




Speech By
James Lister

MEMBER FOR SOUTHERN DOWNS

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CRIME AND CORRUPTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr LISTER** (Southern Downs—LNP) (6.36 pm): I rise to make a contribution on the Crime and Corruption and Other Legislation Amendment Bill 2018. I, like the member for Mansfield, would like to thank my colleagues on the committee—I am a member of that committee myself—and the staff who, as we often say, do an outstanding job. I would like to pay tribute to them.

I would like to focus on one particular aspect of the bill, and that is the definition of ‘corrupt conduct’. I thank the Attorney-General for her second reading speech earlier. I note that she invoked the Moonlight State and the Fitzgerald inquiry, and that is very appropriate. I would like to explore some potential improvements to the definition of ‘corrupt conduct’ as they might relate to examples of recent public administration that we have seen in Queensland and also in the operation of this House itself.

The member for Toowoomba North, my good friend, recently spoke about public confidence and about the government’s published protestations about serving all Queenslanders, not just the privileged few. I want to focus on the words ‘not just the privileged few’. One of the concepts of corrupt conduct which was exposed by the Fitzgerald inquiry was that very issue—the privileged few having access to power, having access to opportunities and personal enrichment at the expense of the common good.

We have heard a number of speakers in this debate talk about the astonishingly bad revelations regarding the mangocube email account. I note that the minister is here in the House to hear what I have to say. I think that is very sporting of him.

Mr BAILEY: Mr Deputy Speaker, I rise to a point of order. This has nothing to do with the bill and I ask the member to come back to the bill.

Mr DEPUTY SPEAKER: Member for Southern Downs, I ask you to come back to the long title of the bill.

Mr LISTER: Yes. As I continue my exploration of ways in which perhaps the definition of ‘corrupt conduct’, which is a central part of this bill, might be improved—

Mrs D’Ath: You narrowed it when you were in government—just saying.

Mr LISTER: I take that interjection from the Attorney-General. I have not been in government. I am a member of the opposition and I have only been here for a year. That does not mean that, on behalf of the people of Southern Downs, I do not have some valuable insights to offer in this debate.

As I say, it is lamentable that the definition of ‘corrupt conduct’ does not capture—or at least did not at the time—the mangocube saga where we had terrible revelations of favouritism and backroom deals where friends of the minister, or perhaps his puppeteers, in the union movement had been giving him advice and direction on how to undertake his ministerial duties.

Mr BAILEY: I rise to a point of order, Madam Deputy Speaker. Once again, the member has strayed right off the bill. I suggest that he address the bill and do his job.

Madam DEPUTY SPEAKER (Ms McMillan): Order! I advise the member to return to the long title of the bill.

Mr LISTER: Thank you, Madam Deputy Speaker. As I return to the bill and its implications for the description of corrupt conduct, we need to have a definition which would capture examples we have seen in recent public administration in this state—examples such as the use of private email accounts to circumvent proper practice in order to allow friends of the executive to exercise undue influence away from the public eye. As the Attorney-General raised the Fitzgerald inquiry in her second reading speech today, I think it is really important that we talk about the sorts of things which could be characterised as corrupt conduct. If this bill were really good—

Mr BAILEY: I rise to a point of order, Madam Deputy Speaker. The member clearly is not adhering to your direction. He is repeatedly straying from the bill onto totally irrelevant imaginings and I suggest that he come back to the bill.

Madam DEPUTY SPEAKER: Order! I advise the member to return to the bill.

Mr LISTER: I will return to the bill and I will continue to discuss the tenet of the bill, which is the definition of 'corrupt conduct'. As a member of this House and as a representative of the people of Southern Downs, I would like to talk about how the definition of 'corrupt conduct' might be improved to ensure that recent examples of public administration in this state could have been prevented or punished had the definition been appropriate.

As I say, the Attorney-General did invoke the Fitzgerald inquiry in her speech earlier this afternoon and I thank her for that. I would like to provide some rebuttal to the implication that the Fitzgerald inquiry and report had some bearing or genesis on the bill before us. I think the government needs to remember that oppressing the parliament or preventing it from carrying out its duties should be seen as a form of corrupt conduct. I would like to quote from the Fitzgerald report which states—

No government will have all the ideas, expertise and insight on any particular topic. As well, Governments are not the only bodies which have these attributes. Whatever the expertise required, the solution to any problem is something about which people can and do reasonably differ. The best result will be produced from rational debate by those with opposing views. The community is entitled to such a result.

The report continues—

It is much less likely that a pattern of misconduct will occur in the Government's public administration if the political processes of public debate and opposition are allowed to operate, and the objectives of the parliamentary system are honestly pursued.

Coming back to the definition of 'corrupt conduct', I think that we should consider it to be corrupt conduct to curtail debate; to silence us; to clamp down on the liberties of members of this House to speak on behalf of their constituents about matters of concern. One such matter of concern, as I said, was the terrible mangocube saga where we saw, in my view, the abuse of executive power in secret. One of the things that Fitzgerald said in his musings on corruption is that it is the absence of public disclosure and the absence of public knowledge of activities which allow corruption to flourish. I think ipso facto any mechanism which is used to keep the public uninformed about what the executive is up to could well be seen as corrupt conduct. I say again it is a shame that the definition is only being changed now and not at the time the mangocube saga was going on. There are other extraneous interests such as what the unions want and who has been elected by what faction to be in the ministry, though that is completely distinct from the interests of the public of Queensland, and that is the whole problem here.

I will continue to talk about the Fitzgerald report and how it relates to corruption and what could be seen as corrupt conduct. I want to look at statutory board appointments. I know that any conduct which enriches people secretly or against the public interest should be seen as corrupt conduct. I look at some of the infamous board appointments we have had in recent times which have clearly been examples of favouritism and nepotism—jobs for the boys for the friends of the Labor movement.

To come back to the question of secrecy and how that allows corrupt conduct to flourish, Fitzgerald said—

A Government can deliberately obscure the process of public administration and hide or disguise its motives. If not discovered there are no constraints on the exercise of political power.

The rejection of constraints is likely to add to the power of the Government and its leader, and perhaps lead to an increased tendency to misuse power.

The risk that the institutional culture of public administration will degenerate will be aggravated if, for any reason, including the misuse of power, a Government's legislative or executive activity ceases to be moderated by concern for public opinion and the possibility of a period in Opposition.

What that is saying is that one hides from the public things that one does not want them to find out about because there may be adverse electoral consequences. We had in the gallery today the honourable Matt Foley, who I understand had leave to appear at the Fitzgerald inquiry to represent the Labor Party. Where is Mr Foley now when we see examples like the mangocube debacle or when we see ministers of the Crown clearly doing the bidding of their union paymasters? The Fitzgerald report continues—

The ultimate check on public maladministration is public opinion, which can only be truly effective if there are structures and systems designed to ensure that it is properly informed.

We are going back again to open administration—the sort of stuff that the Palaszczuk government and the Premier herself goes on about ad nauseam. It further states—

A Government can use its control of Parliament and public administration to manipulate, exploit and misinform the community, or to hide matters from it. Structures and systems designed for the purpose of keeping the public informed must therefore be allowed to operate as intended.

I think that is damn right. Although I have reservations about the bill, I believe we should support it nevertheless.