which this section commences.

***next financial year*** means the next financial year to start after this section commences.

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### **119 Annual report for current financial year**

- (1) New section 87(2) does not apply in relation to the annual report for the ombudsman office for the financial year in which this section commences.
- (2) Former section 87(2) continues to apply in relation to the annual report for the ombudsman office for the financial year as if the amendment Act had not been enacted.

## **59 Amendment of sch 3 (Dictionary)**

- (1) Schedule 3—

*insert—*

***additional funding***, for a financial year, for part 8, division 4A, see section 85A.

***allocated amount***, for a financial year, for part 8, division 4A, see section 85A.

***annual report*** means annual report under the *Financial Accountability Act 2009*.

***funding proposal***, for part 8, division 4A, see section 85A.

- (2) Schedule 3, definition *ombudsman office*, ‘, for part 8, division 1,’—

*omit.*

## **Part 6 Amendment of Parliament of Queensland Act 2001**

### **60 Act amended**

This part amends the *Parliament of Queensland Act 2001*.

**61 Amendment of s 92 (Role generally)**

Section 92(3)(b)—

*omit, insert—*

- (b) reporting on the matter, and making recommendations about the matter—
  - (i) to the Assembly; or
  - (ii) for a matter referred to the committee under another Act—as provided under that Act.

## **Part 7 Amendment of Right to Information Act 2009**

**62 Act amended**

This part amends the *Right to Information Act 2009*.

**63 Omission of s 133 (Budget and performance)**

Section 133—

*omit.*

**64 Amendment of s 135 (Procedure before appointment)**

(1) Section 135(1)(b)—

*omit, insert—*

- (b) the person has been selected for appointment in accordance with a process for selection approved by the parliamentary committee; and
- (c) the Minister has obtained the parliamentary committee's approval for the appointment of the person as the information commissioner.

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(2) Section 135—

*insert—*

(1A) For subsection (1)(c), the parliamentary committee—

- (a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister (the *original period*) or within the further period agreed under subsection (3); and
- (b) is taken to have approved the appointment of the person as the information commissioner if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.

(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.

(3) Section 135(2), ‘and (b)(i)’—

*omit, insert—*

and (b)

(4) Section 135(1A) to (2)—

*renumber* as section 135(2) to (4).

## **65 Amendment of s 137 (Remuneration and conditions)**

Section 137—

*insert—*

- (4) The Minister may make a recommendation to the Governor in Council regarding the remuneration, allowances, and terms and conditions of office only with the approval of the parliamentary committee.

- 
- (5) For subsection (4), the parliamentary committee—
- (a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister (the *original period*) or within the further period agreed under subsection (6); and
  - (b) is taken to have approved the remuneration, allowances, and terms and conditions of office stated in the request if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.
- (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.

## 66 Insertion of new ch 4, pt 7

Chapter 4—

*insert—*

### **Part 7                      Other provisions**

#### **Division 1              Funding proposals**

##### **168A Definitions for division**

In this division—

*additional funding*, for a financial year, means funding from the State for the OIC in addition to the allocated amount for the financial year.

*allocated amount*, for a financial year, means the amount of funding from the State allocated to the OIC for the financial year.

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***funding proposal*** means a written request for additional funding for a financial year or 2 or more financial years.

### **168B Application of division**

This division applies if the information commissioner decides additional funding is needed for a financial year or 2 or more financial years.

### **168C Requirement for, and approval of, funding proposal**

- (1) The information commissioner must—
  - (a) prepare a funding proposal for the additional funding; and
  - (b) give the funding proposal to the parliamentary committee and a copy of the proposal to the Minister.
- (2) Within the period stated in subsection (3), the parliamentary committee must review the information commissioner's funding proposal and give the Minister a report approving 1 of the following—
  - (a) the information commissioner's funding proposal;
  - (b) a funding proposal for a different amount or a different purpose, or both;
  - (c) a proposal that provides for no additional funding for the OIC.
- (3) For subsection (2), the period is—
  - (a) 20 business days after the parliamentary committee receives the information commissioner's funding proposal; or



- (b) if, in the circumstances, the Treasurer decides the approval of a proposal under subsection (2) is required within a shorter period and has notified the parliamentary committee of the shorter period and the reasons for the shorter period—the shorter period.

*Example for paragraph (b)—*

The Treasurer may decide the approval of a proposal under subsection (2) is required within a shorter period so the Minister's response to the proposal can be considered in the preparation of the State budget.

- (4) The parliamentary committee must prepare the report under subsection (2) in consultation with the appropriate officers of Queensland Treasury.
- (5) If the parliamentary committee does not give the Minister a report under subsection (2) within the period stated in subsection (3), the committee is taken to have approved the information commissioner's funding proposal.
- (6) In this section—

***Queensland Treasury*** means the department in which the *Financial Accountability Act 2009* is administered.

### **168D Tabling requirement**

- (1) The Minister must table the following documents in the Assembly for each proposal approved, or taken to be approved, by the parliamentary committee under this division—
- (a) the committee's report about the proposal under section 168C(2), if any;
- (b) a report setting out the Minister's response to the proposal.
- (2) The documents must not be tabled in the

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Assembly before the Minister's response to the proposal has been implemented.

- (3) The parliamentary committee's report about the proposal under section 168C(2) must not be tabled in the Assembly other than as provided under subsections (1) and (2).

- (4) In this section—

*proposal* means—

- (a) a funding proposal mentioned in section 168C(2)(a) or (b); or  
(b) a proposal mentioned in section 168C(2)(c).

#### **168E Parliamentary committee may obtain advice or information**

For preparing a report under section 168C(2), the parliamentary committee may obtain advice or other information from any of the following persons—

- (a) the Treasurer;  
(b) the Minister;  
(c) the information commissioner;  
(d) an officer of the department.

#### **168F Confidential information not required to be given**

Nothing in this division requires the information commissioner to include in a funding proposal, or the information commissioner or any other person to give the parliamentary committee, any details that would, if given—

- (a) prejudice a current investigation or review by the information commissioner; or

- (b) disclose information that is privileged or subject to a duty to maintain confidentiality under an Act or other law.

## **Division 2            Reporting**

### **168G Annual report**

- (1) For the application of the *Financial Accountability Act 2009*, section 63 to the OIC, the appropriate Minister is the Minister administering this section.
- (2) Also—
  - (a) despite the *Financial Accountability Act 2009*, section 63(1)(b), the annual report for the OIC must be given to the parliamentary committee, the Speaker, the appropriate Minister and the Treasurer in the way and within the time mentioned in that section; and
  - (b) despite the *Financial Accountability Act 2009*, section 63(2), the chair of the parliamentary committee must table the annual report in the Assembly within the time mentioned in that section.
- (3) This section does not limit any other provision of this Act under which the information commissioner may or must make a report.

### **67        Amendment of s 185 (Report to Assembly on Act's operation)**

- (1) Section 185(1), 'tabled in the Assembly'—  
*omit, insert—*  
given to the parliamentary committee

[s 68]

---

(2) Section 185—

*insert—*

- (3) The chair of the parliamentary committee must table a report received under subsection (1) in the Assembly within 3 sitting days after the committee receives the report.

## **68 Amendment of s 186 (Strategic review of office)**

(1) Section 186(8)—

*omit, insert—*

- (8) The Minister may make a recommendation to the Governor in Council regarding the appointment of a reviewer or the terms of reference for a strategic review only—
- (a) with the approval of the parliamentary committee; and
  - (b) after consultation with the information commissioner.
- (8A) For subsection (8)(a), the parliamentary committee—
- (a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister; and
  - (b) is taken to have approved the appointment of a reviewer, or the terms of reference for a strategic review, stated in the request if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.

(2) Section 186(8A) to (10)—

*renumber* as section 186(9) to (11).

**69 Amendment of s 188 (Report of strategic review)**

- (1) Section 188(4), before ‘the Minister’—

*insert—*

the parliamentary committee,

- (2) Section 188(6)—

*omit, insert—*

- (6) The chair of the parliamentary committee must table the strategic review report in the Assembly within 3 sitting days after the committee receives the report.

**70 Amendment of s 189 (Functions of parliamentary committee)**

- (1) Section 189(d), from ‘tabled’ to ‘this Act’—

*omit, insert—*

for the OIC tabled in the Assembly under the  
*Financial Accountability Act 2009*

- (2) Section 189(e), ‘strategic review’—

*omit.*

**71 Insertion of new ch 7, pt 8**

Chapter 7—

*insert—*

**Part 8**

**Transitional provisions  
for Integrity and Other  
Legislation  
Amendment Act 2024**

**206E Definitions for part**

In this part—

[s 71]

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***amendment Act*** means the *Integrity and Other Legislation Amendment Act 2024*.

***former***, for a provision of this Act, means the provision as in force from time to time before the commencement.

***new***, for a provision of this Act, means the provision as in force from the commencement.

### **206F Existing appointments unaffected**

- (1) New sections 135(1) and 137(4) do not apply in relation to the appointment of a person as the information commissioner in effect immediately before the commencement.
- (2) New section 186(8) does not apply in relation to the appointment of a reviewer in effect immediately before the commencement.

### **206G Existing strategic review**

- (1) This section applies in relation to a strategic review conducted before the commencement if the strategic review report for the review has not been given under former section 188(4).
- (2) Former section 188 continues to apply in relation to the strategic review as if the amendment Act had not been enacted.
- (3) New section 188 does not apply in relation to the strategic review.

### **206H Matters relating to funding**

- (1) Former section 133 continues to apply in relation to the OIC for the current financial year as if the amendment Act had not been enacted.
- (2) New chapter 4, part 7, division 1 applies in relation to the OIC for the next financial year and

each subsequent financial year.

- (3) In this section—

***current financial year*** means the financial year in which this section commences.

***next financial year*** means the next financial year to start after this section commences.

## **206I Report on Act's operation**

- (1) This section applies in relation to a financial year ending before the commencement if the report for the financial year has not been given under former section 185.
- (2) Former section 185 continues to apply in relation to the financial year as if the amendment Act had not been enacted.
- (3) New section 185 does not apply in relation to the financial year.

## **72 Amendment of sch 5 (Dictionary)**

Schedule 5—

*insert—*

***additional funding***, for a financial year, for chapter 4, part 7, division 1, see section 168A.

***allocated amount***, for a financial year, for chapter 4, part 7, division 1, see section 168A.

***funding proposal***, for chapter 4, part 7, division 1, see section 168A.

[s 73]

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## **Part 8                      Other amendments**

### **73        Legislation amended**

Schedule 1 amends the legislation it mentions.



## **Schedule 1      Other amendments**

section 73

### **Auditor-General Act 2009**

- 1      Section 67(2), ‘a copy of’—**  
*omit.*
- 2      Section 72A(4), definition *Queensland Treasury*—**  
*omit.*

### **Education (General Provisions) Act 2006**

- 1      Section 135(1), from ‘Subject to’ to ‘the accounts’—**  
*omit, insert—*  
The accounts

### **Information Privacy Act 2009**

- 1      Section 194(3)—**  
*omit, insert—*
  - (3) A report under this section may be included and tabled as part of a report prepared by the Minister and given and tabled under the Right to

Information Act, section 185.

## Integrity Act 2009

- 1      Section 20A(2), definition *post-separation obligation*, paragraph (b), ‘section 70’—**

*omit, insert—*

section 62

- 2      Section 20D(2), definition *post-separation obligation*, paragraph (b), ‘section 70’—**

*omit, insert—*

section 62

- 3      Section 25, definition *relevant document*, paragraph (b), ‘section 15(4)’—**

*omit, insert—*

section 15(5)

- 4      Section 25, definition *relevant document*, paragraph (c), ‘section 15(5)’—**

*omit, insert—*

section 15(6)

## **Local Government Act 2009**

- 1**      **Schedule 4, definition *auditor-general*—**  
             *omit.*

## **Petroleum and Gas (Production and Safety) Act 2004**

- 1**      **Schedule 2, definition *auditor-general*—**  
             *omit.*

## **Water Act 2000**

- 1**      **Section 738P—**  
             *omit.*

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