Queensland Integrity Commissioner

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Encouraging confidence in public office & public institutions

Submission to the Economics and Governance Committee in relation to the Inquiry into the Report on the Strategic Review of the Functions of the Integrity Commissioner

2 February 2022

Committee Secretary
Economics and Governance Committee
Parliament House
George Street
Brisbane Qld 4000

By email:

Dear Committee Secretary,

Re: Inquiry into the 'Report on the Strategic Review of the Functions of the Integrity Commissioner'.

Thank you for the opportunity to provide a submission in relation to the above inquiry.

I respond in my capacity as the Queensland Integrity Commissioner.

The purpose of the five-yearly 'Strategic Review of the Functions of the Integrity Commissioner' is limited to considering the functions and resourcing of the Integrity Commissioner, and the terms of reference were therefore necessarily limited and focussed on that purpose.

Similarly, this submission is limited to responding, in general terms, to the specific findings and recommendations contained in the 'Report on the Strategic Review of the Functions of the Integrity Commissioner'.

I trust this submission will be of assistance to the Committee, and I am able to address any matters contained in this submission further if required.

Yours sincerely,

Dr Nikola Stepanov PhD (Melb.)
QUEENSLAND INTEGRITY COMMISSIONER

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Queensland Integrity Commissioner

About this Submission

The current Queensland Integrity Commissioner (Integrity Commissioner) is Dr Nikola Stepanov PhD (Melb.).

The Integrity Commissioner welcomes the opportunity to make this submission to the Economics and Governance Committee (the Committee) regarding the 'Report on the Strategic Review of the Functions of the Integrity Commissioner' (the Report).

As discussed within this Submission, the Integrity Commissioner provides her general support to many of the findings of the Report. Where relevant, in this Submission the Integrity Commissioner has also provided further facts to:

- support a finding and/or timing of change, and/or
- suggestions regarding alternatives to recommendations the Committee may wish to explore.

Key observations of this submission

- Throughout the current Integrity Commissioner's tenure, the activity and profile of the office has been tremendously heightened. Over the previous four and a half years, the current Integrity Commissioner has provided advice on ethics, integrity, and interest matters (both written and oral) on 954 occasions, and advice on lobbying matters on a further 92 occasions. By comparison, over the course of seventeen years from the establishment of the role of Integrity Commissioner, the four preceding Integrity Commissioners provided advice on ethics, integrity, and interest matters on a total of 573 occasions.

- Recommendations 24 to 26 address the issues of governance and oversight of the office of Integrity Commissioner, and these recommendations are fully supported by the Integrity Commissioner.

- In light of the findings of the Strategic Reviewer regarding the lack of independence of the office of the Integrity Commissioner and other governance issues, it is the view of the Integrity Commissioner that these recommendations are of particular significance and should be addressed on an urgent basis. Therefore, the Integrity Commissioner suggests these matters be dealt with expeditiously by way of an amendment to the Act establishing an 'Office of the Integrity Commissioner' and providing the Integrity Commissioner with the powers and responsibilities of a chief executive officer of a department of government. For example, responsibilities under the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2009*.

- Regarding the question of whether the Integrity Commissioner ought to provide ethics and integrity advice to mayors and councillors, there remains some concern that the needs of mayors and councillors may not be fully met. Should the Committee form a view that the Integrity Commissioner ought to continue to provide advice to mayors and councillors, the Integrity Commissioner suggests that a further four fulltime staff with legal expertise would be required in addition to the resourcing recommended by the Strategic Reporter (see section 10.2.2, 'The resourcing of the office does not meet the current workload', pp. 72-75; and Recommendation 26 of the Report).

- The software used to maintain the lobbyists register is no longer viable. Urgent funding is required to replace the software, and the work of transferring the data on the current register to a new platform must begin immediately. The register software was purpose-built more than fourteen years ago and has been maintained on a break/fix basis since 2015. Where issues arise, an external consultant must be specifically engaged, resulting in substantial cost and time delays.

Background to the Strategic Review

Pursuant to section 86 of the *Integrity Act 2009* (the Act), every five years a strategic review must be conducted of the Integrity Commissioner's functions, including a report of the Commissioner's performance of the functions, to assess whether they are being performed economically, effectively, and efficiently.

Further, pursuant to section 86(6) of the Act:

> *(6) Before a reviewer is appointed to conduct a strategic review, the Minister must consult with the parliamentary committee and the integrity commissioner about—*
>
> *(a) the appointment of the reviewer; and*
>
> *(b) the terms of reference for the review.*

The Integrity Commissioner confirms this process was followed, and that the Integrity Commissioner was satisfied with the appointment of Mr Kevin Yearbury PSM as the Strategic Reviewer on 11 March 2021, and the terms of reference for the review.

This strategic review is the second conducted under the Act and was completed on 30 September 2021. On 14 October 2021, the Honourable Annastacia Palaszczuk MP, Premier and Minister for the Olympics, tabled the Report in the Legislative Assembly.

During the conduct of the strategic review, the Integrity Commissioner and support staff assisted Mr Yearbury as required, by participating in interviews, providing materials and data, and giving other support when requested.

The strategic review provided the Integrity Commissioner and staff with the opportunity to reflect on the operation of the Act, the role of the Integrity Commissioner in fulfilling the purposes of the Act, and the future direction of the office.

Pursuant to section 88(1) of the Act, the Strategic Reviewer must provide a copy of the proposed report to the Integrity Commissioner, and this occurred on 30 August 2021. The Integrity Commissioner subsequently provided a written response to the Strategic Reviewer on some matters; however, this response was general in nature, including suggestions for phrasing to reflect the language of the Act and correcting minor factual inaccuracies (i.e. incorrect dates).

The roles and responsibilities of the Integrity Commissioner and Strategic Reviewer are very different. Whilst an Integrity Commissioner has particular skills and expertise as a result of discharging their duties, and these might usefully inform the Strategic Reviewer, the Strategic Reviewer is best placed to make objective findings and recommendations as considered appropriate, taking into account all of the available information.

Bearing that distinction in mind, the Integrity Commissioner did not raise any objection or disagreement with any of the findings or recommendations made by the Strategic Reviewer which would have required resolution pursuant to section 88(3) of the Act.

Therefore, on 20 September 2021, the Integrity Commissioner wrote to Mr Yearbury advising that the Integrity Commissioner did not have any written comments on the proposed report that ought to be included pursuant to section 88(3)(b) of the Act.

As discussed within this Submission, the Integrity Commissioner provides her general support to many of the findings of the Report. Where relevant, the Integrity Commissioner has offered further facts to support a finding and/or timing of change, or suggestions as to alternatives the Committee may wish to explore.

Background to the role of Integrity Commissioner

The Integrity Commissioner is an independent officer of the Queensland Parliament and currently reports through the Economics and Governance Committee.

The office of Integrity Commissioner was initially established in 1999 under the *Public Sector Ethics Act 1994*. *The Integrity Act 2009* replaced the *Public Sector Ethics Act 1994* concerning the Integrity Commissioner, with additional provisions expanding the responsibilities of the Integrity Commissioner. As detailed in the 'Queensland Integrity Commissioner Annual Report 2020-21', tabled on 1 October 2021, the role of Integrity Commissioner has substantially evolved since the office of Integrity Commissioner was first created.

The Integrity Commissioner has four primary functions under the Act:

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

These functions are discussed further within this Submission.

The role of Integrity Commissioner

Advice on ethics, integrity, and interest issues

The advice functions of the Integrity Commissioner are set out in '*Chapter 3 Advice on ethics or integrity issues*' and '*Chapter 3A Managing conflicts of interest*' of the Act. In this regard, sections 7(1)(a) and (b) of the Act detail these functions.

While the actual number is not known, more than 10,000 persons fall under the advice section of the Act.[1] That is, they fall within the meaning of 'designated person' under section 12 of the Act, and include:

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

As the Integrity Commissioner's jurisdiction has expanded, so too has the number of potential advisees. For example, recent amendments to the Act have extended the advice functions to all former designated persons for a period of two years on ceasing to be a 'designated person' (section 20A).

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

To maintain a high quality of service, including consistency of advice relating to standards and codes, the Integrity Commissioner routinely undertakes research into particular areas of best practice; develops and updates materials that set out the processes, tests and factors relied on when providing advice; and publishes these materials on the website of the Queensland Integrity Commissioner.[2]

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

[1] An accurate number is not known.
[2] https://www.integrity.qld.gov.au/.

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

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

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

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

Regulation of lobbying activity

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

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

Whilst the Integrity Commissioner has no power to investigate or prosecute under the Act, where appropriate, the Integrity Commissioner can refer any matters of concern to a relevant agency such as the Queensland Police Service (QPS) or the Crime and Corruption Commission (CCC).

Code of Conduct

Lobbyists are required to comply with a 'Lobbyists Code of Conduct',[3] which codifies the ethical obligations and responsibilities of lobbyists seeking to influence government policy and decision making, whilst representing the interests of a third party client for financial or other reward.

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

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

[3] www.integrity.qld.gov.au/lobbyists/obligations-code-of-conduct.aspx.

associations and ties, or past public sector employment roles. Further, understanding what is and what is not 'lobbying activity' as defined under the Act can be problematic, and is ultimately to be determined by reference to the facts of each particular case.

Overview of the current state of integrity in public administration

The Integrity Commissioner generally agrees with **Recommendation 1**, however, to assist the Committee as it considers the Report, the Commissioner offers additional observations regarding **Recommendations 2 to 7**.

> **Recommendation 1**
> The inability of the Integrity Commissioner to meet the current level of demand for advice be addressed by either:
>
> a) discontinuing, or reassigning to other more appropriate agencies, superfluous functions and amending the Act to eliminate duplication where other appropriate advice structures exist, (as outlined in **Recommendations 2 to 4 and 7).** This will improve the economy and efficiency of the integrity system, enhance accountability, and provide greater transparency in respect of the advice function, or
>
> b) undertake a workforce Report to identify the resources required to respond to all requests for advice including those currently the subject of service limits.

Since the last Strategic Review was conducted in 2015, the Integrity Commissioner has experienced a significant increase in requests for advice. As referred to previously, the number of people who fall within the scope of the Integrity Commissioner's advice function has also increased, and in addition, there has also been an increase in recorded lobbying. As a result, due to a lack of resources, the Integrity Commissioner has, at times, been unable to meet demand and has had to triage requests.

Further, the Integrity Commissioner has taken on additional administrative burdens over many years which are not provided for in the Act, and there is little documentation that would explain the purpose of the Integrity Commissioner's involvement. Further, the public service has matured overall and there are alternative avenues in place for some categories of designated persons to seek advice and assistance to resolve any ethics and integrity matters.

Additionally, overall demand for the services and assistance of the Integrity Commissioner which fall under the proper functions of the Integrity Commissioner has at times reached unprecedented highs. The existing governance arrangements, resources, and staffing have limited the Commissioner's ability to adequately respond to demand and maintain an independent, confidential service.

As above, the Integrity Commissioner offers further observations regarding **Recommendations 2 to 7** in the sections following.

Integrity Commissioner's advisory function

> **Recommendation 2**
> To bring transparency to the nomination of a designated person (or persons) and avoid unmonitored incremental creep in numbers of those who can access Integrity Commissioner advice beyond which there is capacity to service:
> a) provide for future nominations of Designated Persons to be by amendment to Section 12 of the Act or by Regulation,
> b) repeal Section 12 (1) (h) of the Act that allows a Minister or Assistant Minister to (without limitation) nominate a person or an individual within a class of person,
> c) sunset the right of individuals previously nominated under this provision to request advice at the time the section is repealed, and
> d) repeal Section 17 (e) and 18 (b) of the Act (as consequential amendments).

The scope of those able to request advice of the Integrity Commissioner has greatly increased since the role was created. The Integrity Commissioner has sought to ascertain, but has been unable to accurately gauge, the number of persons who now fall within the jurisdiction of the advice functions of the Act. However, a best estimate is that it is now more than 10,000 people.

Section 12(1)(h) of the Act enables a Minister or Assistant Minister to nominate a person or a person within a class of person to be a 'designated person', who is then able to request advice of the Integrity Commissioner. As such, the Integrity Commissioner is unable to anticipate the number of advice requests at any given time or from whom those requests will be received.

Such a diverse range of potential advisees of course means that advice is sought in respect of a diverse range of issues, requiring the Integrity Commissioner to quickly develop detailed understanding and expertise regarding novel issues, including all relevant standards or codes. This, in turn, impacts upon the required level of staffing.

However, the practical effect of s 12(1)(h) is to deprive the Integrity Commissioner of the capacity to have any true understanding of the scope of persons who may seek to utilise the Integrity Commissioner's advice function, and for the Integrity Commissioner to anticipate incoming volumes of work and the issues to be considered.

The number of historical nominations of persons, roles, or categories of person is vast and incalculable. For example, in October 2007, pursuant to (since repealed) section 27(1)(k) of the *Public Sector Ethics Act 1994* (Qld), the Honourable Stephen Robertson MP (then Minister for Health) nominated persons employed in Queensland Health under the provisions of the *Health Services Act 1991* (Qld) (also since repealed), to an equivalent level of senior officer or senior executive under the *Public Service Act 1996*. This nomination represented the addition of many thousands of Queensland Health staff as designated persons. In 2018, the Honourable Dr Stephen Miles,

then Minister for Health and Ambulance Services, provided greater clarity about who ought to be covered by such a nomination and limited the nomination to specific roles.[4]

Further, where an individual has been nominated as a 'designated person' under section 12(1)(h) of the Act, as opposed to being a designated person by virtue of holding a role (per s 12(1)(a) to (g)), there are no statutory time limits as their nomination is not contingent upon them occupying a particular role. For example, there are a number of nominations of individuals where there is no reference to the individual's role at the time of their nomination. Therefore, the relevance of the nomination is not contingent upon those individuals occupying any particular role, or indeed, that they even occupy a public service role or are, or were, an elected official.

Section 40 of the Act provides limited protection for those seeking advice from the Integrity Commissioner, provided certain conditions are met:

> ***40 Limited protection for acting on conflict of interest advice***
>
> *(1) This section applies if a designated person—*
>
> *(a) asks under section 15 for the integrity commissioner's advice on a conflict of interest issue involving the designated person; and*
>
> *(b) discloses all relevant information in relation to the issue to the integrity commissioner when seeking the advice; and*
>
> *(c) does an act to resolve the conflict substantially in accordance with the integrity commissioner's advice on the issue.*
>
> *(2) **The designated person is not liable in a civil proceeding or under an administrative process for the act taken by the person to resolve the conflict**.*
>
> *(3) To remove any doubt, it is declared that subsection (2) does not affect the designated person's liability for an act or omission done or made in connection with the conflict of interest issue before the person receives the integrity commissioner's advice.*
>
> *[Emphasis added]*

The Integrity Commissioner questions whether it was intended that this section of the Act would extend such unique protections to private citizens.

Further, certainty as to the number of designated persons would enable the Integrity Commissioner to better anticipate work volume. In addition, a clear understanding of the scope of persons who are able to seek advice would enable the Integrity Commissioner to maintain a 'listed persons' register of designated persons able to seek advice.

[4] Noting that this nomination, in 2018, did not affect the overall numbers of request for advice as predominately requests from advice from within the health sector are from those individuals who fall within categories 12(1)(b) and 12(1)(c).

> **Recommendation 3**
> Section 12 (1) (d) of the Act that enables a "senior executive or senior officer" to unilaterally seek advice from the Integrity Commissioner be amended to omit "senior officer".
>
> There is a large cohort of "senior officers" within the public sector who have access to advice through departmental structures. The effect of this recommendation would be to eliminate situations where the Integrity Commissioner is unable to be satisfied as to full context of a matter on which advice is being sought from a departmental officer below the executive level in departments. This is consistent with the accountability Chief Executives have under the Public Service Act for ensuring their agency acts with integrity and the ethical conduct of its employees.

The number of senior officers and senior officer 'equivalents' employed in the public service has greatly increased over the past two decades. Again, the Integrity Commissioner has not been able to accurately gauge the number of senior officers and senior officer 'equivalents' who now fall within the jurisdiction of the advice functions of the Act, however, it is reasonable to predict that it is well into the thousands.

Further, generally senior officers and senior officer 'equivalents':

- seek advice to lend weight to a particular personal view or position that they hold on a matter when the matter has already been determined by the relevant responsible person (typically a supervisor)
- seek advice about matters that do not relate to an ethics or integrity issue of their own
- seek advice as to the adequacy of procedures and processes within their department, which are the responsibility of the chief executive officer to determine, or
- seek advice about their post-separation obligations in relation to private employment agreements with future, non-government, employers.

In addition, public sector governance has improved over time with alternative and more appropriate mechanisms now in place to assist senior officers and senior officer equivalents.

> **Recommendation 4**
> In relation to advice able to be sought by designated persons "post separation", consideration be given to Section 20A (2) of the Act being amended to clarify that:
>
> a) in respect of a designated person who is a former public servant Integrity Commissioner advice does not extend to contractual matters pertaining to post separation obligations, (in recognition the Integrity Commissioner being unable to provide legal advice), or
>
> b) advice in respect of a designated person who is a former public servant is limited to related lobbying activity.

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

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

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

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

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

Further, the definition also applies to post-separation obligations arising from a private legal instrument entered into between a person and the government, and a person and their new employer.

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

As a general proposition, the Integrity Commissioner will provide detailed advice about post-separation restraints as they relate to lobbying activities, based on a specific set of facts.

However, the specific application of the various standards relating to post-separation obligations arising from a private legal instrument entered into between a person and their government employer, and/or a person and their new employer, are essentially legal questions about a person's personal obligations and are to be resolved by reference to established legal principles. The Integrity Commissioner is not able to provide advice on such matters as these are not substantive ethics matters.

Section 40 of the Act provides protection, under certain conditions, for advisees in a civil proceeding or under an administrative process such as before the Queensland Civil Administrative Tribunal.

Again, the Integrity Commissioner questions whether it was the intent of the Act to extend such protections to private citizens, particularly where proceedings relate to private issues such as contractual matters between an advisee and a non-Government third-party entity.

Further, the Public Service Commission is responsible for the *'Post-separation employment provisions, Queensland Government Policy 2011'* and its implementation and enforcement, and is best placed to advise on how its policy ought to be implemented.

Recommendation 5

To ensure Ministers and Assistant Ministers are aware of Integrity Commissioner advice being sought by a member of their staff and full contextual information is provided to the Integrity Commissioner:

a) Section 12 (1) (f) of the Act (that allows a Ministerial staff member who gives, or person engaged to give, advice to a Minister to unilaterally seek the Integrity Commissioner's advice) be amended to read "Chief of Staff with the knowledge of the Minister", and

b) Section 12 (1) (g) of the Act (that allows an Assistant Minister staff member who gives, or person engaged to give, advice to an Assistant Minister to unilaterally seek the Integrity Commissioner's advice) be repealed, and

c) Section 17 (d) of the Act (that provides for a Minister to ask for the Integrity Commissioner's advice on an ethics or integrity issue) be amended to read "a Ministerial staff member who gives, or a person engaged to give, advice to a Minister", and

d) Section 18 (a) (that provides for an Assistant Minister to ask for the Integrity Commissioner's advice on an ethics or integrity issue) be amended to read "an Assistant Minister staff member who gives, or a person engaged to give, advice to the Assistant Minister".

It has been the experience of the current Integrity Commissioner that, on occasion, ministerial staff have sought advice about a matter related to a Minister without that Minister's knowledge or consent (whether intentional or not). Further, on occasion, more than one ministerial staff member has sought advice about the same matter relating to a Minister and has been unaware of the duplication of requests. Additionally, matters affecting ministerial staff have the potential to reflect adversely on their Minister if they are not disclosed and managed adequately.

Therefore, the Integrity Commissioner supports recommendation 5 in full.

Recommendation 6
There be no change to the disclosure provisions of the Act designed to ensure confidentiality surrounds the requesting and the provision of advice.

Confidentiality is the cornerstone of the Integrity Commissioner's advice function, and is essential to encourage designated persons to seek advice from the Integrity Commissioner.

The Act provides for the authorised disclosure of advice in certain circumstances.[5]

Advisees can also exercise their discretion to disclose advice and all advice letters provided by the Integrity Commissioner pursuant to section 27 of the Act, and it is generally at the advisee's discretion as to whether the advice is disclosed. However, it is the view of the Integrity Commissioner that if an advice is disclosed, it ought to be disclosed in full in the interests of integrity and transparency. This ensures that there can be no uncertainty as to the facts of the situation as provided to the Integrity Commissioner by the advisee, and the factors upon which the Integrity Commissioner formed their view.

Confidentiality is the cornerstone of the Integrity Commissioner's advice function and Recommendation 6 is supported by the Integrity Commissioner.

Recommendation 7
Relieve the Integrity Commissioner of administrative processes that have no relevance to the function by:

a) the repeal of Section 40E of the Act (that requires Statutory Office Holder Declaration of Interests be filed with the Integrity Commissioner), and
b) amending Section 101 of the PSA to remove the requirement for Chief Executive Declarations of Interest be provided to the Integrity Commissioner.

Statutory Officers are required to provide a Declaration of Interests to the appropriate Minister and/or Parliamentary Committee to which the officer holder is accountable. The Integrity Commissioner has no statutory function to perform in relation to the declarations. The effect of the recommendation would relieve the Integrity Commissioner of an administrative responsibility that has no relevance to the function.

The intent behind the requirement that various declarations of interest be provided to the Integrity Commissioner is unclear.

[5] Subject to limited and specific authorised disclosure provisions under sections 24(2), 34-39, and 40C of the Act.

The Integrity Commissioner does not have the requisite level of familiarly with the scope of matters an individual might be involved with to be able to gauge, from the limited information contained in a declaration of interest, whether an individual might have a perceived or actual conflict of interest.

Further, the Integrity Commissioner is limited to only providing advice when requested, and ascertains the full facts from the advisee at that time.

Therefore, the Integrity Commissioner supports Recommendation 7 in full.

Integrity Commissioner's lobbying regulation function

> **Recommendation 8**
> To enhance transparency in respect of contact by employees of organisations and associations who represent that entity's own interest:
> a) the government provide more specific criteria as to the information that must be included in Ministerial diaries as to the purpose of the meeting, including the possibility of a pre-set menu of options, and
> b) the Leader of the Opposition's diary contain similar detail in respect of meetings with those employed within organisations and associations who represent that entity's own interests.

The functions of the Integrity Commissioner do not extend to include oversight of incidental lobbying which is the activity described in Recommendation 8.

Further, the Act does not require that an entity carrying out incidental lobbying activities be registered as a lobbyist.[6] An entity carries out incidental lobbying activities if the entity undertakes or carries on a business primarily intended to allow individuals to undertake a technical or professional occupation, in which lobbying activities are occasional only. Examples of such professional occupations include the provision of architectural, engineering, accounting, and legal services.[7]

As such, entities providing professional services which would otherwise meet the definition of lobbying activity are currently not required to be registered as lobbyists or to record contact with government representatives in the lobbyists register. For example, if an employee of a multinational professional services firm met with a government representative on behalf of a third-party client, neither the firm nor the employee are required to be registered as lobbyists and the activity is considered to be 'incidental lobbying'.

The Queensland State Archives Ministerial Records Policy details the policy requirements for ministerial recordkeeping, including ministerial diaries.

[6] *Integrity Act 2009* (Qld), s 41(3)(d).
[7] *Integrity Act 2009* (Qld), s 41(6).

Ministers, Assistant Ministers, and their ministerial office staff are responsible for creating, managing and keeping full and accurate *'public records'* of their ministerial portfolio responsibilities.

The definition of *'public record'* includes a ministerial record under the *Public Records Act 2002* (Qld) and is '*a record created or received by a Minister in the course of carrying out the Minister's portfolio responsibilities*'. Ministerial records are any document, information, content or data, in any form, that provides evidence of ministerial portfolio responsibilities. They cover all aspects of a Minister's responsibilities, including portfolio and departmental responsibilities, legislative responsibilities, correspondence, and ministerial office management.

Unless they relate to a Minister's portfolio responsibilities, ministerial records do not include records of personal activities and interactions with family and friends, party political activities, electorate activities or records created in their capacity as a member of the Legislative Assembly.

The Integrity Commissioner's view is that Recommendation 8 relates to activity which is expressly excluded by section 41(3)(d) of the Act as being within the definition of the term 'lobbyist' under the Act. Further, the Strategic Reviewer has not recommended that incidental lobbying be regulated by the Act.

Implementation of this recommendation would require an amendment to the current Queensland State Archives Ministerial Records Policy, with consideration given to how compliance would be monitored, noting that such activity does not fall within the meaning of 'lobbying' under the Act.

Recommendation 9
While not broadening the definition of 'lobbyist' in Section 41 of the Act, provide clarification as to the meaning of entity to include an individual, organisation or related party (as defined in the ASA 550 Auditing Standard).

The term 'entity' is not defined in the Act, nor is assistance provided by the *Acts Interpretations Act 1954* (Qld).

Given the inherent commercial nature of lobbying activities and to remove any potential doubt regarding the application of the term 'entity' in the context of the Act, the Integrity Commissioner supports Recommendation 9 that the term 'entity' be defined in the same or similar terms to the ASA 550 Auditing Standard.

Recommendation 10
For the avoidance of doubt, Section 44 of the Act be amended to include reference to Statutory Officers as responsible persons for reporting unregistered lobbying activity.

The Integrity Commissioner supports Recommendation 10 for the reasons canvassed in the Report at section 7.2.

Recommendation 11
To improve its effectiveness, the Act be amended to make unregistered lobbying activity an offence, together with penalties commensurate with those in other legislation for acts of deception intended to subvert the integrity of public administration.

Although lobbying by an unregistered entity is prohibited by section 71 of the Act, the section does not make it an offence for an entity to do so. Nor is any penalty prescribed for an unregistered entity having done so.

It has been suggested that s 204 (Disobedience to statute law) of the *Criminal Code Act 1899* (Criminal Code) may provide a legislative basis for the prosecution of unlawful lobbying activity. This section makes it a misdemeanour for a person without lawful excuse to do or omit to do any act in disobedience to the provisions of a public statute, in the absence of an express provision for an exclusive mode of proceeding. The maximum penalty prescribed for an offence against s 204 is imprisonment for 1 year, which is similar to the maximum penalties prescribed for summary offences, for example, trespass (1 year imprisonment) or begging (6 months imprisonment). However, s 204 is an archaic and rarely used section of the Criminal Code. By reference to the dearth of appellate consideration of s 204, it is by no means clear that a breach of s 71 of the Act could be successfully prosecuted under s 204 of the Criminal Code.

The Integrity Commissioner supports Recommendation 11 for the reasons canvassed in section 7.3 of the Report.

Recommendation 12
To enable auditing of lobbyists records and monitor compliance, the Act be amended to require government representatives or Opposition representatives to provide meeting records and other relevant information when requested by the Integrity Commissioner.

In order to enhance public confidence that decisions made by elected officials and public authorities are free from undue influence or concealed influence, the Integrity Commissioner undertakes an annual audit of recorded contact with lobbyists (the lobbying audit). The objectives of the lobbying audit are two-fold:

1. To remind public authorities about their obligations under section 7 of the *Public Records Act 2002* (Qld) (PRA) with respect to recording contact by lobbyists, and
2. To ensure that contact between public authorities and lobbyists, as entered in the lobbyists register, accurately represents all contact by lobbyists with any public authority.

The audit is specifically designed to negate the need for public authorities to provide the Integrity Commissioner with the authority's locally held records. That is, it is designed to encourage public authorities to meet their obligations under section 7 of the PRA whilst also minimising the administrative impediments which would arise under section 8 of the PRA if the Integrity Commissioner was required to reconcile the records.

The Integrity Commissioner writes to each chief executive of a department of government and local government, and requests that a reconciliation be undertaken between locally held records of contact with lobbyists, and the data entered on the lobbyists register for the preceding 12-month period.

The Integrity Commissioner also requests that each chief executive of a department of government forward the Integrity Commissioner's request to each entity within the relevant ministerial portfolio so that those public authorities can also undertake this process.

Any discrepancy between a public authority's locally held records and the lobbyists register are to be reported to the Integrity Commissioner for assessment.

However, the audit is limited to discrepancies reported to the Integrity Commissioner by those public authorities who were aware of the audit and chose to assist the Integrity Commissioner in this initiative.

The Integrity Commissioner agrees with Recommendation 12.

Further, the Integrity Commissioner requests that this recommendation be expanded to also require government representatives or Opposition representatives to assess the accuracy of their meeting records when requested to do so by the Integrity Commissioner, and to report any discrepancies to the Integrity Commissioner.

Recommendation 13

To improve the efficiency of the regulatory regime:

a) the Act be amended to enable the Integrity Commissioner, to seek an explanation and/or issue a direction to take remedial action about a compliance matter, without first having to issue a show cause notice, and

b) retain the "show cause" provisions to deal with more serious instances of non-compliance.

As the Act currently stands, the Integrity Commissioner does not have the power to investigate breaches of the Act (for example, to investigate a breach which might then lead to the Commissioner issuing a Show Cause notice) as they relate to the lobbying function, nor is the Integrity Commissioner provided with the resources to do so. As such, it is the view of the Integrity Commissioner that the regulatory regime as it applies to the lobbying function is not currently fit for purpose.

The Reviewer has made a finding that the legislative requirement that a Show Cause notice be issued before any remedial action can be taken is inflexible, severe, and inefficient.

The Integrity Commissioner agrees with the recommendation that the Integrity Commissioner should have the ability to warn or issue a direction in relation to minor compliance matters, particularly as the necessity to issue a Show Cause notice imposes a disproportionate cost on both the Integrity Commissioner and the lobbyist.

However, it should be noted that the issuing of a Show Cause notice by a regulatory body usually occurs after an investigation has been conducted. [Emphasis added]

The Act does not contain any provision which would allow the Integrity Commissioner to undertake investigations into allegations of misconduct on the part of registered lobbyists.

Further, undertaking investigations requires specific skills and considerable expertise, and should the ability of the Integrity Commissioner to issue Show Cause notices be retained, these considerations will require further review.

The Integrity Commissioner is of the view that retention of the 'Show Cause' provisions to deal with more serious instances of non-compliance with the Act would be dependent on the adoption of Recommendation 14, along with a consideration of the adequacy of staffing arrangements in the event that an investigation could not be referred to the CCC.

Recommendation 14

To improve the effectiveness in the regulation of lobbying:

a) the Act be amended to provide for the Integrity Commissioner to refer matters to the CCC:
   i. when there is information available that the activities of a registered lobbyist may offend the provisions of Section 15 of the Crime and Corruption Act, or
   ii. an individual or entity is allegedly undertaking lobbying activities (as defined by the Act) but who are not registered (i.e., unlawful lobbying),

b) the Integrity Commissioner be given powers to warn lobbyists upon becoming aware of alleged misconduct without reference to the CCC, and

c) an assessment be made as to whether consequential amendments to the Crime and Corruption Act are necessary to enable the investigation of alleged corrupt activity on the part of a lobbyist, (as distinct from the public official) and any other matter referred by the Integrity Commissioner as constituting serious misconduct that warrants investigation.

This recommendation is aimed at addressing a gap in the existing regulatory regime. The Act contains no provision for the Integrity Commissioner to undertake investigations into allegations of misconduct on the part of registered lobbyists. Formal investigations require specific skills and expertise which the Integrity Commissioner and support staff do not typically possess.

The adoption of this recommendation would require significant amendment to both the Act and the *Crime and Corruption Act 2001* (CCA).

The Integrity Commissioner supports Recommendation 14, noting that the adoption of this recommendation would require significant amendment to both the Act and the CCA.

Further, taking into account the complexities and potential impacts of such amendments, the Committee may wish to consider further consultation with key stakeholders such as the CCC and PCCC, as well as the lobbyists who would be the subject of any new regulatory regime.

> **Recommendation 15**
> To improve transparency in relation to the nature of contacts with government representatives and Opposition representatives, lobbyists be required, when entering details on the Lobbyist Register, to provide a short explanation of the subject matter when selecting the 'other' category.

The Integrity Commissioner supports Recommendation 15, for the reasons canvassed in section 7.5 of the Report.

> **Recommendation 16**
> To ensure possible conflict of interest situations are properly addressed where a company is supplying services to government but also works for non-government clients, the Queensland Government Supplier Code of Conduct be amended to provide that:
> a) when submitting a proposal to undertake work for the government, a firm be required to make a specific statement addressing Item 3.2 (Managing conflicts of interest) and attach a copy of the company Conflict of Interest policy where they have one, and
> b) Conflict of Interest be added as one of the due diligence checks to be made as part of the evaluation process.

The Queensland Government Supplier Code of Conduct is administered by government agencies external to the Integrity Commissioner.

As such, the agencies involved would be in a better position to comment on the Report's findings and recommendation regarding this proposal.

Recommendation 17
In relation to lobbyists working in an advisory capacity to political parties, the Integrity Commissioner update the Lobbyists Code of Conduct to include a specific Conflict of Interest Policy that could be referenced as part of the Ministerial Code of Conduct to which Ministers commit, and lobbyists as part of their registration.

Pursuant to section 68 of the Act, the Integrity Commissioner may, after consultation with the Committee, approve a lobbyists code of conduct.

The Integrity Commissioner has no objection to commencing a consultation process to inform the development of a draft revised Lobbyists Code of Conduct.

Recommendation 18
The Act provide for the Integrity Commissioner to issue directives from time to time concerning the application of policies as circumstances require.

If it is intended that such directives be binding on lobbyists and government representatives, this will require an amendment to the Act.

However, legally binding directives can substantially impact on the rights and responsibilities of an entity. The ability of the Integrity Commissioner to issue such directives should not be unfettered.

Should the Committee support Recommendation 18, the Integrity Commissioner suggests the exercise of caution as the power to issue legally binding directives on private entities is a considerable one.

Integrity Commissioner's public awareness function

Recommendation 19
The Integrity Commissioner continue to develop education material as this can reduce the demand on the office to respond to requests for basic information, freeing time and resources to conduct the advisory and lobbyist regulation functions.

As recommended by the Strategic Review of 2015, and consistent with the pro-ethics approach of her predecessors, the Integrity Commissioner undertook original research into various bodies of knowledge and developed a comprehensive range of educational materials and resources. These educational materials include practical one-page decision-making aids, case studies, and guidelines to assist individuals to identify and manage conflicts of interest, and to manage post-separation obligations. The materials are publicly available,

both on the website and through educational events organised by the Integrity Commissioner or at which the Integrity Commissioner has a presence.

The Integrity Commissioner also introduced an education program specifically tailored for particular sectors and settings, and has been actively involved in education programs and training developed by others.

The Integrity Commissioner shares the view of the Strategic Reviewer that education and training build capacity and heighten ethics literacy and standards. Further, as noted in the Report[8], a beneficial side-effect is enhancing general understanding and confidence about ethics and integrity standards. It is also likely to reduce demand for the services of the Integrity Commissioner.

The Integrity Commissioner is pleased that the education resources which have been made available have proved beneficial, and supports Recommendation 19 in full. Building capacity within the sector will also likely reduce demand for the services of the Integrity Commissioner over the longer term.

Recommendation 20

The expertise and knowledge of the Integrity Commissioner be used to build capacity and competency across the public sector by:

a) continuing to make presentations to Statutory Boards and agency Chief Executives regarding best practice in meeting community expectations in respect of integrity in public administration, and

b) continuing the education, training and professional development of those in public sector agencies who provide advice to employees regarding integrity and ethics matters.

The Integrity Commissioner introduced a program of workshops and training for statutory boards and agency chief executives, as well as presentations and roundtable sessions with senior public service decision-makers, which were provided on request.

Sessions and presentations have varied greatly, from very specific education tailored for particular sectors and settings, such as the Board of a Government owned Corporation, to facilitating generalist 'roundtable' sessions. For example, as part of the collaborative work with the Department of Housing and Public Works (DHPW), the Integrity Commissioner and DHPW have facilitated 'roundtable' sessions in various Queensland locations on the topic '*Integrity in the executive - what the public expects of us*'. The sessions were very well attended by senior leaders within the public service.

The Integrity Commissioner supports recommendation 20 in full, and agrees that such endeavours will build capacity and competency across the public sector.

[8] Page 57-58.

> **Recommendation 21**
> To improve understanding of the requirements of Chapter 4 of the Act (Regulation of Lobbying Activities), its intent and obligations, the Integrity Commissioner:
> a) develop educational materials tailored to needs of registered lobbyists and relevant public officials and undertake training sessions, and
> b) create a compulsory training module that promotes best practice within the lobbying industry active in Queensland, and
> c) require successful completion of the module by all currently registered lobbyists and those who intend to register, as a condition for registration.

The Integrity Commissioner is of the view that a compulsory training module will provide a foundational understanding to assist lobbyists in navigating their responsibilities.

The Integrity Commissioner notes that the Act and Lobbyists Code of Conduct will need to be amended if mandatory training is to become a requirement of registration, and the conditions of the training (i.e. before registration, annually, etc.) will also need to be specified.

The Integrity Commissioner would also need to introduce a reporting and recording system to ensure compliance.

The Integrity Commissioner supports Recommendation 21, and agrees that the provision of educational materials and further training by the Integrity Commissioner will serve to improve lobbyists' understanding of their obligations.

Performance of Integrity Commissioner's functions

> **Recommendation 22**
> The Integrity Commissioner structure advice provided so there is a summary of the advice and any recommended course of action as the first section of the document.

Historically, the structure of the written advices provided to advisees has been based on the personal preferences of each Commissioner.

The Integrity Commissioner has no objection to altering the structure of an advice to include a summary in the first section.

> **Recommendation 23**
> The Integrity Commissioner and the DPC ICT team complete, as a priority, work being undertaken to scope an upgrade or replacement of the Lobbyist Register platform, and once a solution has been identified that funding be given favourable consideration to enable its prompt implementation.

Subsequent to the tabling of the Report, on 16 December 2021, the Integrity Commissioner was advised that the information technology specialist employed by the Department of the Premier and Cabinet (DPC) who had responsibility for providing support for the lobbyists register is no longer employed by the Department. Further, the Integrity Commissioner has been advised that the software underpinning the lobbyists register is no longer viable.

Urgent funding is required to replace the software, and the work of transferring the data on the current register to a new platform must begin immediately. The register software was purpose-built more than fourteen years ago and has been maintained on a break/fix basis since 2015. Where issues arise, an external consultant must be specifically engaged, resulting in substantial cost and time delays.

As there is no information technology support for the current platform, the lobbyists register has been replicated in an offline document as a safety measure.

The Integrity Commissioner supports Recommendation 23 in full. The useability and viability of the lobbyists register and software are critical issues which must be addressed as a matter of urgency.

Organisational arrangements supporting the Integrity Commissioner

> **Recommendation 24**
> To enhance the independence of the Integrity Commissioner:
> a) there should formally be established an Office of the Integrity Commissioner as an independent unit within DPC consistent with the function being one within the portfolio of the Premier, and
> b) the Integrity Commissioner be accountable for the performance of the office in discharging the functions under the Act within the budget provided, and financial delegations commensurate with prudent financial management under the Financial Accountability Act, and
> c) staff be appointed directly to the office and (although public servants) be managed autonomously by the Integrity Commissioner.

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

Under the current administrative and governance arrangements in place for the office of the Integrity Commissioner, the Public Service Commission (PSC) is accountable for the financial, operational, and administrative performance of the office, including the provision and management of human resources. As such, the Integrity Commissioner does not control the budget allocated by government, with the PSC retaining the authority and responsibility to provide the resources and administrative support necessary to ensure that the Integrity Commissioner is able to undertake the statutory functions of the role.

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

Under the current administrative and governance arrangements, the Integrity Commissioner does not have a supervisory relationship with the staff employed within the office. Staff are employees of the PSC, and as such, the PSC is responsible for the supervision, management and conduct of those employees. The Integrity Commissioner has limited discretion or control of the budget allocated to the office by appropriations. The PSC retains significant authority to approve and provide funding for staff and other administrative resources required by the office.

The governance and administration arrangements for the office of the Integrity Commissioner are not replicated in the case of any other integrity agency in Queensland. Further, the arrangements operate in a such a way as to place the Integrity Commissioner in a position of inherent vulnerability, due to dependence on the PSC exercising its powers in a judicious manner.

The Integrity Commissioner is an independent officer of Parliament, appointed by Governor in Council, with statutory functions which require a commensurate degree of independence and security.

The issues of governance and administration as they relate to the office of Integrity Commissioner were highlighted in the Bridgeman Report. The Bridgeman Report found that, given the independence and importance of the office of the Integrity Commissioner, locating the budget and other support arrangements for the office under the PSC is not appropriate.[9]

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

The Bridgeman Report also noted that support for the Integrity Commissioner through the PSC is neither administratively efficient nor free from potential conflicts between the two entities' functions. It was recommended that the Queensland Governance Council consider the appropriate arrangements for budget administration and human resources support for the Integrity Commissioner.

[9] Section 10.7 of the Bridgeman Report: A fair and responsive public service for all (www.qld.gov.au).

In light of the issues identified in the Bridgeman Report, this Strategic Review is timely.

The current governance arrangements have adversely impacted upon the Integrity Commissioner's independence and ability to discharge the purpose and functions of the Act.

It is the Integrity Commissioner's position that it is in the public interest for the question of governance to be addressed as expeditiously as possible. Subject to the views of the Committee and Executive Government, the Integrity Commissioner's position is that priority ought to be given to implementing those recommendations relating to governance arrangements. Implementation of the remaining recommendations may be undertaken subsequently, particularly in circumstances where further consultation concerning the recommendations relating to the lobbying function may be desirable.

The Integrity Commissioner fully supports Recommendation 24 and recommends that appropriate governance arrangements be established as a matter of urgency.

Recommendation 25

To ensure business continuity and a sustainable service to those requiring timely advice:

a) the position for which the administration of Chapter 4 of the Act (Lobbying) is responsible, (being the second most senior and executive level position within the Office) be designated Deputy Commissioner,

b) the Act be amended to provide the Integrity Commissioner delegation powers to assign the advice function to either the Deputy Commissioner or an acting Commissioner to cover periods of leave and in circumstances where the Integrity Commissioner may have a conflict of interest,

c) the Integrity Commissioner be required to obtain consent from the Minister (currently the Premier) to exercise the delegation, (consistent with the with responsibility the Minster carries for the proper functioning of the office) and once consent is obtained apprise the Speaker and the Parliamentary Committee of the circumstances prior to the delegation being exercised,

d) the delegation powers should not prevent the Integrity Commissioner continuing to perform their functions in the circumstance where the delegate is given a specific advice request, for example, due to a conflict of interest, and

e) at the time the Integrity Commissioner is appointed, an external acting Commissioner be appointed for the same term as the Integrity Commissioner but renumerated only for periods of actual service.

Business continuity and sustainability are critical issues. The Act does not enable the Integrity Commissioner to delegate their responsibilities under the advice functions in times other than when the Integrity Commissioner is on leave. This includes that the Integrity Commissioner is unable to delegate the advice functions in times when the Integrity Commissioner has a conflict of interest, or during periods of sustained high demand.

In addition to the Act being amended to provide the Integrity Commissioner with the power to delegate the advice function to either a Deputy Commissioner or an acting Commissioner to cover periods of leave, and in circumstances where the Integrity Commissioner may have a conflict of interest (s 25(b)), the Integrity Commissioner suggests that the proposed amendment be broadened to include that the Integrity Commissioner be able to delegate the advice functions to a Deputy Commissioner in times when the Integrity Commissioner receives a high volume of requests, and where those requests do not relate to Members of the Legislative Assembly.

The Integrity Commissioner supports Recommendation 25 and suggests that s 25(b) of the Act be further expanded, to assist when the Integrity Commissioner receives a high volume of requests or has a conflict of interest.

Recommendation 26

If an Office of the Integrity Commissioner is established (see Recommendation 24) its structure include:

a) Deputy Commissioner and Director Lobbying (SES 1),
b) Senior Officer, Advice (P05),
c) Senior Administrator and Office Manager (AO6),
d) Executive Support (Lobbyist Register) (AO5), and
e) Executive Support (General Admin) (AO3).

Throughout the current Integrity Commissioner's tenure, the activity and profile of the office has been tremendously heightened.

Over the previous four and a half years, the current Integrity Commissioner has provided advice on ethics, integrity, and interest matters (both written and oral) on 954 occasions, and advice on lobbying matters on a further 92 occasions.

By comparison, over the course of seventeen years from the establishment of the role of Integrity Commissioner, the four preceding Integrity Commissioners provided advice on ethics, integrity, and interest matters on a total of 573 occasions.

The Integrity Commissioner supports the staffing structure proposed by Recommendation 26, provided Recommendation 1(a) is accepted, and provided the burden of undertaking investigations prior to the issuing of a Show Cause notice does not fall to the office of the Integrity Commissioner.

Alternatively, should the Integrity Commissioner be required to undertake investigations and/or Recommendation 1(a) not be accepted, a workforce report should be undertaken to identify the resources required to respond to all requests for advice expeditiously, and to also meet the administrative demands associated with the lobbying function.

> **Recommendation 27**
> The Integrity Commissioner be relieved of the responsibility for the receipt and management of AASB 124's as these are not related to the functions under the Act.

Shareholding Ministers are required[10] to complete an AASB 124 (Related Party Disclosures). Treasury has responsibility for this process, which is overseen by the DPC. Due to a historical arrangement, the Integrity Commissioner is provided with the completed forms for storage. The Integrity Commissioner is required to make the forms available for the Auditor-General, on request. The Integrity Commissioner does not require access to the forms, as they are not relied upon for advice purposes.

Treasury has the capacity to receive and store the forms appropriately, and would be able to liaise with DPC regarding this process, as well as liaise with the Auditor-General for the purpose of the forms being audited.

The Integrity Commissioner supports Recommendation 27 in full.

[10] Since 1 July 2016.