



Speech By  
**Hon. Shannon Fentiman**


**MEMBER FOR WATERFORD**

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Record of Proceedings, 29 November 2022

**INTEGRITY AND OTHER LEGISLATION AMENDMENT BILL**

**PUBLIC SECTOR BILL**

 **Hon. SM FENTIMAN** (Waterford—ALP) (Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence) (4.42 pm): It gives me great pleasure to rise today to speak in support of the bills comprising this cognate debate—the Public Sector Bill 2022 and the Integrity and Other Legislation Amendment Bill 2022. This government has a demonstrated track record on integrity and we know that it is crucial that Queenslanders have faith in our system of government. We have strengthened our laws when it comes to political donations. The Premier has ruled out big money fundraising. We have widened the definition of ‘corrupt conduct’, restored the Crime and Corruption Commission’s independence and the government is committed to putting integrity at the heart of our government. Transparency and accountability come first. While we have already made substantial reforms across a range of areas, we know there is more to do.

With regard to Professor Peter Coaldrake’s report *Let the sunshine in: review of culture and accountability in the Queensland public sector*, we moved quickly to respond to this report and we have committed to implementing all of the sweeping reforms proposed by Professor Coaldrake. The Premier described these reforms as bold, comprehensive and visionary. Once implemented, they will ensure that Queensland has the most transparent and accountable government in the country. Of course we have already commenced on this reform journey and I was pleased to announce only last week that following the recommendation of Professor Coaldrake we have commenced a review of the Public Interest Disclosure Act 2010. We know how important it is for Queenslanders to be able to make protected public interest disclosures and to have a robust framework to allow for that to occur. The Hon. Alan Wilson KC has been appointed to conduct this review and it is expected to be completed by the end of April next year.

In relation to the Public Sector Bill, I thank the Economics and Governance Committee for its report considering the bill and acknowledge the stakeholders who provided submissions to the committee. With respect to the public sector review framework, I note the submissions made by the Electoral Commission of Queensland and the Queensland Human Rights Commission about their independence. In its report, the committee acknowledged the comments about the application of the public sector review functions to these bodies but was not able to form a view as to why these reviews should not continue. The committee further observed that it was open to government to enable this important review function occur via an alternative structure. The government has heard the concerns of the ECQ and the Queensland Human Rights Commission and, as foreshadowed by the Minister for Industrial Relations, the government will be moving amendments to take action to address these concerns.

Both of these bodies perform roles that are integral to the functioning of Queensland’s parliamentary democracy. Accordingly, to ensure there is no potential for interference with the vital roles of the ECQ and the QHRC, the government will be moving an amendment to exclude these bodies from

the application of public sector reviews under the bill. While the ECQ and the QHRC will be removed from the scope of public sector reviews, the government will also be proposing amendments to the Electoral Act 1992 and the Anti-Discrimination Act 1991 to provide an alternate review mechanism. This is similar to what is done for the Ombudsman, the Information Commissioner, the Auditor-General and the Integrity Commissioner. The government's amendments will provide for periodic strategic reviews of the ECQ and QHRC under their authorising acts. This will enable the appointment of an appropriately qualified person to review their functions as well as whether they are performing their functions economically, effectively and efficiently. Consistent with other integrity bodies, the time frame for a periodic strategic review will be every five years.

While the ECQ supported the introduction of strategic review processes, it raised concerns about the timing of a strategic review having a potential impact on its ability to effectively deliver an election. To address this issue, the amendments proposed by the government will include a power for a strategic review of the ECQ to be postponed for up to another two years if this is necessary having regard to a state general election or a local government quadrennial election. These amendments will protect the ECQ and QHRC's independence and further strengthen Queensland's integrity system.

During the committee's consideration of the bill, the Office of the Public Guardian raised an issue about the provisions in the bill dealing with reviews of non-permanent employment for public sector employees and their application to community visitors appointed under the Public Guardian Act. I thank the Public Guardian for raising this matter. Acknowledging the bill's emphasis on permanent employment for public sector employees, I note the government will be moving an amendment during consideration in detail which clarifies that, if an employee's employment is to be converted to a permanent basis under the bill, the employee may be employed permanently despite anything in another act. In the case of the Public Guardian, this amendment will clarify that community visitors appointed under the Public Guardian Act who will become public sector employees under the bill can be appointed on a permanent basis as a result of the Public Sector Act framework despite any requirement in the Public Guardian Act. A further technical amendment which the government intends to move will make a minor change to the bill's civil liability protection provisions to extend this protection to associates of judges or members of other courts of record. The effect of this amendment will be that associates to Land Court members are captured.

Turning to the integrity bill, the first tranche of amendments contained in the Integrity and Other Legislation Amendment Bill are based on Professor Coaldrake's report and Mr Kevin Yearbury's report. They aim to better promote the independence and authority of Queensland's Auditor-General, the Ombudsman and the Integrity Commissioner. In relation to the specific amendments falling under my portfolio responsibilities, the bill amends the Ombudsman Act 2001 to reduce the strategic review period for the Ombudsman's Office from seven to five years.

The transitional provisions provide that the reduced time frame between strategic reviews will commence following the next strategic review. Under the current provisions, the next strategic reviewer of the Ombudsman's Office will need to be appointed by 24 January 2025. As highlighted in the Coaldrake report, a five-year strategic review period is consistent with the timing of the strategic reviews of the other integrity bodies and provides the Ombudsman with a more frequent opportunity to raise matters which require reform.

Unrelated to the integrity reforms in this bill and as foreshadowed in the second reading speech, the government intends to move amendments to the Magistrates Act 1991 to retrospectively validate the appointments of, and any relevant exercise of jurisdiction by, three acting magistrates who were invalidly appointed because they were over 70 years of age at the time of their appointment. This will provide certainty in relation to the validity of decisions made by those acting magistrates. The two bills before the House today are a further reminder of this government's commitment to reform and delivering the strongest possible integrity framework for this state. I commend the bills to the House.