

~~The Public Interest Disclosure Bill 2010 is one of three bills introduced today which represents the second stage of integrity reforms announced in the *Response to Integrity and Accountability in Queensland* last year. This bill delivers on our commitment to reform whistleblowers protection legislation. The bill replaces the Whistleblowers Protection Act 1994 and puts in place significant reforms following consideration of the recommendations of the Whistling While They Work project. This bill builds upon the framework established under the existing Whistleblowers Protection Act and maintains the protections and rights of disclosers.~~

~~Additionally and importantly, the bill will expand the scope of Queensland's whistleblower legislation so that, for the first time in Queensland, it will also provide protection for disclosures to the media in certain circumstances. While the government still believes that public interest disclosures should be made to, investigated and dealt with by the public sector, we also acknowledge that there will be some circumstances where providing information about wrongdoing to the media is in the public interest to ensure inappropriate behaviour can be uncovered and appropriately dealt with.~~

~~Protection will therefore be provided for people to make disclosures to the media if they have not been able to have the matter resolved through disclosure to the appropriate public sector entity. This avenue provides further assurances that this government is committed to protecting its whistleblowers and ensuring that they can have the confidence to report corrupt or inappropriate practices.~~

~~The bill also strengthens processes around the management of public interest disclosures by creating a new independent oversight role for the Public Service Commission. All chief executives will be required to ensure that minimum standards are in place within their agencies, including ensuring that appropriate action is taken on all public interest disclosures and ensuring support and protection is offered to disclosers, as well as developing and implementing management programs.~~

~~In addition, we are extending the operation of the act to government owned corporations for disclosures relating to official misconduct, to match the recent expansion in the jurisdiction of the CMC; creating a new vicarious liability provision which will hold public sector agencies liable where they allow employees to take reprisal against a whistleblower; and establishing a new cost effective avenue for any person who has suffered a reprisal to make a claim under the Anti-Discrimination Act 1991, in addition to seeking damages through the Supreme Court.~~

~~The Public Interest Disclosure Bill provides an important mechanism for facilitating scrutiny and supporting people who do the right thing and stand up to wrongdoing. This bill is a crucial part of maintaining a strong ethical culture in the Queensland public sector. This bill ensures that Queensland's legislation is of the highest standard. I commend the bill to the House.~~

~~Debate, on motion of Mr Springborg, adjourned.~~

INTEGRITY REFORM (MISCELLANEOUS AMENDMENTS) BILL

First Reading

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (12.42 pm): I present a bill for an act to amend the Ambulance Service Act 1991, the Auditor-General Act 2009, the Civil Liability Act 2003, the Corrective Services Act 2006, the Education (General Provisions) Act 2006, the Fire and Rescue Service Act 1990, the Government Owned Corporations Act 1993, the Integrity Act 2009, the Ombudsman Act 2001, the Parliament of Queensland Act 2001, the Public Sector Ethics Act 1994, the Public Service Act 2008, the Public Service Regulation 2008, the Right to Information Act 2009 and the Transport Operations (Passenger Transport) Act 1994 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Integrity Reform (Miscellaneous Amendments) Bill 2010.

Tabled paper: Integrity Reform (Miscellaneous Amendments) Bill 2010, explanatory notes.

Second Reading

Hon. AM BLIGH (South Brisbane—ALP) (Premier and Minister for the Arts) (12.43 pm): I move—
That the bill be now read a second time.

The final bill in this legislative reform package I am introducing today, the Integrity Reform (Miscellaneous Amendments) Bill 2010, implements a range of reforms through amendments to a number of Queensland acts. As part of the government's *Response to Integrity and Accountability in Queensland*, we announced that we would introduce a single code of conduct for the Public Service. We

made the decision after considering more than 200 submissions received in response to the integrity and accountability discussion paper. This consultation process revealed support for a single code of conduct for the Public Service that focused on the positive expression of public sector values. The code has now been drafted and is currently the subject of extensive consultation. Amendments to the Public Sector Ethics Act contained in this bill will allow the single code to be adopted across government.

In line with our ongoing commitment to continuously improve and strengthen our integrity framework, the bill also introduces a revised set of the ethics principles that form the core of the Public Sector Ethics Act. This will ensure the ethics principles remain contemporary and relevant for a modern Public Service and will ensure that the Queensland public sector is working towards the very important principles of integrity and accountability, promoting the public good, commitment to the system of government and accountability and transparency.

The ethics principles will be supported by the more detailed ethics values including a commitment to the highest ethical standards; showing respect to all persons; accepting a duty to manage public resources effectively, efficiently and economically; and a commitment to managing information as openly as practicable. The ethics principles will be clearly articulated in the new single code of conduct for the Public Service. The bill also allows for agency specific standards of practice to be adopted where there is a need for more specific guidance for employees of particular agencies.

The new code will take effect from 1 January 2011, and other public sector entities, such as local governments, will have until 1 July 2011 to revise their codes to reflect the new ethics principles. The bill also includes amendments to the Public Service Act 2008 which reflect the enhanced role of the Public Service Commission to promote an ethical culture in the Public Service and promote leadership and management capability in relation to disciplinary matters. The bill creates a revised model for Public Service appeals through the creation of a new statutory position of appeals officer and extends disciplinary provisions to all Public Service employees.

In addition, amendments to the Fire and Rescue Service Act and the Ambulance Service Act are the final step in ensuring the post separation disciplinary regime applies to all public servants by extending coverage to fire and ambulance service officers.

We are also strengthening the requirements around disclosures of personal interests to ensure that potential conflicts of interest are appropriately managed. The Ombudsman, the Information Commissioner, the Integrity Commissioner and the Auditor-General will be subject to new and consistent requirements to provide declarations of interests to the Speaker.

Amendments to the Integrity Act 2009 will create new obligations for certain statutory office holders to declare their interests to their ministers and the Integrity Commissioner, ensuring independent oversight. This process will be consistent with that which applies to chief executives of government departments under the Public Service Act 2008.

The bill also amends the Parliament of Queensland Act 2001 to institute statutory requirements for members of parliament to provide declarations of interest for the Register of Members' Interests and the Register of Related Persons' Interests. These procedures have previously been required under standing orders only, and these amendments will enshrine this standard in legislation. Detailed procedural requirements for completion of statements of interests will remain in standing orders to promote administrative flexibility. Failure to comply with the requirements in relation to declarations of interests will be a contempt of the assembly and may be dealt with accordingly. These amendments complement transparency measures already introduced which see the Register of Members' Interests available online.

Further, this bill will amend the Civil Liability Act to allow apologies to be made without being taken as an admission of legal liability. This amendment will allow the government, as well as any other person, to acknowledge mistakes through an apology where the actions may have caused harm.

The government is also continuing its commitment to the strongest oversight of the lobbying industry in Australia through further improvements to the lobbying regulations under the Integrity Act, taking on board suggestions from the Integrity Commissioner. These amendments include requiring that unregistered lobbying activity be reported to the Integrity Commissioner and expanding options available for the Integrity Commissioner to deal with breaches of the lobbying regulations through a new system of warnings and suspensions against lobbyists.

As national leaders in lobbying regulation, this government is committed to continually improving the operation of the Integrity Act to ensure that we continue to have the most effective, fair and transparent system of monitoring the operation of the lobbying industry in Australia.

This bill along with the Ministerial and Other Office Holders Staff Bill and the Public Interest Disclosure Bill that I have introduced today are an important next step in this government's commitment to a robust integrity and accountability framework. The bills reaffirm our unwavering commitment to ongoing and continuous improvement to our integrity system. They ensure that Queensland continues to lead the nation in delivering open and accountable government. I commend these bills to the House.

Debate, on motion of Mr Springborg, adjourned.

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~~PENALTIES AND SENTENCES (SENTENCING ADVISORY COUNCIL) AMENDMENT BILL~~

~~First Reading~~

~~Hon. CR DICK (Greenslopes ALP) (Attorney General and Minister for Industrial Relations) (12.49 pm): I present a bill for an act to amend the Penalties and Sentences Act 1992 to establish a Sentencing Advisory Council, to provide for the making of guideline judgements by the Court of Appeal, and for other particular purposes. I present the explanatory notes, and I move~~

~~That the bill be now read a first time.~~

~~Question put That the bill be now read a first time.~~

~~Motion agreed to.~~

~~Bill read a first time.~~

~~Tabled paper: Penalties and Sentences (Sentencing Advisory Council) Amendment Bill 2010.~~

~~Tabled paper: Penalties and Sentences (Sentencing Advisory Council) Amendment Bill 2010, explanatory notes.~~

~~Second Reading~~

~~Hon. CR DICK (Greenslopes ALP) (Attorney General and Minister for Industrial Relations) (12.49 pm): I move~~

~~That the bill be now read a second time.~~

~~The criminal justice system plays an important role in creating a safe community for all Queenslanders. Central to our criminal justice system must be a strong and fair sentencing regime. This bill introduces significant initiatives to strengthen criminal justice sentencing in Queensland, ensuring that it provides greater clarity, greater transparency and a more robust foundation upon which our courts can undertake the sometimes difficult and complex task of sentencing offenders. This bill seeks to enhance public knowledge and understanding of sentencing matters; to fortify community confidence in the sentencing process; and to strengthen the penalties imposed upon repeat offenders, persons who commit sexual offences against children and offenders who harm young children through the use of violence.~~

~~The Queensland Penalties and Sentences Act 1992 provides the framework for the courts when sentencing adults in Queensland. The act sets out not only the broader purposes which sentencing is intended to achieve but also the detailed structure and rules concerning the sentencing of different offenders. This bill amends the Penalties and Sentences Act 1992. The amendments are best understood in two parts, but parts that form a continuum of reforms to the sentencing regime in the state aimed at improving the clarity and transparency of our sentencing processes.~~

~~The first part of the amendments creates a Sentencing Advisory Council for Queensland that will help to bridge any gap between community expectation, the courts and government on the issue of sentencing in the criminal justice system. The Queensland Sentencing Advisory Council will seek to further promote consistency in sentencing; to stimulate balanced public debate on sentencing issues; and to incorporate informed community opinion into the sentencing process, thereby enhancing confidence in Queensland's sentencing regime. The Sentencing Advisory Council will achieve these objectives through its functions of advising, informing, researching and educating on sentencing issues. In performing its functions, it is anticipated that the Queensland council will consult widely, including with the judiciary, the legal profession, government agencies and the community.~~

~~The composition of this new body will ensure a broad range of membership, including community representation. It will recognise the impact of sentencing options on Aboriginal and Torres Strait Islander people in Queensland and vulnerable persons facing the criminal justice system. The members will have expertise or experience in the areas, for example, of victims of crime, justice matters relating to Indigenous people and vulnerable persons facing the criminal justice system, justice matters relating to domestic and family violence, law enforcement, crime prevention, criminal prosecution and criminal defence representation, civil liberties, corrective service, juvenile justice matters, and criminology and criminal law, including sentencing.~~

~~One of the functions of the Sentencing Advisory Council will be to state its views to the Queensland Court of Appeal when the court is considering giving or reviewing guideline judgements. This offers an important new mechanism by which properly gauged and informed public opinion can inform our state's sentencing system. The bill confers jurisdiction on the Queensland Court of Appeal to give or review guideline judgements. A guideline judgement is a means by which the Court of Appeal can give guidance to sentencing courts, thereby supporting a consistency of approach to sentencing and enhancing public confidence in the integrity of Queensland's sentencing regime.~~