




Speech By
Hon. Anastacia Palaszczuk

MEMBER FOR INALA

Record of Proceedings, 25 May 2016

MINISTERIAL STATEMENT

Ministers of the Crown, Legal Indemnity Guidelines

 **Hon. A PALASZCZUK** (Inala—ALP) (Premier and Minister for the Arts) (2.11 pm): My government is determined to ensure that we get the best value for money for taxpayers. Whether that is in day-to-day expenditure, long-term investments or exposure to risk, it is incumbent upon all of us to put an absolute premium on every single taxpayer dollar. It is with this in mind that a week and a half ago I asked my director-general to provide cabinet with options to revise the guideline for the grant of indemnities and legal assistance to ministers and assistant ministers.

To be clear, there is no question around maintaining indemnity provisions for ministers. It is important to ensure ministers can fulfil their duties on behalf of the government with legal protection. However, as we know, defamation claims against ministers or former ministers have the potential to expose the state to significant legal costs and damages. I am concerned about this exposure.

I am of the firm view that ministers of the Crown should be extremely careful with the language they use in the public domain. In cases where claims are made, I am also of the view that, where possible, every effort to mitigate damages paid by taxpayers should be made.

Cabinet has endorsed the inclusion of a new section in the guideline. This new section states—

Where a Minister is granted Legal Assistance or Indemnity for a civil proceeding involving a claim in defamation, the decision-makers make it a condition of the grant that the Minister obtain appropriate legal advice about any necessary steps, including to mitigate any damages the State may be liable for if the statement is ultimately found to be defamatory.

If a Minister does not take appropriate steps, the decision-makers may take that factor into account in considering whether to amend or withdraw the grant or the conditions of the grant under this Guideline.

Mr SPEAKER: Member for Kawana, if you persist with your interjections or comments while the Premier is speaking you will be ruled on.

Ms PALASZCZUK: My government will maintain the offer of legal assistance or indemnity to ministers, but the stipulation in the guideline will be clear. Where a grant of assistance includes a condition that legal advice be sought as to whether damages might be mitigated by taking certain actions—for example, by issuing a statement of regret, apology, or a retraction—if that advice is not followed, the grant of assistance could be withdrawn. I think taxpayers will see this is a reasonable step forward.

Ministers who are granted an indemnity have always had an obligation to act reasonably in the way that they deal with taxpayers' money. They have always had a duty to mitigate the loss to the state. These changes are to put at the forefront of the minds of ministers when they speak in their official capacity that they should be mindful of not making comments that might be seen to be defamatory. Ministers need appropriate legal protections, but they also need to be responsible for their actions. If their actions look like costing taxpayers a hefty bill, they need to be willing to take action in order to minimise those costs.