

Integrity Commissioner & Incoming Councillors Induction 2020

Integrity Commissioner,
Dr Nikola Stepanov PhD (Melb.)

integrity.commissioner@integrity.qld.gov.au



Queensland
Integrity Commissioner



Integrity Commissioner

- Statutory Office Holder & Officer of Parliament
- Reporting relationship: Speaker of House & Parliamentary Economics and Governance Committee
- Impartial and independent- allows for frank and fearless advice
- Convenor & Chair, **Integrity Committee:**
 - Chair of Crime & Corruption Commission, Auditor-General, Ombudsman, Commissioner PSC, Information Commissioner, Electoral Commissioner, Racing Integrity Commissioner, Independent Assessor

[Meeting Notes available on our website!]



Integrity Commissioner

- Providing **advice** to 'designated persons' on ethics & integrity issues
 - Maintaining the **lobbyist register**
 - Raising **public awareness**
 - **Standard setting** at the request of the Premier
- * Commissioner supported by four staff (only) for all functions & unable to delegate advice functions.**



Advice Functions

Well over 5000 'designated persons':

- All Ministers, Assistant Ministers & MPs (incl. Premier)
- All statutory office holders (Boards, Commissioners, etc)
- Ministerial staff who advise Ministers
- All Director-Generals & DDGs or equivalent
- All Chief Executives
- All Senior Executives, Senior Officers, Senior Officer equiv.
- Other groups nominated by Ministers, i.e. maritime pilots, trade commissioners, extras within QAS & HHS, **Mayors & Councillors**

(incl. all above for period of two years post-separation)

*Prioritised according to public interest & amount of other alternative resources

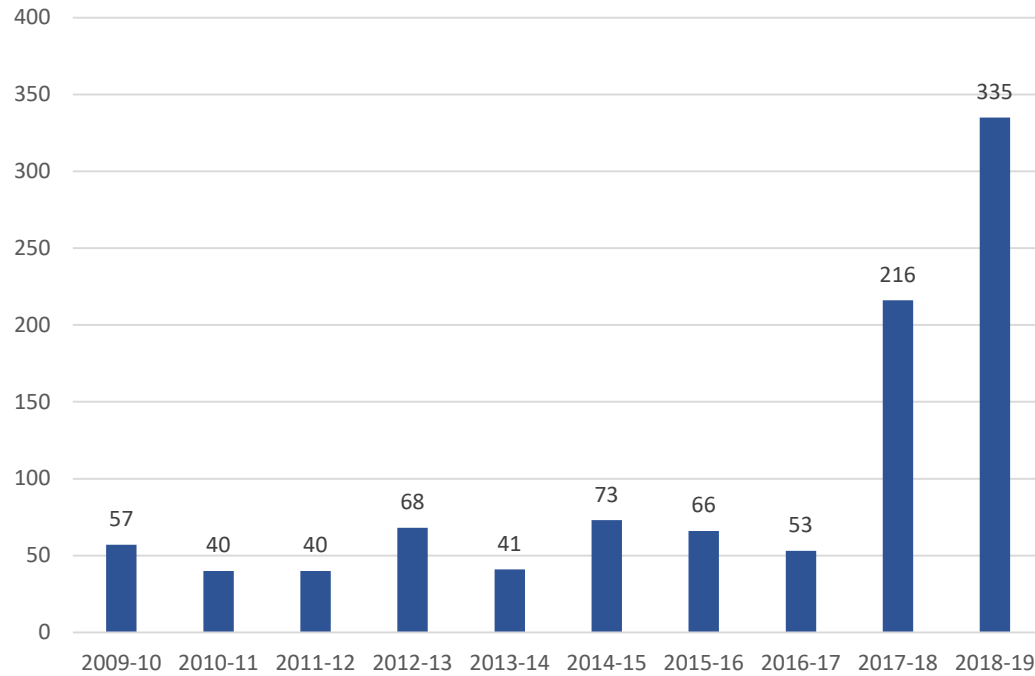


Advice Functions

- **Ethics & integrity advice**- not legal advice, policy/ procedural advice, or advice on other people- no investigative functions
- The Commissioner **must have regard** to relevant **legislation, codes and standards.**
- **Strict secrecy provisions apply** (85 penalty points or 1 year imprisonment)
- Advice is provided in writing on ethics or integrity issues, and is non-binding (note: it is not legal advice)
- There is **no right of reply, power to enforce, investigate, accept referrals etc**
- Advice is in the **public interest** (and not individual's own)
- The Commissioner liaises with the **OIA** and the **CCC etc**

2018-19 Dashboard

Advice Requests



For 2018/19, we received **394** enquiries of which 335 requests for written advice and provided 274 formal advices in response



Up from 216 in the 2017-18 financial year



Growing profile in prevention space and capacity building:

- Interacted with 51 (out of 71) councils throughout Queensland during the 2018/19 financial year together with Independent assessor, and many Boards
- Facilitated 60 information sessions across a range of sector

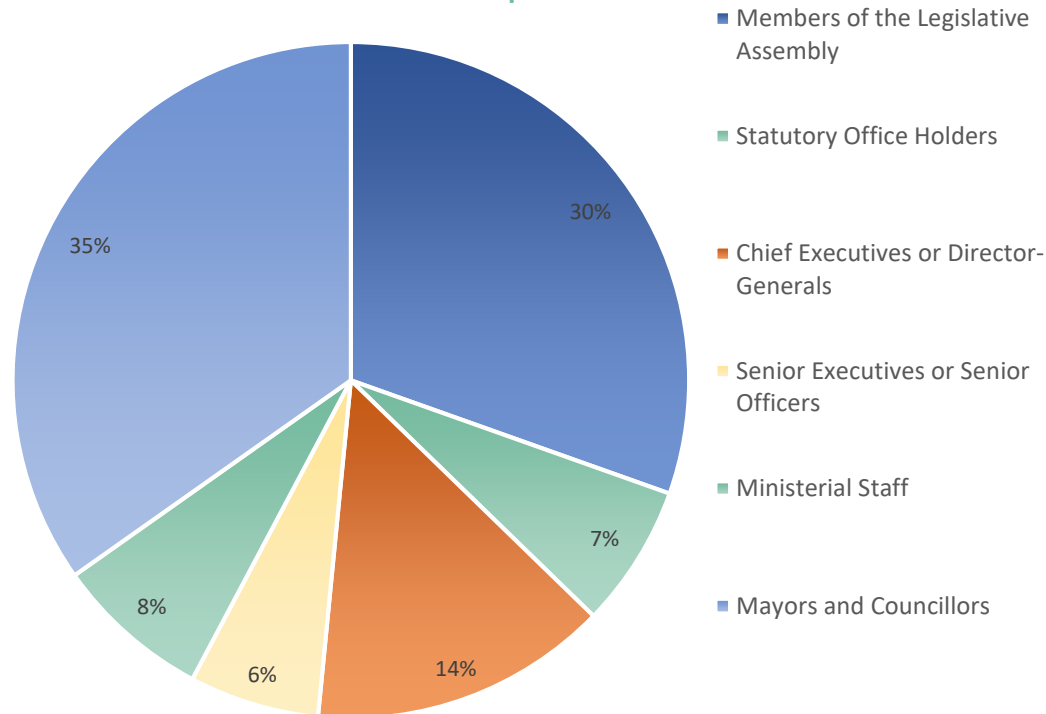


Heightened ethical climate and greater commitment to meeting public's expectations

Jul-Dec 2019 Dashboard

For the first half of the 2019-20 financial year, I received **210** enquiries of which **161** were requests for written advice and I provided **111** formal advices in response.

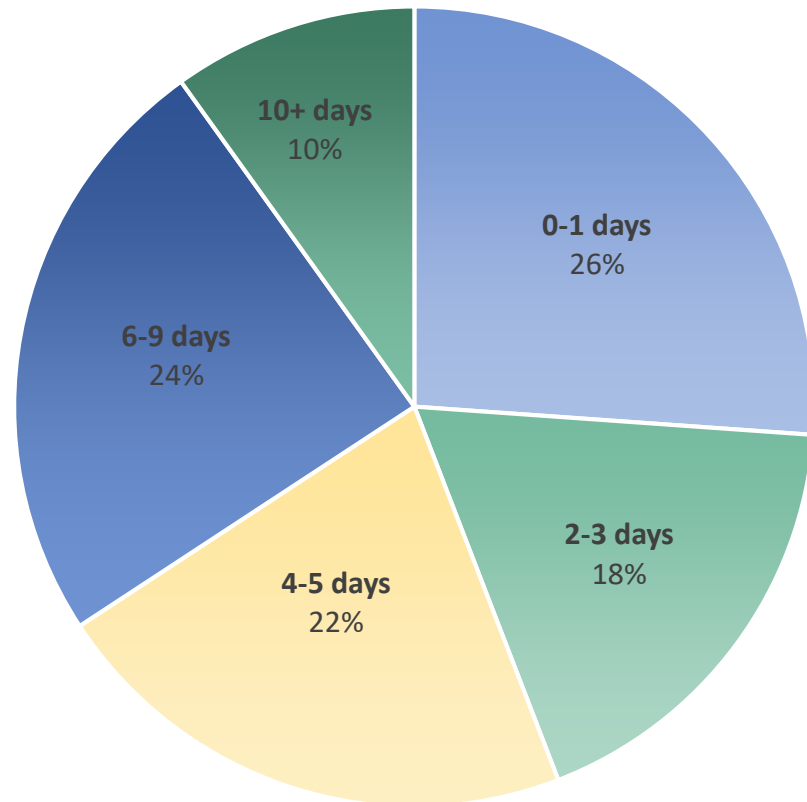
Source of Advice Requests



**July-December 2019 only*

Jul-Dec 2019 Dashboard

Response Times



- Response times this half year are slightly longer than the previous four quarters
- Analysis of the data reveal that 29% of advice requests were responded to on the same day or on the next working day
- The longer response times are indicative of the high demand for formal advice:
 - ✓ prioritising according to public interest
 - ✓ the complexities of the issues being addressed
 - ✓ the thoroughness under which I undertake this function, and
 - ✓ the fact that advice function is unable to be delegated.



Queensland
Integrity Commissioner

Main areas of concern

1. Conflicts of interest (approx. 80%)
 - duty on duty/ competing duties conflicts make up a quarter, e.g. obligations to two different entities
2. Statutory reporting obligations
3. Acceptance of service, gifts, and hospitality
4. Post-separation obligations

** First three are leading corruption risk factors*



Interest issue trends, generally

- Entirely natural that people have conflicts of interest
- move away from the tendency to minimise interest issues as matters that can be dealt with by using 'common sense'
- interest issues are becoming increasingly **more complex**, with conflicts of interest becoming 'more varied and less visible'
- **underexplored area of jurisprudence research**- QIC meeting the gap- including duty on duty conflicts (e.g. two board roles)
- resources development – original research, **best practice**, evidenced-based approach to **lead the field & meet expectations** of the community
- acknowledge: review of CCC, Crown, others in resources preparation



Nomination of Mayors and Councillors

Belcarra Report, recommendation 28(a)

- **Advisory & public awareness functions** of QIC be extended to local government
- Nominated by Hon. Sterling Hinchliffe, Minister for Local Government
- 5 February 2018
- Queensland Mayors & Councillors, s.12(1)(h)

'Strong & enduring commitment to see measures are in place to ensure behaviour of public officials is legal, in the best interests of the communities they serve, and above all ethical.'

Requests for Advice Mayors and Councillors



- Request must be in writing, i.e. via email providing full facts
- Advice back to you will be in writing
- I may ask you for more information before Commissioner provides advice
- Legal protections to you for putting advice into effect

[However, inappropriate for Commissioner to provide you with advice if you are under investigation as may interfere with investigation]

Resources for Mayors and Councillors



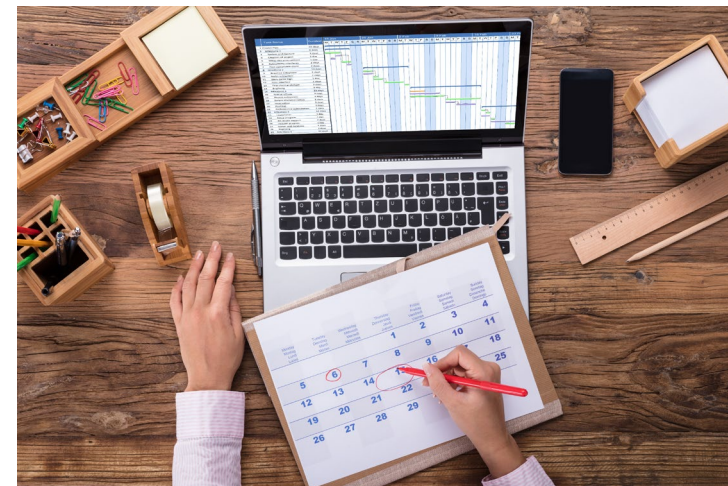
- Councils have a wide variety of resources available to them including staff at Dept of LG (including regional staff), LGAQ, as well as prepared resources from us, OIA, CCC, LGAQ & Dept.
- Encourage councillors to familiarise themselves with all of the resources.
- **First step- see what is available to you and ask for help from your CEO or the Department's regional staff.**
- **Interest issues? I encourage Councils to work collectively to set standards and build capacity- declare your interests to Council & have Council set the standards.**
- Due to availability of other avenues, and the high demand for my services, the wait time for mayors & councillors is commonly many weeks.

Lobbying

- Integrity Commissioner responsible for administering the regulation of lobbying activities under the *Integrity Act 2009* since 2010
- Last financial year, I **received 16 requests** for advice about lobbying, 14 were responded to with formal written advice and 2 were referred to the Queensland Police Service and Crime and Corruption Commission
- Lobbyists are required to comply with a Lobbyists Code of Conduct which imposes a set of ethical obligations and responsibilities on professional lobbyists seeking to influence government policy and decision making, while representing the interest of another person or body for a fee or other reward

Common questions & answers available on our website

<https://www.integrity.qld.gov.au/lobbyists/lobbying-questions-answers.aspx>





Range of resources available:

integrity.qld.gov.au



Email: integrity.commissioner@integrity.qld.gov.au

Phone: 3003 2888

Mobile: +61 428 233 630 (all hours)

Note: All advice requests must be in writing