



Speech by

Lawrence Springborg

MEMBER FOR SOUTHERN DOWNS

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CRIMINAL CODE AND OTHER LEGISLATION (MISCONDUCT, BREACHES OF DISCIPLINE AND PUBLIC SECTOR ETHICS) AMENDMENT BILL

Mr SPRINGBORG (Southern Downs—LNP) (Deputy Leader of the Opposition) (2.52 pm): I rise following the Leader of the Opposition to add my in-principle support to the amendments which we are debating today. However, they certainly are not the be-all and end-all. There are a number of deficiencies in the legislation which is before the parliament. The Leader of the Opposition has certainly eloquently outlined those deficiencies. We really have to look at the motivation of this government in introducing this legislation with such deficiencies. Even though the amendments are generally welcomed, there are many things that have been overlooked and have not been put into this legislation for one reason or another.

This morning when we were given an indication of the legislation to be debated I believe this bill was No. 11 on the list. It appears that it was even news to the Attorney-General, who did not introduce the legislation into the parliament but who has carriage of the legislation in the parliament, that this was going to come on for debate today. As the Leader of the Opposition clearly outlined, the fact that there had to be a rushed briefing on this legislation is another indication of the ramshackle mess this government is in as it goes about reacting to the spin cycles, the media cycles of the day rather than having a good framework for debating legislation that will enhance the laws of this parliament. It has been rushed on, otherwise we would have been notified of it much earlier this morning. As has been indicated—and I will come to this in more detail in a moment—there is a range of deficiencies which will have to be addressed down the track or even, as the Leader of the Opposition pointed out, later today through amendment.

There is no doubt that this government is in an absolute panic. This government is in an absolute mess over the perception and the reality of the stench of corruption which permeates right to the very core of the Labor Party and the very core of the government in Queensland. I take the people of Queensland and members of parliament, particularly those opposite, back to the opinion poll which appeared in the *Sunday Mail* last weekend. The people of Queensland who were surveyed were asked about their perception of this government, their perception of the Premier, her standing and what she is saying. Some 65 per cent of the surveyed Queenslanders—that is just shy of two-thirds of the surveyed Queenslanders—actually said that they believe that the Labor government in Queensland under Anna Bligh is corrupt and full of nepotism. That is what 65 per cent of the surveyed Queenslanders actually believe—that the Labor government under Anna Bligh is corrupt and full of nepotism.

The other thing which we need to consider and which should be of concern to members opposite—but of course they have been in government for over 11 years now—is that they do not believe that they actually need to listen. Their mouths have grown larger and their ears have become smaller during the 11 years that they have been in government. Some 61 per cent of the people in Queensland who were surveyed in that significant poll said that they do not believe that Anna Bligh is capable of fixing or interested in fixing the problems of corruption and nepotism in the Labor Party in Queensland. That is what the people of Queensland actually believe.

It is interesting to cast our minds back to four months ago when we had a rushed election in Queensland. The election was not actually due until next month. It was not due for another five or six weeks. What is also feeding this scepticism in the electorate is this very firm belief that this Premier has hoodwinked the people of Queensland. There was a deliberate act of betrayal. This Premier actually hid so many things from the people of Queensland, whether it be this government's unbelievable act of duplicity in the introduction of a fuel tax which impacts on the battlers of Queensland disproportionately—those people that Labor says it actually represents and does not; represents in rhetoric but not in actions—or the deliberate withholding from the people of Queensland of the fact that it was going to sell off the very valuable and well-established assets of this state that date back 150 years. I refer to the rail lines that were laid down in the very early foundation days of Queensland, not to mention the forestry corporation, the ports and a range of other things that this government plans to sell off. If an election had been held at the proper time then the people of Queensland would have had a chance to properly judge and scrutinise this government. It is also very obvious when it comes to the issue of official misconduct, corruption, cronyism, collusion and nepotism in the Labor Party that this government knew the negative fallout that would occur after the successful prosecution of Gordon Nuttall, which concluded while the parliament was out of session. That is why the government did what it did. It is in an absolute panic.

What those opposite are now doing is borrowing a leaf out of the Peter Beattie book, quite frankly; that is, do not fix a problem, run around in a mad tizz and make it look as though it will be fixed. Run around in a mad tizz and sprout grandiose words like, 'That is in the past' and 'That is nothing to do with us'. They want us to forget the fact that they have sat around the cabinet table with Gordon Nuttall and Merri Rose, sat over there with Bill D'Arcy, Jim Elder, Grant Musgrove, Mike Kaiser, Liddy Clark and it goes on. We have to forget about all of that and believe that none of that actually rubbed off. A lot of that has actually rubbed off because it is at the heart and core of the operation of the Labor Party in Queensland. It is in their DNA. We have to be very concerned when we heard the white knight of the Labor Party from 1989, Wayne Goss, say the other day quite clearly and quite concisely that he is seeing things now that concern and worry him. He says that there is a growing trend towards inappropriate conduct and corruption in the government. He actually related that to the longevity of government.

That is what Wayne Goss thought. The other thing which the likes of Tony Fitzgerald raised—something which this government does not want to talk about—is the fact that the government stands in here and talks about how it is going about creating an environment of openness and accountability and that it is putting all of these mechanisms in place to sort all of these things out. However, Tony Fitzgerald alluded to the incremental and quite significant winding back of the Fitzgerald reforms—those reforms that grew out of the Fitzgerald commission of inquiry, which was set up in 1987 and concluded its findings some two years after that, and in particular the recommendations associated with the establishment of the then Criminal Justice Commission which then became the Queensland Crime Commission and the CJC, which is now the Crime and Misconduct Commission—in terms of the capacity of the CMC in Queensland to be able to independently and properly investigate complaints against departmental officers. That has now been funnelled off to an internal process within the department. That was something that Tony Fitzgerald referred to—the Beattie government's winding back of reform—and there have been a number of other examples.

There is the attack on Queensland's original freedom of information legislation introduced by Dean Wells when he was Attorney-General in Queensland. That was good legislation and full credit to him. However, it has been incrementally wound back by successive governments over the years. It has now returned in a different manifestation and hopefully is not going to be wound back again. So those opposite should not jump up and down and say that they are all virginal white and absolutely chaste when it comes to the issue of being above reproach. I have already pointed out a number of people who have been to jail—people who were very senior in the Labor Party—and the fundamental winding back of legislation in Queensland which was about ensuring accountability.

As the Leader of the Opposition said a moment ago when talking about official misconduct, corruption, probity and being above reproach, it is about time that the government started practising what it preaches. There are so many examples of where it has introduced legislation in this parliament which may have been designed politically to give the impression of accountability, openness and honesty yet it has not been able to jump through its own hoops or even reach the high bar it itself has introduced. The most recent example of that relates to funding disclosures when it comes to electoral donations, and we need to bear in mind that those reforms passed through the parliament in August last year and were backdated to June last year in an attempt to drive away donors from the LNP. Who got caught in it? The Labor Party! It could not jump through its own hoops. The first ones who were caught were the Labor Party and the CFMEU relating to \$225,000 worth of donations which were not disclosed within the 14 days but were actually disclosed three months after they should have been disclosed. That is the Labor Party and its commitment to probity and accountability in Queensland. It cannot even jump through its own hoops.

Again, if those opposite want to practise what they preach in terms of dealing with the issue of official misconduct in order to restore the public's confidence in the way that this parliament operates and

the way the community views parliamentarians, the first thing one should do is come into this parliament and reinstate the laws that make it illegal for members of parliament and witnesses before the parliament to perjure themselves before this place—a law which has existed since Sir Samuel Griffith and has grown up through the Criminal Code over 100 years ago and indeed since the 1890s. We have heard from the Attorney-General and the Premier that we were the only parliament in Australia that had that, so that was justification to take away the crime of perjuring oneself before the parliament. Indeed, the West Australian statute still has that on its books. If that did not give a green light to public officials and ministers who were predisposed towards engaging in corruption and official misconduct, then I do not know what would!

Earlier today when asked a question as to whether he still now believes that Gordon Nuttall is the greatest person on earth after he gave him a glowing character reference in December 2005, the Deputy Premier said, 'We've all made a mistake. Let's forget about that. We didn't know. We didn't know.' The simple reality is that a great big mistake back then was what they used to completely do away with a 110-year-old statute which was put there to guard against those people who perjured themselves before parliament. So if it was a mistake to stand and exonerate him and to use that as a precursor to take away that particular statute, then surely it should stand to reason that we should put that section back into the law in Queensland to reinvigorate public confidence in the parliamentary system and members of parliament in particular.

We also have a Premier in Queensland who does not even know what a pecuniary interest is. So is it any wonder that we do not have consistency in the application of the legislation in Queensland where the parliamentary ethics committee in this state said that the Premier had erred in not declaring her stay at Ros Kelly's house—a friend—only last year at a time when Ros Kelly was on the board of a major company which was bidding for Airport Link? If we have a Premier who does not understand that—advertently or inadvertently—then surely that is something which goes to the core of the DNA of the Labor government in Queensland. Again, this Premier says when asked about applying Peter Beattie's famous eyeball test that her eyeballs are as stern and as strong as Peter Beattie's. I can tell you: when she gets her ministers in and eyeballs them, it is more of a wink than a castigation or a deterrent. It is more of a wink—'Don't worry about me. It'll be all okay. Don't worry about me'. 'I'm only going through this,' the Premier says, 'because I have to.' The eyeball test has failed so many times.

Specifically on some of the aspects of this legislation where it is deficient and it will need to be dealt with, and I note that the—

Mr Lawlor interjected.

Mr SPRINGBORG: It is behind the whole basis of the legislation and the inconsistency in the government's approach when it comes to dealing with official misconduct and corruption in Queensland in this the Labor mate state, and have we not had a plethora of them? It has been billed today as the conga line of Labor mates all lining up now to suckle off the taxpayers' teat. That is what we have in Queensland.

Where this legislation is quite deficient and gives an indication of how it has been quite ramshackle is the fact that amendments can come into this place that give the capacity for the Premier to refer other members of parliament, more particularly those members of the opposition, to the Integrity Commissioner. This would open up this particular process of the Integrity Commissioner to political interference and political bastardisation. That is what will happen. I do welcome the fact that, now that this has been brought to the attention of the government, the government has to amend the amendment which it has brought before this parliament. That is something which should have been addressed in the original drafting of the legislation.

The Integrity Commissioner process is very important in this state. It is important for members of parliament to be able to have the advice of the Integrity Commissioner. Previously, or prior to the passage and the assent of this legislation, it only applied to members of the government and to those members who were on parliamentary committees. It did not apply to opposition members or the Leader of the Opposition or opposition members who were not members of parliamentary committees. Therefore, it is important that members do have the opportunity, if they believe that there is an issue of integrity or conflict of interest, to go before that commissioner. Certainly, I welcome the fact that there is going to be an amendment to the amendment.

There are some things in this legislation that, on the surface, should make the operation of government better and should make the operation of departments better, particularly where it says that there is an opportunity to refer and take into consideration previous serious issues relating to a public servant, and it might have been discipline for official misconduct charges. That is fine. There is no particular issue whatsoever with that. In fact, that is quite sensible and that is portable across government, except it is only portable in some ways, because, whilst we continue to exempt government owned corporations from the full scrutiny of the CMC in Queensland, we are only dealing with one aspect of this.

As Robert Needham, the chairman of the CMC, said the other day, GOCs should be able to be scrutinised by the CMC. There is a very good reason for that. In many ways these organisations are neither fish nor fowl. They are supposed to operate as companies, but they also have to adhere to the

direction of the government and the minister of the day. They are an entity of the Queensland taxpayer. Therefore, in so many ways they are open to corruption, to official misconduct and to Labor Party mates being appointed to them, as we have seen in very many cases. GOCs are open to the same issues as other public officials. Therefore, they should be open to the same amount of public scrutiny that applies to other entities by the CMC being allowed to take charge. That would allow the consideration of proven charges of official misconduct in a GOC to be taken across to other entities of government.

Whilst I am on that topic, we should not necessarily confine such scrutiny to government. If we are going to be appointing people to work for the government and to give a decent service to the people of this state, then maybe there should be an opportunity for those people who have come from the private sector to disclose if they have been disciplined for behaviour or indiscretion that would be broadly considered to be official misconduct if they occurred within the government sector. Otherwise, we could be taking on board somebody who might already be predisposed towards a certain course of activity, or a certain behaviour, which we certainly would not welcome within government. I encourage the government to consider that as a part of any amendments further down the track.

The government holds up Tony Fitzgerald as a god. He is very highly thought of by the government when it suits them, but it also dismisses his recommendations. Recommendation 3.5.4 of the Fitzgerald report titled 'Special Appointments' recommends that Opposition shadow ministers be consulted when it comes to special appointments, such as DGs and even their immediate subordinates. Why is that recommendation not in this legislation? Maybe it is not in this legislation because the Premier does not want to open up to public scrutiny the sorts of things that we have seen, such as her appointment of her own husband to a specially constructed position in Queensland without merit based selection and without advertising. The Attorney-General is not interested in accountability. If he were serious about amendments, the recommendations out of the Fitzgerald inquiry would be the amendments he puts in place.

(Time expired)