



Speech by


Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Tuesday, 27 November 2012

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

Introduction

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (9.03 pm): I present a bill for an act to amend the Right to Information Act 2009 and the Integrity Act 2009 for particular purposes. I table the bill and the explanatory notes.

Tabled paper: Right to Information and Integrity (Openness and Transparency) Amendment Bill 2012 [[1726](#)].

Tabled paper: Right to Information and Integrity (Openness and Transparency) Amendment Bill 2012, explanatory notes [[1727](#)].

I am pleased to introduce the Right to Information and Integrity (Openness and Transparency) Amendment Bill 2012. This government is embarking on an open data revolution—seeking to release as much government information as possible to the community. Consistent with this, the bill inserts into the Right to Information Act 2009 new requirements about disclosure logs in respect of right to information applications made to departments and ministers. Disclosure logs are part of an agency's website. They contain lists of documents which have been released under the Right to Information Act and in some cases the documents themselves. The current disclosure log requirements do not oblige agencies to place the actual documents that have been accessed on the disclosure log. The amendments will require applicants to state whether they are seeking access to a document for their own use or benefit or for the use or benefit of another entity. The amendments will place obligations on departments and ministers to publish on the disclosure log as soon as possible after access is granted the applicant's name and a copy of the actual documents that are accessed. This is to ensure that all Queenslanders can have access to the documents.

The bill allows for appropriate deletions to be made from the material to be published, including where it is prevented by law, may be defamatory or would unreasonably invade an individual's privacy. This allows an individual's name to be deleted if appropriate. In addition, departments and ministers will be required to publish on the disclosure log, as soon as possible after a valid application is received, details of the information being sought under the application. These new disclosure log requirements will mean that the wider community will be able to see what type of information is being sought under Right to Information. The amendments will also allow the wider community to see the actual information being released.

This bill also amends the Integrity Act 2009 to make sure that the same standards of conduct regarding contact with lobbyists apply to the opposition as to government representatives. As was foreshadowed during the last parliamentary sittings, the government is committed to making sure that Queensland has an open and accountable opposition. We in government are doing our part to deliver the most open and accountable government that Queenslanders have ever seen, but it is important that the opposition also comply with the same high standards.

The bill will apply the current regulations about contact with lobbyists to opposition representatives, being the Leader of the Opposition, the Deputy Leader of the Opposition and staff members in the office of the Leader of the Opposition. This will mean that these opposition representatives will not be able to have contact with lobbyists unless they are properly registered under the act. This will apply to any attempts by lobbyists to influence the opposition's decisions about making or amending legislation or opposition policies, as well as the opposition's position on government actions. Due to the extension of the act to lobbying of the opposition, the bill will also make amendments which prohibit opposition representatives from conducting lobbying activities on matters they have had official dealings with for two years after leaving public office.

An integrity system can only be effective if the legislation that sets the rules is absolutely clear about what people are required to do. For this reason, the bill will make two other amendments to clarify the operation of the lobbying regulations in Queensland. The first of these is an amendment to make it absolutely clear that a third-party client is someone who has engaged a lobbyist to deliver a professional service for a fee or other reward that is agreed before the service is provided. The current version of the act has created a lot of confusion about when a lobbyist might be deemed to be conducting lobbying because, while it obviously contemplates a professional relationship between the lobbyist and the third-party client, it also says that lobbying can occur whether or not fees are payable.

The second of these amendments will clarify that the Lobbyists Code of Conduct can include requirements for lobbyists to give information about their lobbying activities to the Integrity Commissioner. This is an additional requirement to the current Lobbyists Code of Conduct which sets out the standards of conduct that lobbyists must comply with. The amendments to the current code will be developed and approved by the Integrity Commissioner following consultation with the parliamentary committee. It is only fair and reasonable that lobbyists should be recording their contact with government or opposition representatives as part of their day-to-day business activities.

To be clear, there is currently no legislative requirement for ministers or others to keep a lobbyists register. To ensure the most effective system of supervision, registered lobbyists, not ministers or opposition members, should be required to maintain records of their contacts with government and opposition. It is proposed to make recommendations to the Integrity Commissioner that such a system be implemented as soon as possible. The government's intention is to now put the full onus on registered lobbyists to record their contact with government and opposition representatives and to move away from the current internal ad hoc systems that were put in place by the former government. The provision of this information will be an extra source of information for the Integrity Commissioner to ensure that lobbying activity is being carried out with transparency and integrity in Queensland.

The government will work with the Integrity Commissioner to implement the necessary administrative systems to ensure that the Integrity Commissioner is able to monitor compliance by lobbyists with these new requirements and to ensure that the registers are maintained by lobbyists at a consistent standard. The announcement by the Premier that he and his ministers will be releasing their own diaries falls well with openness and transparency.

This bill gives effect to the government's commitment to making sure that Queensland has an open and accountable government and an open and accountable opposition; and the government's ongoing commitment to release as much information as possible to the wider community. I commend the bill to the House. I move—

That under the provisions of standing order 137 the Right to Information and Integrity (Openness and Transparency) Amendment Bill be declared an urgent bill to enable the bill to be passed through its remaining stages at this week's sitting.

I move this motion because it is fundamentally important. This is the last sitting of 2012 and we will not be back in this place for at least 2½ months. It is absolutely the government's intention that, in order to broaden new horizons in Queensland with respect to openness, integrity and transparency, this bill proceeds as soon as possible. It is no secret that the lobbying activity registers that we have in Queensland and the system that was put in place by the former Labor government have been ad hoc and confusing to everyone. What is the point of all those registers when the Labor Party cannot even find its former registers? I find that incredibly difficult to understand as the Labor Party had been in power for the past 20 years and, for a portion of that time, had the Integrity Act 2009 as well as the requirements for lobbyists registers under guidelines issued by Ken Smith, who led the DPC at that time. Where have the registers gone under the system that they espoused? In the past seven months they have learned new words: integrity, openness, accountability, transparency. When we ask the opposition to be transparent, it cannot provide the lobbyists registers that it has been keeping for four to five years. I will watch with interest to see how this debate unfolds. We will be watching to see what the Labor Party says in relation to this urgency motion to pass the bill through the House this week.

Let us look at the history of the introduction of the Integrity Act. Of course, it revolved around former Labor Party ministers who went off and became lobbyists, charging great success fees. On this side of the House, we do not begrudge anyone who wishes to engage in lobbying activity in Queensland. However, we have to have a system that is transparent, that is not confusing and that is the best system possible. I

think from next year we will have in place the best system, when ministerial diaries are released and new obligations for lobbyists are issued, and when we will work with the Integrity Commissioner to ensure that new guidelines are developed.

In speaking to this urgency motion, again I stress that we need to look at the historical context of the Integrity Act and the fact that the Labor Party cannot find its lobbyists registers. What hope do we have that the current system works? This is about making sure that we fix the system. For the benefit of all honourable members, I will table a letter dated 27 August 2010 from a Mr Ken Smith. The opposition leader will know who Mr Ken Smith is. He was a former director-general of the Bligh Labor government.

Mr Stevens: Where is he now?

Mr BLEIJIE: I understand that he is the Agent-General in London, although it has been a while since I have heard what he is doing over there. The letter is dated 27 August 2010 and I will table it for the information of all honourable members. It is addressed to Dr David Solomon, the Integrity Commissioner—

Mr Stevens: A good fellow.

Mr BLEIJIE: He is a good fellow. The letter was written about a year after the Integrity Act had been introduced by the Labor Party in 2009. In this letter to David Solomon, Ken Smith talks about contact with lobbyists and the department. He raises an issue about the privacy of third parties. In the last paragraph, he states—

Accordingly, the attached extract from the department's register has been amended to provide a quantifiable indication of contacts between lobbyists and departmental representatives, without disclosing information which may directly identify, or lead to the identification of, an individual, other than the registered lobbyist concerned.

That letter was written only a year after the former Labor government introduced its great accountability and integrity laws and it has not worked from the outset. It has not worked and the Labor Party knows it has not worked because, all of a sudden, since 2009, it has lost any contact registers with lobbyists. I table a copy of that letter.

Tabled paper: Letter, dated 27 August 2010, from the Director-General, Department of Premier and Cabinet, Mr Smith, to the Integrity Commissioner, Dr Solomon, relating to Register of Contact with Lobbyists for the Department of the Premier and Cabinet [1728].

Over the past few weeks we have heard a lot about lobbyists and contact with lobbyists. Some people have paid a high sacrifice for the system that was developed by the former Labor government. We now have an opportunity to get this right. We now have an opportunity to sort out this mess. We have the fortitude to make sure that we can fix these issues that the Labor Party never could fix. I see the opposition leader laughing and smiling.

Ms Palaszczuk interjected.

Mr BLEIJIE: I saw her laughing and I saw her smiling. She was laughing at a joke from the leader of opposition business. Maybe they were joking about where their registers are. Maybe they were saying, 'Maybe you've got it in your office?'

Mr PITT: I rise to a point of order. I will have plenty of other things happen, but I will not have the Attorney-General put words in my mouth. I find his comments offensive and I ask him to withdraw.

Mr BLEIJIE: I withdraw. The question for the Labor Party is this: where are the lobbyists registers?

Ms Palaszczuk: Who introduced the Integrity Act? Who introduced it?

Mr BLEIJIE: I take the interjection. The ones who introduced the Integrity Act and the Integrity Commissioner now cannot provide the lobbyists registers for the past five years. We have an Integrity Commissioner introduced by the Labor Party and an Integrity Act introduced by the Labor Party, yet the Labor Party does not have the integrity to tell us where the lobbyists registers are. We talk about hypocrisy—and we all know how to spell hypocrisy: A-L-P. The Labor Party cannot lecture anyone on integrity, accountability, openness and transparency. From next year, Queenslanders will have the most open, accountable and transparent government ever seen across this nation. Queensland will lead the way with a premier who believes in openness and accountability and his assistant minister for e-government. The open data website has been launched and it will be further progressed next year. On the website now there is information that has never before been available to Queenslanders. We have to make a stand now to fix this issue. It would be a very brave Labor Party that voted against transparency and account ability in Queensland, but I would not put it past them.

The government is willing to open its diaries. We fundamentally believe that when a registered lobbyist sees a minister, the onus and obligation should be on the lobbyist to keep the register and liaise with the Integrity Commissioner. I am pleased that we will now move forward following the passage of this legislation. If the motion of urgency is passed tonight, I am pleased that we will be able to move forward and work with the Integrity Commissioner to get a system in place in Queensland that is understood by everybody, including the opposition. We are doing them a favour, not only by opening them up to new-found openness and transparency, but also by implementing a system that even they can understand.

We will have it in plain English. We are happy to get the crayons out and the chalkboard out. It is to be a system that the Labor Party should be able to understand, although the bill does contain the words 'openness and transparency'. They are words the Labor Party do not understand, do not know how to spell and do not know how to say. I live in hope that the Labor Party will support these new initiatives to once and for all sort this issue out in Queensland.

Mr DEPUTY SPEAKER: Before we move to the question of urgency, can I ask that the Attorney-General move that the bill be read a first time.

First Reading

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (9.20 pm): I move—
That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.