



Speech by

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PUBLIC SECTOR ETHICS AMENDMENT BILL

Mr FENLON (Greenslopes—ALP) (8.52 p.m.): It is a great pleasure to rise in support of the Public Sector Ethics Amendment Bill 1999, which relates to the establishment of the office of a Queensland Integrity Commissioner. In common with the previous two speakers, I also support the Bill and the establishment of the office of the Queensland Integrity Commissioner.

The Bill appropriately enhances the Public Sector Ethics Act 1994 by providing for an Integrity Commissioner who will give confidential advice on request to those persons who represent or who are connected with the Government of the day or who exercise significant powers on behalf of the Government. Those persons have an opportunity to proactively obtain advice about conflict of interest matters from an Integrity Commissioner and, in doing so, prevent conflicts from arising. The Integrity Commissioner's advice will be impartial and tough minded in an effort to avoid conflicts of interest and any allegations of conflicts of interest. As a result, public perceptions of integrity, standards and honesty in Government will be improved. The public's faith in Queensland's political processes will be returned.

The Integrity Commissioner will continue to provide good government in Queensland in a number of ways. The Integrity Commissioner is to be proactive, not reactive. The commissioner is not empowered to conduct any independent investigation, decision making or enforcement. As mentioned by previous speakers, the Bill has a number of features to encourage Ministers and other public officials to proactively seek advice from the Integrity Commissioner. On request, the Integrity Commissioner may also give advice about issues concerning ethics and integrity, including standards setting to the Premier.

Another proactive function of the Integrity Commissioner is that the commissioner may assist the public's understanding of public integrity standards by contributing to conferences, seminars and public discussion of policy and practice relevant to the commissioner's functions. So it is clearly a function that takes the issues into the Queensland community. To ensure that the commissioner can effectively fulfil the functions of the office, the Bill specifies that the commissioner must be qualified professionally and have suitable knowledge, experience, personal qualities and standing within the community. Such attributes will ensure that the commissioner will be capable of giving advice on a range of conflict of interest matters and other issues relating to ethics and integrity. When giving advice, the Integrity Commissioner must also have regard to the relevant established codes of conduct and ethical standards. Qualification specifications of the position also ensure that the commissioner has the necessary credibility to assist the Premier, Ministers and others.

The Bill also provides appointment arrangements for the Integrity Commissioner, which give the commissioner independence in fulfilling the functions of the office. The commissioner is to be appointed by the Governor in Council under the Public Sector Ethics Act 1994 and the Public Service Act 1996. The legislation provides an onus for the position to be filled once it is established. Appropriate accountability measures for the Integrity Commissioner are also enshrined in the legislation in that the Integrity Commissioner must report in general terms annually to the Premier on the activities of the office.

It should also be pointed out that this legislation is being debated in this Parliament against the backdrop of other very important legislative reforms that are proceeding within this State. In fact, the legislative reforms to which I refer go beyond simple legislation that might be passed in this House and

extend to reforms of the State's Constitution. As members would be aware, a draft Constitution, which has been considered by the Legal, Constitutional and Administrative Review Committee, is now in the community for public discussion. Integral to that discussion are matters of principle relating to the conduct of members and the status of members in this House.

It is very interesting to examine the background of that draft Constitution. That draft constitution that is currently going through that consultation process addresses some very fundamental anomalies and deficiencies in the provisions of the State's Constitution that relate to the conduct and ethics of members. Those provisions relate to matters as simple as the grounds by which a member may be discharged from this place. They also relate to issues such as a member's failure to attend Parliament. Clearly, over the effluxion of time and in terms of the way in which Parliament works currently, those provisions are very hard to read. For instance, the current Constitution makes reference to members failing to attend sessions of Parliament over a certain number of weeks. The draft Constitution attempts to address some of those issues and translate them to apply to the current conduct of this Parliament and current community expectations. That has been a very important exercise and I hope that members will continue to be cognisant of that as a backdrop to this legislation.

The establishment of these principles is also very important. If we look back over the history of the Parliament, we can see that people from both sides of the House have had strong economic interests in promoting the causes of, for example, either union-oriented or business-oriented people. Those members came into this place unashamedly advocating the cause of either of those camps. Maybe they were advocating the interests of people who had substantial ownership in a particular industry. There may indeed be a fine line there. Certainly in the grand scheme of things, it may have been seen as a desirable and well-accepted practice for people to be totally committed to advocating a cause by putting their feet in one camp or another. With the effluxion of time and through the operation of this legislation, I hope that we do not lose sight of some of those practices, which are well rooted in our history. I hope that we do not lose sight of the fact that people from both sides of this House can come into this Chamber and clearly advocate their causes. That is a fairly fundamental and longstanding practice that will continue.

Finally, I refer to a very important article by that very eminent citizen Michael Lavarch which was published in *Reform*, a journal of national and international law reform. Mr Lavarch raised a number of questions regarding this matter. He points to a significant dichotomy, and suggests that there could be a distinction between the politicisation of ethics as opposed to the ethicisation of politics, that is, ethics going into the political process could indeed take on a very different dynamic. Mr Lavarch states—

"If ethics is to be viewed by politicians as something more than a problem to be avoided or a club to beat an opponent, then it must not be left to individual discretion. It must be given meaningful institutional support. This raises questions of who and how."

I hope that this legislation does go some way to attempting to satisfy, address and contemplate the very difficult dilemma that Mr Lavarch has referred to. I commend the Bill to the House.
