

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

Explanatory Notes

Short title

The short title of the Bill is the Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019.

Policy objectives and the reasons for them

The objectives of the Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019 (the Bill) are to:

- improve Ministerial accountability by strengthening the framework and obligations on Ministers to ensure disclosure of actual, potential and perceived conflicts of interests occur;
- provide for a means for which a failure to declare a conflict of interest can be considered corrupt conduct;
- align the obligations of elected officials in state government with the obligations of elected officials in local government arising out of Operation Belcarra.

Achievement of policy objectives

The policy objectives will be achieved by:

- creating a criminal offence for occasions when a member of Cabinet is aware, or ought reasonably to be aware, the Minister has a declarable conflict of interest in a matter to be discussed at a meeting of Cabinet or a Cabinet committee but fails to declare the conflict;
- failing to make a declaration as outlined above could, in certain circumstances, be considered corrupt conduct, as defined in the *Crime and Corruption Act 2001*;
- creating a criminal offence to apply to a member of Cabinet who fails to comply with the requirements of the statement of interests by not informing the Clerk of Parliament of the particulars of an interest or the change to an interest within one month after the interest arises or the change happens.

Alternative ways of achieving policy objectives

There are no known alternate ways of achieving the same policy objective.

Estimated cost for government implementation

There are no known costs to government with respect to the implementation of the legislation.

Consistency with fundamental legislative principles

The Bill is generally consistent with fundamental legislative principles as outlined in section 4 of the *Legislative Standards Act 1992*.

Consultation

On 6 September 2019, the Crime and Corruption Commission (CCC) released a statement identifying several areas for improvement to ensure conflicts of interest are declared and managed more effectively to reduce the risk of corruption. This was following a seven-week investigation by the CCC into allegations relating to conduct of Deputy Premier Jackie Trad MP.

The Opposition met with the Queensland Law Society to discuss the Private Member's Bill prior to finalisation.

The proposed legislation is consistent with the recommendations made by the CCC.

Consistency with legislation of other jurisdictions

The proposed legislation is specific to Queensland.

Notes on provisions

Clause 1 refers to the short title of the Bill.

Clause 2 provides that the Bill amends the *Criminal Code*.

Clause 3 amends section 1 (Definitions) by inserting 'declarable conflict of interest', 'executive officer', 'interest' and 'related party'.

Clause 4 inserts a new part 3, chapter 13A (Ministers' conflicts of interest).

Clause 5 provides that the Bill amends the *Parliament of Queensland Act 2001*.

Clause 6 amends section 69B (Statements of interests).

Clause 7 inserts a new chapter 10, part 9 (Criminal Code and Other Legislation (Ministerial Accountability) Amendment Act 2019).