



Queensland

Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019



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2019

A Bill

for

An Act to amend the Criminal Code and the *Parliament of Queensland Act 2001* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3
This Act may be cited as the *Criminal Code and Other* 4
Legislation (Ministerial Accountability) Amendment Act 5
2019. 6

Part 2 Amendment of Criminal Code 7

Clause 2 Code amended 8
This part amends the Criminal Code. 9

Clause 3 Amendment of s 1 (Definitions) 10
Section 1— 11
insert— 12
declarable conflict of interest, for part 3, chapter 13 13
13A, see section 97B. 14
executive officer, of an entity, for part 3, chapter 15
13A, see section 97A. 16
interest, for part 3, chapter 13A, see section 97A. 17
related party, of a Minister, for part 3, chapter 18
13A, see section 97C. 19

Clause 4 Insertion of new pt 3, ch 13A 20
Part 3— 21
insert— 22

Chapter 13A Ministers' conflicts of interest

97A Definitions for chapter

In this chapter—

declarable conflict of interest see section 97B.

executive officer, of an entity, means a person who is concerned with, or takes part in, the entity's management, whether or not the person's position is given the name of executive officer.

interest means a financial or other interest.

related party, of a Minister, see section 97C.

97B What is a *declarable conflict of interest*

(1) A Minister has a *declarable conflict of interest* in a matter if—

(a) either of the following persons has, or could reasonably be presumed to have, a conflict between the person's personal interest in the matter and the public interest—

(i) the Minister;

(ii) a related party of the Minister; and

(b) because of the conflict, the Minister's participation in a decision about the matter might lead to a decision that is contrary to the public interest.

(2) However, a Minister does not have a *declarable conflict of interest* in a matter if—

(a) the conflict of interest arises solely because—

(i) the Minister undertakes an engagement in the capacity of Minister for a

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| community group, sporting club or | 1 |
| similar organisation, and is not | 2 |
| appointed as an executive officer of the | 3 |
| organisation; or | 4 |
| (ii) the Minister, or a related party of the | 5 |
| Minister, is a member of a community | 6 |
| group, sporting club or similar | 7 |
| organisation, and is not appointed as an | 8 |
| executive officer of the organisation; or | 9 |
| (iii) the Minister, or a related party of the | 10 |
| Minister, is a member of a political | 11 |
| party; or | 12 |
| (iv) the Minister, or a related party of the | 13 |
| Minister, has an interest in an | 14 |
| educational facility or provider of a | 15 |
| child care service as a student or | 16 |
| former student, or a parent or | 17 |
| grandparent of a student, of the facility | 18 |
| or service; or | 19 |
| (b) the conflict of interest arises solely because | 20 |
| of the religious beliefs of the Minister or a | 21 |
| related party of the Minister; or | 22 |
| (c) the Minister, or a related party of the | 23 |
| Minister, stands to gain a benefit or suffer a | 24 |
| loss because of the conflict of interest that is | 25 |
| no greater than the benefit or loss that a | 26 |
| significant proportion of persons in | 27 |
| Queensland stand to gain or lose; or | 28 |
| (d) the conflict of interest arises solely because | 29 |
| the Minister, or a related party of the | 30 |
| Minister, receives gifts from an entity | 31 |
| totalling \$150 or less during the relevant | 32 |
| term for the Minister. | 33 |
| (3) In this section— | 34 |
| <i>election</i> see the <i>Electoral Act 1992</i> , section 2. | 35 |
| <i>relevant term</i> , for a Minister, means the period | 36 |

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| consisting of the Minister's current term of office | 1 |
| as a member of the Legislative Assembly and | 2 |
| either of the following periods— | 3 |
| (a) if the Minister held office as a member of | 4 |
| the Legislative Assembly for a term during | 5 |
| the session of the Legislative Assembly | 6 |
| immediately before the current session—the | 7 |
| period of that term; | 8 |
| (b) if paragraph (a) does not apply, the period— | 9 |
| (i) starting on the day the Minister | 10 |
| announced or otherwise publicly | 11 |
| indicated an intention to be a candidate | 12 |
| in the election in which the Minister | 13 |
| was elected for the Minister's current | 14 |
| term of office as a member of the | 15 |
| Legislative Assembly; and | 16 |
| (ii) ending on the day immediately before | 17 |
| the Minister's current term of office as | 18 |
| a member of the Legislative Assembly | 19 |
| started. | 20 |

97C Who is a *related party* of a Minister 21

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| A person is a <i>related party</i> of a Minister if the | 22 |
| person is any of the following— | 23 |
| (a) the Minister's spouse; | 24 |
| (b) a parent, child or sibling of the Minister; | 25 |
| (c) a parent, child or sibling of the Minister's | 26 |
| spouse; | 27 |
| (d) a partner in a partnership in which the | 28 |
| Minister is a partner; | 29 |
| (e) an employer of the Minister, other than a | 30 |
| government entity; | 31 |

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| (f) | an entity, other than a government entity, for which the Minister is an executive officer or board member; | 1
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| (g) | another person who has a close personal relationship with the Minister. | 4
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97D Minister must inform meeting of Cabinet or Cabinet committee of declarable conflict of interest	6 7 8
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| (1) | This section applies if— | 9 |
| (a) | a matter is to be discussed at a meeting of Cabinet or a Cabinet committee; and | 10
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| (b) | a Minister is aware, or ought reasonably to be aware, the Minister has a declarable conflict of interest in the matter. | 12
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| (2) | The Minister must inform the meeting of the declarable conflict of interest, including— | 15
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| (a) | the nature of the declarable conflict of interest; and | 17
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| (b) | if the declarable conflict of interest arises because of the interest of a related party of the Minister— | 19
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| (i) | the name of the related party; and | 22 |
| (ii) | the nature of the Minister’s relationship with the related party; and | 23
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| (iii) | the nature of the related party’s interest in the matter; and | 25
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| (c) | if the declarable conflict of interest arises because of the receipt of a gift or loan from another person— | 27
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| (i) | the name of the other person; and | 30 |
| (ii) | if the declarable conflict of interest involves an interest of the Minister— | 31
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	the nature of the other person's relationship with the Minister; and	1 2
	(iii) if the declarable conflict of interest involves an interest of a related party of the Minister—the nature of the other person's relationship with the related party; and	3 4 5 6 7
	(iv) the nature of the other person's interest in the matter; and	8 9
	(v) the value of the gift or loan, and the date the gift was given or the loan was made.	10 11 12
	Maximum penalty—100 penalty units or 1 year's imprisonment.	13 14
Part 3	Amendment of Parliament of Queensland Act 2001	15 16
Clause 5	Act amended	17
	This part amends the <i>Parliament of Queensland Act 2001</i> .	18
Clause 6	Amendment of s 69B (Statements of interests)	19
	Section 69B—	20
	<i>insert—</i>	21
	(2A) If a member who is a Minister contravenes subsection (2), the member is guilty of an offence.	22 23
	Maximum penalty—100 penalty units.	24
Clause 7	Insertion of new ch 10, pt 9	25
	Chapter 10—	26
	<i>insert—</i>	27

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Part 9	Criminal Code and Other Legislation (Ministerial Accountability) Amendment Act 2019	1 2 3 4 5
180 Notification by Ministers of changes in particulars in statements of interests		6 7
(1) This section applies if—		8
(a) within 1 month before the commencement, a member who is a Minister became aware of a change in the particulars contained in the last statement of interests given by the Minister under section 69B; and		9 10 11 12 13
(b) immediately before the commencement, the Minister had not complied with section 69B(2) in relation to the change.		14 15 16
(2) For applying section 69B as in force from the commencement, the member is taken to have become aware of the change in particulars on the commencement.		17 18 19 20
(3) In this section— <i>statement of interests</i> see section 69A.		21 22