

Queensland

Integrity Act 2009

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Integrity Act 2009

Contents

		Page
Chapter 1	**Preliminary**	
1	Short title	9
2	Commencement	9
3	Dictionary	9
4	Purpose	10
5	Act binds all persons	10
Chapter 2	**Queensland Integrity Commissioner and Office of the Queensland Integrity Commissioner**	
6	Integrity commissioner and integrity office	10
7	Functions of integrity commissioner	11
7A	Integrity commissioner not subject to direction	12
8	Protection for integrity commissioner and deputy integrity commissioner	12
8A	Duties of deputy integrity commissioner	12
8B	Deputy integrity commissioner subject only to direction of integrity commissioner	13
8C	Control of integrity office	13
8D	Integrity officers subject only to direction of integrity commissioner	13
Chapter 3	**Advice on ethics or integrity issues**	
Part 1	**Core concepts**	
9	Meaning of ethics or integrity issue	14
10	Meaning of conflict of interest issue and references to interest or conflict of interest	14

11	Meaning of interests issues	14
12	Meaning of designated person	14
12A	Meaning of ministerial advisor	15
13	Meaning of information	16
Part 2	**Advice for designated persons on ethics or integrity issues**	
Division 1	**Preliminary**	
14	Application of pt 2	16
15	Request for advice	16
Division 2	**Requests about designated persons**	
16	Request by Premier	17
17	Request by Minister	17
19	Request by Leader of the Opposition	18
20	Request by chief executive	18
Division 3	**Requests about other persons**	
20A	Request by former designated person	18
20B	Request by Minister about ministerial advisor	19
20C	Request by Assistant Minister about ministerial advisor	19
20CA	Request by chief of staff about ministerial adviser	19
20D	Request by former ministerial advisor	20
Division 4	**Advice**	
21	Advice	20
Part 3	**Meeting with and advice for members of Legislative Assembly on interests issues**	
22	Meeting	22
23	Advice	22
Part 4	**Confidentiality and protection**	
Division 1	**Secrecy**	
24	Secrecy	23
Division 2	**Authorised disclosures—ethics or integrity issue**	
25	Definitions for division	24
26	Disclosure	25
27	Disclosure by person to whom a relevant document relates	25
28	Disclosure to person to whom a relevant document relates	25
29	Disclosure to Premier	26
30	Disclosure to Minister	26
32	Disclosure to Leader of the Opposition	26

33	Disclosure to chief executive officer	27
33A	Disclosure to Assistant Minister	28
Division 3	**Authorised disclosures—interests issues**	
34	Definitions for division	29
35	Disclosure	29
36	Disclosure by member to whom a relevant document relates	30
37	Disclosure to member to whom a relevant document relates	30
38	Disclosure to Premier	30
39	Disclosure to Leader of the Opposition	30
Division 4	**Protection**	
40	Limited protection for acting on conflict of interest advice	31
Chapter 3A	**Managing conflicts of interest**	
Part 1	**Ministers**	
40A	Conflicts of interest	32
40B	Proceeding for offence against s 40A	33
40C	Use of information for investigation or prosecution	34
Part 2	**Statutory office holders**	
40D	Definition for part	35
40E	Declaration of interests	35
40F	Conflicts of interest	36
Chapter 4	**Lobbying activity**	
Part 1	**Preliminary**	
41	Definitions for chapter	36
42	What is a lobbying activity	39
43	What is not a lobbying activity	40
44	Who is a government representative	41
45	Who is an Opposition representative	42
Part 2	**Requirement for registration**	
46	Lobbying activity by unregistered entity prohibited	42
47	Particular entities not required to be registered	42
Part 3	**Applying for registration**	
48	Who may apply	43
49	Disqualification of individual engaged in dual hatting	44
50	Requirements for making application	45
51	Deciding application	47
52	Inquiry about application	48

53	Conditions	48
54	Steps after, and taking effect of, decision	49
Part 4	**Powers of integrity commissioner**	
55	Code of conduct	49
56	Approved training	50
57	Directives	50
Part 5	**Restrictions on particular lobbying activity**	
Division 1	**Dual hatting**	
58	Registered lobbyist must not perform substantial role in election campaign of political party	51
Division 2	**Former representatives**	
59	Who is a former senior government representative	51
60	Who is a former Opposition representative	52
61	Who is a former representative	52
62	Former representative must not carry out lobbying activity relating to official dealings of previous 2 years	52
Part 6	**Obligations of representatives**	
63	Representative must not knowingly permit lobbying in contravention of s 46	52
64	Representative must not knowingly permit lobbying in contravention of s 62	53
Part 7	**Information disclosure**	
65	Registered lobbyist must give notice of change in recorded particulars	53
66	Registered lobbyist must give annual return of recorded particulars	53
66A	Individual who is registered lobbyist must give notice of intention to perform substantial role in election campaign	54
66B	Representative must give integrity commissioner notice if subject to lobbying activity by unregistered person	54
66C	Representative may give integrity commissioner information about lobbying activity	54
66D	Integrity commissioner may require information from registered lobbyist or another person	55
66E	Verification by statutory declaration	56
Part 8	**Compliance notices**	
66F	When compliance notice may be given	56
66G	Requirements for compliance notice	57
Part 9	**Sanctions for non-compliance**	
66H	Grounds for taking action	58

66I	Show cause notice before taking action	59
66J	Decision in relation to taking action after show cause process	59
66K	Extension of suspension of registration	60
Part 10	**Register**	
66L	Lobbying register	61
66M	Particulars to be recorded in lobbying register	61
66N	Updating lobbying register	63
Part 11	**Other offences**	
66O	Particular conduct of unregistered person prohibited	63
66P	Success fee prohibited	64
Part 12	**Miscellaneous**	
66Q	Act not to require or limit particular communication	65
Chapter 5	**Administrative provisions for integrity commissioner, deputy integrity commissioner and integrity office**	
Part 1	**Integrity commissioner**	
73	Appointment	65
74	Procedure before appointment	66
75	Term of appointment	67
76	Remuneration and conditions	67
77	Leave of absence	68
78	Resignation	68
79	Oath before performing duties	68
80	Declaration of interests	68
81	Conflicts of interest	70
82	Removal from office	71
83	Delegation	71
84	Acting integrity commissioner	72
Part 2	**Deputy integrity commissioner**	
85A	Employment of deputy integrity commissioner	72
85B	Declaration of interests	72
Part 3	**Integrity office**	
85BA	Integrity office is a statutory body	73
85C	Employment of staff	73
85D	Directives under Public Sector Act 2022	73
Part 4	**Funding proposals**	
85E	Definitions for part	74

85F	Application of part	74
85G	Requirement for, and approval of, funding proposal	74
85H	Tabling requirement	75
85I	Parliamentary committee may obtain advice or information	76
85J	Confidential information not required to be given	76
Part 5	**Reporting**	
85K	Report about performance of functions	77
85L	Annual report	77
Chapter 6	**Strategic reviews of integrity commissioner's functions**	
86	Conduct of reviews	78
87	Powers of strategic review	79
88	Report of strategic review	80
Chapter 7	**Miscellaneous provisions**	
89	Functions of parliamentary committee	81
90	Approval of forms	82
91	Regulation-making power	82
Chapter 8	**Transitional provisions**	
Division 1	**Provisions for Act No. 52 of 2009**	
92	Outdated references	82
93	Continuation of appointment as integrity commissioner	82
94	Continuation of nomination as designated person	83
95	Requests for advice under Public Sector Ethics Act 1994	83
96	Previous register of lobbyists	83
97	Noncompliance with Queensland Contact with Lobbyists Code	83
98	References to Local Government Act 2009	84
99	References to Sustainable Planning Act 2009	84
Division 2	**Provisions for Integrity Reform (Miscellaneous Amendments) Act 2010**	
100	Declarations of interests by statutory office holders	85
101	Declaration of interests by integrity commissioner	86
Division 3	**Provision for Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020**	
102	Application of s 40A to existing conflicts	86
Division 4	**Transitional provision for the Integrity and Other Legislation Amendment Act 2022**	
103	Designated persons who are no longer designated persons	86
Division 5	**Transitional provisions for Integrity and Other Legislation**	

Amendment Act 2024

104 Definitions for division 88

104A Disqualification of individual engaged in dual hatting only after commencement 88

104B Individual disqualified under former section 53A before commencement 88

105 Existing appointments unaffected 88

106 Existing strategic review 89

107 Funding proposals 89

108 Reports for current financial year 89

Schedule 1 Statutory office holders for section 40E 90

Schedule 2 Dictionary 92

Integrity Act 2009

An Act to provide for the Queensland Integrity Commissioner and Office of the Queensland Integrity Commissioner, to facilitate the giving of advice to Ministers, chief executives and others on ethics or integrity issues, to ensure Ministers, chief executives and others appropriately manage conflicts of interest, and to regulate particular lobbying activities with government representatives and Opposition representatives including by a code of conduct, a training course and directives

Chapter 1 Preliminary

1 Short title

This Act may be cited as the *Integrity Act 2009*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Dictionary

The dictionary in schedule 2 defines particular words used in this Act.

Note—

Core concepts for chapter 3 are defined in chapter 3, part 1, and core concepts for chapter 4 are defined in chapter 4, part 1, with signposts to those definitions set out in schedule 2.

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4 Purpose

The purpose of this Act is to encourage confidence in public institutions by—

(a) helping Ministers, members of the Legislative Assembly, and others to deal appropriately with ethics or integrity issues; and

(b) regulating contact between lobbyists and State or local government representatives, and contact between lobbyists and key representatives for the Opposition, so that lobbying is conducted in accordance with public expectations of transparency and integrity.

5 Act binds all persons

(1) This Act binds all persons including the State and, as far as the legislative power of the Parliament permits, the Commonwealth and all the other States.

(2) Subsection (1) does not make the State, the Commonwealth or another State liable for an offence.

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

6 Integrity commissioner and integrity office

(1) There is to be a Queensland Integrity Commissioner.

(2) The integrity commissioner is an officer of the Parliament.

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

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

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(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.

7 Functions of integrity commissioner

(1) The integrity commissioner has the following functions—

(a) to give written or oral advice to a designated person, former designated person or former ministerial advisor on ethics or integrity issues as provided for under chapter 3, part 2;

(b) to meet with, and give written or oral advice to, members of the Legislative Assembly as provided for under chapter 3, part 3;

(c) to keep the lobbying register and have responsibility for the registration of lobbyists under chapter 4, and to provide education and training to government representatives, Opposition representatives and registered lobbyists about the operation of chapter 4;

(d) to raise public awareness of ethics or integrity issues by contributing to public discussion of these issues relevant to the integrity commissioner's functions;

(e) another function conferred under this Act or another Act.

(2) However, in performing the function mentioned in subsection (1)(d), the integrity commissioner must not disclose information likely to identify a specific request for the integrity commissioner's advice on an ethics or integrity issue, including information likely to identify an individual—

(a) who requested the integrity commissioner's advice on an ethics or integrity issue; or

(b) about whom the integrity commissioner's advice on an ethics or integrity issue was requested.

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(3) Also, the integrity commissioner may authorise the deputy integrity commissioner, an appropriately qualified integrity officer or another appropriately qualified public service officer to perform a function or exercise a power to—

(a) assist the integrity office to perform its functions as a statutory body under the *Financial Accountability Act 2009*; or

(b) assist the integrity office to exercise its powers as a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.

7A Integrity commissioner not subject to direction

Subject to any other Act or law, the integrity commissioner is not subject to any direction by any person about—

(a) the way the integrity commissioner performs the integrity commissioner's functions under this Act; or

(b) the priority given to ethics or integrity issues.

8 Protection for integrity commissioner and deputy integrity commissioner

(1) The integrity commissioner or deputy integrity commissioner is not liable in a civil proceeding or under an administrative process for an act or omission done or made by the integrity commissioner or deputy integrity commissioner acting in good faith, and without negligence, for the purposes of this Act.

(2) If subsection (1) prevents a civil liability attaching to the integrity commissioner or deputy integrity commissioner, the liability attaches instead to the State.

8A Duties of deputy integrity commissioner

The deputy integrity commissioner is to perform the duties directed by the integrity commissioner.

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8B Deputy integrity commissioner subject only to direction of integrity commissioner

(1) The deputy integrity commissioner is not subject to direction by any person, other than the integrity commissioner, about—

(a) the way the integrity commissioner's functions under this Act are to be performed; or

(b) the priority given to ethics or integrity issues.

(2) Subsection (1) applies despite the *Public Sector Act 2022*.

8C Control of integrity office

(1) The integrity commissioner controls the integrity office.

(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.

8D Integrity officers subject only to direction of integrity commissioner

(1) An integrity officer is not subject to direction by any person, other than from within the integrity office, about—

(a) the way the integrity commissioner's functions under this Act are to be performed; or

(b) the priority given to ethics or integrity issues.

(2) Subsection (1) applies despite the *Public Sector Act 2022*.

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Chapter 3 Advice on ethics or integrity issues

Part 1 Core concepts

9 Meaning of *ethics or integrity issue*

(1) An ***ethics or integrity issue*** is an issue concerning ethics or integrity and includes a conflict of interest issue.

(2) Also, only for a request by the Premier under part 2, an ***ethics or integrity issue*** includes standard setting for ethics or integrity issues.

10 Meaning of *conflict of interest issue* and references to *interest* or *conflict of interest*

(1) A ***conflict of interest issue***, involving a person, is an issue about a conflict or possible conflict between a personal interest of the person and the person's official responsibilities.

(2) A reference to an ***interest*** or to a ***conflict of interest*** is a reference to those matters within their ordinary meaning under the general law, and, in relation to an interest, the definition in the *Acts Interpretation Act 1954*, schedule 1 does not apply.

11 Meaning of *interests issues*

Interests issues, for a member of the Legislative Assembly, means ethics or integrity issues relevant to the member for, or in, the register of members' interests, or the register of related persons' interests, kept under the *Parliament of Queensland Act 2001*, section 69C.

12 Meaning of *designated person*

(1) Each of the following persons is a ***designated person***—

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(a) a member of the Legislative Assembly;

(b) a statutory office holder;

(c) a chief executive of a public service entity;

(d) a senior executive;

(e) a chief executive of, or a senior executive equivalent employed in, a government entity who is nominated by the Minister responsible for administering the entity;

(f) a ministerial staff member who performs the role of chief of staff (however called) in the office of a Minister;

(fa) a person, or a person within a class of persons, nominated by the Premier;

(g) a person, or a person within a class of persons, prescribed by regulation.

(2) A nomination under subsection (1)(e) or (fa) must be by signed notice given to the integrity commissioner.

(2A) A nomination under subsection (1)(fa) ends 28 days after the start of the nomination.

(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.

12A Meaning of *ministerial advisor*

(1) A ***ministerial advisor*** is—

(a) a ministerial staff member who gives, or a person engaged to give, advice to a Minister; or

(b) an assistant minister staff member who gives, or a person engaged to give, advice to an Assistant Minister.

(2) However, a person who is a designated person is not a ***ministerial advisor***.

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13 Meaning of *information*

Information, in this chapter, includes a document.

Part 2 Advice for designated persons on ethics or integrity issues

Division 1 Preliminary

14 Application of pt 2

This part does not apply in relation to advice for a member of the Legislative Assembly on interests issues.

Note—

Part 3 applies in relation to advice for a member on interests issues.

15 Request for advice

(1) A designated person (the ***advisee***) may, by written or oral request to the integrity commissioner, ask for the integrity commissioner's advice on an ethics or integrity issue involving the person.

(2) Also, a particular designated person, former designated person or former ministerial advisor (also the ***advisee***) may, by written or oral request to the integrity commissioner, ask for the integrity commissioner's advice on an ethics or integrity issue as provided for by sections 16 to 20D.

(3) However, a designated person under section 12(1)(f) may ask for advice under subsection (1) only if the designated person has given notice of the request to the Minister in whose office the person is employed.

(4) The advisee must disclose to the integrity commissioner all information relevant to the ethics or integrity issue.

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(5) The integrity commissioner may ask the advisee for further information for the purpose of giving the advice on the ethics or integrity issue.

(6) If the advisee makes an oral request for advice under subsection (1) or (2), the integrity commissioner must make a written record of the request.

(7) To remove any doubt, it is declared that, subject to sections 16, 20A and 20D, the integrity commissioner's advice must not be requested by or about a person who has been, but is not presently, a designated person or ministerial advisor.

Division 2 Requests about designated persons

16 Request by Premier

The Premier may ask for the integrity commissioner's advice on—

(a) an ethics or integrity issue involving any person who is, or has been, a designated person other than a non-government member; or

(b) standard setting for ethics or integrity issues.

17 Request by Minister

A Minister who is not the Premier may ask for the integrity commissioner's advice on an ethics or integrity issue involving a designated person who is—

(a) a statutory office holder whose office is established under an Act administered by the Minister; or

(b) the chief executive of a public service entity administered by the Minister or a senior executive employed in the public service entity; or

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(c) a chief executive of a government entity, or a senior executive equivalent employed in a government entity, nominated by the Minister under section 12(1)(e); or

(d) mentioned in section 12(1)(f); or

(e) a designated person under section 12(1)(g).

19 Request by Leader of the Opposition

The Leader of the Opposition may ask for the integrity commissioner's advice on an ethics or integrity issue involving a non-government member who is a member of the political party to which the Leader of the Opposition belongs.

20 Request by chief executive

(1) The chief executive of a public service entity may ask for the integrity commissioner's advice on an ethics or integrity issue involving a designated person employed in the public service entity.

(2) The chief executive of a government entity who is nominated by the Minister under section 12(1)(e) may ask for the integrity commissioner's advice on an ethics or integrity issue involving a senior executive equivalent who is—

(a) nominated by the Minister under section 12(1)(e); and

(b) employed in the entity managed by the chief executive.

Division 3 Requests about other persons

20A Request by former designated person

(1) Within 2 years after ceasing to be a designated person, 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.

(2) In this section—

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post-separation obligation means—

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

(i) applies to the person because the person was, but is no longer, a designated person; and

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

(b) an obligation applying to the person under section 62.

20B Request by Minister about ministerial advisor

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.

20C Request by Assistant Minister about ministerial advisor

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.

20CA Request by chief of staff about ministerial adviser

(1) A chief of staff (however called) in the office of a Minister or 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 Minister or Assistant Minister.

(2) However, a chief of staff may ask for advice under subsection (1) only if the chief of staff has given notice of the request to the Minister or Assistant Minister mentioned in subsection (1).

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20D Request by former ministerial advisor

(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.

(1A) Also, a ministerial adviser who may become a former ministerial adviser may ask for the integrity commissioner's advice on an ethics or integrity issue involving the ministerial adviser that may arise from a post-separation obligation.

(2) In this section—

post-separation obligation means—

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

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

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

(b) an obligation applying to the person under section 62.

Division 4 Advice

21 Advice

(1) This section applies if, under section 15, a designated person, former designated person or former ministerial advisor (each an ***advisee***) asks the integrity commissioner for advice on an integrity or ethics issue.

(2) If the request is made in writing, the integrity commissioner must give the advisee advice on the issue in writing.

(3) If the request is made orally, the integrity commissioner may—

(a) give the advisee advice on the issue in the way provided under subsection (5); or

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(b) decide to defer considering the request until the advisee makes the request in writing.

(4) For giving the advice, the integrity commissioner—

(a) must have regard to the following—

(i) approved codes of conduct and approved standards of practice under the *Public Sector Ethics Act 1994*;

(ii) ethical standards or codes of conduct adopted by the Legislative Assembly by resolution;

(iii) ethical standards or codes of conduct approved by the Premier for Ministers; and

(b) may have regard to other ethical standards the integrity commissioner considers appropriate.

(5) For subsection (3)(a), the integrity commissioner—

(a) may give the advice orally if the integrity commissioner considers that, in the circumstances, it would be appropriate to give the advice orally; but

(b) otherwise, must give the advice in writing.

(6) Despite subsections (2) and (3), the integrity commissioner may refuse to give the advice if the integrity commissioner—

(a) reasonably believes—

(i) the integrity commissioner does not have enough information in relation to the ethics or integrity issue to give the advice; or

(ii) the advice is asked for in circumstances where the giving of the advice would not be in keeping with the purpose of this Act; and

(b) gives the advisee written reasons for refusing to give the advice.

(7) If the integrity commissioner gives the advice orally, the integrity commissioner must make a written record of the advice.

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(8) If the integrity commissioner decides to defer consideration of the request for the advice under subsection (3)(b), the integrity commissioner must—

(a) notify the advisee orally or in writing of the decision; and

(b) if the advisee is notified of the decision orally—make a written record of the notification.

Part 3 Meeting with and advice for members of Legislative Assembly on interests issues

22 Meeting

(1) A member of the Legislative Assembly may request a meeting with the integrity commissioner on interests issues for the member.

(2) The member must disclose to the integrity commissioner all information relevant to the interests issues.

(3) The integrity commissioner may ask the member of the Legislative Assembly for further information for the purpose of having the meeting or giving advice on the interests issues.

23 Advice

(1) If a member of the Legislative Assembly meets with the integrity commissioner on interests issues, the integrity commissioner must give the member advice on the interests issues.

(2) The integrity commissioner may give the advice orally or in writing.

(3) For giving the advice, the integrity commissioner—

(a) must have regard to the following—

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(i) approved codes of conduct and approved standards of practice under the *Public Sector Ethics Act 1994*;

(ii) ethical standards or codes of conduct adopted by the Legislative Assembly by resolution;

(iii) ethical standards or codes of conduct approved by the Premier for Ministers; and

(b) may have regard to other ethical standards the integrity commissioner considers appropriate.

(4) However, subsection (1) does not apply if the integrity commissioner—

(a) reasonably believes—

(i) the integrity commissioner does not have enough information in relation to the interests issues to give the advice; or

(ii) the advice is asked for in circumstances where the giving of the advice would not be in keeping with the purpose of this Act; and

(b) gives the member written reasons for refusing to give the advice.

(5) If the integrity commissioner gives the advice orally, the integrity commissioner must make a written record of the advice.

Part 4 Confidentiality and protection

Division 1 Secrecy

24 Secrecy

(1) A person must not record, use or disclose information in relation to an ethics or integrity issue about another person

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that came to the person's knowledge because of the person's involvement in the administration of this chapter.

Maximum penalty—85 penalty units or 1 year's imprisonment.

(2) Subsection (1) does not apply to a person's recording, use or disclosure of information if the recording, use or disclosure is—

(a) in the performance of his or her functions under this chapter; or

(b) authorised under this or another Act.

(3) A person who is or has been involved in the administration of this chapter is not, in any proceeding, compellable to disclose information in relation to an ethics or integrity issue about another person that came to the person's knowledge because of the person's involvement in the administration of this chapter.

Division 2 Authorised disclosures—ethics or integrity issue

25 Definitions for division

In this division—

person to whom a relevant document relates means the designated person or ministerial advisor involved in an ethics or integrity issue and to whom the relevant document relates.

relevant document, for an ethics or integrity issue, means each of the following documents—

(a) any written request under section 15 for advice on the ethics or integrity issue;

(b) any record of an oral request for advice on the ethics or integrity issue made by the integrity commissioner;

(c) any information given to the integrity commissioner under section 15(4);

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(d) any further information requested by the integrity commissioner under section 15(5) and given to the integrity commissioner;

(e) any written advice given by the integrity commissioner on the ethics or integrity issue;

(f) any written reasons of the integrity commissioner for refusing to give advice on the ethics or integrity issue;

(g) any record of an oral advice on the ethics or integrity issue made by the integrity commissioner;

(h) any record of the notification of a decision to defer consideration of an oral request for advice on the ethics or integrity issue made by the integrity commissioner.

26 Disclosure

(1) This section applies if a designated person, former designated person or former ministerial advisor makes a request under section 15 for advice on an ethics or integrity issue.

(2) A relevant document for the ethics or integrity issue may be disclosed under this division.

(3) To remove any doubt, it is declared that the integrity commissioner must not disclose a relevant document relating to a person who has been, but is not presently, a designated person or ministerial advisor, other than under section 28.

27 Disclosure by person to whom a relevant document relates

A person to whom a relevant document relates may disclose the document.

28 Disclosure to person to whom a relevant document relates

The integrity commissioner may disclose a relevant document to the person to whom the relevant document relates.

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29 Disclosure to Premier

(1) The integrity commissioner must give to the Premier a copy of a relevant document relating to a particular designated person, other than a non-government member, a senior executive or a senior executive equivalent, if—

(a) the Premier asks for a copy of the document; or

(b) the integrity commissioner reasonably believes the designated person has an actual or perceived, and significant, ethics or integrity issue.

(2) The integrity commissioner may give a copy of a relevant document to the Premier under subsection (1)(b) only if—

(a) the integrity commissioner gives the designated person written advice that the integrity commissioner has the belief mentioned in subsection (1)(b) and is required to give a copy of the document to the Premier; and

(b) the designated person fails to resolve the issue to the integrity commissioner's satisfaction within 5 business days after being given the advice.

30 Disclosure to Minister

The integrity commissioner must give to a Minister a copy of a relevant document relating to a particular designated person, other than a senior executive or a senior executive equivalent or a ministerial advisor who gives advice to the Minister, if—

(a) the Minister asks for a copy of the document; and

(b) the person is a person about whom the Minister may request advice under section 17 or 20B.

32 Disclosure to Leader of the Opposition

(1) The integrity commissioner must give to the Leader of the Opposition a copy of a relevant document relating to a non-government member who is a member of the political party to which the Leader of the Opposition belongs, if—

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(a) the Leader of the Opposition asks for a copy of the document; or

(b) the integrity commissioner reasonably believes the person has an actual or perceived, and significant, ethics or integrity issue.

(2) The integrity commissioner may give a copy of a relevant document to the Leader of the Opposition under subsection (1)(b) only if—

(a) the integrity commissioner gives the designated person written advice that the integrity commissioner has the belief mentioned in subsection (1)(b) and is required to give a copy of the document to the Leader of the Opposition; and

(b) the designated person fails to resolve the issue to the integrity commissioner's satisfaction within 5 business days after being given the advice.

33 Disclosure to chief executive officer

(1) The integrity commissioner must give to the chief executive of a public service entity a copy of a relevant document relating to a particular designated person if—

(a) the designated person is a person about whom the chief executive may request advice under section 20(1); and

(b) either—

(i) the chief executive asks for a copy of the document; or

(ii) the integrity commissioner reasonably believes the designated person has an actual or perceived, and significant, ethics or integrity issue.

(2) The integrity commissioner must give to the chief executive of a government entity who is nominated by the Minister under section 12(1)(e) a copy of a relevant document relating to a particular designated person if—

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(a) the designated person is a person about whom the chief executive may request advice under section 20(2); and

(b) either—

(i) the chief executive asks for a copy of the document; or

(ii) the integrity commissioner reasonably believes the designated person has an actual or perceived, and significant, ethics or integrity issue.

(3) The integrity commissioner may give a copy of a relevant document to a chief executive under subsection (1)(b)(ii) or (2)(b)(ii) only if—

(a) the integrity commissioner gives the designated person written advice that the integrity commissioner has the belief mentioned in subsection (1)(b)(ii) or (2)(b)(ii) and is required to give a copy of the document to the chief executive; and

(b) the designated person fails to resolve the issue to the integrity commissioner's satisfaction within 5 business days after being given the advice.

33A Disclosure to Assistant Minister

The integrity commissioner must give to an Assistant Minister a copy of a relevant document relating to a particular ministerial advisor who gives advice to the Assistant Minister if—

(a) the Assistant Minister asks for a copy of the document; and

(b) the person is a person about whom the Assistant Minister may request advice under section 20C.

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Division 3 Authorised disclosures—interests issues

34 Definitions for division

In this division—

member to whom a relevant document relates means the member of the Legislative Assembly involved in interests issues and to whom the relevant document relates.

relevant document, for interests issues, means each of the following documents—

(a) the request under section 22 for a meeting with the integrity commissioner on the interests issues;

(b) any information given to the integrity commissioner under section 22(2);

(c) any further information requested by the integrity commissioner under section 22(3) and given to the integrity commissioner;

(d) any written advice given by the integrity commissioner on the interests issues;

(e) any record of an oral advice on the interests issues made by the integrity commissioner;

(f) any written reasons of the integrity commissioner for refusing to give advice on the interests issues.

35 Disclosure

(1) This section applies in relation to interests issues of a member of the Legislative Assembly.

(2) A relevant document for interests issues may be disclosed under this division.

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36 Disclosure by member to whom a relevant document relates

A person who is or has been the member to whom a relevant document relates may disclose the document.

37 Disclosure to member to whom a relevant document relates

The integrity commissioner may disclose a relevant document to the person who is or has been the member to whom the relevant document relates.

38 Disclosure to Premier

(1) The integrity commissioner must give to the Premier a copy of a relevant document relating to a particular member of the Legislative Assembly, other than a non-government member, if—

(a) the Premier asks for a copy of the document; or

(b) the integrity commissioner reasonably believes the member has an actual or perceived, and significant, interests issue.

(2) The integrity commissioner may give a copy of a relevant document to the Premier under subsection (1)(b) only if—

(a) the integrity commissioner gives the member of the Legislative Assembly written advice that the integrity commissioner has the belief mentioned in subsection (1)(b) and is required to give a copy of the document to the Premier; and

(b) the member fails to resolve the interests issue to the integrity commissioner's satisfaction within 5 business days after being given the advice.

39 Disclosure to Leader of the Opposition

(1) The integrity commissioner must give to the Leader of the Opposition a copy of a relevant document relating to a

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non-government member who is a member of the political party to which the Leader of the Opposition belongs, if—

(a) the Leader of the Opposition asks for a copy of the document; or

(b) the integrity commissioner reasonably believes the member has an actual or perceived, and significant, interests issue.

(2) The integrity commissioner may give a copy of a relevant document to the Leader of the Opposition under subsection (1)(b) only if—

(a) the integrity commissioner gives the non-government member written advice that the integrity commissioner has the belief mentioned in subsection (1)(b) and is required to give a copy of the document to the Leader of the Opposition; and

(b) the member fails to resolve the interests issue to the integrity commissioner's satisfaction within 5 business days after being given the advice.

Division 4 Protection

40 Limited protection for acting on conflict of interest advice

(1) This section applies if a designated person—

(a) asks under section 15 for the integrity commissioner's advice on a conflict of interest issue involving the designated person; and

(b) discloses all relevant information in relation to the issue to the integrity commissioner when seeking the advice; and

(c) does an act to resolve the conflict substantially in accordance with the integrity commissioner's advice on the issue.

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(2) The designated person is not liable in a civil proceeding or under an administrative process for the act taken by the person to resolve the conflict.

(3) To remove any doubt, it is declared that subsection (2) does not affect the designated person's liability for an act or omission done or made in connection with the conflict of interest issue before the person receives the integrity commissioner's advice.

Chapter 3A Managing conflicts of interest

Part 1 Ministers

40A Conflicts of interest

(1) This section applies if a Minister has an interest that conflicts or may conflict with the discharge of the Minister's responsibilities.

(2) The Minister must not, with intent to dishonestly obtain a benefit for the Minister or another person, or to dishonestly cause a detriment to another person, fail to disclose the nature of the interest and conflict to—

(a) for a conflict relating to a matter being considered by Cabinet—Cabinet or, for a Minister other than the Premier, Cabinet or the Premier; or

(b) for a conflict relating to a matter being considered by a committee of Cabinet—the committee or Cabinet or, for a Minister other than the Premier, the committee, Cabinet or the Premier; or

(c) otherwise—Cabinet or, for a Minister other than the Premier, Cabinet or the Premier.

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Maximum penalty—200 penalty units or 2 years imprisonment.

(3) In this section—

benefit includes property, advantage, service, entertainment, the use of or access to property or facilities, and anything of benefit to a person whether or not it has any inherent or tangible value, purpose or attribute.

detriment, caused to a person, includes detriment caused to a person's property.

40B Proceeding for offence against s 40A

(1) An offence against section 40A is a misdemeanour.

(2) A proceeding for an offence against section 40A may be started only with the written consent of the director of public prosecutions.

(3) A proceeding for an offence against section 40A may be taken, at the election of the prosecution—

(a) by way of summary proceeding under the *Justices Act 1886*; or

(b) on indictment.

(4) However, a magistrate must not hear an indictable offence against section 40A summarily if the magistrate is satisfied, on an application made by the defence, that because of exceptional circumstances the offence should not be heard and decided summarily.

Note—

For examples of exceptional circumstances, see the examples stated in the Criminal Code, section 552D(2).

(5) If subsection (4) applies—

(a) the court must stop treating the proceeding as a proceeding to hear and decide the charge summarily; and

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(b) the proceeding for the charge must be conducted as a committal proceeding; and

(c) a plea of the defendant at the start of the hearing must be disregarded; and

(d) the evidence already heard by the court is taken to be evidence in the committal proceeding; and

(e) the *Justices Act 1886*, section 104 must be complied with for the committal proceeding.

(6) A Magistrates Court that summarily deals with a charge of an offence against section 40A—

(a) must be constituted by a magistrate; and

(b) has jurisdiction despite the time that has elapsed from the time when the matter of complaint of the charge arose.

(7) In this section—

director of public prosecutions means the Director of Public Prosecutions appointed under the *Director of Public Prosecutions Act 1984*.

40C Use of information for investigation or prosecution

(1) This section applies to information about a person given to the integrity commissioner under this Act, including, for example—

(a) information given in a request for advice under chapter 3, part 2; and

(b) information given in a meeting under chapter 3, part 3.

(2) The information may be—

(a) recorded, used and disclosed for the purpose of the investigation or prosecution of an offence against section 40A; and

(b) given in a proceeding against a person for an offence against section 40A to the extent necessary to prosecute the person for the offence.

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(3) Subsection (2) applies despite—

(a) section 24; and

(b) any other law, rule or practice to the contrary.

Part 2 Statutory office holders

40D Definition for part

In this part—

relevant Minister means the Minister administering the Act under which a statutory office holder is appointed.

40E Declaration of interests

(1) This section applies to the following on appointment—

(a) a statutory office holder mentioned in schedule 1;

(b) another statutory office holder prescribed under a regulation.

Note—

Appointment includes reappointment. See the *Acts Interpretation Act 1954*, schedule 1, definition *appoint*.

(2) The holder must, within 1 month, give the relevant Minister a statement about his or her interests.

Note—

See section 10(2) for the meaning of a reference to an interest.

(3) The statement must include the information required under the *Public Sector Act 2022*, section 182(3).

(4) Subsections (5) and (6) apply if—

(a) a change to the holder's interests happens after the giving of the statement; and

(b) the change is of a type mentioned in the *Public Sector Act 2022*, section 182(4)(b).

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(5) The holder must give the relevant Minister a revised version of the statement.

(6) The revised version must—

(a) be given as soon as possible after the relevant facts about the change come to the holder's knowledge; and

(b) comply with subsection (3).

40F Conflicts of interest

(1) If a statutory office holder has an interest that conflicts or may conflict with the discharge of the holder's responsibilities, the holder—

(a) must disclose the nature of the interest and conflict to the relevant Minister as soon as practicable after the relevant facts come to the holder's knowledge; and

(b) must not take action or further action concerning a matter that is, or may be, affected by the conflict unless authorised by the relevant Minister.

Note—

See section 10(2) for the meaning of a reference to an interest or to a conflict of interest.

(2) The relevant Minister may direct a statutory office holder to resolve a conflict or possible conflict between an interest of the holder and the holder's responsibilities.

Chapter 4 Lobbying activity

Part 1 Preliminary

41 Definitions for chapter

In this chapter—

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approved training course means a course approved by the integrity commissioner under section 56.

communicate means communicate by any means, including, for example—

(a) in writing; and

(b) by meeting in person; and

(c) by post, telephone, email, instant messaging or another form of electronic communication.

councillor means a councillor of a local government under the *City of Brisbane Act 2010* or the *Local Government Act 2009*.

election means an election of a member or members of the Legislative Assembly.

employee, of an entity, includes a person contracted or otherwise engaged by the entity.

former Opposition representative see section 60.

former representative see section 61.

former senior government representative see section 59.

government representative see section 44.

listed person, for an entity, means an officer or employee of the entity—

(a) who carries out a lobbying activity for the entity; and

(b) is registered as a lobbyist under part 3 in that capacity.

lobbying activity see section 42.

lobbying register see section 66L(1).

officer, of an entity, means a person who—

(a) holds an office, or position of authority, in the entity; or

(b) carries out, or has a duty to carry out, the functions of an office of the entity; or

(c) has a right to participate in the administration or management of the affairs of the entity.

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official dealings, in relation to a person who is a former representative, means any of the following dealings that the person engaged in as part of the person's ordinary duties on a regular basis—

(a) government or Opposition business or activities;

(b) negotiations, briefings, contracts and the making or receipt of representations relating to government or Opposition business or activities.

Opposition representative see section 45.

public sector officer means a person who is an officer or employee of any of the following entities—

(a) a public sector entity under the *Public Sector Act 2022*, section 8;

(b) a local government;

(c) a corporate entity under the *Local Government Act 2009*;

(d) the parliamentary service;

(e) a government owned corporation;

(f) a rail government entity under the *Transport Infrastructure Act 1994*;

(g) an entity, prescribed by regulation, that is assisted by public funds.

recorded particulars, of a registered lobbyist, means the information relating to the lobbyist given to the integrity commissioner under section 50, 52, 65 or 66 and recorded on the lobbying register.

registered lobbyist means an entity recorded in the lobbying register as a registered lobbyist.

registered lobbyists code of conduct see section 55.

representative means—

(a) a government representative; or

(b) an Opposition representative.

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substantial role, in the election campaign of a political party—

(a) means a role at a senior level, whether paid or unpaid that—

(i) involves employment or engagement by the party; and

(ii) incorporates significant involvement in the party's election strategy or policy development; and

(b) does not include any of the following—

(i) general membership of the party;

(ii) volunteering for, or advising, a particular candidate;

(iii) door knocking, placing documents in letter boxes or other campaign communications;

(iv) media liaison;

(v) handing out how to vote material.

third party client means an entity that engages another entity to provide services constituting, or including, a lobbying activity for a commission, payment or other reward, whether pecuniary or otherwise, that is agreed to before the other entity provides the services.

42 What is a *lobbying activity*

(1) A ***lobbying activity*** is—

(a) communicating with a government representative in an effort to influence decision-making of the State government or a local government, including, for example, the making of a decision relating to any of the following matters—

(i) the making, amendment or repeal of legislation;

(ii) the development, amendment or abandonment of a government policy or program;

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(iii) the awarding of a government contract or grant;

(iv) the allocation of funding;

(v) the making of a decision about planning or the giving of a development approval under the *Planning Act 2016*; or

(b) communicating with an Opposition representative in an effort to influence decision-making of the Opposition, including, for example, the making of a decision relating to any of the following matters—

(i) the making, amendment or repeal of legislation;

(ii) the development, amendment or abandonment of an Opposition policy or program;

(iii) the position or view of the Opposition in relation to a decision of the State government or a local government, including, for example, a matter mentioned in paragraph (a).

(2) This section is subject to section 43.

43 What is not a lobbying activity

None of the following activities is a lobbying activity—

(a) communicating with a committee of the Legislative Assembly or a local government;

(b) communicating with a member of the Legislative Assembly or a councillor in the member's or councillor's capacity as local representative on a constituency matter;

(c) responding to a call for submissions;

(d) petitioning or campaigning of a grassroots nature;

(e) responding to a request for tenders;

(f) communicating with a representative in a public forum;

(g) responding to a request by a representative for information;

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(h) communicating with a representative about a non-business or non-commercial matter;

(i) communicating with a representative in the ordinary course of making an application, or seeking a review or appeal about a decision, under an Act;

(j) participating in an incidental meeting with a representative beyond the control of the representative;

Example—

A Minister or the Leader of the Opposition speaks at a conference and has an unscheduled discussion with a person who is a conference participant.

(k) communicating with a representative in the ordinary course of providing professional or technical services to a person.

Example—

An entity is engaged by a person to provide accounting, architectural, engineering or legal services. The entity communicates with a representative on behalf of the person. The communication is not a lobbying activity if the communication is part of the ordinary course of the entity providing the services to the person.

44 Who is a *government representative*

A ***government representative*** is any of the following persons—

(a) the Premier;

(b) a Minister;

(c) an Assistant Minister;

(d) a councillor;

(e) a ministerial staff member;

(f) an assistant minister staff member;

(g) a public sector officer.

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45 Who is an *Opposition representative*

An ***Opposition representative*** is any of the following persons—

(a) the Leader of the Opposition;

(b) the Deputy Leader of the Opposition;

(c) an opposition spokesperson;

(d) an opposition assistant spokesperson;

(e) a staff member in the office of the Leader of the Opposition.

Part 2 Requirement for registration

46 Lobbying activity by unregistered entity prohibited

(1) An unregistered person must not carry out a lobbying activity for a third party client.

Maximum penalty—200 penalty units.

(2) For subsection (1), if an individual is disqualified under section 49 from being registered as a lobbyist, or continuing to be registered as a lobbyist, the individual is taken not to be a registered lobbyist even if the individual's name remains on the lobbying register.

(3) To remove any doubt, it is declared that this section does not apply to an unregistered person who is an entity mentioned in section 47(1).

(4) In this section—

unregistered person means an entity that is not a registered lobbyist.

47 Particular entities not required to be registered

(1) The following entities may carry out a lobbying activity without being a registered lobbyist—

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(a) a non-profit entity but only if the purpose of the lobbying activity is to represent the interests of the entity;

Examples—

- a charity
- a club
- a society for environmental protection

(b) an entity constituted to represent the interests of its members but only if the purpose of the lobbying activity is to represent the interests of its members;

Examples—

- an industrial organisation under the *Industrial Relations Act 2016*
- a professional body, for example, the Queensland Law Society

(c) a member of a trade delegation visiting Queensland but only if the purpose of the lobbying activity is to represent the interests of the delegation;

(d) an officer or employee of an entity mentioned in paragraph (a), (b) or (c).

(2) In this section—

non-profit entity means an entity that—

(a) is not carried on for profit or gain to its individual members; and

(b) is, under the entity's constitution, prohibited from making any distribution, whether in money, property or otherwise, to its members.

Part 3 Applying for registration

48 Who may apply

(1) An entity (the ***applicant***) may apply to the integrity commissioner for registration as a lobbyist.

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(2) The application may be for registration of—

(a) the applicant; or

(b) the applicant and each officer or employee of the applicant who carries out a lobbying activity for the applicant; or

(c) if the applicant is already a registered lobbyist—an officer or employee of the applicant who carries out a lobbying activity for the applicant and who is not a listed person for the applicant.

49 Disqualification of individual engaged in dual hatting

(1) This section applies to an individual who—

(a) is a registered lobbyist during the period (the ***inter-election period***) that—

(i) starts on the day on which a general election is held (the ***first general election***); and

(ii) ends at the end of the day on which the next general election after the first general election is held (the ***second general election***); and

(b) during the inter-election period is required to give a notice under section 66A.

Note—

See section 66N(3) for removal of the individual's name from the lobbying register.

(2) This section also applies to an individual who was a registered lobbyist at any time during the inter-election period.

(3) The individual is disqualified from being a registered lobbyist, or continuing to be a registered lobbyist, if the individual performs a substantial role, during the inter-election period, in the election campaign of a political party relating to the second general election.

Note—

See also sections 66H(1)(b) and 66N(2).

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(4) If the individual performs a substantial role in the election campaign, relating to the second general election, of the political party that wins the second general election, the individual is disqualified under subsection (3) for the period that—

(a) starts when the individual starts performing the substantial role in the election campaign; and

(b) ends at the end of the day on which the next general election after the second general election is held.

(5) If the individual performs a substantial role in the election campaign, relating to the second general election, of a political party that does not win the second general election, the individual is disqualified under subsection (3) for the period that—

(a) starts when the individual starts performing the substantial role in the election campaign; and

(b) ends at the end of the day on which the second general election is held.

(6) In this section—

general election see the *Electoral Act 1992*, schedule 1.

win, a general election, means form government after the election.

50 Requirements for making application

(1) The application must be made in the approved form.

(2) The approved form may provide for—

(a) if the entity for whom registration as a lobbyist is sought is an individual—

(i) a statement that the individual is not disqualified from being a registered lobbyist under section 49; and

(ii) a written report about the criminal history of the individual; and

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(b) if the entity for whom registration as a lobbyist is sought is a former representative—a statement about the official dealings engaged in by the former representative in the 2 years immediately before becoming a former representative; and

(c) if the applicant has officers or employees—a statement listing the name of each officer or employee of the applicant other than—

(i) an officer or employee who is already a registered lobbyist, or for whom registration as a lobbyist is sought by the application; or

(ii) an employee whose role within the entity involves only administrative duties; or

(iii) an employee whose role within the entity involves work only outside Queensland.

(3) Information in the application must, if the approved form requires, be verified by a statutory declaration by each entity for whom registration as a lobbyist is sought by the application.

(4) In this section—

criminal history, of an individual, means the individual's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions, in relation to the following offences—

(a) an offence for which the individual has been sentenced to a term of imprisonment of at least 30 months;

(b) an offence involving fraud or dishonesty for which the individual has been convicted as an adult.

spent conviction means a conviction—

(a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and

(b) that is not revived as prescribed by section 11 of that Act.

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51 Deciding application

(1) The integrity commissioner must, as soon as practicable after the application is made, decide to approve or refuse to approve the application for—

(a) if the application is made under section 48(2)(a)—the applicant; or

(b) if the application is made under section 48(2)(b) or (c)—the applicant and each officer or employee of the applicant who carries out a lobbying activity for the applicant.

(2) The integrity commissioner may decide to approve an application for an individual only if the integrity commissioner is satisfied the individual is not disqualified under section 49.

(3) The integrity commissioner may decide to refuse to approve an application for an applicant, or an officer or employee of an applicant, on any of the following grounds—

(a) the application includes a materially false or misleading representation or declaration;

(b) the applicant, or the officer or employee of the applicant, has previously failed to comply with—

(i) a provision of this chapter; or

(ii) the registered lobbyists code of conduct or a directive;

(c) the registration of the applicant, or the officer or employee of the applicant, as a lobbyist in another jurisdiction has been cancelled or suspended;

(d) another ground the integrity commissioner considers sufficient.

Example—

The integrity commissioner may consider it sufficient that, in Queensland or elsewhere, the applicant, or an officer or employee of the applicant, has acted in a way the integrity commissioner considers is inconsistent with general standards of ethical behaviour.

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52 Inquiry about application

(1) Before deciding the application, the integrity commissioner may, by notice given to the applicant, require the applicant to give the integrity commissioner further information or a document the integrity commissioner reasonably requires to decide the application.

(2) The further information or document must be given—

(a) within the reasonable period of at least 5 business days stated in the notice; or

(b) if the integrity commissioner and the applicant agree in writing to a longer period within which the applicant is to give the information or document—within the longer period.

(3) The applicant is taken to have withdrawn the application if, within the stated period under subsection (2)(a) or the longer period under subsection (2)(b), the applicant does not comply with the requirement.

(4) The information or document under subsection (1) must, if the notice requires, be verified by statutory declaration.

53 Conditions

(1) It is a condition of registration of an entity as a lobbyist that—

(a) the entity, or each listed person for the entity, undertake an approved training course within a stated period after the registration takes effect; or

(b) if the integrity commissioner considers it appropriate—the entity, or each listed person for the entity, undertakes an approved training course at regular intervals of not longer than 12 months.

(2) Registration of an entity as a lobbyist is also subject to any other condition the integrity commissioner considers appropriate.

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54 Steps after, and taking effect of, decision

(1) As soon as practicable after deciding the application, the integrity commissioner must—

(a) give the applicant notice of the integrity commissioner's decision; and

(b) if the integrity commissioner approves an application for an entity, update the lobbying register to include the entity as a registered lobbyist.

(2) If the integrity commissioner approves an application for an entity, the registration of the entity as a lobbyist takes effect on the earlier of the following days—

(a) the day stated in the notice;

(b) the day the lobbying register is updated under subsection (1)(b).

Part 4 Powers of integrity commissioner

55 Code of conduct

(1) The integrity commissioner may, after consultation with the parliamentary committee, approve a code of conduct for registered lobbyists (the ***registered lobbyists code of conduct***).

(2) The integrity commissioner must publish the registered lobbyists code of conduct on the integrity commissioner's website.

(3) The purpose of the registered lobbyists code of conduct is to provide standards of conduct for registered lobbyists designed to ensure that communication between registered lobbyists and representatives is carried out in accordance with public expectations of transparency and integrity.

(4) The registered lobbyists code of conduct must include a policy relating to conflicts of interest for registered lobbyists.

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(5) The registered lobbyists code of conduct may impose obligations on registered lobbyists to give the integrity commissioner information about lobbying activities carried out by them.

(6) Registered lobbyists must comply with the registered lobbyists code of conduct.

56 Approved training

(1) The integrity commissioner must approve a training course for the purpose of enabling individuals to be registered lobbyists or continue to be registered lobbyists.

(2) The integrity commissioner must publish a description of the approved training course on the integrity commissioner's website.

57 Directives

(1) The integrity commissioner may make a directive about any of the following matters—

(a) the operation of a provision of this chapter or the registered lobbyists code of conduct, including, for example, a procedural or technical requirement relating to the provision or code;

(b) the application of the policy relating to conflicts of interest for registered lobbyists mentioned in section 55(4);

(c) any other matter the integrity commissioner considers appropriate.

(2) Registered lobbyists must comply with a directive made under subsection (1).

(3) The integrity commissioner must publish each directive made under subsection (1) on the integrity commissioner's website.

(4) To remove any doubt, it is declared that, if a directive is inconsistent with an Act or subordinate legislation, the Act or

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subordinate legislation prevails over the directive to the extent of any inconsistency.

Part 5 Restrictions on particular lobbying activity

Division 1 Dual hatting

58 Registered lobbyist must not perform substantial role in election campaign of political party

(1) This section applies to a registered lobbyist.

(2) The registered lobbyist must not perform a substantial role in the election campaign of a political party.

Division 2 Former representatives

59 Who is a *former senior government representative*

A ***former senior government representative*** is a person who held, but no longer holds, any of the following offices—

(a) Premier;

(b) Minister;

(c) Assistant Minister;

(d) councillor;

(e) ministerial staff member;

(f) assistant minister staff member;

(g) an office of a public sector officer that is an office of chief executive, senior executive or senior executive equivalent.

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60 Who is a *former Opposition representative*

A ***former Opposition representative*** is a person who held, but no longer holds, any of the following offices—

(a) Leader of the Opposition;

(b) Deputy Leader of the Opposition;

(c) staff member in the office of the Leader of the Opposition.

61 Who is a *former representative*

A ***former representative*** means—

(a) a former senior government representative; or

(b) a former Opposition representative.

62 Former representative must not carry out lobbying activity relating to official dealings of previous 2 years

(1) This section applies to a person who is a former representative.

(2) Within 2 years after the person becomes a former representative, the person must not carry out lobbying activity for a third party client if the activity relates to official dealings in which the person engaged in the person's official capacity in the 2 years immediately before the person became a former representative.

Part 6 Obligations of representatives

63 Representative must not knowingly permit lobbying in contravention of s 46

A representative must not knowingly permit an entity to carry out a lobbying activity with the representative in contravention of section 46.

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64 Representative must not knowingly permit lobbying in contravention of s 62

A representative must not knowingly permit a former representative to carry out a lobbying activity with the representative in contravention of section 62.

Part 7 Information disclosure

65 Registered lobbyist must give notice of change in recorded particulars

(1) This section applies if there is a change in the recorded particulars of a registered lobbyist.

(2) The registered lobbyist must give the integrity commissioner a notice stating the details of the change within 10 business days after the registered lobbyist becomes aware of the change.

Note—

See also sections 66F(1)(a)(iv), 66H(1)(c)(iv) and 66N(1).

(3) If the registered lobbyist is a listed person for an entity—

(a) the obligation under subsection (2) applies to the entity in relation to the entity's registration as a lobbyist; and

(b) the listed person must ensure the entity is notified of the change.

66 Registered lobbyist must give annual return of recorded particulars

(1) A registered lobbyist must, within 1 month after the end of each financial year, give the integrity commissioner a notice stating the recorded particulars of the registered lobbyist remain correct.

Note—

See also sections 66F(1)(a)(iv) and 66H(1)(c)(iv).

(2) If the registered lobbyist is a listed person for an entity—

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(a) the obligation under subsection (1) applies to the entity in relation to the entity's registration as a lobbyist; and

(b) the listed person must ensure the entity is notified of any changes in the recorded particulars of the listed person that happen in the financial year.

66A Individual who is registered lobbyist must give notice of intention to perform substantial role in election campaign

(1) This section applies if an individual who is a registered lobbyist intends to perform a substantial role in the election campaign of a political party.

(2) The individual must, immediately after forming the intention, give the integrity commissioner a notice stating the individual's intention.

Note—

See also sections 66F(1)(a)(iv), 66H(1)(c)(iv) and 66N(3).

66B Representative must give integrity commissioner notice if subject to lobbying activity by unregistered person

(1) This section applies if a representative becomes aware that an entity that is not a registered lobbyist is seeking to carry out, or has carried out, lobbying activity with the representative.

(2) The responsible person for the representative must, as soon as practicable after the representative becomes aware, give the name and details of the entity to the integrity commissioner.

(3) A responsible person for a representative may delegate a function under subsection (2) to an appropriately qualified person.

66C Representative may give integrity commissioner information about lobbying activity

(1) This section applies if an entity carries out, or seeks to carry out, a lobbying activity with a representative.

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(2) The responsible person for the representative may, if the responsible person reasonably believes the information may be relevant to the functions or powers of the integrity commissioner, give the integrity commissioner information relating to the lobbying activity.

(3) Without limiting subsection (2), the information given under subsection (2) may include personal information about an individual who is carrying out, or seeking to carry out, the lobbying activity.

(4) A responsible person for a representative may delegate a function under subsection (2) to an appropriately qualified person.

66D Integrity commissioner may require information from registered lobbyist or another person

(1) This section applies if the integrity commissioner suspects—

(a) a registered lobbyist—

(i) may be disqualified from being a registered lobbyist under section 49; or

(ii) may have failed to comply with—

(A) a condition of the lobbyist's registration; or

(B) the registered lobbyists code of conduct or a directive; or

(C) part 5; or

(D) section 65, 66, 66A or this section; or

(b) another person may have information relating to a matter mentioned in paragraph (a).

(2) The integrity commissioner may, by notice, require the registered lobbyist or other person to give the commissioner information or a document relating to the suspicion.

(3) The registered lobbyist or other person must, unless the lobbyist or other person has a reasonable excuse, comply with the notice—

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(a) within the reasonable period of at least 15 business days stated in the notice; or

(b) if the integrity commissioner and the lobbyist or other person agree in writing to a longer period within which the information or document is to be given—within the longer period.

Note—

See also sections 66F(1)(a)(iv) and 66H(1)(c)(iv).

66E Verification by statutory declaration

The integrity commissioner may require information or a document given under this part to be verified by statutory declaration.

Part 8 Compliance notices

66F When compliance notice may be given

(1) This section applies if the integrity commissioner—

(a) suspects a registered lobbyist may have failed to comply with—

(i) a condition of the lobbyist's registration; or

(ii) the registered lobbyists code of conduct or a directive; or

(iii) part 5; or

(iv) section 65, 66, 66A or 66D; and

(b) believes—

(i) a matter relating to the failure is reasonably capable of being rectified; and

(ii) it is appropriate to give the registered lobbyist an opportunity to rectify the matter.

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(2) The integrity commissioner may give the registered lobbyist a notice (a ***compliance notice***) requiring the lobbyist to rectify the matter, including, for example, by doing an act or refraining from doing an act.

66G Requirements for compliance notice

(1) The compliance notice must state—

(a) that the integrity commissioner suspects the registered lobbyist is failing, or has failed, to comply with—

(i) a condition of the lobbyist's registration; or

(ii) the registered lobbyists code of conduct or a directive; or

(iii) part 5; or

(iv) section 65, 66, 66A or 66D; and

(b) briefly, how it is suspected the registered lobbyist is failing, or has failed, to comply; and

(c) the matter relating to the failure that the integrity commissioner believes is reasonably capable of being rectified; and

(d) the reasonable steps the registered lobbyist must take to rectify the matter; and

(e) that the registered lobbyist must take the steps within a stated reasonable period; and

(f) that failure to comply with the notice may lead to the integrity commissioner taking action under part 9.

(2) If the compliance notice requires the registered lobbyist to refrain from doing an act, it also must state either—

(a) a period for which the requirement applies; or

(b) that the requirement applies until further notice.

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Part 9 Sanctions for non-compliance

66H Grounds for taking action

(1) The integrity commissioner may take 1 or more of the actions mentioned in subsection (2) in relation to the registration of an entity as a lobbyist if—

(a) the registration was obtained because of incorrect or misleading information; or

(b) the integrity commissioner believes the entity is disqualified as a registered lobbyist under section 49; or

(c) the integrity commissioner believes the entity has failed to comply with—

(i) a condition of the registration; or

(ii) the registered lobbyists code of conduct or a directive; or

(iii) part 5; or

(iv) section 65, 66, 66A or 66D; or

(d) the integrity commissioner believes the entity has failed to comply, without a reasonable excuse, with a compliance notice; or

(e) the entity has been charged with an indictable offence; or

(f) the registration of the entity as a lobbyist in another jurisdiction has been cancelled or suspended; or

(g) the integrity commissioner believes there is another sufficient ground to take the action.

Example—

The integrity commissioner may consider it sufficient that, in Queensland or elsewhere, the entity has acted in a way the integrity commissioner considers is inconsistent with general standards of ethical behaviour.

(2) The actions are—

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(a) to impose a condition on, or vary or remove a condition of, the registration; or

(b) to suspend the registration for a stated period of not more than 12 months; or

(c) to cancel the registration.

66I Show cause notice before taking action

(1) This section applies if the integrity commissioner is considering taking action under section 66H in relation to an entity.

(2) The integrity commissioner must first give the entity a notice (a ***show cause notice***) stating—

(a) that the integrity commissioner intends to take the action; and

(b) the proposed action; and

(c) the ground for the proposed action; and

(d) an outline of the facts and circumstances forming the basis for the ground for the proposed action; and

(e) that the entity may, within 14 days after the notice is given, or a longer period agreed to by the integrity commissioner, give the integrity commissioner a written response to the proposed action.

(3) If the entity is a listed person for an entity, the written response under subsection (2)(e) can be given by either the listed person or the entity.

66J Decision in relation to taking action after show cause process

(1) After considering any written response received under section 66I(2)(e), the integrity commissioner may decide—

(a) to take the proposed action stated in the show cause notice; or

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(b) to take different action under section 66H(2) the integrity commissioner considers appropriate; or

Example—

The proposed action stated in the show cause notice was to cancel the entity's registration as a lobbyist. After considering the written response to the show cause notice, the integrity commissioner may decide to suspend the entity's registration for a stated period of not more than 12 months instead of cancelling the registration.

(c) to issue a warning to the entity instead of taking any action under section 66H(2); or

(d) not to take any action under section 66H(2).

(2) The integrity commissioner must give notice of the decision to the entity.

(3) The decision takes effect at the end of 10 days after the date of the decision or, if the notice states a later day of effect, on the later day.

(4) If the entity is a listed person for an entity, the notice given under subsection (2) must be given to the listed person and the entity.

66K Extension of suspension of registration

(1) This section applies if—

(a) under section 66H, the integrity commissioner suspends the registration of an entity as a lobbyist for a stated period (the ***initial suspension period***); and

(b) after the initial suspension period starts, the integrity commissioner decides that the facts and circumstances forming the basis for the ground for suspending the registration warrant the suspension of the registration for a further period.

(2) The integrity commissioner may extend the period of the suspension for a further stated period.

(3) The total period of suspension must not be more than 12 months.

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(4) The integrity commissioner must give the entity notice of the further period of suspension before the initial suspension period ends.

(5) If the entity is a listed person for an entity, the notice given under subsection (4) must be given to the listed person and the entity.

Part 10 Register

66L Lobbying register

(1) The integrity commissioner must keep a register of registered lobbyists (the ***lobbying register***).

(2) The lobbying register—

(a) may be kept in the way the integrity commissioner considers appropriate, including, for example, in an electronic form; and

(b) must be published on the integrity commissioner's website.

66M Particulars to be recorded in lobbying register

The lobbying register must contain the following particulars for each registered lobbyist—

(a) the name of the registered lobbyist;

(b) if the registered lobbyist trades as a business—

(i) the business or trading name of the business; and

(ii) the ABN for the business;

(c) if the registered lobbyist is an entity for which listed persons carry out a lobbying activity—the name of each listed person for the entity;

(d) if the registered lobbyist is a listed person for an entity—the lobbyist's role in the entity;

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(e) if the registered lobbyist is a former representative—

(i) the date on which the lobbyist became a former representative; and

(ii) details of the official dealings in which the registered lobbyist engaged in the person's official capacity in the 2 years immediately before becoming a former representative;

(f) if the registered lobbyist has officers or employees—the name of each officer or employee of the registered lobbyist other than—

(i) an officer or employee who is a registered lobbyist; or

(ii) an employee whose role within the entity involves only administrative duties; or

(iii) an employee whose role within the entity involves work only outside Queensland;

(g) the name and contact details of each entity with whom the registered lobbyist has a contract or other agreement under which the registered lobbyist is required or permitted to provide a lobbying activity;

(h) the name and contact details of each entity for whom the registered lobbyist has carried out a lobbying activity in the 12 months immediately before—

(i) the application for the lobbyist's registration was made; or

(ii) the lobbyist gave the integrity commissioner information under section 65 or 66;

(i) if the registration of the registered lobbyist has been suspended under part 9—the grounds for the suspension and the period of the suspension;

(j) any other particulars prescribed by regulation.

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66N Updating lobbying register

(1) If the integrity commissioner receives a notice under section 65 relating to a change in the recorded particulars of a registered lobbyist, the integrity commissioner must update the lobbying register to reflect the change as soon as practicable after receiving the notice.

(2) If the integrity commissioner becomes aware that a registered lobbyist is disqualified under section 49 from being a registered lobbyist, or continuing to be a registered lobbyist, the integrity commissioner must immediately remove from the lobbying register the individual's name as a registered lobbyist.

(3) If the integrity commissioner receives a notice under section 66A that an individual who is a registered lobbyist intends to perform a substantial role in an election campaign, the integrity commissioner must immediately remove from the lobbying register the individual's name as a registered lobbyist.

(4) If the integrity commissioner cancels or suspends an entity's registration as a lobbyist under part 9, the integrity commissioner must immediately update the lobbying register to reflect the cancellation or suspension.

Part 11 Other offences

66O Particular conduct of unregistered person prohibited

A person who is not a registered lobbyist must not—

(a) carry on, or purport to carry on, a business of providing services constituting, or including, a lobbying activity for another person; or

(b) hold out that the person is a registered lobbyist; or

(c) take or use a title, name or description that, having regard to the circumstances in which it is taken or used,

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indicates or could be reasonably understood to indicate the person is a registered lobbyist.

Maximum penalty—200 penalty units.

66P Success fee prohibited

(1) A person must not give, or agree to give, to another person (a ***lobbyist***), or a related person of the lobbyist, a success fee in relation to a lobbying activity carried out by or for the lobbyist.

Maximum penalty—200 penalty units.

(2) A person (a ***lobbyist***), or a related person of the lobbyist, must not receive, or agree to receive, from another person a success fee in relation to a lobbying activity carried out by or for the lobbyist.

Maximum penalty—200 penalty units.

(3) If a conviction is obtained against a person under subsection (1) or (2), the success fee is forfeited to the State.

(4) If the conviction of a person under subsection (1) or (2) is quashed, a success fee forfeited to the State must be returned to the person.

(5) In this section—

conviction includes a plea of guilty or a finding of guilt by a court even if a conviction is not recorded.

related person, of a lobbyist, is a related person of the lobbyist within the meaning of the *Duties Act 2001*, section 61(1).

success fee, in relation to a lobbying activity, means an amount of money or other reward the giving or receiving of all or part of which is contingent on the outcome of a lobbying activity.

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Part 12 Miscellaneous

66Q Act not to require or limit particular communication

To remove any doubt, it is declared that nothing in this chapter—

(a) requires a representative to communicate with a particular entity carrying out a lobbying activity, or entities carrying out lobbying activities in general; or

(b) limits an entity from communicating with a representative if the representative is required under a law to take account of information communicated by the entity.

Chapter 5 Administrative provisions for integrity commissioner, deputy integrity commissioner and integrity office

Part 1 Integrity commissioner

73 Appointment

(1) The integrity commissioner is to be appointed by the Governor in Council.

(2) The integrity commissioner is to be appointed under this Act, and not under the *Public Sector Act 2022*.

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74 Procedure before appointment

(1) A person may be appointed as integrity commissioner only if—

(a) the Minister has placed press advertisements nationally calling for applications from suitably qualified persons to be considered for appointment; and

(b) the person has been selected for appointment in accordance with a process for selection approved by the parliamentary committee; and

(c) the Minister has obtained the parliamentary committee's approval for the appointment of the person as the integrity commissioner.

(2) A person is suitably qualified for appointment as the integrity commissioner if the person has knowledge, experience, personal qualities and standing within the community suitable to the office.

(3) For subsection (1)(c), the parliamentary committee—

(a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister (the ***original period***) or within the further period agreed under subsection (4); and

(b) is taken to have approved the appointment of the person as the integrity commissioner if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.

(4) The Minister and chair of the parliamentary committee may, before the end of the original period, agree to extend the original period by a further period of not more than 20 business days.

(5) Subsection (1)(a) and (b) does not apply to the reappointment of a person as integrity commissioner.

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75 Term of appointment

(1) Subject to sections 78 and 82, the integrity commissioner holds office for the term, not longer than 5 years, stated in the instrument of appointment.

(2) However, a person being reappointed as integrity commissioner can not be reappointed for a term that would result in the person holding office as integrity commissioner for more than 10 years continuously.

76 Remuneration and conditions

(1) The integrity commissioner is to be paid the remuneration and allowances decided by the Governor in Council.

(2) The remuneration paid to the integrity commissioner must not be reduced during the commissioner's term of office without the integrity commissioner's written consent.

(3) In relation to matters not provided for by this Act, the integrity commissioner holds office on the terms and conditions decided by the Governor in Council.

(4) The Minister may make a recommendation to the Governor in Council regarding the remuneration, allowances, and terms and conditions of office only with the approval of the parliamentary committee.

(5) For subsection (4), the parliamentary committee—

(a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister (the ***original period***) or within the further period agreed under subsection (6); and

(b) is taken to have approved the remuneration, allowances, and terms and conditions of office stated in the request if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.

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(6) The Minister and chair of the parliamentary committee may, before the end of the original period, agree to extend the original period by a further period of not more than 20 business days.

77 Leave of absence

The Minister may grant leave of absence to the integrity commissioner on the terms the Minister considers appropriate.

78 Resignation

(1) The integrity commissioner may resign by signed notice given to the Minister.

(2) As soon as practicable after the notice is given to the Minister, the Minister must—

(a) give the notice to the Governor for information; and

(b) give a copy of the notice to—

(i) the Speaker; and

(ii) the chairperson of the parliamentary committee.

(3) Failure to comply with subsection (2) does not affect the effectiveness of the resignation.

79 Oath before performing duties

(1) Before performing the duties of office, the integrity commissioner must make an oath or affirmation to the effect that he or she will faithfully and impartially perform the duties of the office.

(2) The oath must be administered by the Speaker.

80 Declaration of interests

(1) This section applies to the integrity commissioner on appointment.

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Note—

Appointment includes reappointment. See the *Acts Interpretation Act 1954*, schedule 1, definition *appoint*.

(2) The integrity commissioner must, within 1 month, give the Speaker a statement setting out the information mentioned in subsection (3) in relation to—

(a) the interests of the integrity commissioner; and

(b) the interests of each person who is a related person in relation to the integrity commissioner.

Note—

See section 10(2) for the meaning of a reference to an interest.

(3) The information to be set out in the statement is the information that would be required to be disclosed under the *Parliament of Queensland Act 2001*, section 69B if the integrity commissioner were a member of the Legislative Assembly.

(4) Subsections (5) and (6) apply if, after the giving of the statement—

(a) there is a change in the interests mentioned in subsection (2); and

(b) the change is of a type that would have been required to be disclosed under the *Parliament of Queensland Act 2001*, section 69B if the integrity commissioner were a member of the Legislative Assembly.

(5) The integrity commissioner must give the Speaker a revised statement.

(6) The revised statement must—

(a) be given as soon as possible after the relevant facts about the change come to the integrity commissioner's knowledge; and

(b) comply with subsection (3).

(7) The Speaker must, if asked, give a copy of the latest statement to—

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(a) the Premier; or

(b) the leader of a political party represented in the Legislative Assembly; or

(c) the Crime and Corruption Commission; or

(d) a member of the parliamentary committee.

(8) The Speaker must, if asked, give a copy of the part of the latest statement that relates only to the integrity commissioner to another member of the Legislative Assembly.

(9) A member of the Legislative Assembly may, by writing given to the Speaker, allege that the integrity commissioner has not complied with the requirements of this section.

81 Conflicts of interest

(1) If the integrity commissioner has an interest that conflicts or may conflict with the discharge of the integrity commissioner's responsibilities, the integrity commissioner—

(a) must disclose the nature of the interest and conflict to the Speaker and parliamentary committee as soon as practicable after the relevant facts come to the integrity commissioner's knowledge; and

(b) must not take action or further action concerning a matter that is, or may be, affected by the conflict until the conflict or possible conflict is resolved.

Note—

See section 10(2) for the meaning of a reference to an interest or to a conflict of interest.

(2) If the conflict or possible conflict between an interest of the integrity commissioner and the integrity commissioner's responsibilities is resolved, the integrity commissioner must give to the Speaker and parliamentary committee a statement advising of the action the integrity commissioner took to resolve the conflict or possible conflict.

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82 Removal from office

(1) The following are grounds for removal of the integrity commissioner from office—

(a) proved incapacity, incompetence or misconduct;

(b) conviction of an indictable offence.

(2) The Governor may, on an address from the Legislative Assembly, remove the integrity commissioner from office.

(3) The motion for the address may be moved only by the Minister.

(4) The Minister may move the motion only if—

(a) the Minister has given the integrity commissioner a statement setting out the reasons for the motion; and

(b) the statement and any written response by the integrity commissioner have been tabled in the Legislative Assembly; and

(c) the Minister has consulted with the parliamentary committee about the motion; and

(d) agreement to the motion has been obtained from—

(i) all members of the parliamentary committee; or

(ii) a majority of members of the parliamentary committee, other than a majority consisting entirely of members of the political party or parties in government in the Legislative Assembly.

83 Delegation

(1) The integrity commissioner may delegate the integrity commissioner's functions under this Act or another Act to the deputy integrity commissioner.

(2) The integrity commissioner may delegate to an appropriately qualified integrity officer or another appropriately qualified public service officer the integrity commissioner's functions under—

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(a) chapter 4, other than part 4 of that chapter; or

(b) another Act.

(3) In this section—

functions includes powers.

84 Acting integrity commissioner

(1) The Governor in Council may appoint a person to act as integrity commissioner—

(a) during a vacancy in the office; or

(b) during any period, or during all periods, when the integrity commissioner is absent from duty or from the State or, for another reason, can not perform the duties of the office.

(2) To remove any doubt, it is declared that the Governor in Council may appoint the deputy integrity commissioner or a former integrity commissioner to act as integrity commissioner under subsection (1).

Part 2 Deputy integrity commissioner

85A Employment of deputy integrity commissioner

(1) The integrity commissioner may employ a person to be the deputy integrity commissioner.

(2) The deputy integrity commissioner is to be employed under the *Public Sector Act 2022*.

85B Declaration of interests

Section 80 applies to the deputy integrity commissioner in the same way it applies to the integrity commissioner.

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Part 3 Integrity office

85BA Integrity office is a statutory body

(1) The integrity office is a statutory body for the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982*.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which the integrity office's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

85C Employment of staff

(1) The integrity commissioner may employ the staff the commissioner considers appropriate to perform the commissioner's functions.

(2) Integrity officers are to be employed under the *Public Sector Act 2022*.

85D Directives under Public Sector Act 2022

(1) The industrial relations Minister or the Public Sector Commissioner may make a directive under the *Public Sector Act 2022* that applies specifically to the integrity office only with the integrity commissioner's approval.

(2) Subsection (1)—

(a) applies to a directive whether or not the directive also applies to other public sector units; but

(b) does not apply to a directive that applies generally to all public sector units.

(3) In this section—

industrial relations Minister means the Minister administering the *Industrial Relations Act 2016*.

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Public Sector Commissioner means the Public Sector Commissioner appointed under the *Public Sector Act 2022*, section 212(1).

Part 4 Funding proposals

85E Definitions for part

In this part—

additional funding, for a financial year, means funding from the State for the integrity office in addition to the allocated amount for the financial year.

allocated amount, for a financial year, means the amount of funding from the State allocated to the integrity office for the financial year.

funding proposal means a written request for additional funding for a financial year or 2 or more financial years.

85F Application of part

This part applies if the integrity commissioner decides additional funding is needed for a financial year or 2 or more financial years.

85G Requirement for, and approval of, funding proposal

(1) The integrity commissioner must—

(a) prepare a funding proposal for the additional funding; and

(b) give the funding proposal to the parliamentary committee and a copy of the proposal to the Minister.

(2) Within the period stated in subsection (3), the parliamentary committee must review the integrity commissioner's funding proposal and give the Minister a report approving 1 of the following—

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(a) the integrity commissioner's funding proposal;

(b) a funding proposal for a different amount or a different purpose, or both;

(c) a proposal that provides for no additional funding for the integrity office.

(3) For subsection (2), the period is—

(a) 20 business days after the parliamentary committee receives the integrity commissioner's funding proposal; or

(b) if, in the circumstances, the Treasurer decides the approval of a proposal under subsection (2) is required within a shorter period and has notified the parliamentary committee of the shorter period and the reasons for the shorter period—the shorter period.

Example for paragraph (b)—

The Treasurer may decide the approval of a proposal under subsection (2) is required within a shorter period so the Minister's response to the proposal can be considered in the preparation of the State budget.

(4) The parliamentary committee must prepare the report under subsection (2) in consultation with the appropriate officers of Queensland Treasury.

(5) If the parliamentary committee does not give the Minister a report under subsection (2) within the period stated in subsection (3), the committee is taken to have approved the integrity commissioner's funding proposal.

(6) In this section—

Queensland Treasury means the department in which the *Financial Accountability Act 2009* is administered.

85H Tabling requirement

(1) The Minister must table the following documents in the Legislative Assembly for each proposal approved, or taken to

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be approved, by the parliamentary committee under this part—

(a) the committee's report about the proposal under section 85G(2), if any;

(b) a report setting out the Minister's response to the proposal.

(2) The documents must not be tabled in the Legislative Assembly before the Minister's response to the proposal has been implemented.

(3) The parliamentary committee's report about the proposal under section 85G(2) must not be tabled in the Legislative Assembly other than as provided under subsections (1) and (2).

(4) In this section—

proposal means—

(a) a funding proposal mentioned in section 85G(2)(a) or (b); or

(b) a proposal mentioned in section 85G(2)(c).

85I Parliamentary committee may obtain advice or information

For preparing a report under section 85G(2), the parliamentary committee may obtain advice or other information from any of the following persons—

(a) the Treasurer;

(b) the Minister;

(c) the integrity commissioner;

(d) an officer of the department.

85J Confidential information not required to be given

Nothing in this part requires the integrity commissioner to include in a funding proposal, or the integrity commissioner

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or any other person to give the parliamentary committee, any details that would, if given—

(a) prejudice a current ethics or integrity issue being considered by the integrity commissioner; or

(b) disclose information that is privileged or subject to a duty to maintain confidentiality under an Act or other law.

Part 5 Reporting

85K Report about performance of functions

(1) The integrity commissioner must, as soon as practicable after the end of each financial year, give the Speaker and the parliamentary committee a written report about the performance of the commissioner's functions for the financial year.

(2) The report must include, in relation to the financial year to which it relates, the matters prescribed by regulation.

(3) The report must not disclose information likely to identify a specific request for the integrity commissioner's advice on an ethics or integrity issue, including information likely to identify an individual—

(a) who requested the integrity commissioner's advice; or

(b) about whom the integrity commissioner's advice was requested.

(4) The chair of the parliamentary committee must table the report in the Legislative Assembly within 3 sitting days after the committee receives the report.

85L Annual report

(1) For the application of the *Financial Accountability Act 2009*, section 63 to the integrity office, the appropriate Minister is the Minister administering this section.

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(2) Also—

(a) despite the *Financial Accountability Act 2009*, section 63(1)(b), the annual report for the integrity office must be given to the parliamentary committee, the Speaker, the appropriate Minister and the Treasurer in the way and within the time mentioned in that section; and

(b) despite the *Financial Accountability Act 2009*, section 63(2), the chair of the parliamentary committee must table the annual report in the Legislative Assembly within the time mentioned in that section.

(3) This section does not limit any other provision of this Act under which the integrity commissioner may or must make a report.

Chapter 6 Strategic reviews of integrity commissioner's functions

86 Conduct of reviews

(1) Strategic reviews of the integrity commissioner's functions must be conducted under this chapter.

(2) The first review under this section must be conducted within 4 years after the commencement of this section.

(3) Subject to subsection (2), a strategic review must be conducted at least every 5 years, counting from when the Minister makes a response to the parliamentary committee report in the Legislative Assembly for the most recent earlier strategic review, up to when the reviewer is appointed under subsection (4) to conduct the latest strategic review.

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(4) Each strategic review must be conducted by an appropriately qualified person (***reviewer***), appointed by the Governor in Council, who must give a report on the review.

(5) The terms of reference for a strategic review are to be decided by the Governor in Council.

(6) The Minister may make a recommendation to the Governor in Council regarding the appointment of a reviewer or the terms of reference for a strategic review only—

(a) with the approval of the parliamentary committee; and

(b) after consultation with the integrity commissioner.

(7) For subsection (6)(a), the parliamentary committee—

(a) must decide to give or not give the approval within 20 business days after receiving the request for the approval from the Minister; and

(b) is taken to have approved the appointment of a reviewer, or the terms of reference for a strategic review, stated in the request if the committee does not notify the Minister of its decision under paragraph (a) within the period stated in that paragraph.

(8) The remuneration and other terms of appointment of the reviewer are as decided by the Governor in Council.

(9) In this section—

strategic review, of the integrity commissioner's functions, includes a review of the commissioner's performance of the functions to assess whether they are being performed economically, effectively and efficiently.

87 Powers of strategic review

In conducting a strategic review—

(a) the reviewer has the powers an authorised auditor has under the *Auditor-General Act 2009* for an audit of an entity; and

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(b) that Act and other Acts apply to the reviewer as if the reviewer were an authorised auditor conducting an audit of the entity.

88 Report of strategic review

(1) The reviewer for a strategic review must give a copy of the proposed report on the strategic review to the Minister and the integrity commissioner.

(2) The Minister and the integrity commissioner may, within 15 business days after receiving the proposed report, give the reviewer written comments on anything in the proposed report.

(3) If the Minister or integrity commissioner comments under subsection (2), the reviewer must—

(a) if the reviewer and Minister or integrity commissioner can agree about how to dispose of a comment—incorporate into the report any agreed amendment necessary to dispose of the comment; or

(b) if the reviewer and Minister or integrity commissioner can not agree about how to dispose of a comment—include the comment, in full, in the report.

(4) After complying with subsections (1) and (3), the reviewer must give the report (***review report***) to the parliamentary committee, the Minister and the integrity commissioner.

(5) The review report must be substantially the same as the proposed report given under subsection (1), apart from any changes made under subsection (3).

(6) The chair of the parliamentary committee must table the review report in the Legislative Assembly within 3 sitting days after the committee receives the report.

(7) For the *Parliament of Queensland Act 2001*, section 92(2), the report is referred to the parliamentary committee.

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Chapter 7 Miscellaneous provisions

89 Functions of parliamentary committee

The parliamentary committee has the following functions under this Act—

(a) to monitor and review the performance by the integrity commissioner of the integrity commissioner's functions under this Act;

(b) to report to the Legislative Assembly on any matter concerning the integrity commissioner, the integrity commissioner's functions or the performance of the integrity commissioner's functions that the committee considers should be drawn to the Legislative Assembly's attention;

(c) to examine each annual report for the integrity office tabled in the Legislative Assembly under the *Financial Accountability Act 2009* and, if appropriate, to comment on any aspect of the report and to make recommendations;

(d) to examine each report tabled in the Legislative Assembly under this Act and, if appropriate, to comment on any aspect of the report and to make recommendations;

(e) to report to the Legislative Assembly any changes to the functions and procedures of the integrity commissioner the committee considers desirable for the more effective operation of this Act;

(f) the other functions conferred on the committee by this Act.

Note—

The parliamentary committee may also have functions under other Acts. For example, the committee may be a portfolio committee with responsibilities that include other legislation.

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90 Approval of forms

The integrity commissioner may approve forms for use under this Act.

91 Regulation-making power

The Governor in Council may make regulations under this Act.

Chapter 8 Transitional provisions

Division 1 Provisions for Act No. 52 of 2009

92 Outdated references

In an Act or document, if the context permits, a reference to the *Public Sector Ethics Act 1994* in connection with part 7 of that Act, is taken to be a reference to this Act.

93 Continuation of appointment as integrity commissioner

The person who, immediately before the commencement of this section, was the integrity commissioner under the *Public Sector Ethics Act 1994*—

(a) continues as the integrity commissioner under this Act as if the person had been appointed under this Act; and

(b) is taken to have satisfied the requirements under section 79 concerning the oath or affirmation; and

(c) must comply with section 80(2) within 1 month of the commencement of this section.

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94 Continuation of nomination as designated person

A nomination under the *Public Sector Ethics Act 1994*, section 27(1)(h) or (k) that is in force immediately before the commencement of this section continues as a nomination under section 12(1)(e) or (h), as appropriate, of this Act.

95 Requests for advice under Public Sector Ethics Act 1994

A request for advice under the *Public Sector Ethics Act 1994*, part 7, division 5 on which the integrity commissioner has not, immediately before the commencement of this section, given advice may be dealt with by the integrity commissioner as if the request had been made under section 15 of this Act.

96 Previous register of lobbyists

(1) A lobbyist registered in the previous register of lobbyists immediately before the commencement of this section is taken to be registered in the lobbyists register.

(2) A person listed in the previous register of lobbyists immediately before the commencement of this section as a person or employee who carries out lobbying activities is taken to be a listed person for the lobbyist.

(3) Particulars for a lobbyist or person listed in the previous register of lobbyists in force immediately before the commencement of this section are taken to be particulars in the lobbyists register.

(4) In this section—

previous register of lobbyists means the register of lobbyists kept in accordance with the document known as the Queensland Contact with Lobbyists Code.

97 Noncompliance with Queensland Contact with Lobbyists Code

In sections 55 and 62, a reference to failing to comply with obligations under the lobbyists code of conduct includes a

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reference to failing to comply with obligations under the document known as the Queensland Contact with Lobbyists Code.

98 References to Local Government Act 2009

(1) This section applies—

(a) for a reference in this Act to the *Local Government Act 2009* or a thing under that Act (the ***local government reference***); and

(b) until the day the *Local Government Act 2009*, section 288 commences.

Note—

The *Local Government Act 2009*, section 288 repeals the *Local Government Act 1993*.

(2) The local government reference may, if the context permits, be taken as a reference to the *Local Government Act 1993* or the thing under that Act that substantially corresponds to the reference.

(3) To remove any doubt, it is declared that the local government reference to a corporate entity under the *Local Government Act 2009* is taken as a reference to a corporatised corporation within the meaning of the *Local Government Act 1993*, chapter 8, part 7.

99 References to Sustainable Planning Act 2009

(1) Subsection (2) applies—

(a) for a reference in this Act to the *Sustainable Planning Act 2009* or a thing under that Act (the ***planning reference***); and

(b) until the day the *Sustainable Planning Act 2009*, section 764 commences.

Note—

The *Sustainable Planning Act 2009*, section 764 repeals the *Integrated Planning Act 1997*.

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(2) The planning reference may, if the context permits, be taken as a reference to the *Integrated Planning Act 1997* or the thing under that Act that substantially corresponds to the reference.

Division 2 Provisions for Integrity Reform (Miscellaneous Amendments) Act 2010

100 Declarations of interests by statutory office holders

(1) Subsection (2) applies if, immediately before the commencement—

(a) the integrity commissioner and the relevant Minister have a statement about the interests of a statutory office holder given to the integrity commissioner and the relevant Minister; and

(b) the statement would have complied with section 72C if that section had been in force before the commencement.

(2) On the commencement, the statutory office holder is taken to have complied with section 72C.

(3) Subsection (4) applies if, immediately before the commencement—

(a) a person was a statutory office holder; and

(b) subsection (1) does not apply to the person.

(4) The person must comply with section 72C(2) within 1 month after the commencement.

(5) In this section—

commencement means the commencement of this section.

statutory office holder means a statutory office holder mentioned in section 72C(1).

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101 Declaration of interests by integrity commissioner

(1) This section applies to the person who, immediately before the commencement of this section, was the integrity commissioner.

(2) The person must comply with section 80(2) within 1 month after the commencement of this section.

Division 3 Provision for Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2020

102 Application of s 40A to existing conflicts

(1) This section applies if, on the commencement, a Minister has an interest that conflicts or may conflict with the discharge of the Minister's responsibilities.

(2) Section 40A applies in relation to the interest and the conflict.

(3) However, the Minister does not contravene section 40A for a failure to disclose the interest or the conflict within the first month after the commencement.

Division 4 Transitional provision for the Integrity and Other Legislation Amendment Act 2022

103 Designated persons who are no longer designated persons

(1) This section applies in relation to a person who—

(a) immediately before the commencement, was a designated person under former section 12(1)(f), (g) or (h); and

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(b) on the commencement, is not a designated person under new section 12.

(2) The person ceases to be a designated person on the commencement.

(3) The integrity commissioner must comply with any existing request for advice on an ethics or integrity issue by or about the person, under this Act, as if the person were still a designated person.

(4) However, the integrity commissioner may refuse to give the advice if the integrity commissioner—

(a) reasonably believes—

(i) the ethics or integrity issue is not related to the person's role in relation to which the person was a designated person; or

(ii) it is otherwise not appropriate for the integrity commissioner to give advice on the issue; and

(b) gives the person who made the request written reasons for refusing to give the advice.

(5) This section does not affect the application of section 16 or 20A in relation to the person as a person who ceased to be a designated person.

(6) In this section—

existing request means a request for the integrity commissioner's advice made before the commencement that the integrity commissioner had not complied with immediately before the commencement.

former, for a provision of this Act, means the provision as in force immediately before the commencement.

new, for a provision of this Act, means the provision as in force from the commencement.

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Division 5 Transitional provisions for Integrity and Other Legislation Amendment Act 2024

104 Definitions for division

In this division—

amendment Act means the *Integrity and Other Legislation Amendment Act 2024*.

former, for a provision of this Act, means the provision as in force from time to time before the commencement.

new, for a provision of this Act, means the provision as in force from the commencement.

104A Disqualification of individual engaged in dual hatting only after commencement

New section 49 applies only in relation to an individual who performs a substantial role in an election campaign of a political party after the commencement.

104B Individual disqualified under former section 53A before commencement

An individual disqualified before the commencement under former section 53A from being a registrant, or continuing to be a registrant, for the period mentioned in former section 53A(4) or (5) is taken to be disqualified under new section 49 from being a registered lobbyist, or continuing to be a registered lobbyist, for the period mentioned in new section 49(4) or (5).

105 Existing appointments unaffected

(1) New sections 74(1) and 76(4) do not apply in relation to the appointment of a person as the integrity commissioner in effect immediately before the commencement.

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(2) New section 86(6) does not apply in relation to the appointment of a reviewer in effect immediately before the commencement.

106 Existing strategic review

(1) This section applies in relation to a strategic review conducted before the commencement if the review report for the review has not been given under former section 88(4).

(2) Former section 88 continues to apply in relation to the strategic review as if the amendment Act had not been enacted.

(3) New section 88 does not apply in relation to the strategic review.

107 Funding proposals

(1) New chapter 5, part 4 applies in relation to the integrity office for the next financial year and each subsequent financial year.

(2) In this section—

next financial year means the next financial year to start after this section commences.

108 Reports for current financial year

(1) Former section 85 continues to apply in relation to the financial year in which this section commences as if the amendment Act had not been enacted.

(2) New sections 85K and 85L do not apply in relation to the financial year in which this section commences.

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Schedule 1 Statutory office holders for section 40E

section 40E(1)(a)

Anti-Discrimination Act 1991

- the human rights commissioner

Building and Construction Industry (Portable Long Service Leave) Act 1991

- the general manager of the Building and Construction Industry (Portable Long Service Leave) Authority

Education (Queensland College of Teachers) Act 2005

- the chief executive officer of the Office of the Queensland College of Teachers

Education (Queensland Curriculum and Assessment Authority) Act 2014

- the chief executive officer of the Queensland Curriculum and Assessment Authority

Electoral Act 1992

- the electoral commissioner

Energy and Water Ombudsman Act 2006

- the energy ombudsman

Family and Child Commission Act 2014

- a commissioner

Health Ombudsman Act 2013

- the health ombudsman

Industrial Relations Act 2016

- the registrar

Land Access Ombudsman Act 2017

- the land access ombudsman

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Legislative Standards Act 1992

- the parliamentary counsel

Meriba Omasker Kaziw Kazipa (Torres Strait Islander Traditional Child Rearing Practice) Act 2020

- the commissioner

Public Guardian Act 2014

- the public guardian

Public Sector Act 2022

- the public sector commissioner

Public Trustee Act 1978

- the public trustee of Queensland

Queensland Reconstruction Authority Act 2011

- the chief executive officer of the Queensland Reconstruction Authority

Victims' Commissioner and Sexual Violence Review Board Act 2024

- the victims' commissioner

Water Act 2000

- the commissioner

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Schedule 2 Dictionary

section 3

additional funding, for a financial year, for chapter 5, part 4, see section 85E.

allocated amount, for a financial year, for chapter 5, part 4, see section 85E.

annual report means annual report under the *Financial Accountability Act 2009*.

approved form means a form approved under section 90.

approved training course, for chapter 4, see section 41.

Assistant Minister means a member of the Legislative Assembly appointed as an Assistant Minister under the *Constitution of Queensland 2001*, section 24.

assistant minister staff member means a person employed under the *Ministerial and Other Office Holder Staff Act 2010* as a staff member in the office of an Assistant Minister.

chief executive means—

(a) for a department—the chief executive in relation to the department under the *Public Sector Act 2022*, section 16(a); or

(b) for a public service entity mentioned in the *Public Sector Act 2022*, section 9(b)—the head of the entity under the *Public Sector Act 2022*, schedule 1; or

(c) for a registry or other administrative office of a court or tribunal—the chief executive of the department in which is administered the legislation under which the court or tribunal is established; or

(d) for a local government—the local government's chief executive officer, including the town clerk of the Brisbane City Council; or

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(e) for the parliamentary service—the clerk of the Parliament; or

(f) for a government owned corporation—its chief executive officer; or

(g) for another entity—the person prescribed by regulation or, if no person is prescribed, the person responsible to the Minister administering the legislation under which the entity is established for the management of the entity.

commission of inquiry means a commission of inquiry under the *Commissions of Inquiry Act 1950*, and includes an inquiry under commission mentioned in section 4(2) of that Act.

communicate, for chapter 4, see section 41.

conflict of interest see section 10(2).

conflict of interest issue see section 10(1).

councillor see section 41.

deputy integrity commissioner means the Queensland Deputy Integrity Commissioner.

Deputy Leader of the Opposition means the member of the Legislative Assembly recognised in the Legislative Assembly as the Deputy Leader of the Opposition.

designated person see section 12.

directive, for chapter 4, means a directive made under section 57.

election, for chapter 4, see section 41.

employee, of an entity, for chapter 4, see section 41.

ethics or integrity issue see section 9.

former Opposition representative, for chapter 4, see section 60.

former representative, for chapter 4, see section 61.

former senior government representative, for chapter 4, see section 59.

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funding proposal, for chapter 5, part 4, see section 85E.

government entity has the meaning given by the *Public Sector Act 2022*, section 276, but does not include a department or a public service entity mentioned in the *Public Sector Act 2022*, section 9(b).

government representative see section 44.

information, for chapter 3, see section 13.

integrity commissioner means the Queensland Integrity Commissioner.

integrity office means the Office of the Queensland Integrity Commissioner.

integrity officer means a member of the staff of the integrity office.

interest see section 10(2).

interests issues see section 11.

Leader of the Opposition means the member of the Legislative Assembly recognised in the Legislative Assembly as the Leader of the Opposition.

listed person, for an entity, for chapter 4, see section 41.

lobbying activity see section 42.

lobbying register see section 66L(1).

member to whom a relevant document relates, for chapter 3, part 4, division 3, see section 34.

ministerial advisor see section 12A.

ministerial staff member means a person employed under the *Ministerial and Other Office Holder Staff Act 2010* as a staff member in the office of a Minister other than an Assistant Minister.

non-government member means a member of the Legislative Assembly who is not a member of a political party recognised in the Legislative Assembly as being in government.

officer, of an entity, for chapter 4, see section 41.

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official dealings, for chapter 4, see section 41.

Opposition means the group of members of the Legislative Assembly recognised in the Legislative Assembly as the Opposition.

opposition assistant spokesperson—

(a) means a member of the opposition appointed by the Leader of the Opposition as an opposition assistant spokesperson for a particular area of public business or policy; and

(b) includes a person appointed to a position mentioned in paragraph (a)—

(i) whether the title of the position includes the words 'opposition assistant spokesperson' or 'shadow assistant Minister' or another description; and

(ii) whether or not the person is remunerated for holding the position.

Opposition representative see section 45.

opposition spokesperson—

(a) means a member of the opposition appointed by the Leader of the Opposition as the main opposition spokesperson for a particular area of public business or policy; and

(b) includes a person appointed to a position mentioned in paragraph (a)—

(i) whether the title of the position includes the words 'opposition spokesperson' or 'shadow Minister' or another description; and

(ii) whether or not the person is remunerated for holding the position.

parliamentary committee means—

(a) if the Legislative Assembly resolves that a particular committee of the Assembly is to be the parliamentary committee under this Act—that committee; or

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(b) if paragraph (a) does not apply and the standing rules and orders state that the portfolio area of a portfolio committee includes the integrity commissioner—that committee; or

(c) otherwise—the portfolio committee whose portfolio area includes the department, or the part of a department, in which this Act is administered.

parliamentary service means the parliamentary service established under the *Parliamentary Service Act 1988*.

person to whom a relevant document relates, for chapter 3, part 4, division 2, see section 25.

portfolio area see the *Parliament of Queensland Act 2001*, schedule.

portfolio committee see the *Parliament of Queensland Act 2001*, schedule.

public sector entity see the *Public Sector Act 2022*, section 8.

public sector officer see section 41.

public service entity see the *Public Sector Act 2022*, section 9.

recorded particulars, of a registered lobbyist, for chapter 4, see section 41.

registered lobbyist see section 41.

registered lobbyists code of conduct, for chapter 4, see section 55.

relevant document—

(a) for chapter 3, part 4, division 2, see section 25; or

(b) for chapter 3, part 4, division 3, see section 34.

relevant Minister see section 40D.

remuneration includes salary.

representative, for chapter 4, see section 41.

responsible person, for a government representative, means—

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(a) if the government representative is the Premier or another Minister—the Premier or other Minister; or

(b) if the government representative is an Assistant Minister—the Assistant Minister; or

(c) if the government representative is a councillor—the councillor; or

(d) if the government representative is a public sector officer who is the chief executive of a public sector entity—the chief executive; or

(e) if the government representative is a public sector officer who is an employee of a public sector entity—the chief executive of the public sector entity; or

(f) if the government representative is a ministerial staff member—the relevant Minister; or

(g) if the government representative is an assistant minister staff member—the relevant Assistant Minister.

responsible person, for an Opposition representative, means the Leader of the Opposition.

senior executive see the *Public Sector Act 2022*, schedule 2.

senior executive equivalent means an employee, other than a chief executive, whose remuneration is equal to or greater than the remuneration payable to a senior executive.

staff member, in the office of the Leader of the Opposition, means a person employed as a staff member in that office, under the *Ministerial and Other Office Holder Staff Act 2010*, section 7.

standing rules and orders see the *Parliament of Queensland Act 2001*, schedule.

statutory office see the *Public Sector Act 2022*, section 140(2).

substantial role, in the election campaign of a political party—

(a) means a role at a senior level, whether paid or unpaid, that—

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(i) involves employment or engagement by the party; and

(ii) incorporates significant involvement in the party's election strategy or policy development; and

(b) does not include any of the following—

(i) general membership of the party;

(ii) volunteering for, or advising, a particular candidate;

(iii) door knocking, placing documents in letter boxes or other campaign communications;

(iv) media liaison;

(v) handing out how to vote material.

substantial role, in the election campaign of a political party, for chapter 4, see section 41.

third party client, for chapter 4, see section 41.

tribunal means—

(a) QCAT or another tribunal constituted by a person acting judicially; or

(b) a body or person performing a function under an Act to hear appeals by employees about dismissal from employment, disciplinary action or other unfair treatment; or

(c) a commission of inquiry.

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