



Economics and Governance Committee

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28 January 2020 (Revised 30 January 2020)

Dear stakeholder

Call for further submissions: Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019

The Economics and Governance Committee (committee) is currently conducting an inquiry into the Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019 (Bill), which proposes to introduce a series of reforms to electoral funding, expenditure and signage, and to introduce new dishonest conduct of minister and dishonest conduct of councillor offences, as well as addressing various other local government matters.

The proposed dishonest conduct of minister offences and dishonest conduct of councillor offences are intended to give effect to the Government's commitment to implementing recommendations made by the Crime and Corruption Commission (CCC) on 6 September 2019 – specifically, recommendations three and four, which sought the creation of new criminal offences relating to conflicts of interest, as follows:

Recommendation 3:

Parliament create a criminal offence for occasions when a member of Cabinet does not declare a conflict that does, or may conflict, with their ability to discharge their responsibilities.

Creating a criminal offence will strengthen the framework and obligations on Ministers to ensure disclosure and management of actual, potential or perceived conflicts of interest occurs. Failure to do so could, in certain circumstances, be considered corrupt conduct, as defined in the Crime and Corruption Act 2001.

Recommendation 4:

That Parliament create a criminal offence to apply when a member of Cabinet fails to comply with the requirements of the Register of Members' Interests, and the Register of Members' Related Persons Interests by not informing the Clerk of Parliament, in the approved form, of the particulars of an interest or the change to an interest within one month after the interest arises or the change happens. A suitable penalty should apply, including possible removal from office, if it is found that the Member's lack of compliance was intentional.

Under the proposed amendments, the dishonest conduct offences would apply where a Minister or councillor respectively contravenes their obligations in relation to conflicts of interests and registers of interest with an intent to dishonestly obtain a benefit for themselves or another person, or to dishonestly cause a detriment to another person. For ministers, the relevant offences are contained in proposed s 40A of the *Integrity Act 2009* (Integrity Act) and s69D of the *Parliament of Queensland Act 2001*, while the dishonest conduct offences for councillors and (councillor advisors) are set out in proposed s 198D of the *City of Brisbane Act 2010* and s 201D of the *Local Government Act 2009*.

While initially consulted on the content of the Bill, the CCC has advised the committee that after having the opportunity to review the provisions in greater detail, it has concluded the proposed amendments 'do not, as they currently stand ... achieve the purposes of the CCC's recommendations', calling for the requirement for proof of dishonest intent to be removed from the offences, and other accompanying amendments ([hearing transcript](#), p 57). The CCC explained:

The various disclosure obligations under the relevant legislation should have the common purpose of ensuring that the Premier, the cabinet, the parliament, the local government and, in

many circumstances, the public are aware of the relevant private interest to enable accountability and ensure duties are performed in the public interest. The CCC considers effective enforcement of these obligations requires offence provisions which sanction the failure to disclose relevant interests when the person knew or ought to have known of the relevant interest. Offence provisions drafted to this effect will effectively implement the CCC's recommendations.

... the CCC does not support the bill's proposal to limit prosecutions for noncompliance with disclosure obligations to only matters for which a dishonest intent is able to be proved. The offence should also prescribe the failure to disclose relevant interests when the person knew or ought to have known of the relevant interest. A strict liability offence is required because otherwise the laws are ineffective in preventing corruption and would negatively contribute to perceptions in democratic decision-making processes ([hearing transcript](#), p 57).

The CCC has also advised that it considers that equivalent offences should be established in relation to a State Member of Parliament's contravention of register of interest requirements ([hearing transcript](#), p 61).

The committee wishes to invite further input from stakeholders regarding the CCC's proposal to introduce strict liability offences for these serious offences, and to extend their application to all State Members of Parliament, in addition to Ministers and councillors (and councillor advisors). Accordingly, **the committee is calling for submissions on the CCC's reform proposals**, further information about which is outlined in the CCC's [submission](#) and [hearing testimony](#). Submissions are to be provided to the committee **as soon as possible**, noting the committee is due to report on the Bill by Friday 7 February 2020.

Guidelines for making a submission to a parliamentary committee are available [here](#), and instructions for making a submission are set out below.

Making a submission

Submissions should be sent to:
egc@parliament.qld.gov.au, or
Committee Secretary
Economics and Governance Committee
Parliament House
George Street
Brisbane Qld 4000

Submissions should include:

- the author's name and signature
- if the submission is made on behalf of an organisation, the level of approval (eg a local branch, executive committee or national organisation)
- mailing address (and email if available), and
- daytime telephone number.

Further information about Bill, and the committee's inquiry, is available on the [inquiry webpage](#).

For any questions about this correspondence, please contact the committee secretariat on 3553 6637 or via email to egc@parliament.qld.gov.au.

Yours sincerely



Linus Power MP
Chair