



Speech by

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INTEGRITY BILL AND COMMISSIONS OF INQUIRY (CORRUPTION, CRONYISM AND UNETHICAL BEHAVIOUR) AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—LNP) (Leader of the Opposition) (2.52 pm): I rise to speak in this second reading cognate debate on the Integrity Bill 2009 and the private member's bill, the Commissions of Inquiry (Corruption, Cronyism and Unethical Behaviour) Amendment Bill 2009, which was introduced into this Legislative Assembly recently by me on behalf of the LNP. I note that the Premier questioned our support for the bill. I apologise that I was unable to be here at the start of the debate at 12.30 pm. I was in a press conference and, thankfully, the shadow Attorney-General was able to take my place. I appreciate the understanding of the House in now allowing me to make my response. I will say that these are important reforms. The opposition and I have been calling for them for some time. We support these reforms. However, there are two pieces of legislation before the House: one is a wasted opportunity and the other one is a clarion call for greater integrity and accountability in executive government, which has abused the trust and confidence of all Queenslanders over the past decade. But I stress that we will support the Integrity Bill 2009.

I want to thank the Premier's staff and departmental staff for the briefing that I received. I was interested to hear the Attorney-General's contribution to this debate where he spoke about the need for electoral reform. The Attorney-General has been in this place for a very short time. He also seems to have a selective memory when we talk about electoral issues. At the recent election, over 49 per cent of Queenslanders voted for the LNP and we ended up with 34 seats out of 89. Yet the government, with just 50.9 per cent of the vote, ended up with 51 seats in the parliament. That strikes me as something that should be obvious to many people and that is that we need electoral reform.

Mr Shine: Under Joh, what was it like?

Mr LANGBROEK: I think statistically those numbers may well be a reflection of the modern era of 2009. If you get over 49 per cent of the two-party preferred vote, you should have more than 34 seats in an 89-seat parliament.

The Integrity Bill is a wasted opportunity. It is a wasted opportunity because of its lack of breadth and the superficial way in which it attempts to pretend that the government has developed a new-found interest in accountability and integrity in the way the state is governed. I note from the explanatory notes that the government's bill makes four small changes to the way Queensland is governed. I note that the objectives of the bill state that it will create a new, stand-alone integrity act containing the provisions establishing the office of the Integrity Commissioner currently contained in the Public Sector Ethics Act and to enhance the functions and independence of the Integrity Commissioner, including providing for the Integrity Commissioner to be an officer of the parliament. I note with concern that there is no change to the appointment process.

I am also concerned that the committee will be presented with a *fait accompli* in terms of the appointment—something that I have seen in my time on the Public Accounts Committee. That is not a reflection on the people who have been appointed, but there have been concerns raised by some

committees that some of the issues raised by the committees are coming to the parliament in the form of policy. I draw to the attention of members the bill that was just introduced by the Premier about a preamble to the Queensland Constitution. That clearly was a decision made by the Premier, yet the all-party decision on it was one made along party lines. Similarly, if the Premier was really interested in getting all-party support for things like the Integrity Commissioner, it would have been a relatively easy process to make sure that it was a bipartisan decision.

I note, too, that the bill creates a statutory basis for the register of lobbyists and it bans the payment of success fees to lobbyists. I note also that these issues arose under the term of this Premier and the previous Premier. I am talking about the issues of lobbying and success fees. If Tony Fitzgerald had reported on those issues—were they around in 1989—I am sure he would have said that it was an inappropriate way for business to do business with government. These issues have arisen in the term of this government and now the Premier is trying to make a virtue of the fact that she is introducing this legislation when I note that on 9 February 2009, in the lead-up to the state election campaign, she thought that it be would impossible to legislate to do so.

I also note that the objectives of the bill amend the Parliament of Queensland Act to rename the Members' Ethics and Parliamentary Privileges Committee to the Integrity, Ethics and Parliamentary Privileges Committee, with an additional area of responsibility of oversight of the performance and functions of the Integrity Commissioner. I have already made comments about the fact that that name change is not as important as the issues that come before the committee and that some of those issues that have come before the committee have been overridden by this parliament—issues that have been raised in this House before in relation to the former member for Sandgate. As I say, to change the name of this committee is not a particularly significant issue unless you want to be seen to be doing something as opposed to actually doing something. The fourth objective of the Integrity Bill is to amend the Government Owned Corporations Act 1993 to bring government owned corporations within the jurisdiction of the Crime and Misconduct Commission in relation to misconduct investigations. As I say, the opposition supports these reforms.

It is what this bill does not do that is important to recognise. The bill is yet another missed opportunity for the Premier and the Labor Party to clean up the cronyism, corruption and unethical behaviour that has fast become the hallmarks of this government. It is what is not in this bill that we should be talking about today. The Premier promised to clean up years of an unethical culture that has been allowed to grow under this Premier and her predecessor. The Premier has failed to introduce change and fails on every account.

I note that the bill omits the great majority of submissions, and particular attention should be given to the omission of submissions made by the Crime and Misconduct Commission, the Clerk of the Parliament, the Auditor-General, the Ombudsman and the Integrity Commissioner. I will deal with some of those in a moment.

As I said, the Premier has failed to make any changes to the issues of corruption, cronyism and unethical behaviour. The Premier, by contrast, insists that it is the role of the opposition to prove that corruption exists within the government. When we ask questions on notice in relation to details of lobbying or success fees of former staff members, the Premier assures us that via her own investigations she is reassured that there has been no inappropriate behaviour and if we were to have any information on that score we should present it when, of course, the Premier fails to provide any evidence of the fact that these people have not been involved in inappropriate activities before in their previous employment. That is a farcical situation.

Common sense tells us that people do not commit crimes or engage in misconduct unless they think they can get away with them. The argument that the onus of proving that corruption exists rests on the opposition is not only ridiculous and deserving of contempt; it also begs the question of what this Premier and her Labor Party are so desperate to protect. The government's so-called Integrity Bill does not make ministers of the Crown tell the truth to parliament or one of parliament's committees. As has been said previously, honesty is the beginning of integrity. Without the onus on ministers in this House to be honest at all times, the lack of that reform puts the lie to this entire endeavour and proves that it is more about the Labor Party protecting its business-as-usual attitude to corruption and cronyism than about delivering the reforms that Queensland needs and deserves.

The government's bill fails to provide any change to the total lack of ministerial responsibility from this Labor government. Time and time again we have heard in this House ministers who refuse to be accountable for service delivery in their portfolios: a transport minister who is not responsible when trains come off the tracks nor when the entire Brisbane network fails for 20 minutes in peak hour; a sports minister who is not responsible for the star attraction at the biggest government funded sporting event in his portfolio actually showing up; and a Premier who says that the buck does not stop with her when ministers and her cabinet colleagues are sent to jail following her vouching for their integrity. If the Premier and Deputy Premier are happy to give a glowing endorsement in this House of the integrity of the former

member for Sandgate then how can we believe a word they say in defence of the Labor Party government?

As I said, the government's bill says nothing about electoral reform and truth in electoral campaigning. The so-called Integrity Bill does nothing to stop Labor from accepting political donations from people before the courts on official corruption charges. The government's bill does not extend the power of the Crime and Misconduct Commission to examine every financial decision ever made by disgraced former Labor minister and current inmate Gordon Nuttall. This bill fails to reform the rules to hold the Premier and the government to account over its misleading the people of Queensland through asset sales and fuel taxes announced after the election but known to the government beforehand.

Regrettably, the Premier's bill creates a layer of bureaucracy in which the Integrity Commissioner is the only winner. It is well known that the Premier did not once seek counsel from the Integrity Commissioner in 2008-09 despite the lead-up to the state budget where the deception was carried out on the people of Queensland. Further, the Premier's bill fails to make her ministers accountable should they choose to continue to be lobbyists knowing that they can or will get a success fee. The bill does make some exemptions about who is not deemed a lobbyist. This has been a sham process and the bill is an anticlimax.

Despite receiving more than 200 submissions to the integrity green paper that was published, all we get is four amendments, three of which are already being done in practice. Regrettably, the Premier and her government have totally ignored the submission made by the Clerk of the Parliament to her green paper. The Premier called for public comment on her green paper. The Clerk responded. The Premier has ignored the public advice of the parliament's chief permanent officer. The Clerk made many recommendations. The recommendations included establishing new laws that regulate conflicts of interest in post public sector employment, ethics training, a review of whistleblower protection, a review of disclosure obligations by members of parliament and a strengthening of the process for the making of judicial appointments. The Premier has entirely ignored these concerns. She has contemptuously not responded to this very senior public official, who is in a position to literally observe the abuses of this and the former government.

Additionally, the Premier has totally ignored the very sound advice from other submitters. For example, the Premier has ignored the advice of distinguished academic Dr Noel Preston AM. Dr Preston said in his submission—

In general, the Queensland integrity system, good as it is on paper, requires increased resourcing and a proper emphasis on proactive approaches (rather than reactive ones), always allied to sound and comprehensive education programs, supplemented by ethical leadership from those who head the various branches of government.

That is what Dr Preston said, and it would appear from the Premier's response that she has not even read the submissions. The so-called Integrity Bill pays no attention to these issues. Regrettably, the government's bill is nothing more than a desperate attempt to save face from a Premier and a Labor government that have had a former minister jailed, another embroiled in a sports rort scandal and a trail of former Labor mates under the microscope for unethical and questionable behaviour in their post political life.

In contrast, the opposition has put forward a comprehensive bill that will shine a light on more than a decade of Labor abuse of public office by this government and the government of former Premier Peter Beattie. I introduced into this House the Commissions of Inquiry (Corruption, Cronyism and Unethical Behaviour) Amendment Bill 2009. Tony Fitzgerald, whose speech of 29 July 2009 in Brisbane has been quoted a number of times, said—

Access can now be purchased—

Mr Wilson: Why don't you quote what he said about your lot?

Mr Shine: He wrote a whole report on you!

Mr LANGBROEK: I say to the honourable education minister that this is a quote about this government. He says—

Access can now be purchased, patronage is dispensed, mates and supporters are appointed and retired politicians exploit their political connections to obtain 'success fees' for deals between business and government.

I say to the member for Ferny Grove that that is about this Labor government. Of course, the great hero of Labor, former Premier Wayne Goss, said—

While the accountability mechanisms put in place post Fitzgerald had caught out Gordon Nuttall, the case was a sign of a system where corruption could fester.

He said further—

It is a timely reminder of the risk to the public interest. The result of that recent trial of a minister maybe highlights a system that works but also a culture that is quite worrying.

That is why I introduced into this House the commissions of inquiry bill. My bill will amend the Commissions of Inquiry Act 1950, the principal legislation that governs the establishment of royal commissions in this state. It will amend the Commissions of Inquiry Act to require the Attorney-General to, within 21 days after commencement of my bill, formally advise the Governor to establish a commission of inquiry under the Commissions of Inquiry Act to investigate a large number of matters relating to the executive government of this state since Labor took the treasury benches in 1998.

The bill requires the Attorney-General to choose a person who is or has been for 15 years standing a justice of the Supreme Court of Queensland or is or has been a justice of the Supreme Court of another state or the Federal Court of Australia to be the commissioner of inquiry. The Commissions of Inquiry (Corruption, Cronyism and Unethical Behaviour) Amendment Bill 2009 sets out the matters which the commission of inquiry will be required to examine. In essence, it would see the commission of inquiry examine in detail many of the public controversies that this government and the Beattie government have swept under the carpet in the past decade. Under my bill the commission is to inquire into the following—

- (a) the matters and circumstances that led to, and permitted to continue, the breakdown in integrity and incidences of misconduct in the public sector in relation to the payments received or sought by Mr Gordon Nuttall whilst a Minister, despite the *Crime and Misconduct Act 2001* and the bodies and powers created under it;
- (b) the circumstances and procedures relating to all contracts of Queensland Government departments, or Queensland Government owned or controlled entities or appointments to Queensland Government boards or boards of Queensland Government owned or controlled entities in relation to which Mr Gordon Nuttall had Ministerial responsibility;
- (c) the allegations made by Ms Jacqueline King that she and Mr Scott Zackeresen complained to the office of the former Premier, the Honourable Mr Peter Beattie, in 2002 about misconduct by Mr Gordon Nuttall, and the circumstances surrounding the cessation of their employment allegedly as a result;
- (d) the circumstances that led to Sunsuper Pty Ltd, a superannuation fund with over \$12 billion of funds under management, a substantial portion of which funds are the superannuation investments of Queenslanders, deciding to withdraw \$100 million of the funds from the management of Queensland Investment Corporation and place those funds under the management of Trinity Property Trust ('Trinity'), or a Trinity-related entity, and the coincidence of the payment by Trinity, or a Trinity-related entity, of \$1m to Mr Ross Daley (or his company Veritate Pty Ltd), the then senior executive of the political lobbyist Enhance Group, and any other person;

Government members interjected.

Mr LANGBROEK: It goes on—

- (e) the dealings between Ministers, former Ministers, ministerial staff, former ministerial staff or persons exercising delegated authority on behalf of the Queensland Government, or Queensland Government owned or controlled entities, with lobbyists concerning access to government, the grant or withholding of approvals, the awarding of tenders, the entry into contracts and other decisions—

I note the silence from the other side now. They are embarrassed because they would not want to have all of these details revealed. The small details that have been revealed in the public realm have given no reassurance to the people of Queensland at all. It goes on—

- (f) the relationship between members of the Queensland Government and persons who have been appointed to the judiciary or magistracy by Labor Attorneys-General between 1998 and 2009;
- (g) the termination of the employment of Mr Scott Patterson by the Labor Government and the failure of the Crime and Misconduct Commission to adequately address matters raised by Mr Patterson;
- (h) the adequacy of the following legislation and government policies, with a view to advising on a coherent, uniform, consolidated and harmonised scheme for stipulating standards of conduct and supervising the integrity of government business in Queensland—

Then there is a number of acts listed including the Auditor-General Act, the Electoral Act and the Financial Accountability Act 2009. Of course there is the final one—

- (i) any other matter raised with the commissioner during the commission of inquiry that the commissioner considers worthy of investigation for the purposes of the inquiry.

My bill will see these issues brought out into the open and a new-found transparency in the government of Queensland. My bill will see the sunlight shone on these and other matters which compromise the public confidence on how the current executive government has handled the levers of power for over a decade.

It is regrettable that we have had to introduce this bill. The government could have averted this necessity. The government could have been more open and transparent about the decisions and processes it has undertaken over many years, but the Labor Party has chosen to protect its mates.

The road to reform is long. The need to stay ever vigilant to the breaking down of probity and integrity under the Westminster system of parliamentary government is always with us. Commissioner Fitzgerald showed us the way more than 20 years ago and recently, as I just showed in my quote, Tony

Fitzgerald has called this government to account on the backsliding that has occurred in this state over the past decade.

We owe it to each and every Queenslanders to continue on the road to reform and be ever vigilant of an executive government that is unaccountable, riddled with cronyism and unethical behaviour. Only one bill being debated today will set us on the road to reform.

The Premier would have Queenslanders believe that her meek and minuscule and so-called Integrity Bill will correct the errors of her government. As all Queenslanders know, only sunlight and transparency will set us on the path to probity and integrity. Queensland desperately needs a commission of inquiry to lift the lid on the Beattie and Bligh governments' arrogant and unethical conduct.

My bill is a comprehensive bill. It goes to the heart of public accountability in this state. It establishes a wide-ranging and comprehensive jurisdiction to examine defined matters and structural problems that our system of government needs to have fixed. My bill would create a dignified, authoritative and thorough forum for the public ventilation of the abuse of the treasury benches by the Labor Party and the sober examination of the road to reform. In contrast, the government's bill confirms already existing practices and does very little to improve public accountability in Queensland. The Premier has failed to provide any real road map to reform the integrity of government in this state. I encourage honourable members to support my bill. I commend the Commissions of Inquiry (Corruption, Cronyism and Unethical Behaviour) Amendment Bill 2009 to the House.

Ms Bligh: Hasn't got one shred of evidence. Twenty minutes and still not one shred of evidence—not one.

A government member: Didn't even finish his time.