



Speech by

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MEMBER FOR SANDGATE

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PUBLIC SECTOR ETHICS AMENDMENT BILL

Mr NUTTALL (Sandgate—ALP) (5.19 p.m.): As the Premier announced in his second-reading speech to the Public Sector Ethics Amendment Bill, the purpose of the Bill is to establish Queensland and Australia's first Integrity Commissioner. Today I speak in support of the Bill because I believe that the Integrity Commissioner will help Ministers and other senior public officials avoid conflicts of interest and, as a result, encourage community confidence in Government and public institutions. When complex and unique ethical dilemmas confront Ministers and senior officials, they can now seek advice from the Integrity Commissioner about how to resolve these dilemmas. Conflict of interest matters are not always black and white and it is often difficult to resolve the grey areas in a way that satisfies everyone. An example that one can point to is where a private company in which a Minister holds an interest is simultaneously doing business with a contractor that is also a supplier of services to the Minister's portfolio. It is reassuring to know that, if requested, the Integrity Commissioner will provide confidential and expert advice to assist Ministers and other public officials in resolving their dilemmas and preventing conflicts of interest from arising.

The Integrity Commissioner can give advice only about conflict of interest matters when requested to do so by a designated person. As advice can only be given on request, the effectiveness of the commissioner's functions therefore relies on designated persons approaching the commissioner for this advice. One of the key features of the Bill is that it aims to encourage designated persons to seek advice from the Integrity Commissioner. First, confidentiality is offered to designated persons who seek and obtain advice about a conflict of interest matter. Only the person to whom the conflict of interest matter pertains may disclose the advice given by the Integrity Commissioner. There are also provisions to ensure that a person involved in the administration of the Office of the Integrity Commissioner must not record, use or disclose information about another person's conflict of interest issue unless it is relevant to the performance of their functions. The maximum penalty for breaching these provisions is one year's imprisonment.

Secondly, the relevant documents about designated persons' requests for advice and the advice given by the Integrity Commissioner are to be exempt from the provisions of the Freedom of Information Act 1992. Access to these documents is restricted, because it is recognised that the commissioner's advice to a designated person is comparable to legal advice provided and protected in accordance with legal professional privilege. If a lawyer was to give advice about a conflict of interest matter to a Minister, the lawyer's advice would not become public knowledge. Likewise, advice from the Integrity Commissioner is protected from public access. However, if the Premier, a Minister, a Parliamentary Secretary or a chief executive requests the Integrity Commissioner to provide advice about a conflict of interest issue involving a relevant designated person, this advice must be provided. It is not envisaged that this provision would discourage any person from seeking advice. The circumstances in which these persons can request advice about another person's conflict of interest are specific and limited. Furthermore, the person seeking the advice is not empowered to further disclose the documents and information that is obtained. As I said previously, the Bill does not prevent the person to whom the conflict of interest matter pertains from disclosing the advice and relevant documents.

A third feature of the Bill that encourages designated persons to seek advice from the Integrity Commissioner is that the Bill's provisions ensure that the commissioner has regard to fairness and the

principles of natural justice when making authorised disclosures. Where the commissioner forms the view that, for instance, a chief executive has an actual and significant conflict of interest the commissioner must advise the chief executive accordingly and indeed give the chief executive seven days to resolve that conflict. If the chief executive fails to resolve the conflict to the commissioner's satisfaction, the commissioner must advise the Premier by providing copies of the relevant documents relating to the chief executive's conflict. In practice, it is unlikely that this situation would indeed arise frequently. Normally, actual and significant conflict of interest comes to attention when a chief executive registers or declares his or her pecuniary or other interests in accordance with the Public Service Act 1996.

The Leader of the Opposition stated that when the Labor Government came to power ethics went out the door. It is a little disappointing that this legislation is needed. We need look only at the behaviour of politicians at local, State and Federal levels over the years to see that we are probably our own worst enemies. I believe that 99% of members of Parliament act with integrity. Occasionally, mistakes are made.

However, sometimes things can be taken too far. We need to be cautious about this, because we could end up tying ourselves up in knots such that we would be precluded from doing our job properly. We need to be mindful of that. Following the difficulties that the Federal Parliament has had with some members misusing their travel entitlements, Federal members now have to hand in their boarding passes. I think these things can be taken too far.

To those members who think that they are not being watched I say: they should see what it is like sitting on this side of the Chamber. I wish to relate to honourable members an experience that I had when conducting a meeting as a representative of the Premier. I will not say when this was, because I do not want the person to be identified. On that day, I had a very tight schedule. Rather than see the person later in the day, I invited the person to breakfast. Over breakfast, we had a discussion about the issue that he wanted to speak to me about. I bought breakfast. The cost for that person amounted to \$19. When I came back to Brisbane, I got into strife because I did not get prior approval for that \$19 breakfast. I highlight this issue, because I think these things can be taken too far. We need to be mindful of that.

Mr Borbidge: What you said is absolutely true.

Mr NUTTALL: That is right.

However, having said that, I support this legislation. The public rate us, rightly or wrongly—and the Leader of the Opposition pointed this out—on the same level as a used car salesman. I do not believe that is justified. As I said earlier, 99% of us work in a diligent way and respect the fact that we are expending the public's money. I understand why we are introducing an Integrity Commissioner. In my view, this is a situation that would not have arisen if the behaviour of members of State and Federal Parliaments had been of a higher standard in the past. Had that been the case, we would be held in higher regard. With those few words, I support the Bill and I ask honourable members to do the same.
