



Speech by

Mr L. SPRINGBORG

MEMBER FOR WARWICK

Hansard 16 September 1998

PUBLIC SERVICE AMENDMENT BILL

Mr SPRINGBORG (Warwick—NPA) (4.17 p.m.): I have much pleasure in supporting this Bill because, if it is enacted, it will prevent a great injustice that the Beattie Labor Government is attempting to foist on the people of Queensland and the Queensland Public Service. These days, it is an unfortunate fact of life that chief executive appointments are seen to be unique and that the persons holding such appointments have a tenure that is more tenuous than that of other public servants. The wholesale purge of chief executives that the Beattie Labor Government perpetrated immediately upon taking office highlights that fact.

When the Government changed in Queensland in both 1989 and 1996, there were significant changes at the top of the bureaucracy. Clearly, a chief executive and a Minister have a special relationship and it must be accepted that it is reasonable that a Minister be in a position to have a person advising him or her and running the department in whom the Minister has trust and confidence. Likewise, and on a larger scale, it is only fair that an incoming Government be in a position to choose the key senior administrators as the fate of any Government is largely dependent upon the competence of these people and their capacity and willingness to work with the Government.

Having said that, I think that it is always open to comment upon decisions that an incoming Government makes in sacking certain chief executives. For example, I found it amazing that the Beattie Government sacked Tom Tolhurst, the Director-General of the Department of Environment, and Roly Nieper, the Director-General of Primary Industries. Both of those gentlemen were longstanding, apolitical public servants who performed their duties with competence and professionalism. The professional execution of those officers was unnecessary, hurtful and reflected very badly on the Government in general and the Premier in particular.

Also, the clear breach of the Premier's pre-election commitment not to sack anybody below the level of director-general was very disappointing. The sacking of the Deputy Director-General of the Department of Premier and Cabinet, John Sosso, a public servant of almost 15 years' standing, and his replacement with three deputy directors-general in a much-reduced department, and the sacking of the Deputy Director-General of the Department of Training and Industrial Relations, Susanne Knowles, have been the subject of much negative comment. The thrust of the comments is that quite a few non-political public servants have been the subject of ALP paybacks. If not for the CJC, I am sure that Frank Peach, the ex-Director-General of Education, would also have joined the list of sacrificial lambs.

The ALP is clearly trying to send an ominous message to public servants: if you work too hard and do your job too well for a coalition Government, you will be sacked by an incoming Labor administration. That is the sort of bullyboy message that by their actions the Premier and his cohorts are sending out.

The need for this Bill would not be so great if, when appointing people to top positions in the Public Service, Labor had recruited the best and brightest in Australia. All honourable members will remember the Premier's oft-repeated claim that the coalition appointed a collection of has-beens to top jobs and that, in contrast, Labor would go to any lengths to attract to Queensland the very best professional talent on offer. It is just a few months down the track and we can all see what a farce Labor promises are.

What was the first thing that this Government did when it grabbed the reins of power? It issued, with the compliments of the Public Service Commissioner, two replacement directives for the appointment of senior executive officers and the employment conditions of those officers. The first of those replacement directives specifically exempts from the requirement to advertise vacancies in the Gazette the positions of chief executives and the Public Service Commissioner. The second builds on the first by giving the Premier the discretion to dispense with a selection panel for chief executive appointments. Then, just to add a little more icing to Labor's nepotism cake, just one month after they received a 4% wage increase, this Government issued a new pay scale for chief executives, giving them increases of more than \$30,000 a year. On 1 July the maximum pay for a chief executive was increased from \$148,800 to \$155,000. To make sure that Labor's appointees were well and truly looked after, on 3 August this was increased to \$190,000. In some cases Labor-appointed chief executives are now being paid \$40,000 more than coalition chief executives who were disposed of on 30 June this year. Under Kim Beazley's tax package, a person earning more than \$40,000 is regarded as being well off. I wonder how the battlers who are struggling to make ends meet and who are facing the daily trauma of trying to educate and feed their children would react if they knew that this so-called party of the battlers is giving out \$40,000 pay increases to its cronies.

Of course, the Premier has been true to his word: to my knowledge, until now only two director-general vacancies have been advertised, one for Public Works and Housing and one for Main Roads. The rest have been filled without advertising and without selection panels. Some of the people appointed to those positions are tried and true failures. Glyn Davis, the Director-General of the Department of the Premier and Cabinet, headed the Office of Cabinet with lacklustre results. Brian Head, who ran the Public Sector Management Commission without leaving any footprints in the sand, is back again in the Office of the Public Service. The best that can be said about them is that they are harmless; the worst is that they are academics with next to no administrative skills. Even worse is the return of Bob Marshman to the Department of Employment, Training and Industrial Relations. His only claim to fame is his loyalty to Labor.

Then we have the novices such as Ross Rolfe from State Development and Jane Macdonnell from Justice. Both were chief executives for less than three months under Labor. Indeed, Rolfe worked in a totally different department. Could anybody really say that those people are world beaters or that they are the best and brightest? I certainly think not. Without meaning to be cruel, Marg O'Donnell from the Department of Equity and Fair Trading is an even bigger embarrassment. In 1996 she left Queensland as a relatively junior officer of the Justice Department. She has never been a chief executive and yet she has been appointed without even having to compete for her job. It is a bit rich for her to head Equity and Fair Trading when her own appointment was clearly inequitable and would breach the fair trading laws if practised in the private sector. That is a pretty unimpressive group of people who got their jobs without the necessity of competition and were rewarded by five-year terms and massive pay increases.

Mr Robertson: What competency testing have you had?

Mr SPRINGBORG: I have the chance to be competency tested by my electorate every three years. This minority Government is holding onto the reins of power grimly, but it is certainly not beyond the realms of possibility that it will fall within the next three years. In the fickle modern political era in which we live, nobody knows what might happen. Even if the Government survives, having regard to the incompetent way that it is performing, there is every chance that it will be thrown out by the electors. That becomes more and more evident and more and more likely every day. In those circumstances, an incoming coalition Government should not be burdened by this bunch of second-rate administrators advising it or working for it. On the other hand, it would be a travesty of justice if the long-suffering taxpayers of Queensland had to pay out the contracts.

When the coalition assumed Government in 1996, it specifically limited the term of its chief executives to the term of the Government. In doing so, it ensured that this Government could have a free hand in picking its chief executives and that the taxpayers would not be burdened by massive payouts. I have to say that some of the chief executives paid a very high personal price for this policy. In fact, I feel very sorry for some whose treatment by Labor has been harsh and unnecessarily hurtful. Those officers have shouldered and paid for the high ethical standards set by the previous Government. If it was good enough for a minority coalition Government, then it is equally correct for a minority Labor Government, especially one that claims that it is going to set new standards of ethical conduct in Government.

I note that the Scrutiny of Legislation Committee is critical that the Bill has a retrospective element. The committee considered whether the Bill would have an adverse effect on the rights and liberties of the chief executives who had executed contracts that will be affected by the Bill. It considered whether those individuals had legitimate expectations prior to the Bill coming into effect. It also dealt with the possible personal detriment that certain chief executives may experience, having resigned previous employment and relocated to Queensland.

With all due respect to the committee, I suggest that the Bill would be a total failure if it did not apply retrospectively. Anybody who gets a public sector job with a remuneration package value in excess of \$200,000 without competing for it and without even being screened by a selection committee would know full well that the job had not been obtained fairly, as certainly has been the case with what we are dealing with today. None of those people should have any expectation that the Queensland taxpayers should be compelled to abide by the overly generous terms of contracts that they obtained through the back door without the principles of merit selection applying. The way that those contracts were obtained is unprecedented in post-Fitzgerald Queensland. It would be morally wrong to allow those people to obtain a benefit from this sordid episode in our State's history. With all due respect to the committee, I think that it got this one wrong. It has not looked at the need for retrospectivity for or from the wider public interest point of view. Instead, it has focused its attention on the interests of chief executives who have benefited from these morally flawed documents.

The Bill is intended to send a clear message that if one wants to appoint people without any consideration of merit, those appointments can be classified as political and can be dealt with accordingly. Why should the taxpayers be burdened with enormous payouts to Labor's mates—mates who got their jobs without competing on the open market and mates who received massive pay increases?

Right now, Australia and much of the world is going through a very worrying time, largely brought about by global economic forces over which we in Government have little control but for which, I must say, we often get the blame. This is a time of uncertainty and struggle. This is a time when many individuals and families are suffering and are unsure of their economic futures, both individually and collectively. All Australian Governments should be sending out the right signals to the community. There should be a signal that we are listening to the community's concerns and have its interests at the centre of our endeavours. Yet at a time of public anger, cynicism and confusion, this Government has decided to look after its mates and has sent out a signal that will only add to the community's contempt for the political process.

This Bill is intended to send the right signal out to the community. It is intended to assure people that appointees who get their jobs not on merit but through the back door will not be allowed to get a massive golden handshake as they leave. It is intended to send a signal to the whole of the Queensland Public Service that the coalition takes seriously the requirement set out clearly in section 24 of the Public Service Act that one of the key principles of Public Service employment is basing selection decisions on merit. The Premier should read section 24, because it enshrines in law the requirement that nepotism and patronage in employment decisions be avoided. The Premier is responsible for administering that Act, and yet he has been responsible for undermining its effectiveness. How ironic that the Premier has his own ethics adviser and yet has seen fit to throw one of the most important and basic ethical principles underpinning Public Service employment—and by that I mean merit-based selection of staff—out the back door! I am also less than impressed with the new Public Service Commissioner, Dr Head.

Mr Robertson: Pick someone you like.

Mr SPRINGBORG: The member is not a bad bloke. We have had a fair bit of cheerful interaction in the time that we have been in the Parliament together. It is fair to say that if a problem needs to be addressed, that is what we, as an Opposition, should do. It would be a dereliction of duty if we did not bring these matters to the attention of the people of Queensland and seek to redress this most unfair situation through appropriate private members' legislation, as we are doing today.

We saw the Public Service Commissioner—and at that stage he was only acting in the position—actually issuing employment directives exempting his position from the requirement of being advertised and from the need for a selection panel. This would have to be one of the most stunning examples of conflict of interest that we could find. Yet this man is supposed to be doing the job of the Public Service Commissioner, who is required by law to promote the principles of Public Service employment that I just mentioned.

For the information of honourable members, I point out that he is required by section 35 of the Act to carry out his duties independently, fairly and in the public interest. It is hard not to come to the conclusion that in issuing the employment directives I have been discussing it could be suggested that he was acting neither independently, fairly nor in the public interest. The actions of the Premier and his Government in appointing chief executives without advertising and without selection panels for five-year terms and with massive pay increases were wrong, and the taxpayer should not have to pick up the tab. For these reasons, I support the Bill.
