

# Integrity (Designated Persons) Amendment Regulation 2023

Explanatory notes for SL 2023 No. 196

made under the

*Integrity Act 2009*

## General Outline

### Short title

*Integrity (Designated Persons) Amendment Regulation 2023*

### Authorising law

Section 91 of the *Integrity Act 2009*

## Policy objectives and the reasons for them

The Integrity and Other Legislation Amendment Bill 2022 was passed by Parliament in November 2022 and received Royal Assent on 12 December 2022.

The *Integrity and Other Legislation Amendment Act 2022* amends section 12 of the *Integrity Act 2009* and removes the power from Ministers and Assistant Ministers to nominate an individual person or position as a ‘designated person’ who may seek the advice of the Integrity Commissioner by written request.

Section 34 of the *Integrity and Other Legislation Amendment Act 2022* inserts a new section 12(g) into the *Integrity Act 2009* which provides the ability to prescribe, by regulation, a person, or a person within a class of persons, as a designated person.

Section 34 of the *Integrity and Other Legislation Amendment Act 2022* will commence on 13 December 2023, at which time all individuals and classes of persons currently nominated by Ministers or Assistant Ministers (nominees) under section 12 will cease to be a designated person, and hence, will no longer have a right to access integrity and ethics advice from the Integrity Commissioner.

The *Integrity (Designated Persons) Amendment Regulation 2023* will amend the *Integrity Regulation 2011* to enable integrity advice to be sought from the Queensland Integrity Commissioner by a small group of existing priority classes of designated persons.

The Amendment Regulation also makes a minor technical amendment to remove a redundant legacy reference to the Gold Coast 2018 Commonwealth Games Corporation, which was an entity prescribed for the purposes of section 47 of the *Integrity Act 2009*. The chief executive of, or a person employed by, the entity assisted by public funds, was taken to be a ‘public sector officer’ under section 47 of the *Integrity Act 2009*. The minor amendment also ensures consistency of wording with the new designated persons provisions.

## **Achievement of policy objectives**

Replacement of section 3 of the *Integrity Regulation 2011* through the *Integrity (Designated Persons) Amendment Regulation 2023* achieves the objective to ensure that integrity advice can be sought from the Queensland Integrity Commissioner by a small group of existing priority classes of designated persons.

A minor technical amendment is also made to remove a legacy reference to the Gold Coast 2018 Commonwealth Games Corporation and to ensure consistency of wording with the new designated persons provisions through new section 4 of the *Integrity Regulation 2011*.

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

The regulation is consistent with the main objects of the *Integrity Act 2009*, which include helping Ministers, members of the Legislative Assembly and others to deal appropriately with ethics or integrity issues.

## **Inconsistency with policy objectives of other legislation**

The regulation is consistent with the policy objectives of other legislation.

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

There are no alternative ways to achieve the policy objectives.

## **Benefits and costs of implementation**

There are no costs to government in implementing the amendments.

The regulation designates classes of public sector and other officers who are to be eligible to seek integrity advice from the Queensland Integrity Commissioner.

With the exception of one new class, the classes included are all existing designated persons, having been previously nominated by Ministers under section 12(h) of the *Integrity Act 2009*. Amendments to section 12 of the *Integrity Act 2009* included in the *Integrity and Other Legislation Amendment Act 2022* and commencing on 13 December 2023 remove section 12(h) and replaces it with a new head of power to make a regulation to designate classes or individuals. The amendments will result in existing designated persons who have been nominated by Ministers no longer being designated persons.

This measure implements a recommendation from the Strategic Review of the Functions of the Integrity Commissioner, that seeks to address the significant, unregulated increase in the number of people who may seek integrity advice.

The regulation ensures a small number of essential classes of officers are still able to seek integrity advice once the amendments to the Act commence.

An additional class has also been included to ensure certain Chief Executive equivalent and Senior Executive equivalent public sector officers have the same access to integrity advice as Chief Executive and Senior Executive Service officers have. Whilst not quantified, it is anticipated that this is a relatively small group of officers.

Consequently it is expected that the net result of the Act amendments and the regulation will be a reduction in the number of designated persons who may seek integrity advice from the Queensland Integrity Commissioner with a corresponding reduction in potential workload for the Office of the Queensland Integrity Commissioner.

Therefore, no impact on the resources of the Integrity Commissioner nor the Queensland Government are anticipated.

## **Consistency with fundamental legislative principles**

The amendments are consistent with fundamental legislative principles (FLPs).

## **Consultation**

The Department of the Premier and Cabinet has consulted the Queensland Integrity Commissioner and the Queensland Treasury Office of Productivity and Red Tape Reduction in relation to the amendments. The Department also consulted with the Queensland Fire and Emergency Services and Trade and Investment Queensland to ensure appropriate references to officers within those organisations. In accordance with the Better Regulation Policy, no further regulatory impact analysis or consultation was required and an Impact Analysis Statement has been prepared and approved for publication.