Speech by

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

Mr LANGBROEK (Surfers Paradise—LNP) (Leader of the Opposition) (12.42 pm): Today we are to debate cognately the Ministerial and Other Office Holder Staff Bill, the Integrity Reform (Miscellaneous Amendments) Bill and the Public Interest Disclosure Bill. Of course, this is the government's latest attempt to cloak itself in righteous garb and convince the people of Queensland that it is not the duplicitous, manipulative government that is now supported by only 29 per cent of the Queensland electorate. Even the true believers—

Mr Fraser: You think you've already won, don't you? The old arrogance and hubris has descended on you.

Mr LANGBROEK: No, it is just a fact that 29 per cent of the Queensland electorate supports this ALP government.

Government members interjected.

Mr DEPUTY SPEAKER (Mr O'Brien): Order! We are 30 seconds into the member's speech. The House will come to order. The Leader of the Opposition has the call.

Mr LANGBROEK: Even the true believers of the trade union movement know that this government has betrayed the principles on which the Labor Party was founded. They know that this government and this Premier will do and say anything and betray anyone in their desperate attempt to cling to political power. This toxic Labor government's trademarks are deceit, deception and dishonesty. Perverting the facts is the stock-in-trade of the Labor government. We have had nearly two decades of trickery perpetrated by a Labor cabinet of charlatans, pretenders and fools. Warwick Capper has more credibility than this toxic long-term Labor government when it comes to integrity. We have endured years of ministers appearing in courts and inquiries and even serving time in jail, but now that Queenslanders are polishing—

Mr Fraser: Who writes this undergraduate stuff? Who writes it for you?

Mr LANGBROEK: The Treasurer loves talking about undergraduate stuff. He is such an expert at it because of his recent experience of it. Now that Queenslanders are polishing the baseball bats waiting for the next election, those opposite come to this parliament with a grab bag of disjointed propositions. This comes from a group that made it legal to tell untruths to a parliamentary committee, and this bill does not fix that. Ultimately, that is the test for this government and it is one that it has failed. Labor changed the law to protect Gordon Nuttall, Labor made it legal to tell untruths to parliament and now Labor is flagging changing the electoral laws to try to stay in government. The contents of this bill are small beer by comparison, as we are faced with a Labor government that will contort and twist the laws in this state to protect its own or to stay in power.

Let me turn now to a consideration of the bills in detail. The Ministerial and Other Office Holder Staff Bill 2010 is part of the government's attempt to create the image that it is doing something about the smell of corruption that has surrounded it for years. In particular, this bill is a reaction to the activities of a ministerial adviser about whom the CMC conducted public hearings in November and December 2009. There were accusations of directing a public servant to ensure that money to support a rugby club was provided from moneys being made available to the Queensland Rugby Union. Notwithstanding that, from a leak in today's *Australian* newspaper, no-one is to face any criminal charges from the CMC inquiry, it is clear that the disclosures during those hearings—of the way in which Labor apparatchiks have abused their role by directing the Public Service to take actions favourable to the ALP and against the opposition—have embarrassed the government into taking this action. It is clearly arguable that this bill represents an attempt to ameliorate any adverse impacts from the CMC report.

However, what the government has done in this bill, as I will demonstrate, does not constitute a cure for the cancer that the actions of Labor operatives have been on the Public Service of Queensland. The bill will not protect the Queensland Public Service from bullying and improper directions being given by Labor Party factional operatives. This bill seeks to have ministerial and opposition office staff employed under this specific bill rather than, as currently applies, under the Public Service Act. Is the government planning to effect any real change in the terms and conditions of those employees? The answer is no. Why, then, is this bill being introduced? It is nothing more than an attempt to be seen to be doing something.

Part 2 of the bill provides for the employment of advisers who are now to be termed 'staff members'. It is interesting to note that clause 6 of the bill makes it clear that in ministers' offices the staff members are appointed on the recommendation of the Premier and not the minister concerned. In the faction ridden world of the Queensland ALP, that means that a minister not of Premier Bligh's faction will have a spy in their office reporting directly back to the Premier. I bet 'Big Bill', who assured the Premier she still has his backing probably in the same way he backed 'Kevin 07', will be conditioning his continued support for the Premier on the basis of having his AWU acolytes placed in ministerial offices such as that of the good Socialist Left member the member for Stretton.

It is also interesting to note that, as at present, staff are to be formally employed by the chief executive of the Premier's department. While this might be acceptable if the Premier had an apolitical chief executive, the actions of the current incumbent in that position indicate that there is a real risk of a potential abuse of power in that regard, at least by the Premier's current chief executive.

The Premier's current chief executive has based his career in the Queensland public sector on following the interests of the Premier and her Left faction. To suggest that he is in any way impartial in the manner of the traditional Public Service is to deny reality. How interesting to note in the *Weekend Australian* the criticism of the Premier's director-general by Dr Ross Fitzgerald, that great supporter and confidant of former Premier Beattie.

This situation highlights yet again why democracy in Queensland continues to remain at the threat of a long-term entrenched government that will do anything to maintain itself in power. It is quite wrong that an identified supporter of the government should continue to have a say on issues such as the employment of opposition office staff. As the opposition has observed in connection with the overturning of the traditional rules for opposition advertising, this director-general acts in a partisan and political manner to protect this Premier from legitimate criticism.

All decisions as to the employment of opposition staff and indeed all supervision of opposition expenditures must be removed from the oversight of the director-general and placed in the hands of an independent and impartial authority, such as the Queensland Parliamentary Service. It is only in this way that democracy can be protected in Queensland. The opposition is not part of the superstructure of government. We are a fundamental element in the process of parliament and should be respected and protected as such.

Let us now consider further problems with this bill. Part 3, division 1 of the bill highlights the potential for conflict to occur. Under clause 14(1) a ministerial staff member can be the subject of a direction from both his employing member—that is, the minister—and the Premier. What happens if these directions conflict? How is this to be resolved? The bill provides no answer to this question. This conflict is exacerbated when you consider clause 14(3), which allows a more senior staff member to direct a ministerial staff member. Again, I ask: what about the potential for conflict? Presumably the junior staff member obeys the senior staff member. However, who directs the senior staff member?

Clause 15 of the bill highlights the whole absurdity of the government's actions with the bill. In an attempt to overcome the recent CMC investigated situation of a ministerial adviser giving a direction to a public servant, it is provided that a public servant cannot be subject to a direction of a ministerial staff member. Yet clause 15(2) goes on to provide that the same ministerial staff member can give a direction to a public servant if he is acting on behalf of a person who may lawfully give a direction. By way of example, it is pointed out that a minister may give a chief executive a direction under the Public Service Act, section 100.

I ask: what public servant faced with direction from a ministerial staff member is going to ask that staff member whether he or she is acting on behalf of the minister in giving such a direction? Only a public servant who has no interest in a long-term career would be so bold as to ask such a question of a ministerial staff member and seek to establish whether that ministerial staff member is indeed properly authorised by the minister. The reality of life is that the bill in no way overcomes the potential abuse of power which ministerial advisers have engaged in. Even today's *Australian* has described the bureaucracy as having inadequate and opaque processes that have muddied the waters.

Division 2 of part 3 contains the usual feel good terms one can expect to find in this government's legislation. It is actions, not words, that show the real way in which a government works. The practice of the ALP has always been 'whatever it takes' to win. That is the motto. Again, it is interesting to note that it is the Premier's partisan chief executive who is supposed to apply these ethical standards to staff members as well as approve codes of conduct under division 3.

Division 4 seeks to convert into a statutory obligation the existing requirements about declarations of interest. The purpose is no doubt to avoid conflicts of interest between the personal interests of the staff member and the interests of the employing member or minister et cetera. However, the division makes no provision for the resolution of these conflicts save in clause 25(2), which, in effect, empowers the employing member to give a direction to resolve the conflict. What happens if the direction is not followed or complied with is unclear. Can the minister give a staff member a direction to sell assets, close accounts et cetera? Who determines what is an appropriate and just outcome?

In part 4, clause 26 gives the chief executive power to issue directives in relation to a staff member. Such a directive could thus be given by the government appointed chief executive to an opposition office staff member responsible to the Leader of the Opposition. This again highlights how anomalous the position is under this bill as regards opposition office staff and why they should be responsible to an independent office—for example, the Queensland Parliamentary Service, as I have already said, as opposed to a government appointed chief executive of the Premier's department. It is claimed in the explanatory notes that directions to be given by the chief executive under clause 26 are to be consistent with directions given under the Public Service Act 2008. Whether or not this will occur in practice is of course a matter where only time will tell.

Another interesting clause in this bill is clause 33, which enables the chief executive to establish advisory committees to advise the Premier on issues relevant to this bill. Not only that, but provision is made to pay people to be on such advisory committees. One can imagine what rorts this will engender. Given that this Premier and her predecessor in office have appointed ministerial staff members in an attempt to ensure that factional enemies in cabinet are kept on a short leash, with the ministerial staff member reporting back to the Premier's office on the actions of the ministers they are appointed to monitor, no doubt factional favourites will be given yet another plum position from which they can bludge on the Queensland taxpayer.

Given the nature of this bill, the various transitional and consequential amendments contained in the bill are understandable. The Scrutiny of Legislation Committee has made a number of interesting comments about this bill in particular. The committee considers that clause 44, which amends the definition of 'person employed in the Public Service' to include 'staff members' under the bill, and clause 45, which provides a person employed in the Public Service includes a ministerial staff member, have the potential to affect the rights and liberties of individuals. The committee also raised concerns about clause 15 and the capacity to allow delegation of administrative power other than in appropriate cases and to appropriate persons. The committee commented at paragraph 28—

> However, the committee notes that the legislation is to regulate non-departmental staff. Delegation of administrative power regarding the management of the department to a 'staff member' may be a delegation in an inappropriate case or to an inappropriate person. The committee invites the minister to provide information regarding the consistency of clause 15 with section 4(3)(c) of the *Legislative Standards Act* and how the proposed provision would work in practice, including whether the delegation of administrative power needs to be in writing.

It will be interesting to see if the Premier takes the committee's advice on this issue. The logic of the numbers will no doubt see the passage of this bill through the parliament. However, it will in no way provide a cure for the cancer of interference in the Public Service by the Labor Party and its operatives.

Let me turn now to the next bill in this package, the Integrity Reform (Miscellaneous Amendments) Bill 2010. This bill contains amendments to a series of acts being introduced as part of the government's much heralded so-called integrity reform package. Again, like so much of the package of reform, there is not always a lot of substance in what is proposed. First is amendments to the Ambulance Service Act 1991. The main matters covered by these amendments so far as ambulance officers are concerned seem to be an attempt in clause 6 to require potential ambulance recruits to make a declaration if they have been the subject of serious disciplinary action in the past. The following definition is being inserted by these amendments—

serious disciplinary action, in relation to a person, means—

(a) disciplinary action under a relevant disciplinary law involving—

(i) termination of employment; or

(ii) reduction of classification level or rank; or

(iii) transfer or redeployment to other employment; or

(iv) reduction of remuneration level; or

(b) a disciplinary declaration under a public sector disciplinary law that states a disciplinary action mentioned in paragraph (a)(i) or (ii) as the disciplinary action that would have been taken against the person if the person's employment had not ended.'.

Whether this applies only to prior public sector employment as opposed to prior private sector employment is unclear. No mention was made by the Premier in her second reading speech of the reasons behind this move. This is typical of the attitude of this Premier to this parliament. Because she has the numbers, she treats this parliament as her plaything. Her speech on this bill was similar to the speeches on the other bills of this so-called package—say little, repeat the key words 'integrity, ethics, accountability', which her focus groups have told her to repeat, and use the numbers to ram the bill through parliament. No doubt she will protest, 'But this has all been considered by my integrity round table,' but that is not a sufficient reason for this parliament merely to accept her word.

Why have not all of the bills in this package been the subject of consideration by a committee of this parliament? The answer is: this Premier does not trust her own members to rationally and objectively consider these issues. Instead, she seeks to use these bills to hide the manifest failures of her government. What else is the Premier seeking to do with this bill? She is seeking to ensure that, if an ambulance officer or a fire service officer are subject to disciplinary proceedings, those proceedings can continue after they leave the service.

Sitting suspended from 1.00 pm to 2.30 pm.

Mr LANGBROEK: Before the break I was speaking about the changes in the legislation that are going to mean that ambulance officers and fire service officers are subject to disciplinary proceedings and that those proceedings can continue after they leave the service. The question is: why is the Premier engaged in this pursuit of officers? Is it because she does not want them blowing the whistle on how bad things really are in these services? 'Even if you resign we will still come and get you' is the message.

Perhaps the Premier will do the people of Queensland and this parliament a courtesy and provide an explanation for these provisions. What examples can she produce to justify pursuing officers over disciplinary matters when they are no longer part of the service? What terrible people have been able to escape punishment because these provisions do not exist at present? How has the community been damaged?

I venture to suggest to this House that the Premier will not be able to produce much in the way of hard evidence to support her legislative approach. Instead I suggest that this, like much of what the Premier does, is no more than yet another hollow attempt to hide the failings of her administration in the rhetoric of purity of purpose and mind. Keep repeating the mantra—ethics, accountability and integrity—long enough and she might even come to believe it personally.

We also see in this bill the empowering of chief executives to order people to undertake compulsory medical and psychological examinations. All too often in the Queensland public sector powers of this type are abused in order to get rid of employees who are upsetting their managers, causing problems or bucking the system.

Mr Dick: What's your evidence?

Mr LANGBROEK: I have had people approach my office. The question is: how often is this power abused? In the absence of an objective, impartial examination of this power, it is difficult to comment. But the question must be asked: why is it now being incorporated for ambulance and fire service officers? Again, the Premier has not supplied an answer to date.

Under the proposed amendments, the chief executive is not required to comply with the principles of natural justice in suspending an officer on normal remuneration. This provision is based on similar existing provisions within the Public Service Act 2008. But that, of itself, does not provide a justification. An officer is suspended only if the chief executive reasonably believes there is a ground for taking disciplinary action against the officer and that the suspension will not deprive the person of any income or rights relating to continuity of employment. The provisions also include a requirement for a chief executive to consider alternative duties before suspending a person. Whether or not these provisions will be applied fairly is yet to be confirmed.

The proposed amendments to the Ambulance Service Act 1991 also provide that, if the chief executive suspends an officer, the chief executive may decide that the suspension is not on normal remuneration. How the chief executive is to make this decision is not set out in the bill. This provision is

based on similar existing provisions within the Public Service Act 2008 which provide that the chief executive is required to comply with a relevant directive.

While the amendments reflect the approach under the Public Service Act 2008, the relevant instrument will be a code of practice. As I will refer to later, these codes of practice are in effect delegated legislation that this parliament is not given the power to disallow by this legislation. The question is: why are these codes not subject to the scrutiny of this House?

In addition, the amendments to the Ambulance Service Act 1991 and the Fire and Rescue Service Act 1990 to implement a postseparation disciplinary regime may not be consistent with fundamental legislative principles. The amendments are similar to provisions contained in the Public Service Act 2008 and the Police Service Administration Act 1991. What is the justification? How many offenders are escaping justice? Let the Premier come and tell the House.

I turn now to the Auditor-General Act 2009. The amendments to the Auditor-General Act 2009 are claimed by the government to parallel amendments being made to the Parliament of Queensland Act 2001 in relation to declarations of interest by members of parliament. Those amendments are claimed to give statutory effect to the existing provisions under standing orders in relation to declarations of interest by members of parliament.

The hypocrisy of the Bligh government is again illustrated by this argument. This is the government that, in order to protect corrupt minister Gordon Nuttall from being considered for prosecution by the Director of Public Prosecutions, as recommended by the CMC, recalled parliament, repealed a specific provision of the Criminal Code about telling untruths to parliament that Nuttall had clearly arguably breached, substituted instead a breach of standing orders and then used its numbers to immediately clear Nuttall of such a breach. This Premier was intimately involved in this whole process.

Why now is the same government arguing that it needs the power of a statutory provision to support a provision clearly covered by the standing orders of the parliament? The answer is clear. It is expedient to do so now due to the smell of corruption that now pervades everything that this government does. Not only are members of parliament being used in a desperate attempt to provide a fig leaf to cover this government's actions; in addition statutory officers, such as the Auditor-General, are to be subject to the same regime in a desperate attempt to provide some justification for this government's actions. No doubt through the use of this government's numbers this amendment will be passed.

Let us look at what is being proposed in this amendment. The Auditor-General, in addition to his responsibilities to the Speaker and other parliamentarians, is now to be subject to having his declarations of interest subject to oversight by the Integrity Commissioner under clause 12(7)(e) of the bill. The government suggests that this supports the role of the Integrity Commissioner in promoting Queensland's public sector integrity and ethics. If, however, it is necessary to have the Integrity Commissioner overlooking the Auditor-General's interests, who is overlooking the Integrity Commissioner's interests?

It should be noted that in amendments to the Integrity Act 2009 proposed elsewhere in this bill—that is at clause 60, proposed new section 80(7)—no similar approach is being adopted in relation to the declaration of interest obligations being imposed on the Integrity Commissioner. This difference in treatment between the Auditor-General and the Integrity Commissioner raises real doubts about the political objectives that this government is seeking to achieve under this legislation.

The rest of the amendments in relation to the Auditor-General do not raise issues of significant concern for the opposition other than displaying an approach of virtually presupposing that an Auditor-General or Deputy Auditor-General will indeed be caught up in some conflict of interest and so provision is being made for this potentiality. This does not say much for the faith that this government has in the process for the appointment of the Auditor-General or Deputy Auditor-General.

I turn now to the Civil Liability Act 2003. We were told by the Premier that the amendments to this act were 'to allow apologies to be made without being taken as an admission of legal liability'. We were then told 'this amendment will allow the government as well as any other person to acknowledge mistakes through an apology where the actions may have caused harm'. I suppose the House should be happy for at least that acknowledgement from the Premier. The amendment is nothing more than an attempt to reflect in legislation the Peter Beattie political excuse and chest-beating process and give it legislative substance so as to facilitate media management and manipulation. Boy, doesn't this government need to say sorry for all its maladministration!

Let us have a look at some of the stuff-ups this amendment will now allow the Premier to apologise for: the failed Traveston Dam, with the ruined lives and businesses, destroyed families and deaths; the failed South-East Queensland water grid, with billions of dollars being spent on a desalination plant that is not working properly, water pipelines that are rusting and will need replacement well within their normal expected life span and recycled water that no-one in industry will willingly buy; and a Health payroll system managed by the members for Lytton and Rockhampton which still cannot pay health workers correctly after

nearly six months and has cost taxpayers many hundreds of millions of dollars to date and which now has been abandoned as being the great new model for the whole of the public sector.

I do not need to go on with this sorry saga. The House knows well how often this Premier will have to be up on her feet using this new mechanism of an apology to hide the manifest failures of her government. That this legislation is specifically designed to get this government out of trouble is arguably clear from the very provisions of what is being inserted. Proposed new section 72A provides that apologies do not apply to defamation action, unlawful intentional acts causing personal injury and unlawful sexual assault or misconduct. These constitute a significant area of civil litigation from which the use of an apology is being banned. Why is government being given a capacity to utilise an apology to manipulate the media when other persons in the community in similar positions are being denied this selfsame opportunity? I look forward to the Premier's explanation of the partiality set out in this amendment.

I turn now to the Fire and Rescue Service Act 1990. Just as I have already raised concerns about amendments to the Ambulance Service, similar concerns exist about these amendments to the Fire and Rescue Service Act. Firies, just as much as ambos, deserve an explanation from the Premier about these amendments. Again, I ask for examples that the Premier can produce to justify continued disciplinary pursuit even when individuals have left the service. Where are the examples that can publicly justify this approach?

With regard to the Government Owned Corporations Act 1993, if there is one element in this bill that exposes the lack of integrity of this government it is the amendment to this act, which exempts all of those government assets currently being disposed of from the supervision of the CMC. Given the history of this government with Labor luminaries such as Terry Mackenroth, Jim Elder, Con Sciacca and company in promoting schemes and getting success fees for deals requiring government approval, how many of these Labor mates are profiting from the current privatisation proposals? What success fees are being paid? Who is getting board appointments and lucrative consultancies? With this amendment the people's capacity to find out about the way Labor does business is further limited. Even though the CMC does not necessarily have a great track record in this regard, under current chair former Justice Moynihan the possibility exists for an independent and impartial investigation if complaints are made. This amendment will cut off that possibility completely however. So much for a commitment to integrity reform by this Premier!

I turn now to the Integrity Act 2009. These amendments continue the expansion of the power of the Integrity Commissioner and of his capacity to intervene right the way across the public sector. Statutory officials such as the Auditor-General and the Ombudsman are now going to have the Integrity Commissioner prying into their declaration of interests, notwithstanding that they are statutory officers who have traditionally been responsible to the parliament and its committees. Apparently this Premier no longer trusts the Speaker, the parliament or parliamentary committees in relation to statutory officials. It is the Integrity Commissioner whom the Premier is going to rely on and whom she is empowering. The logic of numbers will keep enhancing the role of the Integrity Commissioner under this government to the detriment of our traditional accountability officials.

Proposed new section 72A of the Integrity Act 2009 will allow a responsible person for a government representative to give the Integrity Commissioner information, including personal information, about lobbying activity. This section arguably has an effect on a person's right to privacy, potentially breaching a fundamental legislative principle. The government argues that this section is not objectionable as the information may only be disclosed if it is relevant to the functions or powers of the Integrity Commissioner and the information disclosed may already be known to the Integrity Commissioner—for example, the names of registered lobbyists as listed on the lobbyist register maintained by the Integrity Commissioner. In addition, the protections in the Information Privacy Act 2009 will apply to the Integrity Commissioner in dealing with any personal information provided. To accept the government's argument on this point one would have to accept that the role of the Integrity Commissioner was not to protect this government, and the question is: can one do that?

I turn now to the Ombudsman Act 2001. Like the Auditor-General, the Ombudsman is being subjected to the enhanced role for the Integrity Commissioner that this government's bill provides. Again, this is an example of a lack of faith by this government in the parliament and its processes and also in the holder of the office. There has never been in the history of this office in Queensland the slightest suggestion of any misdoing or abuse of office by successive holders of the office of Ombudsman. These amendments are nothing more than an attempt by this government to divert attention from its own misdoings and maladministration by subtly raising suggestions that it is showing its commitment to integrity by ensuring everyone but itself is being caught in the same net.

Amendments to the Parliament of Queensland Act 2001 are also contained within this bill, and once again this government is showing its lack of faith in the institution of the Queensland parliament and of its officers and members to behave correctly so far as their interests are concerned. This from a government and Premier who were prepared to abuse their power and this parliament to protect the former member for Sandgate from possible prosecution by abolishing any potential criminal offence and then using their

numbers to allow him to merely apologise to the House! So the question is: what will these amendments do? They will take a matter that has traditionally been a matter regulated by the House under its standing orders under the control of the Speaker and turn the matter into a breach of a statutory obligation. Whilst a breach of a member's obligations as to declarations of interest is apparently still to remain an issue of contempt for the House to determine, it is now clearly arguable that any minor breach—no matter how soon corrected by a member who apologises for the oversight—will almost certainly have to be referred by the Speaker to the committee to consider if contempt has occurred. No longer will Mr Speaker be able to exercise his traditional role of considering whether to refer a member to the committee. If there is a breach of statute—no matter how technical—it is clearly arguable that the matter must be considered by the committee as contempt. All members of this House should be aware that if they support this amendment they are placing a chain around their necks that one day might choke them for a minor and inadvertent error, and who has not made those in their life? During the recent sittings of parliament we had an example of the Minister for Police having to correct something that he had neglected to change in his pecuniary interest register. That is a salient point about the sorts of things that can be caught up with this change to making this statutory obligation which could have significant long-term effects, and I ask the Premier to clarify.

The bill also amends sections 70 and 71 of the Parliament of Queensland Act 2001 to provide that the restrictions on members of parliament transacting business with the state only applies to agreements or contracts for the provision of goods by a member to an entity of the state. The bill also inserts a transitional provision that effectively applies the amendments inserted by the bill from 6 June 2002. This retrospective operation was not explained by the Premier in her second reading speech. The explanatory notes merely refer vaguely to being curative in nature. Curative of what? No explanation is provided as to why these provisions do not apply to the provision of services as well as the supply of goods, as is the normal manner of expression in legislation. Once again, this needs to be clarified by the Premier.

The Public Sector Ethics Act 1994 is also being amended. Once again, we are amending feelgood legislation, this time to impose new codes of conduct on the Public Service. One of the reasons the standards of service delivery by the Public Service has declined over the years has been that under the Labor government the delivery of effective outcomes has been replaced by a mania for process. Process as devised by the academics that haunt the teaching of public administration in Australia is king! Every 'i' must be dotted and every 't' must be crossed before a decision can be made, and no wonder the bureaucracy is held in such poor regard by the general community. So now we are going to have new updated service-wide codes of conduct—all of which must be monitored, measured and revised by yet another layer of public administrators, and of course the Public Service Commission is given an even more enhanced role to monitor these codes. Are these codes in effect delegated legislation affecting the rights of all public sector employees? Why are they not made as proper delegated legislation and thus be subject to the potential for disallowance by this House? Perhaps the Premier can also explain this situation. An LNP government will give the Public Service tasks to achieve. We will concentrate on delivering outcomes for the people of Queensland, not process to provide employment for yet more bureaucrats.

The Public Service Act 2008 is also captured here and these amendments, as I have indicated, are about expanding the roles and functions of the Public Service Commission and providing some justification for its existence and operations. Most of the amendments have nothing to do with issues of integrity but rather are normal machinery amendments that should be quite properly dealt with in a specific bill. The government itself has identified a number of potential breaches of fundamental legislative principles in its own bill, many of which have been highlighted by the Scrutiny of Legislation Committee. The amendments to the Public Service Act 2008 remove the requirement that the appeals officer obtain the agreement of the parties before deciding an appeal without a hearing. Allowing the appeals officer to decide an appeal without a hearing may breach the fundamental legislative principle that legislation should have sufficient regard to the rights and liberties of individuals as it denies the parties the right to verbally present their case.

However, the appeals officer is required to observe natural justice and the parties will still have the ability to make written submissions. The purpose of the removal of this requirement is allegedly to promote timely decision making and to reduce the administrative burden. However, these provisions remove the traditional common law right that you should not be subject to a detriment without the right of natural justice to be heard. Again I ask: how can this possibly be justified under legislation allegedly dealing with integrity?

I turn now to the issue of the lobbyist register. One issue that has been raised with me when discussing these bills is the operations of the lobbyists register and in particular the inconsistent approach that is being adopted in various ministers' offices and departments. This House knows well the reason lobbyists have had to be regulated in Queensland is the behaviour of former Labor members and mates such as Terry Mackenroth, Jim Elder, Jim Soorley, Con Sciacca et cetera who have turned the Beattie-Bligh government into the best government that money can buy. But the question is: how much has been paid in success fees to these people over the years? How many board appointments have been made with

the lucrative fees that flow therefrom into the Labor mates' personal coffers? How much has flowed from these funds back into the Labor Holdings slush funds?

There are many honourable individuals in the representation industry who offer business and individuals advice and assistance in negotiating the increasingly complex government structures that the Beattie and now Bligh governments have created. It is a pity that these honourable individuals and firms are having their reputations tarnished by the actions of the Labor mates cartel that has operated in Queensland over the past 20-odd years. If we are to have these controls to protect the community from the Labor mates, then these controls need to be applied fairly and objectively and not be allowed to be varied by Labor ministers helping out their factional masters and supporters in the lobbying industry. The LNP will be keeping a close scrutiny on these developments.

To suggest that this bill is all sweetness and light and a positive step forward to enhance integrity in Queensland is gilding the lily. All this bill really does is enhance bureaucracy and hobble the Queensland Public Service with even more process than it had before. The Premier is seeking to wrap herself in a cloak of righteousness to conceal her many failings and those of her government. The people of Queensland saw through Labor's deceit at the recent federal election. I know that they will also do so at the next state election.

I turn now to the final bill in this package, the Public Interest Disclosure Bill 2010. This bill is another part of this government's integrity reform package and is an attempt to escape the miasma of corruption that has surrounded the ALP. No amount of cover-up will enable this Premier to deny that she sat in cabinet with a corrupt minister, supported him during the whole of his time in office and went so far as supporting the use of the ALP's parliamentary majority to remove an over 100-year-old law that prevented ministers from telling untruths to parliament and exonerated that minister from any breach of parliamentary practice or procedure. In effect, this bill is a replacement for the Whistleblowers Protection Act 1994. Under that act and under this bill, some limited protection at least is provided to insiders who expose corruption and maladministration in the government and its agencies. The opposition will not be opposing the bill, although a number of matters of concern about the bill will be raised.

Whistleblowers are a very important group of people who, at sometimes considerable risk to themselves personally and to their careers and financial security, expose the internal failures of governments and their departments. Given the size and scope of government today and given the willingness of governments, particularly the Bligh Labor government, to exploit their position and power to protect themselves against any adverse criticism, whistleblowers are vitally important to uncovering maladministration. Would the disasters of public administration at the Bundaberg Base Hospital have even been exposed without the courage of whistleblowers such as nurse Toni Hoffman, who put her own career on the line to expose the failures? The pressures placed on her were widely exposed during both the Morris and Davies commissions of inquiry. If we are to return good public administration practices to Queensland, members of this House should always have at the forefront of their minds the matters exposed during those inquiries and the lessons that need to be learned.

Yet the position today in Queensland Health has not changed. It is still worth your job in Queensland Health, in Education Queensland—and indeed in any agency of this government—to expose the many failures of public administration that exist in those departments. What happened to the senior public servant in the recent case that the CMC investigated? He allegedly voluntarily resigned. So much for supporting public servants who do what they are supposed to do and report potential problems.

Whilst the intention of the Whistleblowers Protection Act is laudable, it has failed to provide real protection for genuine whistleblowers. This bill also suffers from the self-same problem of not providing real protection for the whistleblower. The fundamental problem underlying both the Whistleblowers Protection Act and this bill is that both seek to place the responsibility for protecting whistleblowers on the very persons who are often responsible for the problem in the first place, namely, the chief executives of government departments. If those chief executives were part of an independent and impartial Public Service, then there might be an argument in favour of placing the responsibility on them to protect whistleblowers. However, the reality is that, under the Beattie-Bligh government, chief executives are appointed by the Premier of the day, owe a personal responsibility to that Premier and are tasked with the fundamental responsibility of achieving the political objectives of that Premier and ensuring that Premier's re-election. Any whistleblower who seeks to expose maladministration that impacts on the Premier, the Premier's government and the chief executives, whose own survival is dependent on the survival of the Premier, is likely to receive short shrift from any chief executive to whom whistleblowers apply for help. However, any legislation that seeks to provide some support for whistleblowers is better than nothing. So for that reason the opposition will not be opposing this bill.

There are, however, some comments that need to be made on what is being proposed. Clause 12 of the bill is a welcome extension of the matters that constitute a public interest disclosure by its extension to cover matters that satisfy either an objective or a subjective test. However, the way in which the test is expressed is open to some debate. Under clause 12(3), it is required under subclause (a) that a person

honestly believes on reasonable grounds, or (b) that the information tends to show the conduct or other matter, regardless of whether the person honestly believes the information tends to show the conduct or other matter. My question is: why under (a) do you need to combine an honest belief with any question as to whether the belief is reasonable? Would it not be better to base protection for whistleblowers merely on the honesty of their belief? If they believe honestly in a matter, surely they should be entitled to protection.

Clause 13 continues to confine matters that can be subject to a public interest disclosure to those matters covered in the Whistleblowers Protection Act. They are still subject to requirements that matters must be 'substantial' and 'specific' et cetera. These qualifiers act as an inhibition to disclosure of maladministration, particularly when the government is championing its extension of disclosures to matters honestly held.

Division 2 of the bill continues the same restrictions that exist under the current Whistleblowers Protection Act. It makes the public sector entity about which the whistleblower is complaining the body to receive the complaint and the body to investigate if the whistleblower is suffering reprisals. I think this is clearly Caesar judging Caesar. This bill still makes the chief judicial officer of a court responsible to receive public interest disclosures about the court. The time is coming when we in Queensland, without any reflection on current incumbents in the chief judicial officer positions, will have to establish, as other jurisdictions have done, an independent and impartial body to consider such public interest disclosures. Judicial commissions are now well-established and well-respected bodies that give individuals who have matters of concern about judicial behaviour access to a publicly accountable review agency. That mechanism in no way impacts on the independence of the judiciary and will arguably assist in enhancing the reputation of the Queensland judiciary in the general community.

Part 3 of the bill makes provision for public interest disclosures in relation to corporate entities under the City of Brisbane Act and the Local Government Act as well as government owned corporations. These provisions are easily supportable. However, what is less supportable is the exemption provided for in the dictionary definition of GOC in schedule 4, which exempts those assets that this government is selling under its current privatisation plans. If there is one area of public administration where the activities of whistleblowers should be encouraged and supported, it is in relation to those assets sales. How much money will those who have surrounded and duchessed the current Treasury be making out of these deals? As I have asked before, what so-called success fees are going to be paid and to whom? The government does not want to provide potential whistleblowers with any opportunity to expose these matters.

Clause 20 in part 4 makes limited provisions to enable a whistleblower to complain to a journalist. However, this occurs only if certain conditions are fulfilled, namely, that the entity to which the public interest disclosure is made did not investigate or deal with the matter, or did not recommend any action in relation to the disclosure, or did not notify the complainant within six months of the date of disclosure. Nothing highlights more clearly the attempts of this government to maintain concealment of wrongdoing than this provision. This provision means that at least six months must expire after the original complaint is made before a whistleblower can lawfully approach a journalist about the matter. This will ensure that matters are stale and perhaps of little public importance to the media when they can be drawn to the media's attention. This is yet another example of how this government seeks to create the image of protecting whistleblowers whilst at the same time ensuring that nothing effective is in actual fact achieved.

Chapter 3 sets out the obligations on a public sector entity when a public interest disclosure is made. This includes reasonable procedures to ensure that public officers of the entity who make public interest disclosures are given appropriate support and afforded protection against reprisals; that public interest disclosures are properly assessed and, where appropriate, properly investigated and dealt with; that appropriate action is taken in relation to any wrongdoing identified by a public interest disclosure; and that a management program for public interest disclosures for the entity, consistent with the standard issued under section 60, is implemented. Chapter 3 also goes on to provide for what happens if the public sector entity determines that no action is required or if it decides to refer the matter to another body for investigation. Provision is made to give the person who made the public interest disclosure and the oversight agency information about such a decision.

Chapter 3, part 3 gives a member of the Legislative Assembly who receives a public interest disclosure the capacity to refer such disclosure to another body for investigation. Whilst in clause 35 it is provided that public interest disclosure to an MP from this place does not impact upon the immunities, powers et cetera of the parliament, what happens when an MP refers a matter to a public sector agency under clause 34? Does the potential of parliamentary privilege still exist to provide some shield for the whistleblower? Is the MP still free to raise the issue in parliament or are they, in effect, made functus officio by referring the matter to the public sector agency? These are issues that need to be further addressed by this parliament.

Under chapter 4, provision is made to provide protection for those people who make public interest disclosures. This includes the absence of civil or criminal liability, clause 36; absolute privilege from

defamation, clause 38; and protection from reprisals, clause 40. Reprisals are punishable as an offence, clause 41, as well as being a tort for which damages are recoverable, clause 42.

The bill in clause 43 extends the vicarious liability of a public sector entity for any reprisals made by one of their employees. This is, of course, a good principle for the community to adopt. However, as per usual, this government has given itself an out from liability by clause 43(2). All it has to do is prove on the balance of probabilities that it has taken reasonable steps to prevent any reprisal. No doubt strategic plans et cetera will be prepared to ensure that all departments are able to avail themselves of this provision. I think it is hypocritical of the Premier to suggest that she is enhancing the role of whistleblowers when, in fact, she is doing her best to shut up the whistleblowers who are exposing the multiple failures of her government.

Clause 44 purports to give a whistleblower a capacity to utilise the antidiscrimination methodology to protect themselves from reprisals. It is suggested that this is a viable alternative to litigation. This is just not so. Anyone who has had any dealings with the antidiscrimination system in Queensland knows that this is a mechanism about which little is known or publicised—yet another way of hiding matters away with a group of government appointees who can be relied on to do the right thing by the government that appoints them.

Clause 45 of the bill is yet another example of the way in which this government seeks to camouflage its real intention. This enables an agency to take action against a whistleblower through utilising what is termed 'reasonable management action'. An attempt is made to define what this constitutes in the following terms—

(a) a reasonable appraisal of the employee's work performance;

(b) a reasonable requirement that the employee undertake counselling;

(c) a reasonable suspension of the employee from the employment workplace;

(d) a reasonable disciplinary action;

(e) a reasonable action to transfer or deploy the employee;

(f) a reasonable action to end the employee's employment by way of redundancy or retrenchment;

(g) a reasonable action in relation to an action mentioned in paragraph (a) to (f);

(h) a reasonable action in relation to the employee's failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to the employee's employment.

However, all this begs the question: who determines what is reasonable and when is it determined? Whilst it might eventually be possible through litigation or appeal or determination by the oversight agency to have this decision objectively determined, the reality of the real world is that the whistleblower is immediately subject to attack by the midlevel managers whose failures are often the cause of the whistleblowing in the first place. How many whistleblowers have been broken in Queensland by having their positions reviewed or made redundant to requirements or by being subjected to compulsory medical and psychological testing with a view to forced medical retirement? All of these punishments are no doubt justified on the basis as being part of, as I quoted before, 'reasonable management practice'. The reality of life is that this is the way the stirrer-whistleblower is got rid of by the system. This government in this clause is doing nothing more than giving its minions in the Public Service a legal basis to exert more pressure on those who wish to expose the maladministration of this government.

Chapter 5 of the bill which relates to the establishment of an oversight agency raises some real concerns. Clause 58 makes the Public Service Commission the oversight agency. Of course, like all senior executive appointments under this government, the Public Service Commission is composed of persons appointed by and responsible to this government. They are the Public Service Commissioner, the director-general of the Department of the Premier and Cabinet, the Under Treasurer and whichever director-general is responsible for what is left of industrial relations in this state, the director-general of the department of justice at this time. Yet this is the body which is supposed to oversight the way in which the other senior executives appointed by and responsible to this government handle public interest disclosures about this government's maladministration.

The alleged oversight agency role is set out in clause 59, yet when one examines the provision all one sees is that, as I was advised in the briefing on this bill, this allegedly is a role about collecting statistics and examining systems. There is no need to appoint a government controlled body such as the Public Service Commission to do this. How does this improve the standard of protection for whistleblowers who have made a public interest disclosure? Rather, this is yet another way in which the political interests of this government can continue to be protected by yet another of its politically appointed agencies.

The dangers in this approach are well illustrated when one considers clause 63, which deals with the relationship between the oversight agency—the Public Service Commission—and the Crime and Misconduct Commission and the Ombudsman. Both of these bodies are responsible to the parliament as a whole, as opposed to the government of the day. The capacity of the government of the day to influence and control their internal activities is much more limited and diffused. Yet clause 63 enables the Public

Service Commission to act as oversight agency in relation to how those bodies handle any internal public interest disclosure from within the agency. This is a gross interference with the rights of the parliament and yet another example of how this government seeks to regulate and control the activities of any public agency that it does not directly control.

As has been previously stated, the opposition will not be opposing the bills covered in this cognate debate. We do not, however, believe that they contain the best possible mechanisms that can be used to ensure fundamental integrity is practised by a government that is fundamentally rotten to the core. As with so much of the legislation of the Beattie and Bligh governments, it is all showy surface with no internal merit or substance.