



Integrity and Other Legislation Amendment Bill 2022



Queensland

Integrity and Other Legislation Amendment Bill 2022

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2022

A Bill

for

An Act to amend the Auditor-General Act 2009, the Integrity Act 2009, the Ombudsman Act 2001, the Public Sector Act 2022 and the legislation mentioned in schedule 1 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Integrity and Other Legislation Amendment Act 2022*. 4
5

Clause 2 Commencement 6

(1) This Act, other than sections 50 and 56, commences on a day 7
to be fixed by proclamation. 8

(2) Sections 50 and 56 commence on 1 March 2023, immediately 9
after the commencement of the *Public Sector Act 2022*, 10
section 3. 11

Part 2 Amendment of Auditor-General Act 2009 12
13

Clause 3 Act amended 14

This part amends the *Auditor-General Act 2009*. 15

Clause 4 Amendment of s 6 (Auditor-general and audit office) 16

(1) Section 6— 17
insert— 18

(1A) The auditor-general is an officer of the 19
Parliament. 20

(2) Section 6(1A) to (4)— 21
renumber as section 6(2) to (5). 22

Clause 5	Amendment of s 8 (Auditor-general not subject to direction)	1 2
	Section 8(2)—	3
	<i>omit.</i>	4
Clause 6	Insertion of new ss 8A–8C	5
	After section 8—	6
	<i>insert—</i>	7
	8A Audit office not public sector entity	8
	The audit office is an entity prescribed not to be a public sector entity for the <i>Public Sector Act 2022</i> , section 8(2)(s).	9 10 11
	8B Audit office to comply with obligations relating to equity, diversity, respect and inclusion	12 13
	The audit office is an entity prescribed for the <i>Public Sector Act 2022</i> , section 25, definition <i>prescribed entity</i> , paragraph (c).	14 15 16
	8C Application of provisions of Public Sector Act 2022	17 18
	(1) A regulation may—	19
	(a) apply particular provisions of the <i>Public Sector Act 2022</i> , including, for example, particular directives made under the <i>Public Sector Act 2022</i> , to the audit office, the auditor-general and employees; and	20 21 22 23 24
	(b) provide for the way in which the provisions mentioned in paragraph (a) are to apply, including, for example, that they apply with or without change.	25 26 27 28
	(2) Before recommending to the Governor in Council the making of a regulation under subsection (1),	29 30

[s 7]

	the Minister must consult with the auditor-general about the proposed regulation.	1 2
(3)	If a regulation is made under subsection (1)—	3
(a)	the <i>Public Sector Act 2022</i> applies to the audit office, the auditor-general and employees only to the extent provided for under the regulation; and	4 5 6 7
(b)	the <i>Public Sector Act 2022</i> applies in the way mentioned in paragraph (a) with necessary changes.	8 9 10
(4)	Also, a regulation may prescribe anything necessary or convenient to be prescribed—	11 12
(a)	to enable a regulation under subsection (1) to be made; or	13 14
(b)	to carry out or give effect to a regulation made under subsection (1); or	15 16
(c)	because of the making of a regulation under subsection (1), including, for example, the portability of employment rights and entitlements.	17 18 19 20
Clause 7	Insertion of new s 11A	21
	After section 11—	22
	<i>insert—</i>	23
	11A Oath before performing duties	24
(1)	Before performing the duties of office, the auditor-general must make an oath or affirmation to the effect that they will faithfully and impartially perform the duties of the office.	25 26 27 28
(2)	The oath must be administered by the Speaker, or if there is no Speaker or the Speaker is unavailable, the clerk of the Parliament.	29 30 31

Clause 8	Omission of s 14 (Preservation of rights)	1
	Section 14—	2
	<i>omit.</i>	3
Clause 9	Amendment of s 15 (Leave of absence)	4
	Section 15, ‘Minister’—	5
	<i>omit, insert—</i>	6
	Speaker	7
Clause 10	Insertion of new s 19A	8
	After section 19—	9
	<i>insert—</i>	10
	19A Restriction on employment after office ends	11
	(1) This section applies to a person who stops holding office as the auditor-general, whether because of resignation or ending a term of appointment.	12 13 14
	(2) For 2 years after the person stops holding the office, the person must not hold an office in or be employed by a public sector entity.	15 16 17
Clause 11	Replacement of s 22 (Deputy auditor-general employed under Public Sector Act 2022)	18 19
	Section 22—	20
	<i>omit, insert—</i>	21
	22 Employment of deputy auditor-general	22
	(1) The auditor-general may employ a deputy auditor-general.	23 24
	(2) Division 4 applies in relation to the employment of the deputy auditor-general as if the deputy auditor-general were a member of the staff of the audit office.	25 26 27 28

[s 12]

Clause 12	Amendment of s 24 (Deputy auditor-general subject only to direction of auditor-general)	1 2
	Section 24(2)—	3
	<i>omit.</i>	4
Clause 13	Insertion of new ss 25A and 25B	5
	After section 25—	6
	<i>insert—</i>	7
	25A Oath of office before acting as auditor-general	8
	(1) Before performing the duties of office while acting as auditor-general, the deputy auditor-general must make an oath or affirmation under section 11A as if the deputy auditor-general were the auditor-general.	9 10 11 12 13
	(2) Subsection (1) does not apply to a person employed as the deputy auditor-general if—	14 15
	(a) the person has previously made an oath or affirmation before performing the duties of office while acting as auditor-general; and	16 17 18
	(b) the person has continued in the person's employment as deputy auditor-general since the oath or affirmation was made.	19 20 21
	25B Acting deputy auditor-general	22
	The auditor-general may appoint a person to act as the deputy auditor-general during—	23 24
	(a) a vacancy in the office of deputy auditor-general; or	25 26
	(b) a period when the deputy auditor-general is absent from duty or from Australia or is, for another reason, unable to perform the functions of the office.	27 28 29 30

Clause 14	Replacement of pt 2, divs 4 and 5	1	
	Part 2, divisions 4 and 5—	2	
	<i>omit, insert—</i>	3	
	Division 4	Staff of audit office	4
	26	Employment of staff	5
	(1)	The auditor-general may employ the persons the auditor-general considers necessary for staffing the audit office.	6 7 8
	(2)	The staff of the audit office are employed under this Act and not the <i>Public Sector Act 2022</i> .	9 10
	(3)	Subject to this Act and any relevant industrial instrument within the meaning of the <i>Industrial Relations Act 2016</i> , the conditions of service of the staff of the audit office are those decided by the auditor-general.	11 12 13 14 15
	(4)	The employment of a member of the staff of the audit office may be—	16 17
	(a)	full-time or part-time; or	18
	(b)	on a permanent, temporary or casual basis.	19
	27	Secondment of public service employees	20
	(1)	A public service employee may be seconded to the audit office.	21 22
	(2)	While seconded under this section—	23
	(a)	the person is taken to be a member of the staff of the audit office; and	24 25
	(b)	the <i>Public Sector Act 2022</i> does not apply to the person.	26 27

[s 14]

28	Restriction on employment or secondment of person	1 2
	A person may not be employed under section 22 or 26, or seconded under section 27, unless the person has given the auditor-general written consent to obtain the information mentioned in section 29(1)(a) and (b) in relation to the person's criminal history.	3 4 5 6 7 8
29	Criminal history report	9
(1)	To decide if a person is suitable to be employed under section 22 or 26, or seconded under section 27, the auditor-general may ask the commissioner of the police service for—	10 11 12 13
(a)	a written report about the criminal history of the person; and	14 15
(b)	a brief description of the circumstances of a conviction mentioned in the criminal history.	16 17 18
(2)	However, the auditor-general may make the request only if the person has given the auditor-general written consent for the request.	19 20 21
(3)	The commissioner of the police service must comply with the request.	22 23
(4)	However, the duty to comply applies only to information in the commissioner's possession or to which the commissioner has access.	24 25 26
(5)	Before using information obtained under subsection (1) to decide if the person should be employed or seconded, the auditor-general must—	27 28 29 30
(a)	disclose the information to the person; and	31
(b)	allow the person a reasonable opportunity to make representations to the auditor-general about the information.	32 33 34

-
- (6) In this section— 1
criminal history, of a person, means the person’s 2
criminal history within the meaning of the 3
Criminal Law (Rehabilitation of Offenders) Act 4
1986. 5

29A Confidentiality of criminal history information 6

- (1) This section applies to a person who possesses 7
criminal history information because the person is 8
or was the auditor-general, deputy auditor-general 9
or a member of the staff of the audit office. 10
- (2) The person must not, directly or indirectly, 11
disclose the criminal history information to 12
another person unless the disclosure is permitted 13
under subsection (3). 14
Maximum penalty—100 penalty units. 15
- (3) The person may disclose the criminal history 16
information to another person— 17
- (a) to the extent necessary to perform the 18
person’s functions under this Act; or 19
- (b) if the disclosure is authorised under an Act; 20
or 21
- (c) if the disclosure is otherwise required or 22
permitted by law; or 23
- (d) if the person to whom the information 24
relates consents to the disclosure; or 25
- (e) if the disclosure is in a form that does not 26
identify the person to whom the information 27
relates; or 28
- (f) if the information is, or has been, lawfully 29
accessible to the public. 30
- (4) The auditor-general must ensure the criminal 31
history information is destroyed as soon as 32
practicable after it is no longer needed for the 33

[s 14]

purpose for which it was requested. 1

(5) In this section— 2

criminal history information means a report or 3
information given to the auditor-general under 4
section 29. 5

Division 5 Preservation of rights 6

29B Preservation of rights if public service employee appointed or employed 7 8

(1) This section applies if a person who is a public 9
service employee is appointed or employed as— 10

(a) the auditor-general; or 11

(b) the deputy auditor-general; or 12

(c) a member of the staff of the audit office. 13

(2) The person is entitled to retain all existing and 14
accruing rights to superannuation or recreation, 15
sick, long service or other leave as if service in the 16
audit office under this Act were a continuation of 17
service as a public service employee. 18

29C Preservation of rights if person becomes public service employee 19 20

(1) This section applies if— 21

(a) a person is appointed or employed as a 22
public service employee; and 23

(b) immediately before the appointment or 24
employment, the person was the deputy 25
auditor-general or a member of the staff of 26
the audit office. 27

(2) The person's service in the audit office under this 28
Act must be regarded as service as a public 29

service employee. 1

**29D Preservation of rights if public service
employee seconded** 2
3

- (1) A public service employee seconded under section 27— 4
5
- (a) keeps the person’s existing and accruing rights to superannuation or recreation, sick, long service or other leave as if employment as a member of the staff of the audit office were a continuation of employment as a public service employee; and 6
7
8
9
10
11
 - (b) may apply for positions, and be employed, in the public service as if the person were a public service employee. 12
13
14
- (2) On ending the secondment, the person’s employment on secondment as a member of the staff of the audit office is taken to be employment of the same nature in the public service for working out the person’s rights as a public service employee. 15
16
17
18
19
20
- (3) If the secondment ended for a reason other than misconduct, the person is entitled— 21
22
- (a) to return to the person’s employment as a public service employee; and 23
24
 - (b) to be employed on the same terms of employment as applied to the person’s employment as a public service employee before the secondment, subject to any subsequent variation of the terms under— 25
26
27
28
29
 - (i) any relevant laws or industrial instruments applying to the person’s employment; or 30
31
32
 - (ii) the person’s contract of employment. 33

[s 15]

Clause 15	Amendment of s 35 (Audits at request of Legislative Assembly)	1 2
	Section 35(1)—	3
	<i>omit, insert—</i>	4
	(1) The auditor-general may conduct an audit of a matter relating to the financial administration of a public sector entity if the Legislative Assembly, by resolution, requests the audit.	5 6 7 8
Clause 16	Amendment of s 37A (Performance audit of public sector entities)	9 10
	(1) Section 37A(3)—	11
	<i>omit, insert—</i>	12
	(3) The object of the performance audit includes—	13
	(a) deciding whether the objectives of the public sector entity are being achieved economically, efficiently and effectively and in compliance with all relevant laws; and	14 15 16 17
	(b) identifying any opportunities for the public sector entity to achieve its objectives more economically, efficiently and effectively.	18 19 20
	(2) Section 37A(6) and (7)—	21
	<i>omit.</i>	22
	(3) Section 37A(8)—	23
	<i>renumber</i> as section 37A(6).	24
Clause 17	Omission of s 38 (Audit of performance management systems)	25 26
	Section 38—	27
	<i>omit.</i>	28

Clause 18	Amendment of s 38A (Preparation of strategic audit plans for performance audits)	1
	Section 38A(1), ‘sections 37A and 38’—	2
	<i>omit, insert—</i>	3
	section 37A	4
Clause 19	Amendment of s 56 (Audit fees)	5
	(1) Section 56(3)—	6
	<i>omit.</i>	7
	(2) Section 56(4), ‘subsection (3)’—	8
	<i>omit, insert—</i>	9
	section 56A	10
	(3) Section 56(4) and (5)—	11
	<i>renumber</i> as section 56(3) and (4).	12
Clause 20	Insertion of new s 56A	13
	After section 56—	14
	<i>insert—</i>	15
	56A Basic rates of fees	16
	(1) The auditor-general may decide the basic rates of fees for section 56.	17
	(2) In deciding the basic rates of fees, the auditor-general must have regard to—	18
	(a) the reasonable costs that may be incurred for conducting an audit; and	19
	(b) amounts ordinarily charged for conducting an audit by entities that provide audit services.	20
	(3) The auditor-general may increase the basic rates of fees once each financial year, with the approval	21
		22
		23
		24
		25
		26
		27
		28

[s 20]

- of the parliamentary committee. 1
- (4) The auditor-general must include the reasons for 2
a proposed increase in the basic rates of fees for a 3
financial year when seeking the parliamentary 4
committee's approval for the increase. 5
- (5) For deciding whether or not to approve a 6
proposed increase in the basic rates of fees for a 7
financial year, the parliamentary committee 8
may— 9
- (a) have regard to the government indexation 10
rate for the financial year; and 11
- (b) obtain, and have regard to, advice from the 12
Treasurer about the proposed increase. 13
- (6) As soon as practicable after deciding to approve 14
or not approve a proposed increase in the basic 15
rates of fees for a financial year, the parliamentary 16
committee must prepare a report to the Legislative 17
Assembly stating— 18
- (a) whether or not the parliamentary committee 19
approved the increase; and 20
- (b) the reasons for the parliamentary 21
committee's decision, including, details 22
about whether the parliamentary committee 23
considered either of the following in making 24
the decision— 25
- (i) the government indexation rate for the 26
financial year; 27
- (ii) advice obtained from the Treasurer 28
about the proposed increase. 29
- (7) In this section— 30
- government indexation rate**, for a financial year, 31
means the government indexation rate for fees 32
and charges published in the State budget for the 33
financial year. 34

Clause 21	Replacement of pt 4, hdg (Strategic review of the audit office)	1 2	
	Part 4, heading—	3	
	<i>omit, insert—</i>	4	
	Part 4	Monitoring and oversight	5 6
	Division 1	Role of parliamentary committee	7 8
	67A Functions of parliamentary committee	9	
	The parliamentary committee has the following functions—	10 11	
	(a) to monitor and review the performance by the auditor-general of the auditor-general’s functions under this Act;	12 13 14	
	(b) to report to the Legislative Assembly on any matter concerning the auditor-general’s functions or the performance of the auditor-general’s functions that the committee considers should be drawn to the Legislative Assembly’s attention;	15 16 17 18 19 20	
	(c) the other functions conferred on the committee by this Act or another Act.	21 22	
	Division 2	Strategic review of audit office	23 24
Clause 22	Replacement of pt 5, hdg (Independent audit of Queensland Audit Office)	25 26	
	Part 5, heading—	27	

[s 23]

omit, insert—

**Division 3 Independent audit of audit
office**

		1
		2
		3
Clause 23	Renumbering of pt 6 (General provisions)	4
	Part 6—	5
	<i>renumber</i> as part 5.	6
Clause 24	Renumbering of pt 7 (Transitional provisions)	7
	Part 7—	8
	<i>renumber</i> as part 6.	9
Clause 25	Insertion of new pt 6, div 4	10
	Part 6, as renumbered by this Act—	11
	<i>insert—</i>	12
	Division 4 Transitional provisions for the Integrity and Other Legislation Amendment Act 2022	13 14 15 16
	Subdivision 1 Provisions about office of auditor-general	17 18
	90 Definitions for subdivision	19
	In this subdivision—	20
	<i>existing auditor-general</i> means the person who, immediately before the commencement, was holding office as the auditor-general.	21 22 23
	<i>existing deputy auditor-general</i> means the	24

person who, immediately before the
commencement, was holding office as the deputy
auditor-general.

91 Existing appointment unaffected

The amendment of this Act by the *Integrity and
Other Legislation Amendment Act 2022* does not
affect the appointment of the existing
auditor-general.

92 Oath of office

- (1) The existing auditor-general must comply with
section 11A—
 - (a) if, on the commencement, the existing
auditor-general is absent from duty or from
Australia or is, for another reason, unable to
perform the functions of the office—before
the auditor-general starts performing the
duties of office after the commencement; or
 - (b) otherwise—within 28 days after the
commencement.
- (2) If, on the commencement, the existing deputy
auditor-general is acting as auditor-general, the
existing deputy auditor-general must comply with
section 25A within 28 days after the
commencement.
- (3) Subsection (2) does not apply, or stops applying,
if the existing deputy auditor-general stops acting
as auditor-general before the 28-day period
mentioned in the subsection ends.

Subdivision 2 Provision about audits

[s 25]

93 Existing audits	1
(1) This section applies in relation to an audit under this Act started but not finished before the commencement.	2 3 4
(2) The audit must be continued under this Act as in force before the commencement as if the <i>Integrity and Other Legislation Amendment Act 2022</i> had not been enacted.	5 6 7 8
Subdivision 3 Provisions about employment arrangements	9 10
94 Definitions for subdivision	11
In this subdivision—	12
<i>existing deputy auditor-general</i> means the person who, immediately before the commencement, was holding office as the deputy auditor-general.	13 14 15 16
<i>existing staff member</i> means a person who, immediately before the commencement, was employed as a member of the staff of the audit office.	17 18 19 20
95 Change of employment	21
(1) On the commencement, a person who is the existing deputy auditor-general or an existing staff member—	22 23 24
(a) is taken to be employed under this Act; and	25
(b) stops being employed as a public service employee.	26 27
(2) The person’s employment continues on the same terms of employment as applied to the person immediately before the commencement, subject	28 29 30

to any subsequent variation of the terms under—	1
(a) any relevant laws or industrial instruments applying to the person’s employment; or	2 3
(b) the person’s contract of employment.	4
(3) The change in the person’s employment under subsection (1) does not—	5 6
(a) prejudice the person’s existing or accruing rights to superannuation or recreation, sick, long service or other leave; or	7 8 9
(b) interrupt continuity of service, except that the person is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or	10 11 12 13
(c) constitute a termination of employment, retrenchment or redundancy.	14 15
(4) Subsection (1)(a) applies despite sections 28 and 29.	16 17
96 Right of return to public service	18
(1) A person who is the existing deputy auditor-general or an existing staff member may, within 6 months after the commencement, elect to return to being a public service employee by giving written notice to the auditor-general.	19 20 21 22 23
<i>Note—</i>	24
See also section 29C in relation to a person who is appointed as a public service employee after being the deputy auditor-general or a member of the staff of the audit office.	25 26 27 28
(2) An election under subsection (1) takes effect when the person who made the election is transferred to a department or public service entity as a public service employee.	29 30 31 32
(3) On a person’s return to the public service—	33

[s 26]

	(a) the person is taken not to have stopped being a public service employee when the person's employment changed under section 95(1); and	1 2 3 4
	(b) the person's service as a public service employee is taken to have continued while the person was employed in the audit office under this Act; and	5 6 7 8
	(c) the person's terms of employment are the same terms of employment that applied to the person immediately before the person's employment changed under section 95(1), subject to any changes in relevant laws or industrial instruments applying to the person's employment.	9 10 11 12 13 14 15
	(4) Subsection (3) does not allow the person to claim the benefit of a right or entitlement more than once in relation to the same period of service.	16 17 18
Clause 26	Amendment of schedule (Dictionary)	19
	Schedule, definition <i>audit office</i> , 'section 6(3)'—	20
	<i>omit, insert—</i>	21
	section 6(4)	22
Part 3	Amendment of Integrity Act 2009	23 24
Clause 27	Act amended	25
	This part amends the <i>Integrity Act 2009</i> .	26
Clause 28	Replacement of ch 2, hdg (Integrity commissioner)	27
	Chapter 2, heading—	28

omit, insert—

Chapter 2 Queensland Integrity Commissioner and Office of the Queensland Integrity Commissioner

Clause 29 Amendment of s 6 (Integrity commissioner)

(1) Section 6, heading, after ‘commissioner’—

insert—

and integrity office

(2) Section 6(2), note—

omit.

(3) Section 6—

insert—

(3) There is to be a Queensland Deputy Integrity Commissioner.

(4) An office called the Office of the Queensland Integrity Commissioner is established.

(5) The integrity office consists of the integrity commissioner, the deputy integrity commissioner and the integrity officers.

Note—

The administrative provisions for the integrity commissioner, deputy integrity commissioner and integrity office are set out in chapter 5.

Clause 30 Amendment of s 7 (Functions of integrity commissioner)

Section 7(1)(a), ‘or former designated person’—

omit, insert—

[s 31]

	, former designated person or former ministerial advisor	1 2
Clause 31	Insertion of new s 7A	3
	After section 7—	4
	<i>insert—</i>	5
	7A Integrity commissioner not subject to direction	6 7
	Subject to any other Act or law, the integrity commissioner is not subject to any direction by any person about—	8 9 10
	(a) the way the integrity commissioner performs the integrity commissioner’s functions under this Act; or	11 12 13
	(b) the priority given to ethics or integrity issues.	14 15
Clause 32	Amendment of s 8 (Protection for integrity commissioner)	16
	(1) Section 8, heading, after ‘commissioner’—	17
	<i>insert—</i>	18
	and deputy integrity commissioner	19
	(2) Section 8(1) and (2), after ‘commissioner’—	20
	<i>insert—</i>	21
	or deputy integrity commissioner	22
Clause 33	Insertion of new ss 8A–8D	23
	After section 8—	24
	<i>insert—</i>	25
	8A Duties of deputy integrity commissioner	26
	The deputy integrity commissioner is to perform	27

the duties directed by the integrity commissioner.	1
8B Deputy integrity commissioner subject only to direction of integrity commissioner	2 3
(1) The deputy integrity commissioner is not subject to direction by any person, other than the integrity commissioner, about—	4 5 6
(a) the way the integrity commissioner’s functions under this Act are to be performed; or	7 8 9
(b) the priority given to ethics or integrity issues.	10 11
(2) Subsection (1) applies despite the <i>Public Sector Act 2022</i> .	12 13
8C Control of integrity office	14
(1) The integrity commissioner controls the integrity office.	15 16
(2) Subsection (1) does not prevent the attachment of the integrity office to the department for the purpose of ensuring that the office is supplied with the administrative support services that it requires to carry out its functions effectively and efficiently.	17 18 19 20 21 22
8D Integrity officers subject only to direction of integrity commissioner	23 24
(1) An integrity officer is not subject to direction by any person, other than from within the integrity office, about—	25 26 27
(a) the way the integrity commissioner’s functions under this Act are to be performed; or	28 29 30

[s 34]

	(b) the priority given to ethics or integrity issues.	1 2
	(2) Subsection (1) applies despite the <i>Public Sector Act 2022</i> .	3 4
Clause 34	Amendment of s 12 (Meaning of <i>designated person</i>)	5
	(1) Section 12(1)(d), ‘or senior officer’— <i>omit.</i>	6 7
	(2) Section 12(1)(f) to (h)— <i>omit, insert—</i>	8 9
	(f) a ministerial staff member who performs the role of chief of staff (however called) in the office of a Minister;	10 11 12
	(g) a person, or a person within a class of persons, prescribed by regulation.	13 14
	(3) Section 12(2), ‘or (h)’— <i>omit.</i>	15 16
	(4) Section 12(3)— <i>omit, insert—</i>	17 18
	(3) A regulation under subsection (1)(g) may prescribe the period for which the person, or a person of the class, is a designated person under this Act.	19 20 21 22
Clause 35	Insertion of new s 12A	23
	After section 12— <i>insert—</i>	24 25
	12A Meaning of <i>ministerial advisor</i>	26
	(1) A <i>ministerial advisor</i> is—	27

	(a)	a ministerial staff member who gives, or a person engaged to give, advice to a Minister; or	1 2 3
	(b)	an assistant minister staff member who gives, or a person engaged to give, advice to an Assistant Minister.	4 5 6
	(2)	However, a person who is a designated person is not a <i>ministerial advisor</i> .	7 8
Clause 36		Insertion of new ch 3, pt 2, div 1, hdg	9
		Chapter 3, part 2—	10
		<i>insert—</i>	11
		Division 1 Preliminary	12
Clause 37		Amendment of s 15 (Request for advice)	13
	(1)	Section 15(2), ‘or former designated person’—	14
		<i>omit, insert—</i>	15
		, former designated person or former ministerial advisor	16 17
	(2)	Section 15(2), ‘20A’—	18
		<i>omit, insert—</i>	19
		20D	20
	(3)	Section 15(5), ‘and 20A’—	21
		<i>omit, insert—</i>	22
		, 20A and 20D	23
	(4)	Section 15(5), after ‘designated person’—	24
		<i>insert—</i>	25
		or ministerial advisor	26

[s 38]

Clause 38	Insertion of new ch 3, pt 2, div 2, hdg	1
	After section 15—	2
	<i>insert—</i>	3
	Division 2	4
	Requests about designated persons	5
Clause 39	Amendment of s 17 (Request by Minister)	6
	Section 17(e)—	7
	<i>omit, insert—</i>	8
	(e) a designated person under section 12(1)(g).	9
Clause 40	Omission of s 18 (Request by Assistant Minister)	10
	Section 18—	11
	<i>omit.</i>	12
Clause 41	Insertion of new ch 3, pt 2, div 3, hdg	13
	After section 20—	14
	<i>insert—</i>	15
	Division 3	16
	Requests about other persons	17
Clause 42	Insertion of new ss 20B–20D and ch 3, pt 2, div 4, hdg	18
	After section 20A—	19
	<i>insert—</i>	20
	20B Request by Minister about ministerial advisor	21
	A Minister may ask for the integrity commissioner’s advice on an ethics or integrity issue involving a ministerial advisor who gives advice to the Minister.	22
		23
		24
		25

20C Request by Assistant Minister about ministerial advisor 1
2

An Assistant Minister may ask for the integrity commissioner’s advice on an ethics or integrity issue involving a ministerial advisor who gives advice to the Assistant Minister. 3
4
5
6

20D Request by former ministerial advisor 7

(1) Within 2 years after being a ministerial advisor, a person may ask for the integrity commissioner’s advice on an ethics or integrity issue involving the person that arises from a post-separation obligation. 8
9
10
11
12

(2) In this section— 13

post-separation obligation means— 14

(a) an obligation (including an obligation under an Act, contract of employment, directive, policy or code of conduct) that— 15
16
17

(i) applies to the person because the person was, but is no longer, a ministerial advisor; and 18
19
20

(ii) relates to contact with a government representative or Opposition representative; or 21
22
23

(b) an obligation applying to the person under section 70. 24
25

Division 4 Advice 26

Clause 43 Amendment of s 21 (Advice) 27

(1) Section 21(1), after ‘a designated person’— 28
insert— 29

[s 44]

	, former designated person or former ministerial advisor (each <i>an advisee</i>)	1 2
(2)	Section 21(1) and (4)(b), ‘the designated person’— <i>omit, insert—</i> the advisee	3 4 5
(3)	Section 21(5)— <i>omit.</i>	6 7
Clause 44	Amendment of s 25 (Definitions for division)	8
(1)	Section 25, definition <i>designated person to whom a relevant document relates—</i> <i>omit.</i>	9 10 11
(2)	Section 25— <i>insert—</i> <i>person to whom a relevant document relates</i> means the designated person or ministerial advisor involved in an ethics or integrity issue and to whom the relevant document relates.	12 13 14 15 16 17
Clause 45	Amendment of s 26 (Disclosure)	18
(1)	Section 26(1), ‘or former designated person’— <i>omit, insert—</i> , former designated person or former ministerial advisor	19 20 21 22
(2)	Section 26(3), after ‘designated person’— <i>insert—</i> or ministerial advisor	23 24 25

Clause 46	Amendment of s 27 (Disclosure by designated person to whom a relevant document relates)	1 2
	(1) Section 27, heading, ‘designated’—	3
	<i>omit.</i>	4
	(2) Section 27, ‘who is or has been a designated person’—	5
	<i>omit.</i>	6
Clause 47	Amendment of s 28 (Disclosure to designated person to whom a relevant document relates)	7 8
	(1) Section 28, heading, ‘designated’—	9
	<i>omit.</i>	10
	(2) Section 28, ‘who is or has been the designated person’—	11
	<i>omit.</i>	12
Clause 48	Amendment of s 30 (Disclosure to Minister)	13
	(1) Section 30, after ‘equivalent,’—	14
	<i>insert—</i>	15
	or a ministerial advisor who gives advice to the	16
	Minister,	17
	(2) Section 30(b), after ‘section 17’—	18
	<i>insert—</i>	19
	or 20B	20
Clause 49	Amendment, renumbering and relocation of s 31 (Disclosure to Assistant Minister)	21 22
	(1) Section 31, from ‘designated’ to ‘equivalent,’—	23
	<i>omit, insert—</i>	24
	ministerial advisor who gives advice to the	25
	Assistant Minister	26
	(2) Section 31(b), ‘section 18’—	27

[s 50]

omit, insert— 1

section 20C 2

(3) Section 31— 3

renumber as section 33A and *relocate* to after section 33. 4

Clause 50 Amendment of s 40E (Declaration of interests) 5

(1) Section 40E(2) and (5), ‘the integrity commissioner and’— 6

omit. 7

(2) Section 40E(3), ‘*Public Service Act 2008*, section 101(3)’— 8

omit, insert— 9

Public Sector Act 2022, section 182(3) 10

(3) Section 40E(4)(b), ‘*Public Service Act 2008*, section 101(4)(b)’— 11
12

omit, insert— 13

Public Sector Act 2022, section 182(4)(b) 14

(4) Section 40E(7)— 15

omit. 16

Clause 51 Insertion of new s 71A 17

After section 71— 18

insert— 19

71A Offence for conduct by lobbyist if not registered 20
21

(1) An unregistered lobbyist must not— 22

(a) carry out a lobbying activity for a third party client; or 23
24

(b) carry on, or purport to carry on, a business of providing services constituting, or including, lobbying activities for third party clients; or 25
26
27
28

(c)	hold out that the lobbyist is—	1
(i)	a registered lobbyist; or	2
(ii)	a listed person for a registered lobbyist; or	3 4
(iii)	authorised or permitted to carry out a lobbying activity for a third party client under this Act; or	5 6 7
(d)	take or use a title, name or description that, having regard to the circumstances in which it is taken or used, indicates or could be reasonably understood to indicate the lobbyist is—	8 9 10 11 12
(i)	a registered lobbyist; or	13
(ii)	a listed person for a registered lobbyist; or	14 15
(iii)	authorised or permitted to carry out a lobbying activity for a third party client under this Act.	16 17 18
	Maximum penalty—200 penalty units.	19
(2)	In this section—	20
	<i>unregistered lobbyist</i> means a lobbyist that is not—	21 22
(a)	a registered lobbyist; or	23
(b)	a listed person for a registered lobbyist.	24
Clause 52	Amendment of ch 5, hdg (Administrative provisions for integrity commissioner)	25 26
	Chapter 5, heading, after ‘commissioner’—	27
	<i>insert—</i>	28
	, deputy integrity commissioner and integrity office	29 30

[s 53]

Clause 53	Insertion of new ch 5, pt 1, hdg	1
	Chapter 5—	2
	<i>insert—</i>	3
	Part 1	
	Integrity commissioner	4
Clause 54	Amendment of s 83 (Delegation of powers)	5
	(1) Section 83, before subsection (1)—	6
	<i>insert—</i>	7
	(1A) The integrity commissioner may delegate the integrity commissioner’s functions under this Act to the deputy integrity commissioner.	8 9 10
	(2) Section 83(1), ‘The’—	11
	<i>omit, insert—</i>	12
	Also, the	13
	(3) Section 83(1A) to (2)—	14
	<i>renumber</i> as section 83(1) to (3).	15
Clause 55	Amendment of s 84 (Acting integrity commissioner)	16
	Section 84(2), after ‘appoint’—	17
	<i>insert—</i>	18
	the deputy integrity commissioner or	19
Clause 56	Amendment of s 85 (Annual reports of integrity commissioner)	20 21
	(1) Section 85(2)—	22
	<i>omit, insert—</i>	23
	(2) The report must include, in relation to the financial year to which it relates, the matters prescribed by regulation.	24 25 26

-
- (2) Section 85(4)— 1
omit. 2
- (3) Section 85(5)— 3
renumber as section 85(4). 4

Clause 57	Insertion of new ch 5, pts 2 and 3	5
	Chapter 5, after section 85—	6
	<i>insert</i> —	7
	Part 2 Deputy integrity commissioner	8
		9
	85A Employment of deputy integrity commissioner	10
	(1) The integrity commissioner may employ a person to be the deputy integrity commissioner.	11 12
	(2) The deputy integrity commissioner is to be employed under the <i>Public Sector Act 2022</i> .	13 14
	85B Declaration of interests	15
	Section 80 applies to the deputy integrity commissioner in the same way it applies to the integrity commissioner.	16 17 18
	Part 3 Integrity office	19
	85C Employment of staff	20
	(1) The integrity commissioner may employ the staff the commissioner considers appropriate to perform the commissioner’s functions.	21 22 23
	(2) Integrity officers are to be employed under the <i>Public Sector Act 2022</i> .	24 25

[s 58]

85D Directives under Public Sector Act 2022	1
(1) The industrial relations Minister or the Public Sector Commissioner may make a directive under the <i>Public Sector Act 2022</i> that applies specifically to the integrity office only with the integrity commissioner’s approval.	2 3 4 5 6
(2) Subsection (1)—	7
(a) applies to a directive whether or not the directive also applies to other public sector units; but	8 9 10
(b) does not apply to a directive that applies generally to all public sector units.	11 12
(3) In this section—	13
<i>industrial relations Minister</i> means the Minister administering the <i>Industrial Relations Act 2016</i> .	14 15
<i>Public Sector Commissioner</i> means the Public Sector Commissioner appointed under the <i>Public Sector Act 2022</i> , section 212(1).	16 17 18

Clause 58	Insertion of new ch 8, div 4	19
	Chapter 8—	20
	<i>insert—</i>	21
	Division 4	Transitional provision for the Integrity and Other Legislation Amendment Act 2022
		22 23 24 25

103 Designated persons who are no longer designated persons	26 27
(1) This section applies in relation to a person who—	28

-
- (a) immediately before the commencement, 1
was a designated person under former 2
section 12(1)(f), (g) or (h); and 3
- (b) on the commencement, is not a designated 4
person under new section 12. 5
- (2) The person ceases to be a designated person on 6
the commencement. 7
- (3) The integrity commissioner must comply with 8
any existing request for advice on an ethics or 9
integrity issue by or about the person, under this 10
Act, as if the person were still a designated 11
person. 12
- (4) However, the integrity commissioner may refuse 13
to give the advice if the integrity commissioner— 14
- (a) reasonably believes— 15
- (i) the ethics or integrity issue is not 16
related to the person’s role in relation 17
to which the person was a designated 18
person; or 19
- (ii) it is otherwise not appropriate for the 20
integrity commissioner to give advice 21
on the issue; and 22
- (b) gives the person who made the request 23
written reasons for refusing to give the 24
advice. 25
- (5) This section does not affect the application of 26
section 16 or 20A in relation to the person as a 27
person who ceased to be a designated person. 28
- (6) In this section— 29
- existing request* means a request for the integrity 30
commissioner’s advice made before the 31
commencement that the integrity commissioner 32
had not complied with immediately before the 33
commencement. 34

[s 59]

	<i>former</i> , for a provision of this Act, means the provision as in force immediately before the commencement.	1 2 3
	<i>new</i> , for a provision of this Act, means the provision as in force from the commencement.	4 5
Clause 59	Amendment of sch 2 (Dictionary)	6
	(1) Schedule 2, definition <i>designated person to whom a relevant document relates</i> —	7 8
	<i>omit</i> .	9
	(2) Schedule 2—	10
	<i>insert</i> —	11
	<i>deputy integrity commissioner</i> means the Queensland Deputy Integrity Commissioner.	12 13
	<i>integrity office</i> means the Office of the Queensland Integrity Commissioner.	14 15
	<i>integrity officer</i> means a member of the staff of the integrity office.	16 17
	<i>ministerial advisor</i> see section 12A.	18
	<i>person to whom a relevant document relates</i> , for chapter 3, part 4, division 2, see section 25.	19 20
Part 4	Amendment of Ombudsman Act 2001	21 22
Clause 60	Act amended	23
	This part amends the <i>Ombudsman Act 2001</i> .	24
Clause 61	Amendment of s 83 (Strategic review of ombudsman office)	25 26
	Section 83(2) and (3), ‘7 years’—	27

omit, insert— 1
5 years 2

Clause 62 **Insertion of new pt 12, div 6** 3

Part 12— 4

insert— 5

Division 6 **Provision for Integrity and** 6
Other Legislation 7
Amendment Act 2022 8

113 Period for next strategic review of ombudsman 9
office 10

(1) The review period under section 83 as in force 11
before the commencement continues to apply in 12
relation to the next strategic review of the 13
ombudsman office under part 8, division 4 after 14
the commencement. 15

(2) In this section— 16
review period means the period within which a 17
strategic review of the ombudsman office must be 18
conducted under part 8, division 4. 19

Part 5 **Amendment of Public Sector** 20
Act 2022 21

Clause 63 **Act amended** 22

This part amends the *Public Sector Act 2022*. 23

[s 64]

Clause 64	Amendment of s 177 (Functions and responsibilities of chief executive)	1 2
(1)	Section 177(3), note, before first dot point—	3
	<i>insert</i> —	4
	<ul style="list-style-type: none">the integrity commissioner, deputy integrity commissioner and members of the staff of the integrity office (see the <i>Integrity Act 2009</i>)	5 6 7
(2)	Section 177(3), note, last dot point—	8
	<i>omit.</i>	9
Clause 65	Amendment of s 192 (Functions)	10
(1)	Section 192(4)(c)—	11
	<i>omit, insert</i> —	12
	(c) the integrity office;	13
(2)	Section 192(4)(e)—	14
	<i>omit.</i>	15
(3)	Section 192(4)(f)—	16
	<i>renumber</i> as section 192(4)(e).	17
Clause 66	Amendment of s 254 (Minister or council may ask for public sector review)	18 19
(1)	Section 254(2)(c)—	20
	<i>omit, insert</i> —	21
	(c) the integrity office;	22
(2)	Section 254(2)(e)—	23
	<i>omit.</i>	24
(3)	Section 254(2)(f)—	25
	<i>renumber</i> as section 254(2)(e).	26

Clause 67	Amendment of sch 1 (Public service entities under section 9(b))	1 2
(1)	Schedule 1, entry for audit office— <i>omit.</i>	3 4
(2)	Schedule 1— <i>insert—</i>	5 6
	integrity office	integrity commissioner
Clause 68	Amendment of sch 2 (Dictionary)	7
(1)	Schedule 2, definitions <i>audit office</i> and <i>auditor-general</i> — <i>omit.</i>	8 9
(2)	Schedule 2— <i>insert—</i>	10 11
	<i>deputy integrity commissioner</i> means the Queensland Deputy Integrity Commissioner under the <i>Integrity Act 2009</i> .	12 13 14
	<i>integrity commissioner</i> means the Queensland Integrity Commissioner under the <i>Integrity Act 2009</i> .	15 16 17
	<i>integrity office</i> means the Office of the Queensland Integrity Commissioner under the <i>Integrity Act 2009</i> .	18 19 20
(3)	Schedule 2, definition <i>disqualified person</i> , paragraph (a)(i)— <i>omit, insert—</i>	21 22
	(i) the Queensland Auditor-General under the <i>Auditor-General Act 2009</i> ;	23 24
(4)	Schedule 2, definition <i>disqualified person</i> , paragraph (a)(iii)— <i>omit, insert—</i>	25 26 27
	(iii) the integrity commissioner;	28

[s 69]

Part 6 **Other amendments** 1

Clause 69	Legislation amended	2
	Schedule 1 amends the legislation it mentions.	3

Schedule 1	Other amendments	1
	section 69	2
	Superannuation (State Public Sector) Act 1990	3
1	Schedule 1—	4
	<i>insert—</i>	5
	5A the Queensland Audit Office established under the <i>Auditor-General Act 2009</i>	6 7
2	Schedule 1, items 5A to 15—	8
	<i>renumber</i> as schedule 1, items 6 to 16.	9

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