



10 February 2020

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

By email: egc@parliament.qld.gov.au

Dear Committee Secretary,

Re: Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019

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

I respond in my capacity as the Queensland Integrity Commissioner and trust this submission is of assistance to the Committee in considering the Bill.

I will be able to address any matters contained in this submission further (if required) at any Inquiry held in relation to the Bill.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nikola Stepanov'.

Dr Nikola Stepanov PhD (Melb.)
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Queensland Integrity Commissioner

Encouraging confidence in public office & public institutions

Submission to the Economics and Governance Committee

**Criminal Code and Other Legislation (Ministerial Accountability)
Amendment Bill 2019**

10 February 2020

Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019

The office of the Queensland Integrity Commissioner (QIC) welcomes the opportunity to make this submission to the Parliamentary Economics and Governance Committee (the Committee) on the *Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019* (the Bill).

The Bill was introduced to Parliament on 23 October 2019 and was referred to the Committee for consideration and report.

The amendment in the Bill that is relevant to the functions of the QIC is the creation of an offence in the *Criminal Code 1899* for Ministers who fail to disclose declarable conflicts of interest at a relevant Cabinet or Cabinet committee meeting.¹

Effectiveness and public confidence should be the critical factors in determining the appropriate regulation framework.

In this regard, the Crime and Corruption Commission (CCC) has particular expertise based on the insights gained from its complaint handling, investigation, and corruption prevention functions, and has made recommendations on that basis.

The QIC has had the opportunity to review the submission by the CCC, and generally agrees with its position.

An issue of some concern for the QIC relates to the definition of 'related party' at section 97C. The QIC contends that it would be desirable if the definition is made broader.

Currently the provisions are narrow in that, in terms of entities, the definition is limited to:

97C Who is a related party of a Minister

A person is a related party of a Minister if the person is any of the following –

- (a) *the Minister's spouse;*
- (b) *a parent, child or sibling of the Minister;*
- (c) *a parent, child or sibling of the Minister's spouse;*
- (d) ***a partner in a partnership in which the Minister is a partner;***
- (e) *an employer of the Minister, other than a government entity;*
- (f) ***an entity, other than a government entity, for which the Minister is an executive officer or board member;***
- (g) *another person who has a close personal relationship with the Minister.*

[Emphasis added]

¹ *Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019*, pt 2, ch13A, ss 97(A)-(D).

In the view of the QIC, there are various significant associations that a Minister might have, and which are known to give rise to a reasonable apprehension of bias in a member of the public.

Therefore, the QIC suggests that the definition of 'related party' at section 97C be extended to clearly include strong non-personal associations, such as:

- as the beneficiary of a trust
- as a significant share-holder of an entity, and
- as a patron of an entity, given the unique public perception of patronages.

The QIC notes that the CCC is satisfied with the broad meaning that can be given to 'close personal relationships' at 97C(g) however, this section may be interpreted as being limited to individual relationships.

The Queensland Integrity Commissioner, Dr Nikola Stepanov, will be able to address any matters contained in this submission further (if required) at any Inquiry held in relation to the Bill.