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Crime and Corruption
Commission

QUEENSLAND

Our Reference: AD-17-0697 – 17/164054
Contact Officer: Mark Docwra

20 September 2017

Acting Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Via email: lacsc@parliament.qld.gov.au

Dear Sir/Madam

Re: Guardianship and Administration and other Legislation Amendment Bill 2017

The Crime and Corruption Commission (CCC) welcomes the opportunity to make this submission to the Legal Affairs and Community Safety Committee (the Committee) on the Guardianship and Administration and Other Legislation Amendment Bill 2017 (the Bill).

The CCC has a particular role in improving the integrity of, and reducing the incidence of corruption in, the public sector. The CCC has a direct interest in proposed amendments to the *Integrity Act 2009* (Integrity Act) and the *Government Owned Corporations Act 1993* (GOC Act) and the *Public Interest Disclosure Act 2010* (PID Act). This submission focuses on these areas of the Bill.

Integrity Act

The amendments to the Integrity Act aim to implement recommendations 1 and 2 of the Finance and Administration Committee Report No. 19, *Inquiry into the Report on the Strategic Review of the functions of the Integrity Commissioner* to remove the requirement for managerial consent to support a request for advice from the Integrity Commissioner, and to allow former designated persons access to the advice services of the Integrity Commissioner for a period of two years after leaving office.

The proposed amendments to the Integrity Act promote good government administration and decision making. The CCC's 2008 report *Public Duty, Private Interests: issues in pre-separation and post separation employment*, noted the increased risk that proper processes may not be followed where there is increased contact between government and former public officials who have moved to the private sector (p.41). The CCC recommended that an acknowledgement be included in all senior executive and ministerial staff contracts of their post-separation obligation not to improperly disclose or use confidential information. The CCC also recommended a quarantine period for lobbying activities by former senior officers and others.

The proposed amendments allow former designated officers (broadly defined to include senior executives, CEOs, members of the Legislative Assembly and ministerial staff) to seek advice from the Integrity Commissioner during a two year post-separation period, on ethics and integrity issues arising from a post-obligation separation. Post-separation obligation means an obligation (under legislation, contract, policy or code of conduct) that relates to the former designated person's contact with a government representative or their obligation under the lobbying restrictions in the Integrity Act.

The proposed amendments have potential to minimise corruption risks that could arise through interactions between current and former public sector employees and office holders. The CCC welcomes these amendments.

GOC Act and PID Act

The amendments to the GOC Act and PID Act aim to implement recommendation 13 of the Parliamentary Crime and Corruption Committee Report No. 97, *Review of the Crime and Corruption Commission* which called on the Queensland Government to provide that where a government owned corporation (GOC) is required to refer a matter under the *Corporations Act 2001* (Corporations Act) or any other federal government legislation, that the CCC also be advised so that both Federal and State bodies can liaise on the matter.

The amendments to the GOC Act and the PID Act do not precisely implement recommendation 13 but provide a more certain and practical outcome by statutory removal of the inconsistency between State and Federal laws as they relate to confidential disclosures of certain improper conduct. The amendments will ensure that GOCs can lawfully comply with their statutory obligations to report to the CCC suspected corrupt conduct relating to the GOC. The amendments will also allow GOCs to deal appropriately with public interest disclosures about GOC employees.

The CCC has previously sought these reforms to the GOC Act and the PID Act. The amendments may result in a slight increase in complaints to the CCC relating to GOCs. Such complaints may involve senior officers and require a greater level of monitoring or cooperation between the CCC and Federal agencies. The CCC will report to the Parliamentary Crime and Corruption Committee in this regard.

The Crime and Corruption and Other Legislative Amendment Bill 2017 (CCOLA Bill) currently before Parliament is also relevant to these amendments. Clause 9 of that Bill introduces a new s. 40A into the *Crime and Corruption Act 2001*. The new s. 40A will require public officials to keep a record of their decision that a complaint, information or matter is not required to be notified to the CCC. The amendments proposed by both the Bill and the CCOLA Bill may enhance the use of CCC monitoring powers to determine whether GOCs are properly notifying the CCC of suspected corrupt conduct. The CCC will report any systemic issues to the Parliamentary Crime and Corruption Committee and to government for consideration of any further appropriate law reform.

The CCC welcomes these amendments.

This submission has addressed the proposed amendments to the Integrity Act, the GOC Act and the PID Act. Overall, the CCC is of the view that these amendments will promote integrity across the public sector and the CCC supports the Bill in this regard.

If you require further information or any other assistance your officers you may contact Mr Mark Docwra by telephone [REDACTED] or by email [REDACTED].

Yours faithfully



Alan MacSporran QC
Chairperson