

# Integrity Amendment Regulation 2024

## 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 Steven Miles MP, Premier provide this human rights certificate with respect to the *Integrity Amendment Regulation 2024*.

In my opinion, the *Integrity Amendment Regulation 2024*, 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

The *Integrity Amendment Regulation 2024*:

- ensures specified senior executive equivalents in the Queensland Police Service have the same right as their senior executive peers employed under the *Public Sector Act 2022* to seek integrity and ethics advice from the Integrity Commissioner, by including them within the meaning of a ‘designated person’; and
- closes a gap in the broader integrity legislative framework to ensure that heads of statutory offices are obligated to provide declarations of interests and changes to those interests and to disclose any conflicts of interest under the *Integrity Act 2009*, to align with their chief executive counterparts under the *Public Sector Act 2022* and other statutory office holders in the *Integrity Act 2009*.

## Human Rights Issues

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

### **Prescribing ‘designated persons’ to receive integrity advice**

The Amendment Regulation prescribes senior executive equivalents in the Queensland Police Service employed under the *Police Service Administration Act 1990* as designated persons under section 12(1)(g) of the *Integrity Act 2009*. This will enable those officers to seek the advice of the Integrity Commissioner, bringing them into line with their senior executive counterparts employed under the *Public Sector Act 2022* who are automatically captured as designated persons under section 12(1)(d) of the *Integrity Act 2009*.

### *Freedom of Expression*

Given the Amendment Regulation expands the list of persons who can seek the advice of the 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.

## **Declarations and conflicts of interest**

### (a) the nature of the right

The Amendment Regulation extends the application of existing provisions relating to declarations and conflicts of interest in the *Integrity Act 2009* to statutory office holders to whom the requirements previously applied under the repealed *Public Sector Act 2008*.

#### *Privacy and reputation*

To assist with identifying and managing conflicts of interest, chief executives of government public service departments and statutory agencies are required to declare their interests upon appointment and disclose any changes to those interests during their appointments, and disclose conflicts of interest. These obligations are required under the *Public Sector Act 2022* and the *Integrity Act 2009*, with each Act applying to different cohorts.

Under the repealed *Public Service Act 2008*, chief executives of departments and other public service offices were required to provide declarations of interests to their relevant Minister. The *Public Sector Act 2022* continues to apply this obligation, but only to the chief executives of departments. It does not apply to 34 other chief executives of public service entities prescribed in Schedule 1 of the *Public Sector Act 2022* ('heads of Schedule 1 entities'). Instead, 17 of these 34 heads of Schedule 1 entities are obligated under section 40E of the *Integrity Act 2009* to provide declarations of interest to their Minister. The remaining 17 heads of Schedule 1 entities are not otherwise obliged in legislation to provide declarations.

Section 40E of the *Integrity Act 2009* provides that a statutory office holder mentioned in Schedule 1 of that Act, or another statutory office holder prescribed under regulation, within one month after their appointment, must give their Minister a statement about their interests. The statement must include the information required under section 182(3) of the *Public Sector Act 2022* (i.e. any information required under a directive made by the Public Sector Commissioner).

Section 40F of the *Integrity Act 2009* provides that, if a statutory office holder has an interest that conflicts or may conflict with the discharge of their duties, the office holder must disclose the nature and conflict of the interest to their Minister as soon as practicable. The Minister may direct the office holder to resolve the conflict or possible conflict.

The requirements to disclose information relating to an individual's personal interests may limit the person's right to privacy and reputation.

### (b) the nature of the purpose of the limitation to be imposed by the Bill if enacted, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

A conflict of interest occurs when private interests interfere, or appear to interfere with, the performance of official duties. The purpose of limiting a statutory office holder's right to privacy by disclosing interests and managing actual or potential conflicts of interest is to ensure they perform their duties in a fair and unbiased way, ensuring that decisions made are not impacted by self-interest, private affiliations, or the likelihood of gain or loss for them or others that they may wish to benefit or disadvantage.

- (c) the relationship between the limitation to be imposed by the Bill if enacted, and its purpose, including whether the limitation helps to achieve the purpose

The requirement for a statutory office holder to disclose their interests and identity potential conflicts of interests is necessary to maintain integrity and accountability within the public sector, and retain public confidence.

- (d) whether there are any less restrictive (on human rights) and reasonably available ways to achieve the purpose of the Bill

Requiring a statutory office holder of a statutory body to provide a statement of their interests to their Minister is the most direct and least restrictive way of identifying whether a statutory office holder's interests have a bearing, or may be perceived to have a bearing, on their ability to carry out their role properly and impartially.

- (e) the balance between the importance of the purpose of the Bill, which, if enacted, would impose a limitation on human rights and the importance of preserving the human rights, taking into account the nature and extent of the limitation

The limitation on a person's right to privacy and reputation is reasonable as it balances the individual's right with the public's interest in the proper administration of the public sector, including statutory bodies, and corruption prevention.

- (f) any other relevant factors

Nil.

## Conclusion

I consider that the *Integrity Amendment Regulation 2024* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

**THE HON STEVEN MILES MP**  
PREMIER

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