

~~Also, the Australian Lawyers Alliance talked about the bill's failure to adopt any vicarious liability model. There are stakeholders and victims. I too pay tribute to Mr Allan Allaway and to Kelvin Johnson, whom I have spent much time speaking with in relation to these matters. As the Attorney-General said, reasonable minds may differ. We do believe that there are grounds to support a non-delegable duty, and that is what our amendments seek to introduce.~~

~~**Mrs D'ATH:** I rise to speak against the amendment. I have touched on this in my reply, but I just want to expand briefly on that. Again, I absolutely respect the recommendations of the royal commission on this matter but, as often happens with recommendations from inquiries and reviews—even of royal commissions—you then have to look at those recommendations and seek to put them into law and practice. In doing so, we must look at what potentially can be the unintended consequences. As I outlined before, some of those unintended consequences, perversely, could be the way in which institutions will challenge and fight those cases against them. No longer focusing on the duty, their ultimate aim—the only way to avoid that strict liability—is to discredit the victim and to make that whole process as traumatic as possible.~~


~~We have great fears of interlocutory processes in terms of trying to prove whether they are one of those institutions inside or outside the strict liability. Victims can find themselves tied up in costly litigation interlocutory proceedings but also the focus of the substantive case is all about their credibility, because the only way for the institution to be successful in defeating that claim is to prove that the abuse did not occur and to discredit the individual. There are a number of members on the other side who talked about even their reservations in relation to the reverse onus. First and foremost, the institution must prove that it took all reasonable steps to prevent that abuse—that is what our provisions do; that is what the opposition's amendments do—but, having proven that, it is then around other elements of the case.~~

~~Every other jurisdiction that has looked at the royal commission recommendation, even when it has said in its government response, 'We adopt the recommendations of the royal commission,' has not actually implemented in law a strict liability. No one has put that strict liability into law. Victoria said, 'We accept the recommendation of the royal commission—strict liability, non-delegable duty,' but that is not what it implemented. What it implemented is the same as what we are introducing here. We modelled ours on the Victorian model. There is a reason governments, parliaments and parliamentary drafters frame these provisions in this way—that is, to ensure we look ahead at what unintended consequences can be and what is the best way forward.~~

~~Debate, on motion of Mrs D'Ath, adjourned.~~

## CRIMINAL CODE AND OTHER LEGISLATION (MINISTERIAL ACCOUNTABILITY) AMENDMENT BILL

### Introduction

 **Mrs FRECKLINGTON** (Nanango—LNP) (Leader of the Opposition) (12.30 pm): I present a bill for an act to amend the Criminal Code and the Parliament of Queensland Act 2001 for particular purposes. I table the bill and the explanatory notes. I nominate the Economics and Governance Committee to consider the bill.

*Tabled paper:* Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019.

*Tabled paper:* Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019, explanatory notes.

Corruption is a toxic force that breaks the trust between the public and the state. To me, there is nothing more important than the trust Queenslanders place in this government to serve on their behalf. To protect that trust, corruption must be prevented. Corruption must be confronted when seen. Queenslanders deserve to have faith in every one of the 93 members elected to this House. The public must have complete confidence in the integrity of the Queensland government as a whole.

The state's corruption watchdog investigated the Deputy Premier earlier this year following allegations of corrupt conduct. It assessed the purchase of a Woolloongabba property and the Deputy Premier's involvement in decision-making relating to the nearby Cross River Rail project and the Inner City South State Secondary College. The CCC said that the Deputy Premier did not break the law but that what she did should be a criminal offence. The CCC recommended that new criminal offences be made into law. The CCC concluded that failing to declare and properly manage a conflict of interest creates a corruption risk, and it called for improvements to cabinet processes and legislative reform.

In presenting this bill, the LNP is leading by example to strengthen integrity measures in this state. This bill seeks to introduce laws to implement the CCC's recommendations, handed down in its assessment on 6 September. The bill will restore confidence in the integrity of the Queensland government that has been shattered by the Palaszczuk Labor government.

Almost seven weeks have passed since the recommendations were made, and the Premier has failed to introduce laws to implement the CCC's findings. Every day that passes without these laws in place is another day when the Premier shows that action on corruption risk is not a priority. Those opposite have put the laws on a to-do list and think it is all right to worry about them later. It lacks regard for the seriousness of the issue and taking action to restore integrity.

The LNP believes that the corruption risks raised by the CCC in its assessment should be met with decisive action. That is good leadership. The people of Queensland should not have to wait months for key recommendations that would safeguard against corruption to be made law, but delays have become a hallmark of this Labor government—so have secrecy, arrogance and integrity failures. Leadership is about decisions, and the Premier has proved time and time again that she is the weakest premier in Queensland's history. We have waited for the Premier to make a move on the CCC's recommendation, and the Premier has failed to do so.

The Deputy Premier is proof that you cannot trust the Palaszczuk Labor government. The CCC's timeline of events shows that the Deputy Premier blatantly broke the rules. On 27 March 2019 the Deputy Premier made a submission to the Cabinet Budget Review Committee about Cross River Rail, a project the Deputy Premier was responsible for. The education minister also made a submission to the committee concerning the Inner City South State Secondary College. On the same day, 27 March, the contract for the purchase of 48 Abingdon Street, Woolloongabba was signed by the Deputy Premier's husband. Two days later the Deputy Premier received a text from her husband about the property to be purchased and the location. Between 29 March and 5 April the Cabinet Budget Review Committee considered both the Cross River Rail submissions and the Inner City South State Secondary College.

Months passed before the Deputy Premier provided an updated pecuniary interests form to the Clerk of the Parliament, however in incorrect form. This happened on 2 July. The media began reporting about the property purchase on 17 July, the same day the Deputy Premier provided completed forms to the Clerk of the Parliament. It is important to note here that MPs are required to amend their register within one month of their circumstances changing under section 69B of the Parliament of Queensland Act 2001.

Ministers are required to declare their conflicts of interest to cabinet and exclude themselves from cabinet deliberations where they have a conflict of interest. The ministerial charter letters from the Premier direct ministers to comply with those rules. The Deputy Premier broke these rules and ignored the direction of the Premier of Queensland. Rules are rules and no-one should be above them, not even the Deputy Premier.

The CCC said that the Deputy Premier acknowledged that she did not update her statement of interests in relation to the purchase of the property. The CCC said that failing to comply with this section is not a criminal offence and should be, but its recommendations are damning of the behaviour. Recommendation 3 asks parliament to create a criminal offence for occasions when a member of cabinet does not declare a conflict that does or may conflict with their ability to discharge their responsibilities. Recommendation 4 asks parliament to create a criminal offence to apply when a member of cabinet fails to comply with the requirements of the Register of Members' Interests and with the Register of Related Persons' Interests.

Those opposite do not know the difference between right and wrong. Legislation must come into this House to make sure they do and that they do the right thing. They clearly cannot do the right thing unless the law tells them to do so, and the Premier is too weak to enforce the rules. That is why I have decided to move quickly and decisively to present the LNP's bill today. The bill will finally implement key recommendations of the CCC's assessment.

The objectives of the Criminal Code and Other Legislation Amendment Bill 2019 are: to improve ministerial accountability by strengthening the framework and obligations on ministers to ensure disclosure of actual, potential and perceived conflicts of interest occurs; to provide for a means for which a failure to declare a conflict of interest can be considered corrupt conduct; and to align the obligations of elected officials in state government with the obligations on elected officials in local government to implement these aspects of Operation Belcarra.

The objectives will be achieved by creating a criminal offence for occasions where a member of cabinet is aware, or ought reasonably to be aware, that the minister has a declarable conflict of interest in a matter to be discussed at a meeting of cabinet or a cabinet committee but fails to declare the conflict. This will attract a maximum penalty of 100 penalty units or one year's imprisonment. Under the bill, failing to make a declaration could, in certain circumstances, be considered corrupt conduct as defined by the Crime and Corruption Act 2001. These two policies will satisfy recommendation 3 of the CCC's assessment of the Deputy Premier.

The bill also proposes to create a criminal offence to apply to a member of cabinet who fails to comply with the requirements of the Register of Members' Interests and the Register of Members' Related Persons Interests by not informing the Clerk of parliament of the particulars of an interest or the change to an interest within one month after the interest arises or the change happens. A maximum penalty of 100 penalty units will apply to this criminal offence which addresses recommendation 4 of the Crime and Corruption Commission's assessment. Recommendations 1, 2 and 5 relate to internal cabinet processes and for that reason are not included in the private member's bill.

Ministers are required to uphold the highest ethical standards. Public interest must always come first. Too often we see those in the Palaszczuk Labor government put their own interests before the interests of Queenslanders. Queensland has not needed the criminal offences outlined in this bill until the Palaszczuk Labor government came to power. They will go down in parliamentary history as the Trad laws. The Deputy Premier has failed to uphold the highest ethical standards. What was the punishment given by the Premier for breaching the Cabinet Handbook and the Ministerial Handbook? The Deputy Premier was promoted to Acting Premier, she is still the Deputy Premier, she still holds the purse strings to the Treasury of Queensland and she still manages the state's finances. It shows that integrity means absolutely nothing to the Premier of Queensland. In complete contrast, the LNP believes in integrity, openness and accountability. The public's interest must come first and that is why I am introducing this bill today. I commend the bill to the House.

### First Reading

**Mrs FRECKLINGTON** (Nanango—LNP) (Leader of the Opposition) (12.42 pm): 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.

### Referral to Economics and Governance Committee


**Madam DEPUTY SPEAKER** (Ms Pugh): In accordance with standing order 131, the bill is now referred to the Economics and Governance Committee.

## ~~CIVIL LIABILITY AND OTHER LEGISLATION AMENDMENT BILL~~

### ~~Consideration in Detail~~

~~Resumed from p. 3549.~~

~~Resumed on clause 4, to which Mr Janetzki had moved an amendment~~

 **Mrs D'ATH** (12.43 pm), continuing: ~~In finishing off my contribution in relation to the amendment moved by the member for Toowoomba South, I want to reinforce that, although we absolutely acknowledge and respect the position and the recommendation of the royal commission, in practice what it has proposed could lead to unintended consequences that could have a detrimental impact on victims. We believe that the provisions we have put forward with the reverse onus is a better model to go forward with. It is a model reflected in other jurisdictions. Even jurisdictions that said that they accepted the royal commission's recommendation have still gone on to implement provisions such as a non-delegable duty with a defence in relation to where all reasonable steps have been taken. For that reason, we cannot support the amendment put forward by the opposition.~~

~~Division: Question put That the amendment be agreed to.~~

**AYES, 37:**