




Speech By
Hon. Tim Nicholls

MEMBER FOR CLAYFIELD

Record of Proceedings, 20 November 2013

MOTION: PARLIAMENTARY CRIME AND MISCONDUCT COMMITTEE

 **Hon. TJ NICHOLLS** (Clayfield—LNP) (Treasurer and Minister for Trade) (2.43 am): If we have ever heard such a diatribe of rubbish in this place in relation to this issue, it is hard pressed to remember. We have a simple motion here. We have a simple motion that reflects the information that has been provided by the chairman of the committee to the Attorney-General. I refer to the statement made at 11.35 pm yesterday evening by the chairman of the PCMC. Here is the statement from *Hansard*—

One of those decisions that was made related to the concern that the Attorney-General expressed in relation to perceived bias by members of the committee in relation to statements that were made. On the basis in part of those concerns, the decision was made by the committee this afternoon to refer the matter to a newly constituted select Ethics Committee ...

There you have it, Madam Speaker. The chairman of the PCMC is saying that when they gathered together on the basis of their own perceived bias they were unable to confidently reach a conclusion in relation to the matters that have been referred to them, and there you have the truth of the first statement made by the Attorney-General in the motion tonight—

The Chair of the ... (PCMC) has foreshadowed the PCMC will report that members of the committee may have been biased ...

There you have her statement and the statement made in the motion tonight, and you can see that they line up.

I hear a lot of talk about cover-ups. There has been no cover-up. All the information has been made available. Indeed, it was tabled tonight. The transcripts were tabled tonight. If there had been any attempt to cover up, there could have been action taken by the government to stop the release of that material. But did the government do that? No, it did not. It did not. What we saw was the chair of the PCMC table transcripts that were selected by the members of the PCMC who had already apprehended their own bias. So after they had made a decision themselves that their report could be tainted because they apprehended there would be a bias, they then made a decision and selected what was to be released and the executive government in this place did not stop that occurring.

So where is the evidence of the cover-up? Where is the evidence of the cover-up? Hang on a second: how foolish of me! Here is the evidence of the cover-up—transcript of hearings Friday, 1 November, transcript of hearings in camera Wednesday, 13 November, transcript of hearings Monday, 18 November. What a cover-up! All those documents that the committee itself wanted tabled have been tabled. What has occurred if there is a cover-up is the failure to release all of the evidence—all of the transcripts. If all of the protestations about their desire for openness and transparency had played out, we would have seen all of the transcripts displayed here. If they had a real desire, as members opposite have said, for openness, transparency and fairness, they would have afforded the subject of their inquiry an opportunity to respond to the matters that have been put there.

We heard again this evening the member for Gladstone's disappointment—and I believe she was disappointed—that they were unable to have Dr Levy present his response to the allegations that have been raised in the evidence put forward by the transcripts and presumably other material that we have not seen tonight. But today Dr Levy was denied that opportunity. He was denied that

opportunity and then the transcripts were released and we have then seen the flow of vitriol that has come out of the ALP this evening condemning him without even letting him defend himself. So all of the principles that they stand for—about fairness, about transparency—they threw out the window in the last hour as they proceeded to condemn Dr Levy without any opportunity to defend himself. I heard them refer to comments that the Attorney might have made about Mr Ross Martin, and at no stage did anyone walk into this place and say, 'I have lost complete and utter faith in Ross Martin and he should be sacked.' At no stage did that happen. What did happen—

Honourable members interjected.

Madam SPEAKER: Order! Pause the clock. Members, the number of interjections is only going to make the debate longer because I will pause the clock until we get control of the House and respect for the person with the call. I call the Treasurer.

Mr NICHOLLS: What we saw when Mr Martin was subject to inquiry was a full and open inquiry. Who established a full and open inquiry into the operations of the CMC? It was this government. It was not a secretive, behind closed doors selective transcript inquiry; it was a full and open public inquiry into the affairs of the CMC that saw I think over 4,000 pages of Fitzgerald testimony shredded.

Tonight, we are seeing the complete opposite: a group of people who apprehend that they will have a bias or that their outcome might be perceived as biased, who have themselves decided, according to the chair, on the basis in part of those concerns, to refer the matter to a newly constituted Ethics Committee so that no bias in relation to the matters in discussion could be assessed. So on their apprehension that bias could be a problem they have said, 'We can't decide it,' but notwithstanding that they have made a decision about what they will and will not release to the public.

So the hypocrisy of the position becomes abundantly available. We have now a committee that, in truth, is unable to discharge the functions that it has been given to accurately and effectively supervise the operations of the PCMC and to act in an impartial and fair manner. We have members who have already publicly said that they have lost faith in the chair of the PCMC. So they have prejudged an outcome. They have then sat on a committee. When it has been brought to their attention, they have realised the error of their ways. The chair of that committee has said, 'We apprehend our report will be tainted because of bias so we are going to recommend that it go to another committee' and then they make a decision about the material that ought to have been released. In the meantime the person who is the subject of their inquiry has no opportunity to respond despite coming down here and waiting, as I understand, an hour and a half to present his case to the PCMC this afternoon.

The only people who are complaining and going back to the past—and there is no suggestion on this side of the House that anything else will be the case—are the members of the ALP, who cravenly go back to the events of 26 or 27 years ago because they have no vision for the future. They realise that what they are saying tonight is in direct contradiction to the way the PCMC ought to operate in a fair, frank and unbiased fashion, because they have been unable to do that tonight.

Tonight, we have had the accusation being made against Dr Levy. We have had the calls to resign being made against Dr Levy. We have had the public performance by the Leader of the Opposition, who, on the only day she chose to go to a PCMC inquiry was the day it was the open inquiry, and then we have days of secret inquiry and then we do not give the person the subject of that inquiry, whose name has been pushed through the media with those accusations, the right of response.

So what does the motion moved by the Attorney-General today call for? It says simply, 'We should let Dr Levy have his say. He should give his side of the story. He should be able to respond to the unfounded allegations that have been made, to the evidence that has been presented, to the evidence that has been tabled selectively'—and I would say highly prejudicial to his reputation—'to avoid him having a trial by media and to note that no finding has been made.' No finding has been made in relation to Dr Levy and his actions.

So you have a series of highly prejudicial events pushed out by a committee that says that it has an apprehension of its own bias causing concerns about its report. We are simply saying, 'There is nothing that you can take out of the material that has been presented for the reasons that are set out in the motion and Dr Levy should be afforded the same right of reply that is afforded to members of the public who seek a right of reply when statements are made in this House.' It is an entirely sensible motion. The hysteria on the other side is entirely unwarranted. Dr Levy is entitled to have his say as much as any other person is and he is not entitled, nor does he deserve, to have his reputation tarnished and abused in the way that the ALP is doing simply for cheap political shots.