



Speech by

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MEMBER FOR KAWANA

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MINISTERIAL AND OTHER OFFICE HOLDER STAFF BILL; INTEGRITY REFORM (MISCELLANEOUS AMENDMENTS) BILL; PUBLIC INTEREST DISCLOSURE BILL

Mr BLEIJIE (Kawana—LNP) (3.51 pm): I rise to contribute to the cognate debate on the Ministerial and Other Office Holder Staff Bill, the Integrity Reform (Miscellaneous Amendments) Bill and the Public Interest Disclosure Bill before the House today. For ease of reference and so as not to confuse my learned colleagues opposite, I will speak to each bill separately. I will start with the Ministerial and Other Office Holder Staff Bill. It is prudent that the issue of political influence over the Public Service is debated in the House today given the recent CMC investigation into an alleged sports rort pork-barrelling by the office of the former sports minister, the member for Sunnybank, in July 2008.

The role of departmental staff is to firstly serve the interests of the public as opposed to the interests of the government. Any advice given or action undertaken by departmental staff should always be impartial and carried out with full objectivity rather than the classic 'Yes, Minister' response from the popular television show of the same name. The role of all ministerial staff is to serve their respective minister. Any direction or exercise of power reserved for the minister with respect to his or her department portfolio must be treated with honour and respect for the position that the ministers should always carry. It is not something to be acted upon by a ministerial staffer or adviser who has not been appointed to such a high office of which such reservation is attributed. Clause 15 of the bill seems to be as a direct result of the CMC investigation into the alleged actions of Mr Tutt, yet the clause is contradictory in nature as it is subject to a direction of a ministerial staff member and then in another section that same ministerial staffer can give a direction to departmental staff if they are acting on behalf of a person who may lawfully give a direction. There needs to be a clarification and prescriptive processes for establishing a ministerial staffer's authority for giving such a directive so that a public servant can make the distinction as to whether the direction is one that the ministerial staffer is able to make in the first instance.

If the government was serious about restoring integrity back into the system, then it could potentially create offences for a ministerial staffer to give a ministerial directive to a Public Service employee. Under this bill, ministerial and opposition staff are recognised as separate to the Public Service, as should be the case. But if one looks more closely at the detail of the bill, one sees that there are no changes to the employment conditions of the staff which indicates that this is an act of mere tokenism rather than any restoration of integrity into the current system. The bill states that ministerial staff will be appointed on the recommendation of the Premier and not of the relevant minister. This begs the question of loyalty and accountability of the respective minister's office. The eminence of factionalism within the Labor Party suggests that the office of the Premier is using the system to monitor her ministers to ensure that her position as leader of the Labor Party is not undermined by the numbers in the centre and Right factions of the Labor Party. The Premier is running scared that the faction leaders of the Labor Party will replace her as Premier in the same way as the federal leader was replaced.

Mr Watt interjected.

Mr BLEIJIE: I take the interjection from the member for Everton. One certainly does not need to sit in caucus to notice what happens. One only has to pick up any of the newspapers to see some of his own backbenchers telling us all what happens in caucus.

I will give the House a classic example of this Premier taking responsibility of ministerial staff in terms of an issue that I have been dealing with at the Montessori school in Sippy Downs. There has been an issue at that school on which we briefed departmental staff. The adviser to the minister was present. A month later we had not heard anything. We then wrote again to the minister. That ministerial staffer had been sent to another minister's department. I then had to again bring representatives from the school down to again brief the minister's department, and now we are on the third or fourth ministerial adviser. It is increasingly hard to deal with the tough and heavy issues in our constituencies when one books an appointment with a minister and spends quite a considerable amount of time briefing the minister's department and then without any notice there is a new departmental staff officer or policy adviser to the minister who has to be briefed all over again. That issue with regard to Montessori school started several months ago and it is ongoing because we are now on to our third or fourth ministerial adviser whom we are briefing at the moment.

The government's attempt to enact more integrity and accountability into the current system juxtaposes its longstanding attitude of jobs for its Labor mates and is as a result of the degradation of Public Service impartiality and political neutrality. Clause 17 of the bill applies public sector ethics under the Public Sector Ethics Act 1994 to ministerial and staff members. When applying these ethics, it is important to recognise the political function of these officers and staffers and the adversarial system in which we operate. Given this, the office of the Premier and the Office of the Leader of the Opposition should be differentiated in terms of a code of conduct and general staff demeanour. Opposition staff are and should be accountable to the Leader of the Opposition, not the office of the Premier. The Office of the Leader of the Opposition should be accountable to a completely separate office such as the Queensland Parliamentary Service rather than the Premier's office. There needs to be a clear distinction between the Public Service and ministerial offices and any dealings between the two need to be conducted in a far more transparent manner. The bill before the House does not do that.

This is another example of a government that is all talk and no action. The only substance is the washing powder, and it is on a revolving spin cycle. Queenslanders need to be able to have faith that their Public Service is acting impartially in their collective best interests and not at the behest of a particular political party that is the government of the day. The Integrity Reform (Miscellaneous Amendments) Bill is another example of this government's slogan of all talk and no action, and would anyone in Queensland believe that it is the Labor Party introducing bills into this place that contain the word 'integrity'? Queenslanders would not believe it. Queenslanders understand that any bill introduced into this parliament by the government—the Labor Party—that contains the word 'integrity' is of course a way of circumventing the issues facing many Queenslanders at the moment. Again, this government is all talk and no action. It is saying, 'Look at us, Queensland. We're doing stuff. We're introducing bills on integrity and accountability in parliament. We probably don't believe any of it, but we're still introducing it anyway. It makes a good headline.'

The bill amends several acts of which I will make mention of but a few. The amendments to the Auditor-General Act 2009 contained in the bill create an obligation for the Auditor-General with respect to making declarations of interest. The Auditor-General's declaration of interest will now be subject to overview not only by the Speaker of the parliament but also the Integrity Commissioner. Instead of looking for appropriate ways in which the office of the Integrity Commissioner can be expanded to promote Queensland public sector integrity and ethics, as the Bligh government purports to do, we have here a mere duplication of reporting procedures to multiple officers. A similar amendment is proposed for the Ombudsman Act 2001 with respect to the disclosures of interest of the Ombudsman. These amendments are another example of spin by a government to bring about integrity and accountability to the system, but they are nothing more than a further bureaucratic process that is more costly and far more timely.

The bill also amends the Civil Liability Act 2003 by allowing apologies to be made without being taken as an admission of legal liability. This amendment is a farce for any process of public accountability by the government. The government has a record of going broke on the back of a mining boom, losing its AAA credit rating, having a huge public debt, holding a fire sale of Queensland assets and making one stuff-up after the other. I would like to reiterate the points made by the honourable the Leader of the Opposition in relation to some of the major stuff-ups. One, of course, is the big Traveston Dam debacle. Another is the South East Queensland Water Grid, including billions of dollars wasted on a desalination program and recycled water programs. There is also the Health payroll system, which has still not been fixed, the A1GP debacle that occurred last year, which should have cost the job of the Minister for Sport, and the list goes on. This legislative amendment is designed specifically—

Mr Reeves interjected.

Mr BLEIJIE: I take that interjection. Madam Deputy Speaker, correct me if I am wrong, but we are talking about integrity in the offices. I would have thought that ministerial integrity would form some basis of this debate. This legislative amendment is designed specifically to allow the government to try to cover up its mistakes, of which there are many—too many to detail in 20 minutes—with a simple apology and no particular admission of guilt. This government is not about taking responsibility for its actions and for its mistakes; it is all about trying to save face in reaction to continual poor opinion polls. This amendment does not apply in the case of defamation, an unlawful intentional act or an unlawful sexual assault. Clearly, an apology carries with it some form of implication of guilt and responsibility and is not something that should be trivialised. By introducing this tokenistic amendment of an apology without responsibility, the government is trying to cover its tracks and trivialising the effect of what an apology means.

One major amendment in this bill should have every Queenslander concerned, and that is the amendment to the Government Owned Corporations Act 1993. The bill removes assets of government owned corporations that are being privatised from the jurisdiction of the Crime and Misconduct Commission Act 2001. The question to be asked is: why the amendment? What is the intent behind this amendment? Such an amendment would be required only if the government had something to hide. Obviously, from this amendment the government does. From the outset of the asset sales, the government has deceived the people of Queensland, and hiding this amendment in a bill titled 'Integrity Reform (Miscellaneous Amendments) Bill' is another act of deception.

I put it to this parliament that the members of this state Labor government are certainly the Decepticons of the Transformers' world—continually trying to transform into something else, presenting a facade of accountability, integrity and honesty. But the result will always be the same. The government members will always be the Decepticons. Including this amendment in the Integrity Reform (Miscellaneous Amendments) Bill does not mean that the amendment will have anything to do with integrity reform at all. In fact, it removes accountability with respect to the sale of the assets. The government is so determined to proceed with the sale of the assets regardless of the views of the public that it is trying to sell this amendment as a part of its so-called integrity reform. Again, that is another rort on the part of the Bligh Labor government. I know that I have used the word 'spin' a few times already today. I have said that the only substance in this spin is the washing powder, but it is precisely what it is: spin, spin and spin. When it comes to the polls, I say to all members on the government side of the House who have a margin of possibly seven per cent or less that there is no reverse on this spin-cycle washing machine.

The bill also amends the Public Service Act 2008 by removing the requirement to obtain an agreement by the parties prior to an appeal for it to be decided without a hearing. That means that appeals may be decided without the parties being afforded the full opportunity to be heard. Again, such an amendment should not be included in a bill purporting to be focused on integrity.

The Public Interest Disclosure Bill deals with the public interest disclosure requirements and any information that is brought to the attention of the public sector agency. The amendments require the individual agency to notify the complainant in writing as to what action will be taken. I table for the information of the House two copies of letters from the Ombudsman, Mr David Bevan, with a c.c. copy to the Law, Safety and Justice Committee. I point out to the House that the two letters have been authorised for release by the Law, Safety and Justice Committee and, therefore, do not breach the standing orders.

Tabled paper: Letter, dated 24 May 2010, from Mr David Bevan, Queensland Ombudsman, to Ms Margaret Allison, Commission Chief Executive, regarding comments in response to the proposed legislative amendments to the Public Sector Ethics Act 1994 and the reform of the Whistleblowers Protection Act 1994 [2951].

Tabled paper: Letter, dated 2 July 2010, from Mr David Bevan, Queensland Ombudsman, to Mr Jeff Loof, Acting Commission Chief Executive, regarding the second consultation draft of the Public Interest Disclosure Bill 2010 [2952].

In the letter dated 24 May 2010, where the Ombudsman is talking about the Public Interest Disclosure Bill, I highlight the following—

If that is the case, as an officer of Parliament, independent of the executive government, I am strongly opposed to any proposal that the Public Service Commission be given jurisdiction to review and monitor the way in which my Office carries out any of its functions, including its function of dealing with PIDs (either individually or generally) that may be made to it under the Public Interest Disclosure Act.

...

Similarly, I am strongly opposed to the Public Service Commission being given jurisdiction to direct the way in which my Office is to perform its functions under the bill by way of imposing binding standards on my Office.... Again, it is an inappropriate interference with the functions of an independent officer of the Parliament.

Talk about accountability and integrity! We have these letters from the Queensland Ombudsman. He then goes on further in his letter of 2 July 2010—

However, as it is clear that the government has not accepted my submissions, I will not reiterate here why I consider my proposal to provide a more effective model.

Therefore, the Ombudsman limits his comments to concerns that he raised in his letter of 24 May. I table a copy of the letter and note that the tabling of those letters, as committee correspondence, has been approved by the Law, Safety and Justice Committee.

When it comes to transparency, this government clearly falls short of the mark. An example of this falling short is an amendment that provides that the disclosure to a journalist—

Mr Watt: Are you going to refer to the Premier's reply? Are you going to be transparent?

Mr BLEIJIE: I take the interjection from the member for Everton and note that the response to which he refers has not been authorised for release. Therefore, under the standing orders I will not speak about it in parliament, because then I would be breaching standing orders. I certainly do not want the member for Everton to accuse me of that because no doubt he would be the first one to pop up from his little chair and squeak the words, 'You have offended the standing orders. You are referring to parliamentary committee documentation that has not been authorised for release.'

As I said, when it comes to transparency, this government clearly falls short of the mark. An example of this falling short is the amendment that provides that disclosure to a journalist will be legal only if the public sector entity does not notify the complainant within six months of the complaint. A period of six months is far too long. When you consider the issue of the Queensland Health payroll system, six months is too long. In certain cases, such as the Bundaberg Base Hospital situation, six months is too long.

Today, we have heard of instances where whistleblowers have lost their jobs as a result of bringing to the attention of the public the maladministration of this government. It is such a shame that the government is so adamant about saving face and covering up its mistakes and failures that people risk losing their jobs if they speak out against it. The bills that are before the House today as part of the Premier's so-called integrity reform are, in fact, nothing of the sort. Queenslanders will never forgive this government for the deceitful way in which it went to the election in 2009 with no mention of privatisation and then, once it was elected, it introduced the privatisation of five of Queensland's largest assets, all in the name of the global financial crisis as if it had happened overnight. Although the Premier claims that her government will listen to the will of the electorate, her continual defiance of the public's attitude towards asset sales is a true indication of her real position.

In closing, I will paraphrase a true classic from the recent federal election campaign: with a bandaid here and a bit of spin there, more talk, no action, here we go. Look out Queensland, Labor's a failure with the same old Bligh slide show. On that note, I say thank you.