



Speech by

**LINDY NELSON-CARR**

**MEMBER FOR MUNDINGBURRA**

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Hansard 11 November 1999

**PUBLIC SECTOR ETHICS AMENDMENT BILL**

**Ms NELSON-CARR** (Mundingburra—ALP) (5.38 p.m.): I rise to speak in support of the Public Sector Ethics Amendment Bill of 1999. The establishment of the Office of the Integrity Commissioner will be an innovative enhancement to Queensland's system of government. The Integrity Commissioner will be a valuable source of independent advice for Ministers and for other public officials. If requested, the Integrity Commissioner could provide advice about whether the retention or acquisition of a specific interest would give rise to an unacceptable conflict.

Although pecuniary and other interests are registered under the relevant procedures, Ministers and other public officials need ongoing advice about conflict of interest matters. When they are thinking about acquiring a new interest, or if it is likely that their existing interests could become a potential conflict as a result of changing circumstances, advice from an independent expert may be necessary.

After seeking advice from the Integrity Commissioner, Ministers and other public officials need to know that they will not be responsible for any consequences resulting from taking action in accordance with this advice. An essential element of the Bill is therefore the protections and immunity from further action provided to persons who act in accordance with the Integrity Commissioner's advice.

If a designated person requests advice about a conflict of interest issue, discloses all relevant information about the issue to the Integrity Commissioner and acts in accordance with the Integrity Commissioner's advice to resolve the issue, he or she will not be liable in a civil proceeding or under an administrative process for following the commissioner's advice. This protection and immunity from further action not only encourages designated persons to seek advice from the Integrity Commissioner but also reassures persons that they will not be responsible for the consequences of following the commissioner's advice.

The immunity is intended to ensure that the commissioner's advice on a matter is determinative. For example, if the commissioner advises a Minister who owns a substantial interest in a private company to dispose of his or her shares within a specified time period, it is possible that the other company directors could seek to sue the Minister, especially if the disposal of the Minister's interests had an adverse effect on the value and saleability of their individual and collective interests in the company.

If a person takes an action or makes an omission before seeking and receiving advice about a conflict of interest issue from the Integrity Commissioner, then this act or omission is not protected under the Bill. This would not be in the public interest. However, if a person has sought and received advice from the Integrity Commissioner and this person then ceases to be a designated person, any act taken in accordance with this advice will remain protected. The Bill also provides protection from civil action or administrative procedure for the Integrity Commissioner, ensuring that the commissioner is free and able to give frank and fearless advice. I commend the Bill to the House.

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