



Speech by  
**Ros Bates**

**MEMBER FOR MUDGEERABA**

Hansard Tuesday, 4 August 2009

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

**Ms BATES** (Mudgeeraba—LNP) (3.38 pm): I rise today to make a contribution to the Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Bill 2009. The bill seeks to amend the Crime and Misconduct Act 2001 to allow the Crime and Misconduct Commission, the CMC, to lay charges against a former public servant and former police; the Misconduct Tribunals Act 1997; the Police Service Administration Act 1990; the Public Service Act 2008; and the Public Sector Ethics Act 1994.

The purpose of this legislation is to implement the recommendations of the CMC to introduce a new offence of misconduct whilst holding a public office and to extend this to encompass misconduct of public servants who attempt to avoid punishment by resignation. The bill is designed to extend the operation of disciplinary actions that can be taken against a person holding a public office.

The bill amends the Criminal Code to include a new offence of 'misconduct in relation to public office' to prohibit any public officer from abusing their office to dishonestly obtain a benefit for themselves or another, or cause a detriment to another, or to use any information gained because of their former position to dishonestly gain a benefit or cause a detriment.

The bill also seeks to amend the Crime and Misconduct Act 2001 to allow the CMC to lay disciplinary charges for official misconduct against certain Public Service officers and members of the Police Service whose employment in the public sector has ended. It amends the Misconduct Tribunals Act 1997 to extend the jurisdiction of the misconduct tribunal to include certain Public Service officers and police officers whose employment in the public sector has ended.

The bill also includes amendments to the Police Service Administration Act 1990 to enable disciplinary action to be made against former police officers who resign, retire or otherwise cease employment following serious breaches of discipline or misconduct; to require persons who apply to become members of the Queensland Police Service to disclose any previous serious disciplinary finding made against them in their previous employment in the Queensland Police Service or any other Queensland public sector agency; and to enable the Commissioner of Police to obtain disciplinary information about a person who has been previously employed in the Queensland Police Service or any other Queensland public sector agency.

The bill seeks to amend the Public Service Act 2008 to enable disciplinary action, in the form of disciplinary declarations, to be made against former Public Service officers whose employment in the Public Service ends, following serious breaches of discipline or misconduct; to ensure that disciplinary action can be initiated and continued against officers who move to another department; to require people who apply for Public Service positions to disclose any previous serious disciplinary action taken against them in previous public sector employment, including the Queensland Police Service; to enable chief executives, in determining a person's suitability for appointment, to obtain disciplinary information about a

person who has been previously employed in the Queensland public sector, including the Queensland Police Service; and to provide that the Office of the Integrity Commissioner is not a statutory office holder who may be removed from office by the Governor in Council under the Public Service Act 2008.

The bill also seeks to amend the Public Sector Ethics Act 1994 to provide that all members of the Legislative Assembly are considered a 'designated person' under the act and are able to seek the Integrity Commissioner's advice on conflict of interest matters involving themselves.

The Liberal National Party has previously called for an extension of the operation of official misconduct in the wake of the Bundaberg Hospital scandal and the Flavell employment contracts scandal. The Liberal National Party has considered extension of the role of the Integrity Commissioner so that it covers all parliamentarians. In the wake of recent events with the imprisonment of yet another Labor government minister and the smoke and mirrors that this Labor government has engaged in over recent days, the LNP hopes that these amendments are enacted sooner rather than later.

The main purpose for rushing through this legislation is for the Bligh government to cover its own tracks and to make the general public think it is serious about cleaning up its own corruption. We have seen this in the past with the Beattie government and now we smell the same stench of corruption which permeates through to the very core of the Bligh administration. Sixty-five per cent of the people of Queensland are not fooled, and the polls clearly show that they believe that Premier Bligh and her government are not to be trusted or believed. Nothing short of a royal commission will expose the corruption of this government, and Queenslanders deserve nothing less.