



Speech By  
**Hon. Yvette D'Ath**


**MEMBER FOR REDCLIFFE**

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Record of Proceedings, 16 July 2020

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

**Second Reading**

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice) (4.50 pm): I move—  
That the bill be now read a second time.

The Ministerial and Other Office Holder Staff and Other Legislation Amendment Bill was introduced by the honourable the Premier earlier this term and was referred to the Economics and Governance Committee for review and scrutiny. The Economics and Governance Committee considered the legislation and provided its report in mid-2018. I would like to thank the members of that committee for their careful consideration of this bill—in particular, the chairperson of the committee, the member for Logan, Mr Linus Power, who I know discharges his duties in the highest of manners.

Members will know that this bill will provide the director-general of the Department of the Premier and Cabinet with the statutory power to conduct criminal history checks to assess the suitability of a person employed under the Ministerial and Other Office Holder Staff Act 2010. Similarly, the bill will provide the Clerk of the Parliament with the statutory power to conduct criminal history checks to assess the suitability of a person to be engaged under the Parliamentary Service Act 1988, including in an electorate office.

The bill introduces requirements on the Queensland Police Commissioner and the Director of Public Prosecutions to provide the director-general or Clerk of the Parliament information about changes to an existing staff member's criminal history. The bill will amend the plan details of the parliamentary precinct following the Queensland parliament's agreement in 2017 to relinquish a small parcel of land for the Queen's Wharf Brisbane project. It will also make other minor legislative amendments to correct and update act references.

I note that the committee recommended that the bill be passed and that a minor drafting error be corrected. As outlined in the government's response to the committee's report, which was tabled by the Premier on 5 October 2018, the Palaszczuk government supports the committee's recommendations.

I also inform the House that following the tabling of the government's response to the committee's report, the government identified some further drafting inconsistencies between provisions in the Public Service Act 2008 relating to criminal history checking for public servants and those in the bill that will apply to staff employed under the Ministerial and Other Office Holder Staff Act 2010 and the Parliamentary Service Act 1988.

The policy intent of the bill is to provide the director-general and the Clerk of the Parliament with the same legislative power to conduct criminal history checks as is provided to chief executives for public servants. Accordingly, I will be moving amendments during consideration in detail to resolve these inconsistencies and to correct the drafting error identified by the committee.

The committee expressed concern that the explanatory notes to the bill provided insufficient detail about fundamental legislative principles, specifically about privacy and safeguards surrounding criminal history checks. In response, I would like to take some time to clarify for the House that there are safeguards contained in the bill with respect to criminal history reports and notices which have applied within the Public Service since 2008—in particular, a person's criminal history report may only be obtained with that person's consent; criminal history reports and relevant notices must be destroyed when no longer required for the purpose they were obtained; and there are strict limits on the use and disclosure of criminal history information, with a new offence prescribed for unauthorised disclosure of a person's criminal history, punishable by a fine of up to 100 penalty units, which currently amounts to \$13,345.

It is imperative that we are able to ensure the suitability of individuals employed under the Ministerial and Other Office Holder Staff Act 2010 and Parliamentary Service Act 1988 to maintain public confidence in these public offices. The director-general and Clerk of the Parliament have put in place administrative procedures since December 2017 to conduct criminal history checks for ministerial and parliamentary service staff. While these interim measures have been working well, embedding the process in legislation and including safeguards around the use and disclosure of the sensitive information provides greater protections for staff members whose criminal history is obtained through these provisions.

I also propose to move amendments during consideration in detail to include amendments in the bill to the Queensland Independent Remuneration Tribunal Act 2013. The amendments to the QIRT Act will give the Queensland Independent Remuneration Tribunal the functions and powers to set additional staffing entitlements for crossbench members to support their parliamentary duties.

Allowing the independent tribunal to make determinations regarding additional staffing entitlements for crossbench members will ensure that decisions about the additional staffing resources required by minor parties and independent members to fulfil their parliamentary duties are made by an independent entity.

Let me be clear, however, that this is not an open door for all crossbench members to access additional staffing resources in all instances. The amendments provide guidance about what matters the tribunal may consider when deciding whether additional resources are in fact required. These considerations include, for example, the composition of the parliament; the workload and duties on the crossbench members; staffing and resources available to all members; and whether the crossbench members are members of a political party.

The government considers that these amendments will increase the quality of parliamentary debate and result in better policies and legislation for the people of Queensland. With these words, I commend the bill to the House.