

Integrity (Designated Persons) Amendment Regulation 2023

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, the Honourable Anastacia Palaszczuk MP, Premier and Minister for the Olympic and Paralympic Games provide this human rights certificate with respect to the Integrity (Designated Persons) Amendment Regulation 2023 made under the *Integrity Act 2009*.

In my opinion, the Integrity (Designated Persons) Amendment Regulation 2023, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

Section 34 of the *Integrity and Other Legislation Amendment Act 2022* will commence on 13 December 2023 and will amend section 12 of the *Integrity Act 2009* to remove 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 Queensland Integrity Commissioner by written request. In particular, new section 12(g) provides the ability to prescribe, by regulation, a person, or a person within a class of persons as a designated person.

The Integrity (Designated Persons) Amendment Regulation 2023 made under the *Integrity Act 2009* 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 section 3 of the Integrity Regulation 2011 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.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

Designated Persons

Section 3 of the Amendment Regulation prescribes a number of senior executive equivalents as designated persons for the purposes of section 12(1)(g) of the *Integrity Act 2009* who can seek the advice of the Queensland Integrity Commissioner.

Freedom of Expression

Given the Amendment Regulation expands the list of persons who can seek the advice of the Queensland Integrity Commissioner under section 12 of the *Integrity Act 2009*, it does not limit

any human rights and rather, enables the ability to request advice, promoting freedom of expression in section 21 of the *Human Rights Act 2019*, which includes a right to seek and receive information of all kinds.

Entities prescribed for meaning of public sector officer

Section 4 makes a minor technical amendment to omit a legacy provision which prescribed the Gold Coast 2018 Commonwealth Games Corporation for the purposes of section 47 of the *Integrity Act 2009*.

No human rights are engaged by this amendment.

Conclusion

I consider that the Integrity (Designated Persons) Amendment Regulation 2023 is compatible with the *Human Rights Act 2019* because it does not limit human rights.

THE HON ANNASTACIA PALASZCZUK
PREMIER AND MINISTER FOR THE OLYMPIC AND PARALYMPIC GAMES

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