



Office of the Information Commissioner
Queensland

Minimum reporting requirements

Personal interests, gifts and benefits, overseas travel

Report No. 5 to the Queensland Legislative Assembly for 2020-21



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June 2021

Mr Peter Russo MP
Chair
Legal Affairs and Safety Committee
Parliament House
George Street
Brisbane QLD 4000

Dear Mr Russo

I am pleased to present 'Minimum reporting requirements - Personal interests, gifts and benefits, overseas travel'. This report is prepared under section 131 of the *Right to Information Act 2009* (Qld).

The report outlines what information ministers, Queensland Government departments and their executives, local governments and councillors must disclose about their personal interests, gifts and benefits, and overseas travel.

In accordance with subsection 184(5) of the *Right to Information Act 2009* (Qld), I request that you arrange for the report to be tabled in the Legislative Assembly.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rachael Rangihaeata'.

Rachael Rangihaeata
Information Commissioner

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Summary

In enacting the *Right to Information Act 2009*¹ (Qld), the Queensland Parliament has recognised that, in a free and democratic society, openness enhances the accountability of government. It increases community participation in democratic processes leading to better informed decision-making.

The public is entitled to have confidence in the integrity and honesty of elected officials, chief executives and employees across all levels of government. It expects that government officials perform their duties in a fair, unbiased way and that their decisions are impartial and in the public interest.

Conflicts of interests, whether real, potential or perceived, occur when personal interests could influence an official's decisions or the performance of their duties. Gifts or benefits may be inducements or attempts to influence a decision-maker. Overseas travel should bring benefits to the State and public funds spent wisely.

When conflicts of interests are poorly managed, there is an increased risk of misconduct, and corrupt or criminal behaviour. This can result in loss of trust and confidence in government. Publicly disclosing the personal interests, gifts and benefits and overseas travel of elected and government officials enhances their accountability. It enables the community to assess their conflicts of interests and whether these were managed in line with community expectations of integrity and impartiality.

Various Acts, regulations or policies outline a range of information agencies must publish. They set the minimum reporting requirements agencies have to comply with and the publication mechanisms. But agencies should go beyond mere compliance and proactively disclose more information and make it easy to find on their websites. When the community has access to more information, it can better engage with government agencies, which can improve decision making and service delivery.

To effectively support open and transparent government, the published information should be easy to access, meaningful and timely. Agencies must have a publication scheme² where they routinely disclose significant, appropriate and accurate information.

¹ Available at <https://www.legislation.qld.gov.au>

² Section 21 *Right to Information Act 2009* (Qld)

The *Right to Information Act 2009* applies to all government agencies in Queensland. Under the Act, government information is to be released administratively as a matter of course, unless there is a good reason not to.

When agencies embrace proactive and timely disclosure, their community gets immediate access to government information. This can decrease the cost of responding to requests for information, including handling applications made under the legislative process. A proactive and transparent approach also builds trust.

We examined what information ministers, Queensland Government departments and their executives, local governments and councillors (the sectors) must disclose about their personal interests, gifts and benefits, and overseas travel. We selected these topics because of their high public interest.

We did not check compliance with the minimum reporting requirements, nor did we validate the accuracy or completeness of the published information.

Conclusions

Overall, the minimum reporting requirements about personal interests, gifts and benefits and overseas travel of Queensland elected and government officials generally support open and transparent government. However, the requirements are not always consistent between the sectors, whether about the value threshold or the reporting mechanisms.

Consistent with the push model of proactive and administrative release of information under of the *Right to Information Act 2009*, and to reflect genuine commitment to open and transparent government, we encourage all agencies and officials to go beyond the existing minimum reporting requirements. We noted that the Queensland Government already publishes the personal interests of the heads of departments although there are no prescribed requirements to do so.

There are a range of improvement opportunities, from making the information easier to find to publishing the information more frequently to keep it current. Constant advances in ICT and online communication mean government agencies have an opportunity to improve user experience and streamline how they deliver information proactively.

We also urge government agencies to consider adopting some of the good practices in place in other jurisdictions to increase openness and transparency, thus trust in government.

Striking the right balance between greater data availability and use, and protecting an individual's privacy, is also critical for achieving greater openness and transparency and enhanced trust in government. Government agencies need to manage their privacy obligations as they move beyond compliance with minimum reporting requirements. Setting clear expectations and being explicit about what personal information they intend to publish will help agencies realise a more proactive disclosure approach.

Key findings

Personal interests

In Queensland there are clear rules about the personal interests of ministers, councillors and chief executives, and related persons. What they must declare is generally consistent with what is happening in other jurisdictions, and the declarations are easy to find online.

Queensland local governments must also make the register of councillors' interests available for inspection. This is good practice as it offers the community another way to access the information.

Ministers and councillors report benefits they have received, such as sponsored travel, accommodation or hospitality through their declarations or registers of interests.

Although there is no prescribed requirement to do so, the Public Service Commission publishes the declarations of interests of the chief executives of Queensland Government departments on the Queensland Government website. This goes beyond the minimum requirements and strengthens the government's transparency and openness.

Unlike in New South Wales, there is no requirement for Queensland local governments to publish the registers of interests of their chief executives, although a councillor or a person permitted by law can seek access by writing to the mayor.

Gifts

The requirements about disclosing details of the gifts Queensland ministers and senior government officials have received are clear and promote transparency. The information is published online and updated quarterly. The same threshold of \$150 applies to ministers and government employees.

Information about the gifts councillors have received is reported through their registers of interests. The value threshold for reporting is set at \$500.

Other jurisdictions have additional requirements about gifts. For example, in Victoria government departments must also record and publish the details of gifts declined. And in South Australia local governments publish on their websites a register of gifts over \$50 received by council employees. There is no requirement to publish information about gifts Queensland council employees have received.

Overseas travel

Queensland ministers must disclose details about their overseas trips similar to what ministers in other states have to report. But publishing information about ministers' overseas travel across three reports, on different websites and on different timeframes means it is difficult to get a full picture of each trip.

When people cannot find the information they are looking for, or when they want it, they may resort to making formal applications under the *Right to Information Act 2009* to access the information, contrary to the intention of the Act.

Queensland Government departments publish information about the overseas travel of their officers on the open data portal, as part of their annual reporting requirements. Similarly, councils must include information about overseas travel in their annual reports, which are published on their websites. However, reporting annually means the information is not as current as it could be.

1. Context

Australia is a member of the Open Government Partnership, a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.³

In enacting the *Right to Information Act 2009*⁴ (Qld), the Queensland Parliament has recognised that in a free and democratic society openness in government enhances the accountability of government and increases the participation of members of the community in democratic processes leading to better informed decision-making.

Under the *Right to Information Act 2009*, government information is to be released administratively as a matter of course, unless there is a good reason not to. The Act applies to all government agencies in Queensland.

The Queensland Government has committed to open and transparent government.⁵ Similarly, the local government principles⁶ include transparent and effective processes, and decision-making in the public interest.

At the heart of open government are the ideas of transparency, participation and accountability:

- transparency means the public understands the workings of their government
- participation means the public can influence the workings of government by engaging with public policy processes and public service providers
- accountability means the public can hold the government to account for its policy and service delivery performance.

A number of government agencies give advice about, and oversee, integrity and accountability matters:

- The Public Service Commission is administratively responsible for the *Public Sector Ethics Act 1994* (Qld) and reviews the code of conduct for the Queensland public service.

³ <https://ogpau.pmc.gov.au/about>

⁴ Available at <https://www.legislation.qld.gov.au>

⁵ <https://www.qld.gov.au/about/rights-accountability/open-transparent>

⁶ Section 4(2) *Local Government Act 2009* (Qld)

- The Crime and Corruption Commission is a statutory body that investigates crime and corruption, has oversight of both the police and the public sector, and protects witnesses.
- The Integrity Commissioner provides written advice to ministers, members of parliament, senior public servants, and others about ethics or integrity issues including conflicts of interests.
- The Queensland Audit Office gives the Queensland Parliament independent assurance over public sector performance, financial management and accountability. It assists parliament in understanding whether agencies are delivering their services effectively, efficiently, economically, and in accordance with legislative requirements.
- The Independent Assessor assesses, investigates and prosecutes complaints about councillor conduct. It also provides advice, training and information about dealing with alleged or suspected inappropriate conduct, misconduct or corrupt conduct to councillors, local government employees and the public.
- The Electoral Commission Queensland conducts elections and referendums in Queensland and regulates electoral funding and disclosure requirements.
- Various independent complaint agencies investigate specific types of complaints about government agencies.

The Office of the Information Commissioner is an independent statutory body established under the *Right to Information Act 2009*. It promotes greater access to government-held information and appropriate information privacy practices. The Office conducts independent merit reviews of agency and minister decisions about access to documents.

Various Acts, regulations or policies outline a range of information or documents agencies must publish. Some apply to all agencies within a sector, like the Department of the Premier and Cabinet's Annual report requirements for Queensland Government agencies. We expect agencies self-assess their compliance with relevant prescribed requirements.

Under the *Right to Information Act 2009* all Queensland government agencies must have a publication scheme⁷ that complies with a set of guidelines.⁸ Agencies may also have to maintain and publish a disclosure log.⁹ The Office audits compliance with these requirements and published a range of resources on its website.¹⁰

⁷ Section 21 *Right to Information Act 2009* (Qld)

⁸ Ministerial Guidelines, Operation of Publication Schemes and Disclosure Logs, available at <https://www.rti.qld.gov.au/right-to-information-act/publication-schemes>

⁹ Sections 78, 78A and 78B *Right to Information Act 2009* (Qld)

¹⁰ <https://www.oic.qld.gov.au/>

To support open, transparent, accountable, information should be appropriate, accurate, easy to access and timely.

We examined what information ministers, Queensland Government departments and their executives, local governments and councillors must disclose about their personal interests, gifts and benefits, and overseas travel. We did not examine the disclosure requirements about political donations and electoral funding or expenditure.

We selected personal interests, gifts and benefits, and overseas travel because of the high public interest in these topics.

We assessed whether there were clear requirements setting what information must be published, when and how. We also examined how easy it is to find the published information.

It is important to note that:

- **We did not check whether government agencies and officials comply with the applicable reporting requirements.**
- **We did not assess the published information for completeness or accuracy.**
- **Any comment on published information is for illustrative purpose only.**

2. Personal interests

Introduction

The public is entitled to have confidence in the integrity and honesty of elected officials, chief executives, senior executives, and employees across all levels of government. It expects that officials perform their duties in a fair and unbiased way.

Conflicts of interests, whether real, potential or perceived, occur when personal interests could influence an official's decisions or the performance of their duties. They may be financial or non-financial, like an affiliation with an organisation or a personal relationship.

While it is best to avoid conflicts of interests, this is not always possible. Conflicts of interests must be properly managed or they could undermine public confidence in government. As a first step, elected and government officials must identify their conflicts of interests, including those of related persons, such as family, dependants and friends.

Making declarations or registers of interests public and easily accessible increases accountability and transparency, which is a principle of public sector ethics.

Conclusion

In Queensland there are clear rules about the interests ministers, councillors and chief executives, and related persons, must declare. Various documents detail what to declare, when and to whom. The interests officials must declare are generally consistent with what is happening in other jurisdictions and the declarations are easy to find online.

The register of interests for members of parliament,¹¹ including ministers, is available on the Queensland Parliament's website. Local governments must publish an extract of the register of interests of each councillor on their websites. Online communication facilitates citizen engagement and participation.

Queensland local governments must also make the register of interests of councillors available for inspection at their offices. This is good practice as it offers the community another way to access the information.

¹¹ <https://www.parliament.qld.gov.au/members/current/register-members-interests>

The Public Service Commission publishes the declarations of interests of the chief executives of Queensland Government departments on the Queensland Government website.¹² This goes beyond the minimum requirements and strengthens the government's transparency and openness.

There is no requirement for Queensland local governments to publish the registers of interests of their chief executives. A councillor, the chief executive officer or another person permitted by law may inspect the register of interests. These people can seek access by writing to the mayor.¹³

By contrast, local governments in New South Wales must disclose the financial interest returns of council executives. This is more transparent. The community can better assess actual or perceived conflicts of interests when a council's chief executive makes significant decisions, for example about a planning application or a major procurement contract.

Findings

Queensland Government

Departments

The Code of Conduct for the Queensland Public Service¹⁴ applies to all employees, including chief executives and senior executive officers. The Code contains the ethics principles and their associated set of values as set in the *Public Sector Ethics Act 1994* (Qld).¹⁵ The principles include *Integrity and impartiality*, and *Accountability and transparency*. The code states:

Having a conflict of interest is not unusual and it is not wrongdoing in itself. However failing to disclose and manage the conflict appropriately is likely to be wrongdoing.

The Public Service Commission sets the requirements for chief executives of government departments.¹⁶ They must declare their interests within one month of their

12 <https://www.qld.gov.au/about/how-government-works/government-structure/public-service-commission/declarations-of-interest-register>

13 Sections 293 and 294 Local Government Regulation 2012 at <https://www.legislation.qld.gov.au/>

14 Code of Conduct for the Queensland Public Service available at <https://www.forgov.qld.gov.au/code-conduct-queensland-public-service>

15 Available at <https://www.legislation.qld.gov.au/>

16 Directive 1/15 Declarations of Interests – Chief Executives of Government Departments, available at <https://www.forgov.qld.gov.au/directives-policies-and-guidelines>

appointment to a department or within one month of becoming aware of a change of interest. They must also submit a statement of changes or declaration that their interests have not changed at the end of each financial year by 31 July.¹⁷ The heads of departments submit these documents to the relevant minister(s), the Queensland Integrity Commissioner and the Chief Executive of the Public Service Commission.

The declaration extends to the interests of chief executives' partners and dependants.¹⁸

There is no obligation to disclose the declarations of interest for chief executives of government departments. However, they are published on the Queensland Government website and are easy to find and access.

Figure 2A is an extract from the website.

Conflicts of interests

Actual, perceived and potential conflicts of interests can relate to:


- shareholdings and investments
- family and business trusts
- partnerships
- real estate
- liabilities and debts
- gifts and benefits
- membership of trade or professional organisations.

17 Clause 8 Directive 1/15

18 Clause 9 Directive 1/15

Figure 2A

Declaration of interest for chief executives Queensland Government departments


Queensland Government

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Declarations of interest register

As part of the government's commitment to a Westminster style of government, integrity, and accountability in Queensland, declarations of interests for chief executives of Queensland Government departments are made public.

Chief executives are required to submit a declaration of interests to their Minister, the Integrity Commissioner and the Commission Chief Executive, Public Service Commission one month after being appointed and after a change in their interests, as well as after an annual review as at 30 June each year.

Date	Name	Title	Agency	Current and superseded
26 March 2021	Mr John Lee	Acting Director-General	Department of Tourism, Innovation and Sport	Current (PDF, 1 MB) superseded (PDF 3.2 MB)
5 March 2021	Mr Mike Kaiser	Acting Director-General	Department of Resources	Current (PDF, 948 KB) superseded (PDF 782 KB)
1 March 2021	Ms Clare O'Connor	Director-General	Department of Communities, Housing and Digital Economy	Current (PDF, 882 KB) superseded (PDF, 2.7 MB)

Source: Queensland Government

Ministers

Ministers, like all members of the Legislative Assembly, must give a statement of interests to the registrar (the Clerk of the Parliament) within one month of: ¹⁹

- taking office
- becoming aware of a change in the particulars contained in the last statement of interests.

There is no requirement to regularly confirm that their interests have not changed.

Ministers are bound by the Ministerial Code of Conduct.²⁰ This document combines the ethical standards that apply to ministers both as members of parliament and as members of the executive government. The code states that:

It is an important accountability measure that Ministers declare their personal interests so that the public can have confidence that decisions of Parliament and executive government are being made in the public interest.

Ministers have additional obligations under the code such as preparing a Conflict of Interest Management Plan where necessary and providing it to the Premier.

The Standing Rules and Orders of the Legislative Assembly²¹ list the interests members must declare. Appendix 1 of this report contains the full list. Interests include gifts received and sponsored travel and accommodation benefits received. We discuss these in chapter 3 of this report.

The registrar periodically publishes the indexed threshold,²² a dollar amount over which members must declare specific interests.

The registrar keeps the register of members' interests and the register of related persons' interests. The register is easy to find and access on the Queensland Parliament's website. It is machine readable making it easier to search.

¹⁹ Chapter 4, part 2A *Parliament of Queensland Act 2001* (Qld)

²⁰ Ministerial Code of Conduct available at <https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/ministerial-handbook/appendices/appendix-1.aspx>

²¹ Standing Rules and Orders of the Legislative Assembly available at <https://www.parliament.qld.gov.au/work-of-assembly/procedures>

²² Standing Rules and Orders of the Legislative Assembly, Schedule 2, section 1

Local governments and councillors

The *Local Government Act 2009* (Qld) and the *City of Brisbane Act 2010* (Qld) and associated regulations²³ set the requirements about interests for Queensland local governments. They apply to councillors and persons related to councillors. The council's chief executive officer maintains the register of interests.²⁴

Councillors must give the chief executive officer the relevant information²⁵ within 30 calendar days of:

- the start of term
- any changes to interests
- the end of each financial year.

Councillors' registers of interests must be available for inspection at the council public office. A specified extract of the register of interests of each councillor must be on the local government's website.²⁶ Online publication facilitates access to the information. Appendix 2 lists the details that must be in the extract. They include gifts received and sponsored travel and accommodation benefits received. We discuss these in chapter 3 of this report.

The department responsible for local government in Queensland²⁷ designed a form all councils are encouraged to use. This helps ensure the information is consistent across councils.

A council's chief executive officer must inform the mayor of an interest within 30 days of knowing of the interest. And senior employees must inform the chief executive of their interests.²⁸

23 Local Government Regulation 2012 (Qld) and City of Brisbane Regulation 2012 (Qld) available at

<https://www.legislation.qld.gov.au/>

24 Section 290(1)(a) and (d) Local Government Regulation 2012 (Qld) and section 268(1)(a) and (d) City of Brisbane Regulation 2012

25 Sections 201A, 201B and 201C *Local Government Act 2009* (Qld) and sections 198A, 198B and 198C *City of Brisbane Act 2010*

26 Section 295(1) and (2) Local Government Regulation 2012 (Qld) and 273(1) and (2) City of Brisbane Regulation 2012

27 Responsibility for local government now resides with the Department of State Development, Infrastructure, Local Government and Planning following Machinery of Government changes in 2020. Forms are available at:

<https://www.dlgrma.qld.gov.au/resources/forms-templates-and-checklists/statutory-forms>

28 Section 292(2), (4) and (6) Local Government Regulation 2012 (Qld) and section 270(2) and (4) City of Brisbane Regulation 2012

The mayor maintains the register of interests of the chief executive officer and related persons.²⁹ There is no requirement to publish the registers of interests for council chief executives, senior employees and their relatives.

A councillor, the chief executive officer or another person permitted by law can seek access to the register of interests for the chief executive by applying in writing to the mayor of that council.³⁰ Similarly, these people can seek access to the register of interests of a senior executive by applying in writing to the chief executive.

In New South Wales, local governments must disclose the financial interest returns of council executives.³¹ Figure 2B is an extract of the City of Sydney's webpage. The returns are easy to find and access on the council's website.

Figure 2B
Pecuniary interest returns for executives
City of Sydney – New South Wales

Pecuniary interest returns – Executive

	2019/20 pecuniary interest return – Monica Barone, Chief Executive Officer 
PDF · 5.55 MB · Last modified 15 October 2020	
	2019/20 pecuniary interest return – William Carter, Chief Financial Officer 
PDF · 501.62 KB · Last modified 15 October 2020	
	2019/20 pecuniary interest return – Amit Chanan, Director City Projects & Property 
PDF · 6.24 MB · Last modified 15 October 2020	
	2019/20 pecuniary interest return – Graham Jahn, Director City Planning, Development & Transport 
PDF · 649.92 KB · Last modified 15 October 2020	

Source: *City of Sydney*

The webpage also publishes the pecuniary interest returns of councillors and other senior council employees.

29 Section 290(2) Local Government Regulation 2012 (Qld) and section 268(2) City of Brisbane Regulation 2012

30 Section 294(2)(a) and (b) Local Government Regulation 2012 (Qld) and section 272(2)(a) and (b) City of Brisbane Regulation 2012

31 Section 4.27 Model Code of Conduct for Local Councils in NSW - 2020 available at:

<https://www.olg.nsw.gov.au/councils/governance/model-code-of-conduct/>

3. Gifts and benefits

Introduction

People offer gifts to government members or employees for various reasons. Many gifts or benefits are mementos or tokens of appreciation, for example, flowers presented to a conference speaker. Gifts and benefits include tangible and intangible items that do not have a lasting value like hospitality.

Gifts or benefits may be inducements or attempts to influence a decision maker. This means governments must manage gifts and benefits so that the community can be confident government decisions are fair, impartial and in the public interest.

When gifts and benefits are poorly managed, there is an increased risk of misconduct, and corrupt or criminal behaviour. This can result in poor service delivery, legal action, financial loss, embarrassment and loss of public trust.

Conclusion

Overall, the requirements about disclosing gifts received by elected and government officials support the principles of openness and transparency. It is easy to find the information about the gifts Queensland ministers and senior government officials have received. The published gifts registers are updated quarterly.

Information about the gifts councillors have received is reported through their register of interests.

While the timeframe for recording gifts received is similar, the value thresholds diverge, as outlined in Figure 3A.

Figure 3A
Requirements for gifts in Queensland

	Ministers	Councillors	Departments
Threshold	\$150 (single gift)	value totalling \$500 or more	\$150 (single gift) ³²
Timeframe to record gift	within 21 days of receipt or 21 days from return to Australia if received overseas	within 30 days	within one month of receipt
Access	Department of the Premier and Cabinet website – quarterly update Queensland Parliament website (tabled papers) – annual update	Extract of register of interests published on local governments websites – update no longer than 5 business days after councillor advises of change	Departments websites – quarterly update

Source: Office of the Information Commissioner

Other jurisdictions have additional requirements about gifts. For example, in Victoria, government departments must also record and publish the details of gifts declined. And in South Australia local governments publish on their websites a register of gifts over \$50 received by council employees. There is no requirement to publish information about gifts Queensland council employees have received.

Ministers and councillors must report benefits they have received, such as sponsored travel, accommodation or hospitality through their registers of interests.

Findings

Queensland Government

Departments

The Public Service Commission sets the requirements for Queensland departments about gifts and benefits received or given. These apply to public service employees engaged under the *Public Service Act 2008* (Qld), including departments' chief executives.

³² Gifts of cultural or historical significance must be reported irrespective of value.

The directive³³ states:

Being a public service employee involves a public trust. This means that duties must be carried out impartially and with integrity. Consequently, it is not appropriate for public service employees to be offered, to accept or to give gifts and benefits that affect, may be likely to affect or could reasonably be perceived to affect, the independent and impartial performance of their official duties.

Public service employees must record gifts and benefits received or given with a retail value of more than \$150 within one month of receipt. If in any financial year a public service employee receives multiple gifts from the same donor or from donors in a similar relationship and the cumulative value is more than \$150, they must report each gift or benefit.

Gifts of cultural or historical significance must be reported irrespective of value.

An agency's gifts and benefits register must include:³⁴

- the date the gift was given or received
- a description of the gift or benefit
- the value of the gift or benefit
- the names of the donor and the recipient
- whether the gift was retained by the employee or the agency
- the reasons for accepting or giving the gift.

Departments must publish their gifts and benefits register under the publication scheme on their website quarterly within 10 days.

The prescribed content of the register is generally consistent with the requirements of other jurisdictions.

However, in Victoria, government departments must also record and publish the details of gifts declined. This practice is more transparent as it offers a more complete picture of the donors.

Figure 3B is a screenshot of the Victorian Department of Premier and Cabinet's website.

33 Gifts and Benefits (Directive 22/09) available at: <https://www.forgov.qld.gov.au/documents/directive/2209/gifts-and-benefits>

34 Gifts and benefits reporting proforma available at: <https://www.forgov.qld.gov.au/documents/guideline/gifts-and-benefits-reporting-proforma>

Figure 3B

Gifts, benefits and hospitality registers - accepted and declined

Department of Premier and Cabinet - Victoria

**2019-20 gifts, benefits and hospitality
register - accepted**

Date offered	Recipients	Description of the gift, benefit or hospitality	Estimated or actual value of gift	Name of organisation providing the offer
4/07/2019	Senior Communications and Events Manager, Treaty Branch, Social Policy	Women's Industry Lunch	\$150	Herald Sun
27/05/2019	Senior Policy Adviser, Economic Development and International Branch, Economic Policy and State Productivity	Return flights (Melbourne-Sydney) and three nights' accommodation at the Intercontinental Hotel in Sydney to attend the 'Indo-Pacific Strategic Futures: Dialogue and Simulation' event, hosted by the United States Studies Centre (University of Sydney)	Approx. \$1,220 (\$1,020 accommodation at the Intercontinental Hotel Sydney Accepted, \$200	United States Studies Centre (University of Sydney)

2019-20 gifts, benefits and hospitality register - declined

All declined gifts, benefits and hospitality offer recipients are de-identified in accordance with the VPSC guidelines.

Date offered	Recipients: Note that all declined GBH offer recipients are de-identified in accordance with the VPSC guidelines.	Description of the gift, benefit or hospitality	Estimated or actual value of gift	Name of organisation providing the offer
8/08/2019	Senior Adviser	Conference	\$1,795	Telephone company
6/09/2019	Child Employment Officer	Flowers and cosmetics	\$60	Employment agency
11/09/2019	Principal Business Analyst	Conference	\$405	Consultancy

Source: Department of Premier and Cabinet - Victoria

Ministers

The Queensland Ministerial Handbook³⁵ sets the policy about gifts and benefits ministers receive. They must declare a gift received from any source, which has a retail value of more than \$150, within 21 days of receipt.³⁶ If a gift exceeds the allowable limit and it is not appropriate to refuse or return the gift, it remains the property of Ministerial Services on behalf of the State of Queensland. An allowable limit of \$350 retail value applies to any gift given to the recipient by the same person.³⁷

Ministers must record the following information about gifts they receive:³⁸

- the ministerial office
- the name (of the recipient)
- the date received
- a description of the gift
- from whom the gift was received
- any specific wishes or expectations expressed by the donor in relation to this gift.

Ministerial Services within the Department of the Premier and Cabinet maintain the ministerial gifts register. They publish the register each quarter on the department's website.

The requirements are detailed and the threshold is low. It is easy to find the register on the department's website. This is good practice. It supports the principles of open and transparent government.

Figure 3C is an extract of the ministerial gifts register for 1 July 2020 to 30 September 2020.³⁹

35 The Queensland Ministerial Handbook available at <https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/ministerial-handbook.aspx>

36 If the gift was received overseas, a minister has 21 days from the date of return to Australia to record the gift.

37 Section 3.7 Queensland Ministerial Handbook

38 Appendix 4 Queensland Ministerial Handbook

39 Available at <https://www.premiers.qld.gov.au/right-to-info/published-info/our-finances.aspx>

Figure 3C
Ministerial gift register
Department of the Premier and Cabinet - Queensland

Ministerial Gifts Register 1 July 2020 to 30 September 2020						
Registration Number	Minister/Staff Name	Office	Gift description	Donor	▲ Date gifted	Total value
♦ Minister/Staff Name: Deb Frecklington (1)						
GIF000004020	Deb Frecklington	Opposition	1) Laser cut stainless steel crane ornament (Retained)	Dr Peter Riddles	24/08/2020	\$300.00
♦ Minister/Staff Name: Kate Jones (1)						
GIF000004019	Kate Jones	State Development	1) Model replica of tunnel boring machine (Retained)	Herrenknecht Tunnelling	04/08/2020	\$340.00
♦ Minister/Staff Name: Mark Bailey (1)						
GIF000004021	Mark Bailey	Transport & Main Roads	1) Framed signed 2019 Queensland State of Origin football jersey (Display)	Former Origin Greats Queensland	02/09/2020	\$1,600.00
♦ Minister/Staff Name: Mick de Brenni (1)						
GIF000004018	Mick de Brenni	Housing	1) Cricket bat with BBL team signatures (Retained)	Queensland Cricket	21/07/2020	\$300.00
♦ Minister/Staff Name: Mark Furner (1)						
GIF000004022	Mark Furner	Agriculture	1) Book – "Witnessing Affandi" (MSB Storage)	Mr Harman Siswanto-Director- Ranch Market	06/11/2019	\$460.00

5 Gifts

Page 1 of 1

Source: Department of the Premier and Cabinet

The Premier tables in the Queensland Parliament annually the details of all gifts with a retail value exceeding \$150 noted in the gifts register. The document is then published on the Queensland Parliament's website.

Hospitality benefits such as a dinner, accommodation or sponsored travel, have no enduring value. However, accepting hospitality can still create a real or perceived conflict of interest. Queensland ministers may accept a hospitality benefit if it does not influence them in a way that compromises their impartiality or creates a conflict of interest, and they receive it while representing the State or the Premier has approved attendance.⁴⁰ A minister may not accept a hospitality benefit if:

- it is likely to cause the recipient to act in a partial manner in the course of their duties, or
- the offer is concealed, or
- it is able to be exchanged for money.

As members of parliament, ministers must also declare gifts received exceeding the threshold,⁴¹ and sponsored travel or accommodation when submitting their statements of interests to the registrar.⁴² There is no threshold set for sponsored travel or accommodation.

Ministers must detail the source and nature of the gift or benefit received but not the value. This is consistent with the requirements in place in other jurisdictions although in Victoria the returns must also include the dates and destination of travel. The statements of interests are published on the Queensland Parliament's website.

Figure 3D reproduces a part of the register of members' interests as at 21 May 2021:

40 Section 4.7.2 Queensland Ministerial Handbook

41 At the time of this report, the threshold for gifts received is a value over \$969.95

42 Schedule 2 Standing Rules and Orders of the Legislative Assembly

Figure 3D
Register of members' interests - Queensland

Subclause 7(5)(i) Gifts received valued at over \$969.95, excluding gifts listed under the definition of "gift" in Schedule 2(1), which are NOT required to be registered	Qantas Chairman's Lounge membership; Virgin The Club Lounge membership; tickets x 2 State of Origin Game 3, 18 November 2020 – Former Origin Greats (FOGS); ticket x 1, Opening night of The Holidays, 19 November 2020 – Queensland Theatre; ticket x 1, Bushtime event, 31 December 2020 – Woodfordia Inc; 1 x night's accommodation, Bushtime camp, 31 December 2020 – Woodfordia Inc; ticket x 1, Altitude Theatre, Opening Night of the Producers 5 March 2021; ticket x 1, opening night of Once on this Island, 30 April 2021 – La Boite Theatre; ticket x 1, opening of HOTA Gallery and dinner, 8 May 2021 – HOTA Gallery and Gold Coast City Council
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Source: Queensland Parliament's website

Local governments and councillors

The *Local Government Act 2009* (Qld), the Local Government Regulation 2012 (Qld), the *City of Brisbane Act 2010* and the City of Brisbane Regulation 2012⁴³ contain the rules about gifts and benefits councils' officials receive. Gifts and benefits are types of interests captured in the register of interests discussed in Chapter 2 of this report.

For each gift of \$500 or more, or when multiple gifts from one donor amount to \$500 or more within the reporting term,⁴⁴ councillors and senior staff must declare⁴⁵ the donor's name and describe the gift.

The reporting threshold for Queensland councillors is consistent with the requirements for local governments in Victoria and below the \$700 threshold set by South Australia.

In Victoria, councillors and local government chief executives must lodge a personal interests return twice a year.⁴⁶ The return contains more detail than what is required in

43 Acts and regulations available at <https://www.legislation.qld.gov.au/>

44 A reporting term for a councillor is their current and previous term (that is the term immediately before the current term). If a gift is not given during the councillor's reporting term then it is not counted towards the \$500 threshold. A councillor's reporting term is also referred to as a 'relevant term'. Schedule 5, sections 1 and 12(1)(b) Local Government Regulation 2012 (Qld), schedule 3, sections 1 and 12(1)(b) City of Brisbane Regulation 2012. See also schedule 5 *Local Government Act 2012* (Qld) and schedule 2 *City of Brisbane Act 2010*, for definition of 'relevant term'.

45 Schedule 5(12) Local Government Regulation 2012 (Qld)

46 Section 134 *Local Government Act 2020* (Vic)

Queensland. For any gift received with a value of \$500 or more, the return must include:⁴⁷

- a description of the gift
- the monetary value of the gift
- the name of the person who gave the gift
- if the gift was given on behalf of another person or body, the name of that person or body.

Figure 3E is a screenshot from the website of the City of Melbourne.

⁴⁷ S9(1)(k) Local Government (Governance and Integrity) Regulations 2020 (Vic)

Figure 3E
Councillor gift register
City of Melbourne - Victoria



Gift Register: 1 January 2021 to 31 March 2021

No.	Date of Declaration	Name of Councillor	Date gift, hospitality or benefit received	Description of gift, benefit or hospitality	Specific value of any donations but other estimates of the precise value of hospitality, in-kind benefits or physical gifts can appear as '>\$150'	Reason gift, benefit or hospitality was offered (if known)	Name of provider of gift, benefit or hospitality (organisation or individual)
1.	8 February 2021	Sally Capp	28 January 2021	2 tickets to Come from Away opening night.	\$155 x 2 = \$310	To attend the event and network with stakeholders.	ACMN Marketing and Advertising
2.	24 February 2021	Sally Capp	25 February 2021	2 tickets to Very Special Kids Fundraising event	\$160 x 2 = \$320	To attend the event and network with stakeholders.	Very Special Kids
3.	24 February 2021	Sally Capp	22 March 2021	2 tickets to private dinner – PHOTO21 stakeholders	\$150 x 2 = \$300	To attend the event and network with stakeholders.	Naomi Milgrom

Source: City of Melbourne

Queensland councillors must record all sponsored travel and accommodation benefits regardless of value in their register of interests. Depending on the value of the benefits and when a councillor received them,⁴⁸ benefits must be published in the extract of the registers of interests on the council's website

In South Australia local governments must record⁴⁹ gifts received by council employees in a register and publish an extract online. The threshold is set at \$50.⁵⁰ Figure 3F is a screenshot of the City of Adelaide's employee gifts and benefits register.

There is no requirement for Queensland local governments to publish information about gifts and benefits council chief executives or senior employees have received.

48 Benefits of less than \$2,000 are published for the period starting in the term a councillor receives the benefit and the next term (that is the term immediately after the term the councillor receives the benefit) if they are re-elected. Benefits of more than \$2,000 are published each term the councillor holds office. See schedule 5, section 13 and section 5A Local Government Regulation 2012 and schedule 3, section 13 and schedule 3A City of Brisbane Regulation 2012.

49 Schedule 2A Local Government (General) Regulation 2013 (SA)

50 South Australian Government Gazette No. 9, 13 February 2018

Figure 3F
Employee gifts and benefits register
City of Adelaide – South Australia

Employee Register of Gifts & Benefits
 1 January 2021- 30 March 2021



Date	Recipient	Description	Provider	Value	Sponsorship Benefit
11/01/2021	Clayton Wehner	Two bottles of Moet and Chandon Champagne	Shootsta OTY LTD	\$120.00	No
16/01/2020	Paula Stankiewicz	Event Refreshment Island Party #05 – Finale Island	Wine Country	\$160.00	No
20/01/2021	Debbie Bough	VIP invitation to attend the SA HR Leadership Summit. Includes the conferences, networking drinks and food.	Business Insights Asia Pacific (BIAP)	\$850.00	No
20/01/2021	Anna Jordan	VIP invitation to attend the SA HR Leadership Summit. Includes the conferences, networking drinks and food.	Business Insights Asia Pacific (BIAP)	\$850.00	No
28/01/2021	Paula Stankiewicz	Hosted tickets by Tennis Australia – 2 tickets each	Tennis Australia	\$160.00	Yes

Source: City of Adelaide

4. Overseas travel

Introduction

Elected members of government and agencies executives travel overseas for a range of reasons. They may want to attract business opportunities, learn from the policies and processes of other governments or undertake negotiations with overseas third parties.

Overseas travel should be justified. For example, the Queensland Ministerial Handbook⁵¹ states:

All overseas travel must be for official purposes in relation to the functions and activities of the Minister's portfolio or the Government.

...

All overseas travel must have prior approval of the Premier.

The community expects that government officials and executives spend public funds wisely, including on travel expenses.

Reporting publicly on overseas travel, including the purpose of the trip, the knowledge gained and the costs incurred increases transparency and accountability for public expenditure. This information should be easy to find in a comprehensive document and published in a timely way.

Conclusion

Queensland ministers must disclose details about their overseas trips similar to what ministers in other states have to report. However, the information is to be published across two reports, on different websites and on different timeframes.

As a proactive disclosure, the Department of the Premier and Cabinet publishes a third type of report (quarterly Ministerial Overseas Travel reports) on its website and on the government open data portal.

Publishing information about ministers' overseas travel across three reports, on different websites and on different timeframes means it is difficult to get a full picture of each trip. Queensland Government departments publish information about the

⁵¹ Available on the Department of the Premier and Cabinet website at <https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks.aspx>

overseas travel of their officers on the open data portal, as part of their annual reporting requirements. Similarly, councils must include information about overseas travel in their annual reports, which are published on their websites. Reporting annually means the information is not as current as it could be.

Findings

Queensland Government

Departments

The Department of the Premier and Cabinet sets the *Annual report requirements for Queensland Government agencies*⁵² (the annual report requirements). They include how departments should report overseas travel.

In his Report to Parliament No. 18 for 2013–14, the Queensland Auditor-General notes that:

*Annual reports support transparency and can drive continuous improvement in performance. Where annual reports incorporate relevant and reliable performance information, they increase trust and confidence in public sector service delivery.*⁵³

For the 2019-20 reporting period,⁵⁴ departments must disclose on the Queensland Government open data portal the following information about overseas travel:

- for departments and universities, the name of the officer and their position
- for statutory bodies, the name of the officer or member of the board and their position or office holding
- the destination of travel
- the reason for travel
- the cost of the travel.

They must publish that information at the same time the annual report is tabled in the Queensland Parliament (by 30 September). Departments must also include a statement in their annual report about publishing this information online.⁵⁵

52 Annual report requirements for Queensland Government agencies available at:

<https://www.premiers.qld.gov.au/publications/categories/guides.aspx>

53 *Monitoring and reporting performance*, Report 18: 2013-14, Queensland Audit Office, available at

<https://www.qao.qld.gov.au/reports-resources/reports-parliament>

54 Annual report requirements: Sections 33 and 33.2.

55 Annual report requirements: Section 16 Open Data

Figure 4A is an extract from the 2019-20 annual report of the Department of Transport and Main Roads. It tells readers that they will find the department's overseas travel expenditure on the open data portal.

Figure 4A

Disclosure of overseas travel

Department of Transport and Main Roads - Queensland

Accessing the report

The Annual Report is available on the Department of Transport and Main Roads website at www.tmr.qld.gov.au/annualreport or in hard copy on request.

Additional annual reporting requirements have been published on the Queensland Government Open Data portal at www.qld.gov.au/data.

This includes:

1. consultancies
2. overseas travel
3. school transport operator payments
4. Queensland Language Services Policy measures.

The Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty understanding the Annual Report, you can contact us on 13 23 80 and we will arrange an interpreter to effectively communicate the report to you.

Source: Department of Transport and Main Roads 2019-2020 Annual Report

Reporting annually means the information is not current. For example, departments do not have to disclose travel undertaken at the beginning of the financial year until the beginning of the following financial year.

South Australia's approach is more timely and makes the information easier to locate and access.

The *Premier and Cabinet Circular PC 035 – Proactive disclosure of regularly requested information*⁵⁶ sets out the South Australian Government's policy for disclosing government information.

⁵⁶ Premier and Cabinet Circular PC 035 – Proactive disclosure of regularly requested information, Section 5.1 and Attachment 1, available at: <https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>

Under the policy, all agencies⁵⁷ must publish overseas travel details of ministers, chief executives, and public sector employees on their website. The policy also stipulates the publication frequency:

- for ministers and chief executives – as available but not less than three monthly
- for public sector employees – as available but not less than six monthly.

Figure 4B is a screenshot from the South Australian Department of Energy and Mining's proactive disclosure webpage.

Figure 4B
Proactive disclosure webpage
Department of Energy and Mining - South Australia



Source: Department of Energy and Mining at www.energymining.sa.gov.au

57 as defined under the *Public Sector Act 2009* (SA), available at <https://www.legislation.sa.gov.au/index.aspx>

Ministers

The Queensland Ministerial Handbook outlines the reporting requirements for ministers travelling overseas. It sets out the policies, practices and procedures ministerial offices should adopt.

Ministers must table their written **report on overseas travel** within one month of their return.⁵⁸ The report should outline the objectives of the visit, the benefits obtained from overseas travel, the destination and duration of the trip, and the details of accompanying persons whose costs are to be met from public funds.

These reports are available on the Queensland Parliament's website⁵⁹ under tabled papers. They often include the itinerary, person or persons travelling and details of the meetings attended. Of the 13 reports on overseas travel ministers have tabled in 2019, only one had cost information.

The Queensland Ministerial Handbook⁶⁰ also sets out the obligation and the procedure for tabling a **Public Report of Ministerial Office Expenses** bi-annually. The format includes a line item called 'Overseas Travel and Official Duties' showing the aggregate expenses for each portfolio. The reports are published on the Queensland Parliament's website and are found through a search of the 'tabled papers'.

Although the Queensland Ministerial Handbook does not mandate it, the Queensland Government produces an additional report on ministers' overseas travel and related expenses. The quarterly **Ministerial Overseas Travel** reports are available on the open data portal⁶¹ and on the Department of the Premier and Cabinet's website.⁶²

They include information about:

- the name of minister and their portfolio
- the travel destination
- the dates of travel
- the purpose of the trip

58 Queensland Ministerial Handbook: Section 4.13.9.

59 <https://www.parliament.qld.gov.au/work-of-assembly/tabled-papers>

60 Sections 12 and 13, *Financial Accountability Act 2009* (Qld), available at <https://www.legislation.qld.gov.au/>, and Queensland Ministerial Handbook: Section 3.11 and 4.13.9

61 Open data portal: <https://www.data.qld.gov.au/dataset/ministerial-overseas-travel>

62 Department of the Premier and Cabinet website <https://www.premiers.qld.gov.au/right-to-info/published-info/our-finances.aspx>

- the cost of travel
- total cost of all government ministers travel year to date.

Publishing information about ministers' overseas travel across three reports, on different websites and on different timeframes means it is difficult to get a full picture of each trip.

Figure 4C recaps the content of each report.

Figure 4C
Report content for ministerial overseas travel - Queensland

	Tabled reports on overseas travel	Public reports of ministerial office expenses	Quarterly ministerial overseas travel reports
Purpose/objective	✓		✓
Benefits of the visit	✓		
Destination	✓		✓
Dates	✓		✓
Accompanying persons	✓		✓
Cost		✓ Aggregated by portfolio and reporting period	✓ Per trip
Timeframe for reporting	Within 30 days of returning	Biannually	Quarterly
Access	Queensland Parliament's website	Queensland Parliament's website	Open data portal Department of the Premier and Cabinet's website

Source: Office of the Information Commissioner

The New South Wales Government's approach makes it easier to access detailed information about a minister's overseas visit.

Under *M2015-05-Publication of Ministerial Diaries and Release of Overseas Travel Information*,⁶³ ministers must publish within 28 days of their return information about the travel they or their staff have undertaken. This timeframe is consistent with the Queensland requirements.

⁶³ Available at <https://arp.nsw.gov.au/m2015-05-publication-ministerial-diaries-and-release-overseas-travel-information/>

However, the template ministers must use captures the relevant information into a single report, including:

- the portfolios to which the trip relates
- a detailed description of the purpose and benefits of the travel to the State
- a list of scheduled meetings attended by the minister while overseas
- the destinations visited and dates of travel
- the number of persons accompanying the minister, including ministerial advisors, agency staff and, in accordance with relevant guidelines, family members
- the total cost of air fares, accommodation and other expenses (including travel allowances).⁶⁴

The New South Wales Department of Premier and Cabinet publishes this information for all current government ministers on its website.⁶⁵

Local governments and councillors

Local governments must comply with annual reporting requirements for overseas travel as set out in the regulations.⁶⁶ The councils must include in their annual report the following information about overseas travel:

- for a councillor — the name of the councillor
- for a council employee — the name of, and position held by, the council employee
- the destination
- the purpose
- the cost.

This is similar to the information Queensland Government departments must disclose.

The Department of State Development, Infrastructure, Local Government and Planning issues a checklist⁶⁷ about the annual reporting requirements as an aid to councils.

64 Premier's Memorandum: Attachment B, available at <https://arp.nsw.gov.au/m2015-05-publication-ministerial-diaries-and-release-overseas-travel-information/>

65 Department of Premier and Cabinet e at: <https://www.dpc.nsw.gov.au/publications/ministers-overseas-travel-information/>


66 Sections 188 of Local Government Regulation 2012 and section 180 of City of Brisbane Regulation 2012

67 Annual Report Compliance Checklist 2019–20 available at: <https://www.dlgma.qld.gov.au/resources/councillors-and-candidates>, summarising section 104 *Local Government Act 2009* (Qld), section 188 Local Government Regulation 2012 (Qld) and section 180 City of Brisbane Regulation 2012

Annual reports may also contain other information about overseas travel a local government considers relevant. While it is easy to locate the annual reports on councils' websites, reporting once a year is not timely.

Some local governments have adopted additional publication practices. Figure 4D is a screenshot from Brisbane City Council's website.⁶⁸

Figure 4D
Council travel expenses
Brisbane City Council - Queensland

 Brisbane City Council		About Council	Planning and building	Traffic and transport	Clean and green	Laws and permits
Representative and travel dates	Destination and occasion	Expenses				
Nicole Andronicus International Relations Manager 24-28 August 2019	Chongqing, China – Attended the Smart China Expo in Chongqing (one of Brisbane's Sister Cities) with the Deputy Mayor at the invitation of the Mayor of Chongqing	Total cost: \$3,039.85 Airfares: \$2,479.50 Personal allowance: \$150.00 Travel doctor: \$350.35 Visa: \$60.00 Return economy airfare, accommodation and on-ground travel costs were borne by Chongqing Municipal People's Government.				

Source: Brisbane City Council

Brisbane City Council goes beyond the requirements. It publishes the travel dates, itemises the travel expenses and notes expenses paid by others. This is good practice as it increases transparency and openness.

The council also posts the information directly on its website.⁶⁹ This makes it easier to find the information.

⁶⁸ No examples for the 2020 calendar year - most likely due to Australian borders being closed in response to the pandemic

⁶⁹ <https://www.brisbane.qld.gov.au/about-council/governance-and-strategy/lord-mayor-and-councillors/council-travel-expenses>

5. Appendices

Appendix 1 – Standing Rules and Orders of the Legislative Assembly (Queensland)

Schedule 2 – Registers of Interests

(5) A statement of interests required to be given by a member must contain the following details—

- (a) in respect of any company in which the member or a related person is a shareholder or officer or has a controlling interest in shares—
 - (i) the name of the company (if the company is a listed company, the Company Code is sufficient);
 - (ii) the nature of any office held;
 - (iii) where the shareholding or interest is held in a private company, the investments or beneficial interests of the company; and
 - (iv) where the shareholding or interest is held in a private company—
 - (A) the nature of the activities of the company;
 - (B) the assets or beneficial interests of the company;
 - (C) the name of any subsidiary companies; and
 - (D) the assets or beneficial interests of those subsidiary companies;
- (b) in respect of any family or business trust or nominee company in which the member or a related person is a trustee, office holder or holds a beneficial interest—
 - (i) the name or a description of the trust, or the name of the nominee company, as the case requires;
 - (ii) the nature of the activities of the trust or company;
 - (iii) the nature of the interest of the member; and
 - (iv) the investments or beneficial interests of the trust or company (of which the member is aware);
- (c) in respect of any private superannuation fund in which the member or a related person is a trustee or director—
 - (i) the name or a description of the fund;
 - (ii) the nature of the activities of the fund;
 - (iii) the investments or beneficial interests of the fund (of which the member is aware);
- (d) in respect of any partnership in which the member or a related person has an interest—

- (i) the name or a description of the partnership;
 - (ii) the nature of the activities of the partnership; and
 - (iii) the nature of the interest;
 - (iv) the assets or beneficial interests of the partnership (of which the member is aware);
- (e) in respect of any real estate in which the member or a related person has an interest—
- (i) the location of the relevant property, by reference to suburb or locality;
 - (ii) the approximate size of the property;
 - (iii) the purpose for which the property is, and is intended to be, used; and
 - (iv) the nature of the interest;
- (f) in respect of any liability exceeding the published indexed threshold of the member or a related person or a trust of which a member or a related person is a beneficiary or a private company of which a member or a related person is a shareholder or partnership of which a member or related person is a partner—
- (i) the nature of the liability; and
 - (ii) the name of the creditor concerned;
- (g) any debenture, managed fund, or similar investments held by the member or a related person;
- (h) in respect of any savings or investment account of the member or a related person held with a bank, building society, credit union or other institution—
- (i) the nature of the account; and
 - (ii) the name of the institution concerned;
- (i) the source and nature of any gifts valued at more than the published indexed threshold from one source, or where two or more gifts are made from one source during a reporting period exceed, in aggregate, the published indexed threshold;
- (j) in respect of any sponsored travel or accommodation received by the member or a related person—
- (i) the source of the contribution concerned; and
 - (ii) the nature and purpose of the travel;
- (k) the source of any other income over the published indexed threshold received during a reporting period by—
- (i) the member or a related person;
 - (ii) a private company, or a trust, in which the member or a related person holds an interest; or of any other income under the published indexed threshold, where the source of that income raises, appears to raise, or could foreseeably raise, a conflict between the member's private interest and their duty as a member;

- (l) the nature of any other asset of the member or a related person the value of which exceeds more than the published indexed threshold;
- (m) the name of any political party, trade or professional organisation of which the member or related person is a member, or the name of any other organisation of which the member is an officeholder or any organisation or person to whom the member makes a donation exceeding the published indexed threshold during the reporting period;
- (n) any other interest (whether or not of a pecuniary nature) of the member or a related person—
 - (i) of which the member is aware; and
 - (ii) that raises, appears to raise, or could foreseeably raise, a conflict between the member's private interest and their duty as a member.

Appendix 2 – Local Government Regulation 2012 (Queensland)

Schedule 5 – Financial and non-financial particulars for registers of interests

2 Shareholding or controlling interest in corporation

- 1) The particulars required for each corporation in which a relevant person is a shareholder or has a controlling interest in shares are—
 - (a) the corporation's name; and
 - (b) if the corporation is a proprietary company—
 - (i) the nature of the activities of the proprietary company; and
 - (ii) the investments or other interests in property of the proprietary company; and
 - (iii) for each corporation that is a subsidiary of the proprietary company—the corporation's name and investments or other interests in property.
- 2) In this section—

controlling interest, in shares in a corporation, for a person, means the person is able—

- (a) to dispose of, or to exercise control over the disposal of,
- (b) the shares; or
- (c) if the shares are voting shares—to exercise, or to control the exercise of, a voting power attached to the shares.

proprietary company see the Corporations Act, section 9.

subsidiary, in relation to a proprietary company, see the Corporations Act, section 9.

3 Executive officer of corporation

The particulars required for each corporation of which a relevant person is an executive officer are—

- (a) the corporation's name; and
- (b) the nature of the person's role as an executive officer; and
- (c) the nature of the corporation's activities.

4 Beneficial interest in trust or nominee corporation

- 1) The particulars required for each family or business trust or nominee corporation in which a relevant person holds a beneficial interest are—
 - (a) the name of, or a description sufficient to identify, the trust, or the corporation's name; and
 - (b) the nature of the activities of the trust or corporation; and
 - (c) the nature of the interest.

2) In this section—

nominee corporation means a corporation whose principal business is holding marketable securities under the Corporations Act as a trustee or nominee.

5 Self managed superannuation fund

1) This section applies to each self managed superannuation fund for which a relevant person is—

- (a) a trustee; or
- (b) if the trustee of the fund is a corporation—a director of the trustee.

2) The particulars required for each self managed superannuation fund are—

- (a) the name or a description of the fund; and
- (b) the nature of the activities of the fund; and
- (c) the investments or other interests in property held, of which the relevant person is aware, by the fund.

3) In this section—

director see the Corporations Act, section 9.

self managed superannuation fund see the Superannuation Industry (Supervision) Act 1993 (Cwlth), section 10.

6 Trustee for trust

The particulars required for each family or business trust of which a relevant person is a trustee are—

- (a) the name of, or a description sufficient to identify, the trust; and
- (b) the nature of the trust's activities; and
- (c) the name of each beneficiary of the trust, or, if the trust is a discretionary trust, each class of persons who may benefit under the trust.

7 Partnership and joint venture

The particulars required for each partnership or joint venture in which a relevant person has an interest are—

- (a) the name of, or a description sufficient to identify, the partnership or joint venture; and
- (b) the nature of the partnership's or joint venture's activities; and
- (c) the nature of the interest; and
- (d) the investments or other interests in property held, of which the relevant person is aware, by the partnership or joint venture.

8 Land

The particulars required for all land in which a relevant person has an interest are—

- (a) the suburb or locality of the land; and

- (b) the approximate size of the land; and
- (c) the purpose for which the land is, and is intended to be, used; and
- (d) the nature of the interest.

9 Liability

- 1) The particulars required for each liability, other than department store and credit card accounts, of a relevant person, trust or private company are—
 - (a) the nature of the liability; and
 - (b) the name of the creditor.
- 2) However, subsection (1) does not apply if the debt—
 - (a) is for an amount of \$10,000 or less; or
 - (b) arises from the supply of goods or services supplied in the ordinary course of—
 - (i) the relevant person's business; or
 - (ii) the business of the trust or private company.
- 3) In this section—

private company means a proprietary company in which a relevant person holds securities.

trust means a trust of which a relevant person is a beneficiary.

10 Debentures and similar investments

- 1) The particulars required for each debenture or similar investment held by a relevant person are—
 - (a) the nature of the investment; and
 - (b) the name of the corporation in which the investment is made; and
 - (c) the nature of the business of the corporation.
- 2) In this section—

debenture see the Corporations Act, section 9.

11 Savings and investment accounts

The particulars required for each savings or investment account of a relevant person held with a financial institution are—

- (a) the nature of the account; and
- (b) the name of the institution.

12 Gifts totalling \$500 or more

- 1) This section applies to the following gifts—
 - (a) each gift of \$500 or more given to a relevant person by another person (a donor);

- (b) all gifts given to a relevant person by another person (also a donor) during the reporting term for the relevant person that total \$500 or more.
- 2) The particulars required for each gift are—
 - (a) the donor's name; and
 - (b) a description of the gift.
- 3) However, subsection (1) does not apply to the following gifts—
 - (a) a gift that is required to be the subject of a return under the Local Government Electoral Act 2011, part 6;
 - (b) a gift received by a relevant person in an official capacity if the relevant person gives it to the local government;
 - (c) a gift of hospitality, or attendance at a sporting or cultural event, received by any of the following persons who receive the hospitality or attend the event in an official capacity—
 - (i) a councillor, chief executive officer, councillor advisor or senior executive employee;
 - (ii) a spouse of a person mentioned in subparagraph (i);
 - (d) a gift given to a relevant person by the relevant person's spouse, other family member or friend if the relevant person is satisfied the gift could not give rise to a conflict of interest in relation to the relevant person's duties under the Act.
- 4) In this section—

gift means—

- (a) the transfer of money, other property or other benefit—
 - (i) without consideration; or
 - (ii) for a consideration substantially less than full consideration; or
- (b) a loan of money or other property made on a permanent or indefinite basis, other than an overdraft facility.

13 Sponsored travel or accommodation benefit

- 1) The particulars required for each sponsored travel or accommodation benefit received by a relevant person are—
 - (a) the source of the contribution for the travel or accommodation; and
 - (b) the nature and purpose of the benefit.
- 2) In this section—

employment-related or upgraded, in relation to a person's travel or accommodation, see section 150EH(2) of the Act.

sponsored travel or accommodation benefit, received by a relevant person, means—

- (a) a sponsored travel or accommodation benefit within the meaning of section 150EH(2) of the Act received by the relevant person; or
- (b) travel or accommodation undertaken or used by the relevant person, other than employment-related or upgraded travel or accommodation, if—
 - (i) the relevant person's spouse, other family member or friend contributes, whether financially or non-financially, to the cost of the travel or accommodation; and
 - (ii) the contribution could give rise to a conflict of interest in relation to the relevant person's duties under the Act.

14 Membership of political party or trade or professional organisation

The particular required for each political party or trade or professional organisation of which a relevant person is a member is its name.

14A Executive officer of particular organisations

The particular required for each organisation, other than a corporation mentioned in section 3 or a political party or trade or professional organisation mentioned in section 14, of which a relevant person is an executive office is its name.

14B Donations made totalling \$500 or more

- 1) This section applies to the following donations made by a relevant person—
 - (a) each donation of \$500 or more made to another person or organisation;
 - (b) all donations made to another person or organisation during the reporting term for the relevant person that total \$500 or more.
- 2) The particular required for each donation is the name of the person or organisation to whom the donation was made.
- 3) However, subsection (1) does not apply to a donation made by a relevant person to the relevant person's spouse, other family member or friend if the relevant person is satisfied the donation could not give rise to a conflict of interest in relation to the relevant person's duties under the Act.

15 Other assets with value of more than \$5,000

- 1) The particulars required for each other asset of a relevant person with a value of more than \$5,000 are sufficient details of the asset to identify it.
- 2) This section does not apply to the following—
 - (a) household and personal effects;
 - (b) a motor vehicle used mainly for personal use;
 - (c) superannuation entitlements.

16 Other sources of income of \$500 or more a year

The particulars required for each other source of income of \$500 or more a year received by the following are sufficient details of the income to identify it—

- (a) a relevant person;

- (b) a proprietary company, or trust, in which the relevant person holds securities.

17 Other interests

- 1) The particulars required for each other interest of a relevant person are sufficient details of the interest to identify it.
- 2) In this section—

interest, of the relevant person, means an interest—

- (a) of which the relevant person is aware; and
- (b) that raises, appears to raise, or could raise, a conflict between the relevant person's duties under the Act and the holder of the interest.

Appendix 3 – Our process

Late 2020 we started a review under section 131 of the *Right to Information Act 2009* (Qld).

We examined what information all Queensland government agencies within a sector must disclose. The sectors in scope were ministers, Queensland Government departments and their executives, local governments and councillors.

We looked at a selection of reporting requirements about topics with high public interest. We focused on the requirements for publishing information about:

- declarations/registers of interests
- gifts and benefits
- overseas travel⁷⁰

We did **not** check compliance with the applicable reporting requirements.

Our process:

1. Establish the reporting requirements for the sectors in scope. Record some examples of actual reporting for illustration.
2. Assess the reporting requirements for:
 - level of detail (*significant*,⁷¹ *appropriate*)
 - accessibility (*significant*, *accurate*)
 - reporting frequency and timeliness (*accurate*)
 - reporting mechanism, including controls.
3. Research similar requirements in other jurisdictions. Record some examples of actual reporting for illustration.
4. Compare the requirements and identify good practices, in Queensland or similar jurisdictions.

The evidence we gathered and analysed includes legislation, Ministerial Handbook, directives, guidelines, protocols, parliamentary standing/return to orders, etc, that are publicly available. We captured some information agencies have actually published for illustrative purposes.

This report references the relevant legislative provisions or prescribed requirements where the reader can find the exact wording of the requirements.

⁷⁰ There was minimal overseas travel in 2020 because the Australian borders were shut due to the pandemic

⁷¹ In terms of the public value of the information

Appendix 4 - References

Queensland

Acts and regulations

<https://www.legislation.qld.gov.au/>

Standing Rules and Orders of the Legislative Assembly

<https://www.parliament.qld.gov.au/work-of-assembly/procedures>

Ministerial handbook

<https://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/ministerial-handbook.aspx>

Code of Conduct for the Queensland Public Service

<https://www.forgov.qld.gov.au/code-conduct-queensland-public-service>

Directives, guidelines, forms

<https://www.forgov.qld.gov.au/>

<https://www.qld.gov.au/about/rights-accountability/open-transparent>

<https://www.dlgrma.qld.gov.au/resources/forms-templates-and-checklists/statutory-forms>

Annual report requirements for Queensland Government agencies

<https://www.premiers.qld.gov.au/publications/categories/guides.aspx>

Open data portal

<https://www.data.qld.gov.au/dataset/ministerial-overseas-travel>

New South Wales

Model Code of Conduct for Local Councils (NSW)

<https://www.olg.nsw.gov.au/councils/governance/model-code-of-conduct/>

Premier's Memorandum

<https://arp.nsw.gov.au/m2015-05-publication-ministerial-diaries-and-release-overseas-travel-information/>

Victoria

Acts and regulations

<https://www.legislation.vic.gov.au/>

South Australia

Premier and Cabinet Circular PC 035 – Proactive disclosure of regularly requested information

<https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>

South Australian Government Gazette

<https://governmentgazette.sa.gov.au/>

