




Speech By
Ray Stevens

MEMBER FOR MERMAID BEACH

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**MINISTERIAL AND OTHER OFFICE HOLDER STAFF AND OTHER
LEGISLATION AMENDMENT BILL**

 **Mr STEVENS** (Mermaid Beach—LNP) (5.18 pm): I rise to speak to the Ministerial and Other Office Holder Staff and Other Legislation Amendment Bill 2018. I have to say that we are really stretching our memories here because this bill was urgently brought in to the new parliament, the 56th Parliament, and here we are coming to the close of the 56th Parliament and we have finally got to the Ministerial and Other Office Holder Staff and Other Legislation Amendment Bill 2018. I wonder if the Attorney-General will be able to advise us in her wrapping up of how many staff have got through and how many active criminals we have in the Parliamentary Service because this legislation has taken so long to come to the House.

I am aware that there have been some revelations with some parliamentary staffing issues and that those matters have been resolved. The fact that this legislation has taken at least two years to be passed speaks volumes about the importance that the Attorney-General has placed on it. I am disappointed that the wheels have been so slow to turn on this mechanism to do with the working of the House and it is now basically a bit more than three months before we get to the 57th Parliament and this is only becoming law in Queensland now.

The bill aims to enable the director-general or the Clerk of the Parliament of Queensland to perform criminal history checks on individuals to ascertain whether they are suitable for engagement in various ministerial and other offices. It also seeks to make procedural amendments to details of the Parliamentary Service Act 1988 and the Parliament of Queensland Act 2001, which I will address later.

In relation to criminal checks, the proposed legislation has been deemed necessary following the disappointing and serious incident in 2017. The Leader of the Opposition highlighted in her excellent speech and identified where these problems were in some parliamentary areas. At that time it was discovered that an employee of the Parliamentary Service had a previous criminal conviction, and that was noted by the Premier when she introduced the bill to the parliament.

The proposed legislation was referred to the Economics and Governance Committee on 15 May 2018. I was a young boy back then! Following that, the committee invited written submissions from the public—there were none—and it consulted with the Department of the Premier and Cabinet. As I mentioned, the proposed legislation enables the Attorney-General to request written consent to conduct a criminal history check on a person who is being considered for employment in the areas of an office of a minister, office of the Leader of the Opposition or office of another non-government staff member. As the Leader of the Opposition mentioned earlier and as we know, Mr Barbagallo, the former chief of staff, had some issues a long, long time ago that I am sure he would have disclosed when he took up the position as the Premier's chief of staff. Now there is another ongoing investigation by the Crime and Corruption Commission.

However, the issue that I would like to be tied to this part of the bill is the fact that it was determined by the Premier back then that a report would be done and it would be forwarded to this

House so it would become part of the criminal checks into criminal matters and that particular behaviour. To this date we have not seen that report come to the House. I have put a question on notice requesting the date when that particular report might be coming to the House.

As I mentioned before, the bill bestows the same powers on the Clerk in the area of the Parliamentary Service for electorate officers. This is very important as a lot of important matters are discussed in parliamentary offices, and our regional offices are actually part of the parliament. As such, it is obvious to me that we should have had strong criminal history checks.

One thing I would raise with the Attorney-General is problems we have had previously with access to criminal history information from the New Zealand authorities. Perhaps the Attorney-General can cover that issue. I am sorry I am going back two-odd years, but I do not think we covered it at the time the committee conducted its investigation. Perhaps the Attorney-General could give some advice about that information we need. I am aware that we were prevented from getting criminal history information from the New Zealand authorities, and a lot of our brothers and sisters from New Zealand occupy positions here in Queensland.

The proposed legislation stipulates that, should consent for a criminal history check not be given or should it be withdrawn, the director-general and the Clerk have the ability to no longer consider an individual's employment or engagement. Additionally, if the individual is already a staff member, the refusal to consent to a check will mean that the relevant employer—the Premier, Leader of the Opposition or non-government employee of the Clerk—may decide to prevent them from further engagement in relevant duties.

During the public briefing I raised a question on notice about how this legislation, specifically regarding criminal history checks, compares to other jurisdictions in Australia. The department responded by advising for the most part criminal history checks are conducted on parliamentary and ministerial staff in other states and the Commonwealth, while checks on electorate staff are optional and are not required in all other states except for New South Wales and Northern Territory. Nevertheless, it was noted during the briefing that the department sees a need to legislate to prevent challenges to the director-general's ability to issue directives. The department also advised that QPS had indicated that, in order to conduct checks, there is a preference for a legislative head of power.

The bill provides the Clerk may request a criminal history report from the Police Commissioner or another entity. The Economics and Governance Committee requested advice from the department on who or what this entity is. Given that the bill includes provisions about information shared with the Police Commissioner, including that it must not be accessed, disclosed or used for any other purpose, the committee also questioned what measures would be undertaken to prevent information being provided to another entity. We need to keep a lot of those matters in the right hands in these days of digital communication and transfer of information. The department advised that other entities are limited to agencies accredited by the Australian Criminal Intelligence Commission.

Following the incident in 2017—this speech must be old; it says 'last year'—a contract was entered into with one such agency and the department informed the committee that the Clerk wished to continue this contract. In response to a committee question regarding safeguards on information shared with the agency, the department advised the contract includes provision for protecting information. Therefore, the bill does accommodate such contracts.

The proposed legislation also specifies that notice must be given for the committal conviction, end of prosecution or appeal against conviction of a staff member or parliamentary officer or employee. This notice must be given to the director-general or the Clerk by the Police Commissioner or prosecuting authority if either of the latter parties are aware that the individual committed to stand trial is convicted of an indictable offence, if prosecution ends with no conviction or if an appeal against a conviction ends.

I note that the committee noticed a small inconsistency, as the chairman of the committee referred to, with the Public Service Act in this area, in clauses 3 and 10 of the bill. It was advised by the department that a drafting error had occurred, which was addressed by the Economics and Governance Committee in its second recommendation.

The committee also sought advice from the department with regard to the lack of provisions requiring Public Service employees to notify the director-general if they have been charged with an indictable offence. The department responded that this requirement was perceived as being sufficiently addressed in policies such as an employment screening directive which requires staff to disclose whether they have been charged with, or convicted of, an indictable offence. It is also covered in employee codes of conduct for both ministerial and other office holders as well as parliamentary officers and employees.