Speech by

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MEMBER FOR INALA

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RIGHT TO INFORMATION & INTEGRITY (OPENNESS & TRANSPARENCY) AMENDMENT BILL

Ms PALASZCZUK (Inala—ALP) (Leader of the Opposition) (5.12 pm): I rise to make a contribution to the debate on the Right to Information and Integrity (Openness and Transparency) Amendment Bill 2012. This opportunistic LNP government is trying to ram through changes to integrity laws in this state under the guise of integrity and accountability that actually reduce transparency and openness for the government. The legislation places additional requirements on the opposition and additional requirements on lobbyists.

In fact, the bill increases requirements and responsibilities for everyone except the government. The naming of this bill is quite ironic. What this bill does is weaken the existing integrity laws in this state—laws that have been developed over a number of years of Labor government to ensure that the excesses of the Bjelke-Petersen government and the attendant widespread and institutionalised corruption that accompanied that government will not ever be repeated in this state.

The Fitzgerald inquiry uncovered a level of corruption that shocked all Queenslanders. To know that members of parliament were corrupt and that the Police Commissioner and other highly positioned police officers were accepting bribes from organised crime operators shocked Queensland to the core. Since Labor was elected in 1989, we have brought in laws to increase accountability in public office and to ensure appropriate watchdogs are in place to oversee integrity in public office.

What this government refuses to acknowledge is that the former Labor government had an enviable record of Australian firsts in the field of integrity and accountability reforms. It was a Queensland Labor government that established Australia's first Integrity Commissioner.

Mr Davies interjected.

Madam DEPUTY SPEAKER: Member for Capalaba, you are not in your seat. If you wish to interject, please return to your seat.

Ms PALASZCZUK: It was a Queensland Labor government that enshrined the lobbyist code in legislation. It was a Queensland Labor government that banned the payment of success fees for lobbyists.

But what else has Labor done? Labor has established the CJC and then the CMC; changed the law to allow the CMC to investigate GOCs; placed restrictions on former MPs and staffers conducting lobbyist activities for up to two years; introduced the Public Interest Disclosure Act, making it easier for public servants to blow the whistle on misconduct and mismanagement; introduced the Freedom of Information Act and then reviewed those laws and introduced the Right to Information Act, making it easier for the public to get access to information from the Public Service and government; oversaw the biggest shake-up to the parliamentary committee system in Queensland's history; agreed with the recommendation to allow the Leader of the Opposition to appoint the chair of the Parliamentary Crime and Misconduct Committee and appointed the member for Gaven to chair that committee; introduced direct questioning of public servants by the opposition during estimates committee hearings; and placed restrictions on political donations and created a requirement for disclosure of political donations in Queensland.

This is in stark contrast to what the Newman government has done. Let us reflect on what the government has done in the short time they have been entrusted with the Treasury benches. It has: stacked the parliamentary portfolio committees; bypassed committee examination of key legislation; refused to allow the opposition leader to appoint the PCMC chair; and initially opposed the CMC's independent review of political donations.

We believed that, having introduced those reforms, they would be there for the duration and any changes to those laws would only be to tighten and to increase levels of integrity and accountability. We were lulled into this false sense of security by the fact that the then opposition appeared to support most of those reforms.

I would like to quote some of the things those opposite said during debates on some of our bills. For instance, on 24 November 2009 the education minister, the Hon. John-Paul Langbroek, made a speech in the cognate debate on the Integrity Bill and the commission of inquiry amendment bill 2009, in which he said—

The road to reform is long. The need to stay ever vigilant to the breaking down of probity and integrity under the Westminster system of parliamentary government is always with us. Commissioner Fitzgerald showed us the way more than 20 years ago ...

He then said—

We owe it to each and every Queenslander to continue on the road to reform and be ever vigilant of an executive government that is unaccountable, riddled with cronyism and unethical behaviour.

On the same day, the final sitting week of the year, this contribution by the member for Currumbin was prophetic. I will be intrigued to see whether the minister makes comments of a similar nature during the debate on this bill. She stated—

In yet another sign that this government is in serious trouble, here we are today in this House debating legislation that has been fast-tracked up the *Notice Paper* soon after being introduced. As this is not time-sensitive legislation and it has forced other worthy legislation to languish on the list until next year, it can only be surmised that the Premier was in need of a good news story this week to prop up her ailing image and poor polling in order to stave off the leadership aspirations of the Deputy Premier, the Treasurer and the Attorney-General.

Equally prophetic was the contribution by the member for Indooroopilly on the same bill the following day. He stated—

Every day in Queensland there is a new headline shaming this government. Every day there is a new headline underlining the need for greater scrutiny, accountability and integrity.

The member for Redlands made an equally far-sighted contribution. He stated—

Integrity is a word that has tremendous power and tremendous value in any community, but it is a word that appears to have lost some of its currency in this place. The community has lost its faith in the government. The community has lost faith in the government because of its inability to be honest ...

So this week the Attorney-General comes into the House to trumpet greater openness, transparency and accountability and introduces a 16-page bill—six pages of which are devoted to the opposition, not to the government.

Mr Berry interjected.

Ms PALASZCZUK: Excuse me?

Mr Berry interjected.

Madam DEPUTY SPEAKER: Member for Ipswich—

Ms PALASZCZUK: Too many pages on the opposition.

Madam DEPUTY SPEAKER: Leader of the Opposition, please direct your comments through the chair.

Mr Bleijie interjected.

Ms PALASZCZUK: I find those remarks offensive and ask him to withdraw them.

Madam DEPUTY SPEAKER: Attorney, the Leader of the Opposition has found your comments offensive and she has asked that you withdraw.

Mr BLEIJIE: I withdraw.

Ms PALASZCZUK: This is typical of this government. They say one thing and do the exact opposite. Queenslanders are not that easily fooled. Queenslanders know when the wool is being pulled over their eyes. Part 2 of the bill amends the Right to Information Act 2009. These are not the amendments that cause me such alarm. It requires a person making an access application under the act to state

whether access is sought on their own behalf or on behalf of another entity and, if for another entity, to name that entity. The bill also removes the 24-hour delay in accessed information or information which is available for access, but not access by the applicant, being published. So rather than being put out no earlier than 24 hours after the information is released to the applicant, it will be published as soon as practicable.

The ministerial guidelines for the operation of the publication schemes and disclosure logs under the Right to Information Act currently require that the information must be disclosed as soon as possible after the 24-hour period expires, on the next work day and no later than five business days after access. This amendment changes the minimum period by one day but removes the maximum period altogether. A cynical person would think the purpose of this amendment is to discourage anyone, particularly media organisations, from making applications because as soon as they get the information it will be released to the public.

Mr Bleijie: Oh, wow, the public shouldn't have access to it?

Ms PALASZCZUK: I didn't say that.

Madam DEPUTY SPEAKER (Miss Barton): Order! Minister.

Mr Bleijie: That's what you were inferring.

Ms PALASZCZUK: I didn't say that at all.

Mr Bleijie: That's what you implied.

Madam DEPUTY SPEAKER: Leader of the Opposition, please direct your comments through the chair. Minister, the Leader of the Opposition is not taking interjections and I would ask that you stop interjecting across the chamber. The Leader of the Opposition has the call.

Ms PALASZCZUK: The disclosure logs for departments and ministers will, if the bill is passed, as soon as the application is received, also be required to include information about the application. If access is granted to information, the log will be required to include the actual document released, the name of the application and whether the access was sought by the applicant on their own behalf or on behalf of another entity as soon as practicable after the applicant accesses the document.

Mr Choat interjected.

Madam DEPUTY SPEAKER: I did not hear what the member for Ipswich West said. The Leader of the Opposition has the call.

Ms PALASZCZUK: The disclosure logs for other agencies are only required to include the actual documents if it is reasonably practicable. If not, details identifying the document must be included, as well as the way in which the document may be accessed. So whenever a media organisation makes an application, that fact will be in the disclosure log and then everyone will be able to get the document. Again, is the sole purpose to discourage the media from making applications in the first place?

The experience of my office when making RTI applications of ministers' offices has been mixed and in some instances is not as fulsome as others. The information I received from the office of the Minister for Science, Information Technology, Innovation and the Arts under an RTI decision about CITEC was substantially different from the information I received after a review was conducted by the Information Commissioner.

The former Minister for Housing and Public Works apparently was reluctant to appoint a departmental decision maker, even though the Attorney-General, under direction from the Premier, had I understand sent letters to all ministers telling them that this was required. The education minister was similarly reluctant, although we have yet to ascertain if any action was taken against his staff when other ministers had two staff members sacked for the same thing. But the Attorney-General's office was a little different. The Attorney took a question on notice at estimates in relation to letters he had received in relation to court recording and transcription services. The answer he tabled—

Mr Bleijie: This is the fourth time you've said this.

Ms PALASZCZUK: I love this, Attorney. I love this one.

Mr Bleijie: Wait till I reply.

Ms PALASZCZUK: It is one of my favourites from estimates. The answer he tabled advised he had received three letters. When my office RTI-ed his office to get those letters, the response was that there were no letters.

It is no secret that my office has applied for the release of numerous ministers' diaries under the right-to-information legislation. But let there be no mistake: this government when in opposition sought access to ministerial diaries of the former government through the RTI process. In fact, it was not an uncommon practice. But it is interesting to see the attitude now and the responses from different agencies. But the diary that we on this side of the House, and all Queenslanders, waited for with bated breath was the Premier's diary. On 19 November the Premier put out a statement stating that he would release his diary within the week. This is a government that is championing their openness and transparency reforms but the diary was not released until today. However, I do understand that the Premier stated very clearly this morning that there were privacy issues involved and thus the extension of time was needed. So I acknowledge that. I also do want to commend the Premier for tabling that diary. I think that is a good sign of openness and accountability and I will give credit where credit is due.

I was troubled to read an article in the *Brisbane Times* yesterday that showed that nothing had changed in relation to some of the matters before the Brisbane City Council. The article stated that the Brisbane City Council had been failing to comply with requests from the Integrity Commissioner, Dr David Solomon, to provide a copy of its lobbyist contact register. Dr Solomon said in evidence given to the Finance and Administration Committee that he made two requests to the Brisbane City Council over the past 18 months for a copy of the lobbyists register—that is, since May 2011. The Integrity Commissioner has been attempting to obtain the Brisbane City Council's lobbyists register since May 2011 and it has not been provided. Since that time there has been a state and council election. But the requests of the Integrity Commissioner have been declined.

I find this disappointing, especially so because the Integrity Commissioner stated that most local governments in Queensland had been fully cooperative. It appears that the Brisbane City Council is not complying with the requests. Why is this significant? Because the Brisbane City Council has a budget of over $3 billion. This is in comparison with the budget of the state of Tasmania, which is around $4 billion. If the government is seeking to extend the scope of laws relating to the disclosure of lobbyist contacts to the opposition, perhaps it should also investigate whether the Brisbane City Council is meeting its obligation and whether the law should be strengthened so that the council must provide its lobbyists register and/or diaries of chairs of committees. This is something we will discuss with the Local Government Association and the Integrity Commissioner.

Brisbane City Council is the largest and most complex local council in Australia. It builds major roads and provides community services on a large scale. Perhaps it should be required to provide its lobbyists register when requested by the Integrity Commissioner. I note that the Lord Mayor, Graham Quirk, has come out and made some comments which were very carefully worded. He said that the council was complying with the requirements of the Integrity Act but that the Integrity Commissioner was perhaps overstepping the mark. So, again, perhaps the law needs to be tightened to make it a requirement that the Brisbane City Council must release its lobbyists register.

I now move to part 3 of the bill which amends the Integrity Act 2009, and that is where we on this side of the chamber start to get worried. The timing of the LNP's bill has meant there has been no consultation or public scrutiny. In fact, we do know that this bill was introduced this week. It did not go to a committee and there was no opportunity really for people to have their views on this piece of legislation aired. So I think it is important to look through how the government's changes will actually work for the day-to-day dealings of lobbyists.

The first couple of sections insert 'and contact between lobbyists and key representatives for the opposition', which is of no concern to us. But the next amendment is where we are worried. Rather than increasing integrity and accountability and transparency and openness, this amendment seeks to limit who is a lobbyist in Queensland. By doing that, it substantially decreases the number of people who have to register their meetings and contacts with ministers and their staff. What in fact it does is it makes it easier for lobbyists to operate outside the bounds of integrity requirements. Openness and transparency in government decision making is of paramount importance. There is a very good reason why the opposition has been relentlessly pursuing the issue of lobbyists registers with this government. It is because two registers have been found to be inaccurate, and the Attorney-General's own register is missing a very important column, listing the parties on whose behalf a lobbyist is acting. Section 41(1) of the Integrity Act 2009 currently provides that—

A lobbyist is an entity that carries out a lobbying activity for a third party client or whose employees or contractors carry out a lobbying activity for a third party client.

That is not changed by this bill. What is changed in fact is the deletion of the next provision, which said—

To remove any doubt, it is declared that a lobbying activity may be carried out for a third party client even though no fees are payable for carrying out the lobbying activity.

Why would this part be removed? It was there because there may be situations where a lobbyist may not charge a fee or reward but the benefit that may flow to the representative entity may be of a more

intangible quality. It may include professional kudos; it may include enhancement of reputation. Whatever the reason, if a lobbyist peddles influence, they should be registered. I seem to recall hearing of a person who appeared to work for a lobbyist but was not paid a fee. There must have been some reason this person was engaged in this work. It does not make sense at all if there was absolutely no benefit to them. That is cynical of me; maybe they were just a philanthropist.

I will take this opportunity to again return to the words of the now Minister for Education during the debate on the Integrity Bill 2009. As he said then—

The bill does make some exemptions about who is not deemed a lobbyist. This has been a sham process and the bill is an anticlimax.

I cannot see any legitimate reason for removing this provision, and I would ask the Attorney-General during his speech in reply to explain exactly what he is intending to do by removing this particular amendment. The amending bill then provides the following—

A third party client is an entity that engages another entity to provide services constituting, or including, a lobbying activity for a fee or other reward that is agreed to before the other entity provides the services.

The fee is agreed to before the other entity provides the service, so to get around the section you have to agree on the fee after the service is provided or charge for the service maybe at rates that will be determined after the service is provided—and this could be based on, I do not know, perhaps success. This could be described as the backdoor re-entry of success fees—success fees that were abolished by the Labor government. So lobbyists are not allowed to charge success fees, but if you charge success fees you are not a lobbyist. This is rather a circular argument, one would think. What did current government members think about success fees when they were in opposition and debating the Integrity Bill 2009? Once again, the current education minister said—

I am talking about the issues of lobbying and success fees. If Tony Fitzgerald had reported on those issues—were they around in 1989—I am sure he would have said that it was an inappropriate way for business to do business with government.

I wonder what has happened in the interim that has changed the minister's mind about this. I will be interested to see how the minister views this particular provision. But, not unsurprisingly, the member for Mudgeeraba, the Minister for Science, Information Technology, Innovation and the Arts, held a different view from the education minister back then. She said—

The third of the key changes is prohibiting the granting of success fees. No other state in Australia or the Commonwealth has entered into arrangements of this nature. I would suspect that this provision would only encourage secrecy, not stamp it out.

But what possible explanation can there be for including this provision in this amendment bill? To actually include the words 'transparency', 'openness' and 'integrity' in the long title of this bill shows that the Attorney-General could have approached this in a completely different manner.

To flesh out the practical applications of these laws, let us look at a few examples. There are three key areas where the workings of lobbyists and their interaction with government could cause serious concern. Example 1 is that these changes are an incentive for success fees and bonuses rather than a clear fee structure. This is a perverse incentive to build into the system, especially in a bill that claims to promote openness and integrity. What is outrageous about this change is that the most questionable interactions—success fees—actually mean that those lobbyists are outside the integrity requirements. So the fact that a lobbyist operates with the less transparent payment structure of success fees then means that the lobbyist is free from any requirements under this legislation at all because they will not be included in the definition of a lobbyist. That is simply ridiculous.

Example 2 is that it encourages informal arrangements. Further, the drafted changes would encourage lobbyists to have an informal, evolving relationship with companies or clients so that they do not have to have an agreed fee payment in place before commencing their lobbying work. In that way, they will not fall within the definition of a lobbyist and have to comply with the lobbyist integrity requirements. Through just minor tweaks in their arrangement, they can operate outside the system—and this is what we are concerned about—free from the transparency and openness requirements this government is talking about. In practice, lobbyists can have a chat with a possible client and have initial meetings and briefings but not have a formal fee agreement in place when they commence lobbying on behalf of the company's interests. So they will not be defined as a lobbyist and they will not have to report any meetings, calls or events held with ministers, their staff and senior public servants. Then, after the lobbying has commenced, the invoices come in.

Example 3 relates to making contact before the clock starts. The change in definition to lobbyists also defies logic when it comes to the operations of professional lobbyists. Narrowing the definition of lobbyists to those who have already settled on fee charges with a client means that many and significant interactions between lobbyists and the government will go under the radar and will operate outside the requirements. What does this mean in practice? It could mean that a lobbyist could contact a ministerial office and ask what legislation is coming up, what particular legislation will mean for certain industries, what time frames are coming up for decisions or what terms will be included in future decisions. And do

you know what? No-one will ever know that they spoke because, under the LNP's new definition, a professional lobbyist gaining inside information off the back of their political connections will fall outside of the integrity requirements.

Of course, the lobbyists will then use their information they have gathered from their contacts without having to declare those meetings and conversations. It is such a backward step that I simply could not believe it when I first read it. I had to ask whether a government could really name a bill the Right to Information and Integrity (Openness and Transparency) Amendment Bill 2012 when the effect is the exact opposite. That is why we will be opposing certain aspects of this bill.

The Attorney-General needs to answer the following questions. How will the practical, very real examples I have just touched on be prevented by the LNP's legislation? Or is it the intention of the Attorney-General that these examples fall outside the definition of lobbying? The rest of the sections just extend the requirement to keep a lobbyists register to the Leader of the Opposition, the Deputy Leader of the Opposition and staff members of the Office of the Leader of the Opposition.

I read with interest the Premier's media statement of 19 November 2012 in which he announced that his diary and his ministers' diaries and lobbyist contact registers will be released publicly every month. The ministers' diaries and lobbyist contact registers were to be published online monthly starting early next year and would include all information about the Premier's and his ministers' movements and meetings, except material that is exempt under the Right to Information Act and the Information Privacy Act. The purpose of this announcement, according to the Premier, was 'to restore faith in good government after Labor's culture of cover-up and secrecy reigned for so many years'. Well, something must have happened between 19 November 2012 and now, because we have seen another change of opinion. According to today's *Courier-Mail*, the Premier has said that the changes in this bill meant ministers would record lobbyist meetings in their diaries rather than on a lobbyists register, but he insisted they would still need to ensure those meetings were recorded accurately.

Apparently the Premier believes that this will increase accountability by boosting the regulation of lobbyists. While boosting the regulation of lobbyists is one thing, boosting the accountability of ministers would also assist. I am intrigued by the logic that has apparently informed the Premier's decision. The *Courier-Mail* article states—

'If the minister's diary shows a meeting with the lobbyist and it's not there (on the lobbyist's register) then he can go after the lobbyist,' Mr Newman said.

'If the lobbyist records a meeting with the minister and it doesn't appear in the diary ... there will be questions.'

I for one can see the discrepancy in that. The lobbyist can be gone after if they fail to comply; that means they could perhaps be prosecuted for an offence. If the minister has failed to comply, there will simply just be questions.

We believe that, since the new guidelines came out in July 2012, it is now not unreasonable to expect that a minister's office will be able to extract from the diary on a separate form details of interactions with lobbyists. So I ask the Attorney-General: will the Premier's and the ministers' diaries and the monthly lobbyists register be going online or not? Can he please clarify whether what was included in the statement made by the Premier on 19 November will actually be happening? That is why I wish to foreshadow that the opposition will be introducing a private member's bill at the first sitting next year that will increase integrity on the part of the government in Queensland. Unfortunately, the rushed nature of this bill, the fact that it was only introduced on Tuesday and it is being debated now, means that we have not been able to give it the full consideration that is required. Because it has not been to the committee, we have not benefited from the experience of the committee and the input of stakeholders. However, we will be having discussions with the Integrity Commissioner and other stakeholders to work out the best way to ensure integrity of government records in Queensland. The bill will require ministers to keep and maintain a lobbyists register. It will require the Premier and ministers to table their lobbyists register in the parliament every six months and to provide it to the Integrity Commissioner as requested. In that way there will be no issue with the Integrity Commissioner having access to information about the lobbyist activities relating to the Premier and the ministers.

In September 2011 the Integrity Commissioner conducted an audit of all Labor government ministers and my understanding is that all ministers complied with that audit that was conducted. We will raise with the Integrity Commissioner the concerns he has with local government and the best way to address those concerns. We will require every lobbyist in a firm to certify the returns and there perhaps may be offences for incorrect returns. It is unfortunate that this bill is being rushed through the parliament today.

A government member: I don't know about that.

Ms PALASZCZUK: It is being rushed through today. It was only introduced this week.

Mr Bleijie: You didn't oppose the urgency motion.

Ms PALASZCZUK: No, but we have now—

Madam DEPUTY SPEAKER (Miss Barton): Order! Leader of the Opposition, could you please direct your comments through the chair.

Ms PALASZCZUK: Having now looked quite closely at the bill there are still a lot of unanswered questions. That is why we believe that over December and January we will have more of an opportunity to look at these particular issues. As I foreshadowed, we will come back to the House with perhaps a few other proposals.

Is the Attorney-General prepared to ensure that, rather than just putting information online, documents will actually be tabled in the parliament? The opposition will not be opposing the amendments to apply the lobbyists register provisions to the opposition. However, we do not understand why the government wants to do this. If the government thinks that lobbyists are lining up to meet with the opposition, it must know when it is on a very slippery slope. This is a government that has not learned how to govern. It is a government that still acts as if it is in opposition. In fact, they act like we are still the government at times. I guess the Premier was not in the parliament when the LNP were in opposition, so he has no understanding of how that works. But his deputy is highly experienced in opposition as are the health minister and the education minister. Maybe they can offer some words of advice.

My advice to the Premier is this: the opposition do not hold any government decision-making power. We have no contracts to award. We do not provide funding. We do not sign off on any funding agreements. We do not introduce government legislation. We do not pass regulations. We do not control the Queensland budget. We do not determine the policies that guide his government decision making. We do not appoint anyone to anything, although I should be able to appoint the chair of the PCMC, but this government will not allow me to do that. Governments undertake all of these things. That is what governments do. They are the decision makers. They have the influence. They administer billion dollar budgets, not the opposition. It is about time they started getting in the frame of mind that they are the government, that they are no longer in opposition.

As I have said, the opposition will not be opposing this bill in the House. We will, however, oppose some elements of the changes that actually reduce openness and transparency. We will be having further discussions with a view to introducing a private member's bill in the new year to strengthen integrity processes.