



Speech by

Mrs LIZ CUNNINGHAM

MEMBER FOR GLADSTONE

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PUBLIC SECTOR ETHICS AMENDMENT BILL

Mrs LIZ CUNNINGHAM (Gladstone—IND) (9.16 p.m.): In speaking to the Public Sector Ethics Bill, I will probably be reiterating the comments of members on both sides of the House. The community expects politicians, be they from State, Federal or local Government, to deal honestly and appropriately with the matters before them. In part, this Bill is intended to give assistance to Government members in particular to enable them to deal with matters involving an ethical test. I noticed that the commissioner will also have a role in contributing to public understanding of public ethics policy and practice. That may be a worthwhile part of the role of the commissioner. However, in my experience, the general public understands ethics, honesty and what constitutes appropriate behaviour by elected people. It is our reaction to their expectation that has caused them the greatest deal of anxiety and scepticism. I am not convinced that the public needs a lot of help in understanding what our ethical behaviour ought to constitute. They just expect honesty and openness on the part of elected people. When that does not occur, people's appreciation of those in elected roles deteriorates.

I seek a comment from the Premier in relation to a number of issues. The Bill states that the Integrity Commissioner will be appointed by the Governor in Council. I take that to mean that the person chosen to be the Integrity Commissioner will be chosen by the Premier of the day and subsequently the detail of the appointment will be handled by the Governor in Council. Given the objectivity that the Integrity Commissioner is expected to display, I ask: is it intended that that appointment will be bipartisan? Other appointments have been made on a bipartisan basis in this Chamber to ensure that all honourable members are confident that the actions of the person in that role are beyond suspicion. What consideration was given by the Premier to appointing that person on a bipartisan basis so that we can have a similar level of confidence in the Integrity Commissioner?

Another issue that I wish to canvass with the Premier was commented on by the previous speaker, the member for Warrego. The Bill states that the Integrity Commissioner will give a copy of relevant documents relating to a particular designated person other than a senior executive officer, senior officer or a senior executive equivalent to the Premier, and there are also some qualifications to the Premier's request. Subclause (2) states that the Integrity Commissioner must reasonably believe that the person about whom the documents relate has an actual and significant conflict of interest.

I have said this before in relation to other Bills, but I notice that "significant" is not qualified, quantified or defined in any dictionary so it will be a value judgment on the part of the Integrity Commissioner. I wonder how that test is going to be applied, how the significance of the conflict of interest is going to be tested. As I said, the community has a very clear understanding of what they expect from members in whom they confer a lot of trust, and a significant conflict of interest to one person may not be a significant conflict of interest to another. However, that is the way the Bill is constructed: the commissioner must report back to the Premier if he believes the person about whom the inquiry or the report is made has an actual and significant conflict of interest. It worries me that that is a value judgment being required of the Integrity Commissioner.

The second-reading speech states that, to enable the Integrity Commissioner's advice to be regarded as determinative, the commissioner's advice will be conditionally indemnified such that a designated person following the advice will be immune from further action. I presume then that, if a person approaches the Integrity Commissioner and gets a report on the existence or non-existence of a

conflict of interest and if the Integrity Commissioner says there is no conflict of interest and the person proceeds with their intended action, whether it is a decision-making role or a lobbying role—whatever that role is—and it later is determined that there was not just a conflict of interest, but there was a significant and effective conflict of interest, under this Bill that person will subsequently be immune from any action. I wondered why there was not some limit put on that immunity. It appears to be a blanket immunity. If the commissioner has made a decision on the basis of perhaps incomplete information—he or she has not got all the information but does not realise that and makes a recommendation to this person—what repercussions are there, particularly if the person either by accident or by intention omits to pass on full information?

The only other issue that I wish to ask the Premier about is in regard to the authorised disclosures. I ask this question in the context of a non-party political situation. The Premier— and that could be the current Premier or a subsequent Premier—may request and receive a copy of the documents comprising the request for advice and the advice given by the Integrity Commissioner about a conflict of interest issue. I take that to mean that, if a Minister, a Parliamentary Secretary or another qualified person goes to the Integrity Commissioner and asks for information, asks for advice, at any point the Premier may approach the Integrity Commissioner and seek information regarding that request. That is how I have read that provision.

My observation in this Parliament—and I think it is consistent across Parliaments—is that, even within party affiliations, there are agreements and disagreements between people. What protection is there for the party who has sought advice from the Integrity Commissioner that an approach by the Premier is not intended as a mischievous or a vexatious type of an approach, that the approach from the Premier is for other than holistic purposes? What protection is there for the person who has made the approach to the Integrity Commissioner to ensure that their trust in the commissioner, their trust in the confidentiality of their request, is not compromised by the Premier of the day— whomever that might be—for purposes other than just ensuring the integrity of the Parliament? I would be interested in what protection there is.

As I said, this will apply not only to this Parliament but to subsequent Parliaments unless the legislation is amended. Designated persons—the persons who are approved by this Bill to approach the Integrity Commissioner or who are required by the Premier or somebody else in departments to get advice from the Integrity Commissioner—really are vulnerable to their position being exploited for the wrong reasons, rather than the reasons that the Bill's purpose has defined.

Again, I think any legislation that will practically improve the confidence of our community in their elected members to act appropriately and correctly—and I am not talking about perfect human beings; we all make mistakes, and I think people accept that—will enhance the community's trust in their elected parliamentarians, local government representatives or whomever, has to be beneficial. However, the community must see that this new piece of legislation will actually achieve that. I believe that the community has a very clear concept of what is ethical. The fact that there are many times when they do not see members of Parliament act in an open and fair-handed manner does more to undermine their confidence in those elected members than mistakes that are made or oversights that occur. Again, I commend the Bill. I commend any action that will improve the public's confidence in their elected members.
