



Queensland

# Integrity Amendment Regulation (No. 1) 2012

## Explanatory Notes for SL 2012 No. 117

made under the

*Integrity Act 2009*

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## General outline

### Short title

The short title of the Regulation is the *Integrity Amendment Regulation (No. 1) 2012* (the Regulation).

### Authorising law

Section 47(h) of the *Integrity Act 2009* (the Act).

### Policy objectives and the reasons for them

The objective of the Regulation is to prescribe Hospital and Health Services, established under the *Hospital and Health Boards Act 2011*, as being subject to the lobbying provisions under the Act.

The Health and Hospitals Network and Other Legislation Amendment Bill 2012 was passed by the Queensland Parliament on 20 June 2012, and amended the *Health and Hospitals Network Act 2011* by renaming it as the *Hospital and Health Boards Act 2011* and establishing Hospital and Health Services as statutory bodies to deliver health and hospital services across Queensland.

Hospital and Health Services commenced from 1 July 2012. Each Hospital and Health Service has a broad range of functions, including powers to enter into contracts and agreements and engage consultants and contractors. Hospital and Health Services will be funded by both the Queensland and Commonwealth Governments. The Queensland Government will be the majority funder of the services.

The Act includes a regulation-making power under section 47(h) to prescribe entities that are assisted by public funds to fall under the meaning of 'public sector officer' in the Act. This section effectively means those prescribed entities are subject to the lobbying provisions of the Act. This includes a requirement for employees of those entities to not allow lobbying activity except by registered lobbyists.

Given the functions that Hospital and Health Services will carry out, and the public funding of the services by both the Queensland and Commonwealth Governments, it is intended that they be subject to the lobbying provisions of the Act.

### **Achievement of policy objectives**

The policy objectives of the Regulation will be achieved by prescribing Hospital and Health Services as being subject to the lobbying provisions under the Act.

### **Consistency with policy objectives of authorising law**

The Regulation is consistent with the main objects of the Act, that is, to encourage confidence in public institutions by regulating contact between lobbyists and State or local government representatives.

### **Alternative ways of achieving policy objectives**

The inclusion of Hospital and Health Services under the meaning of 'public sector officer' is the most effective way of ensuring that employees of Hospital and Health Services will be subject to the lobbying provisions of the Act. It will allow the lobbying provisions to continue to apply to those former employees of Queensland Health who have now transitioned to become employees of Hospital and Health Services.

## **Consistency with fundamental legislative principles**

The inclusion of Hospital and Health Services as being subject to the lobbying provisions of the Act will maintain existing arrangements, as those former employees of Queensland Health who have now transitioned to become employees of Hospital and Health Services will continue to be subject to the lobbying provisions.

It is considered that the Regulation is consistent with fundamental legislative principles as the amendments do not impose any new obligations on individuals or adversely affect the rights and liberties of employees of Hospital and Health Services.

## **Consultation**

Queensland Health and the Integrity Commissioner support Hospital and Health Services being subject to the lobbying provisions under the Act.

## **Notes on provisions**

*Clause 1* sets out the short title of the Regulation.

*Clause 2* states that the regulation amends the *Integrity Regulation 2011*.

*Clause 3* provides that for section 47(h) of the Act, the Gold Coast 2018 Commonwealth Games Corporation and each Hospital and Health Service established under section 7 the *Hospital and Health Boards Act 2011* are entities prescribed for the meaning of 'public sector officer' under the Act.

This will ensure that each Hospital and Health Service will be subject to the lobbying provisions of the Act, in addition to the Gold Coast 2018 Commonwealth Games Corporation which had been previously prescribed for the meaning of 'public sector officer' under the Act.

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### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of the Premier and Cabinet.

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