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Our REF: [REDACTED]

17 June 2025

Mr Martin Hunt MP
Chair
Justice, Integrity and Community Safety Committee
Sent by email: JICSC@parliament.qld.gov.au

Dear Mr Hunt

Thank you for providing a proof transcript of the proceedings about my 2023-24 Annual Report with the Justice, Integrity and Community Safety Committee. I have attached a marked up copy with some minor corrections.

During the hearing you asked me a question about the significant increases in requests for advices during 2017-18 and 2021 as a result of mayors and councillors being able to seek ethics and integrity advice. In particular, you asked if I was aware of the reason the jurisdiction of the advice function was expanded to include mayors and councillors.

Regarding the section on advice sought in your annual report, the increase in advice requests between 2017-18 and 2021 was exceptional and resulted from mayors and councillors being able to seek advice during that period. Mayors and councillors are no longer eligible to seek advice. I am just interested to know how that came about—the history of it and the legislative changes. Was that role passed on to another department? Where do mayors and councillors get advice from these days?¹

In response to your question, I advised that Ministers, at that time, had the power to nominate classes of persons to be eligible to request ethics and integrity advice. This is the reason mayors and councillors became eligible to request advice. However, I could not recall, at the time, the reason for the Minister nominating them as a class of persons eligible to seek ethics and integrity advice.

I have since identified the reason this came about was because of a recommendation from the Crime and Corruption Commission in its public report titled Operation Belcarra: A blueprint for integrity and addressing corruption risk in local government.

¹ Page 5 of the transcript of proceedings.

Recommendation 28 in that report provided:

Recommendation 28

That:

- (a) the advisory and public awareness functions of the Queensland Integrity Commissioner under the *Integrity Act 2009* be extended to local government councillors
- (b) or alternatively, a separate statutory body be established for local government with advisory and public awareness functions equivalent to those of the Queensland Integrity Commissioner under the *Integrity Act 2009*.

This recommendation was actioned² by the then Minister for Local Government, Minister for Racing, and Minister for Multicultural Affairs, the Hon. Stirling Hinchcliffe MP, nominating mayors and councillors as a class of persons who could seek the Integrity Commissioners advice, pursuant to section 12(1)(h) of the *Integrity Act 2009*.

Section 12(1)(h) was later repealed and the ability for mayors and councillors to request ethics and integrity advice from the Information Commissioner ceased.

There was a discussion of the impact/appropriateness for mayors and councillors being able seek the Integrity Commissioner's advice in the 2021 Strategic Review of Integrity Commissioner's functions by Kevin Yearbury.

In particular he noted:

To continue to include Mayors and Councillors as designated persons eligible to seek the advice of the Integrity Commissioner would seem not to be consistent with the original intent and purpose of the [Integrity] Act.

Local Government is not covered by the Parliament of Queensland Act which references a range of legislated obligations standards, codes and accountabilities that apply to MP's. These are reference points for the Commissioner when providing advice. They do not apply to Local Government Mayors and Councillors.

Local Government has its own Act to deal with the specific conflict of interest requirements within that jurisdiction. The prescriptive detail in the Local Government Act pertaining to conflicts of interest means advice to Mayors and Councillors, if it is to be useful, needs to be informed by their legal obligations as well as just by the applicable codes.³

Mr Yearbury also made the following finding:

To continue to have Mayors and Councillors able to access to the Integrity Commissioner for advice is not only a duplication but inefficient given the Integrity Commissioner needs to acquire the specialist knowledge that already resides in the Local Government Division (DSDILGP), the LGAQ and the Office of the Independent Assessor.⁴

Mr Yearybury's recommendation, was to repeal section 12(1)(h) of the Integrity Act. The commencement of *Integrity and Other Legislation Amendment Act 2022* on 13 December 2023 removed section 12(1)(h) from the Integrity Act and consequently removed the ability for mayors and councillors to obtain ethics and integrity advice from the Integrity Commissioner.

² 12 February 2018, see Local government representatives' hotline to Integrity Commissioner - Ministerial Media Statements

³ Strategic Review of Integrity Commissioner's functions (2021), page 32

⁴ Ibid, page 33

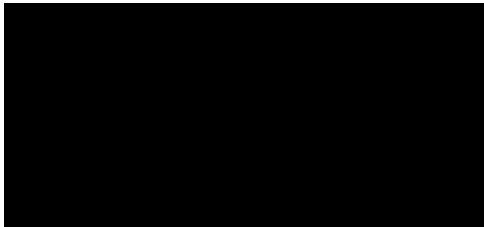
In relation to your final question about where do mayors and councillors get advice from now. I note that in Mr Yearbury's report he stated that:

In addition to the education and training provided by the Office of the Independent Assessor on matters relevant to its jurisdiction, Mayors and Councillors can seek general advice on integrity matters from the Local Government Division (DSDLGP), the LGAQ, and can access legal advice as required.

I am not aware of any changes to this process since the publication of Mr Yearbury's report.

I trust this information is of assistance.

Yours sincerely



Linda Waugh

QUEENSLAND INTEGRITY COMMISSIONER

Attach: Marked up copy of transcript of proceedings – Public Hearing-Oversight of the Office of the Integrity Commissioner – Wednesday 21 May 2025