Speech by

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INTEGRITY BILL & COMMISSIONS OF INQUIRY (CORRUPTION, CRONYISM AND UNETHICAL BEHAVIOUR) AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—LNP) (12.24 pm): I rise to make a contribution to the cognate debate on the Integrity Bill and the Commissions of Inquiry (Corruption, Cronyism and Unethical Behaviour) Amendment Bill. Firstly, I intend to deal with the provisions of the Integrity Bill introduced by the Premier in response to the questions that have been asked about the honesty, transparency and integrity of the current government both under the former Premier, Peter Beattie, and under the current Premier, Anna Bligh.

The response of the Bligh government has been underwhelming in a number of respects. The explanatory notes state that the actions in the Integrity Bill are intended to enhance the functions and independence of the Integrity Commissioner, including providing for the Integrity Commissioner to be an officer of the parliament; create a statutory basis for the Register of Lobbyists and ban the payment of success fees to lobbyists; amend the Parliament of Queensland Act 2001 to rename the Members' Ethics and Parliamentary Privileges Committee the Integrity, Ethics and Parliamentary Privileges Committee, with an additional area of responsibility of oversight of the performance and functions of the Integrity Commissioner; and amend the Government Owned Corporations Act 1993 to bring government owned corporations within the jurisdiction of the Crime and Misconduct Commission in relation to misconduct investigations.

In response to the contribution made by the member for Keppel during this debate yesterday, he failed to recognise that the LNP opposition has acknowledged the presentation of the provisions in the Integrity Bill. However, the LNP opposition has made the point that the government's bill is most notable not for the matters that are in the bill but for what has been left out. In that regard, the criticism levelled at the LNP opposition by the member for Keppel is without base.

The lack of public confidence in the parliament, and more particularly in the current government, is understandable when the government has acted without hesitation to protect its own without regard for longstanding arrangements in this place including removing original provisions of Queensland's Criminal Code for political purposes. We know that the government grossly abused its position and recalled parliament in December 2005 to protect one of its own—namely, the former member for Sandgate, Gordon Nuttall. The government recalled the entire parliament and used its majority to protect the former member for Sandgate from the consequences of his actions—knowingly misleading the parliament.

We also know that subsequently in May 2006 the Beattie government passed through the House an amendment to the Criminal Code which repealed a provision that prohibited members of this parliament from deliberately misleading the House and its committees. Since that time, the Labor government has stood in the way of efforts by the LNP opposition to restore that provision to once again make it an offence to knowingly give false evidence to the Legislative Assembly and the committees of the parliament in Queensland. The LNP opposition has tried to take a step forward to restore the integrity and accountability

of the Queensland parliament in this regard, notwithstanding the cynical abuse by the Labor government of its position.

In respect of the provision to bring government owned corporations within the jurisdiction of the CMC in relation to misconduct investigations, I want to take a particular interest in why the recommendation of the Queensland Ombudsman—that the Queensland Ombudsman be given a similar capacity—is not also in the provisions of this bill. The Queensland Ombudsman's submission is very interesting in this respect and warrants noting in detail. The Queensland Ombudsman's submission to the government's integrity and accountability green paper had the following to say—

... entities that carry out public functions using public funds and public infrastructure are accountable to the public for the way in which they perform those services and spend those funds, and should be subject to all the usual accountability measures.

...

In respect of the jurisdiction of the CMC and my Office—

that is, the Ombudsman's office—

over government owned corporations ... the situation has worsened in recent years. Until recently, the Ombudsman Act had some limited application to statutory GOCs, but no application to company GOCs. However, by October 2008, the government had converted all GOCs into company GOCs. This has resulted in my Office—

that is, the Ombudsman's office—

having no jurisdiction to investigate complaints made about the administrative actions of these corporations; and the CMC having no jurisdiction in relation to official misconduct by officers of these corporations.

This situation is unsatisfactory from both an accountability and integrity perspective. Moreover, it is out-of-step with the community's expectations regarding the ability of independent bodies such as the Ombudsman and the CMC to scrutinise the government's performance of the functions it undertakes on behalf of the community, no matter the type of body that performs the functions.

The Queensland Ombudsman went on to note that there are generally two arguments advanced to try to justify why GOCs should be excluded from normal government integrity and accountability mechanisms. Firstly, it is often argued that GOCs must comply with the accountability, reporting and regulatory requirements of the Corporations Act 2001, which is Commonwealth legislation, and are subject to independent regulation by the Australian Securities and Investments Commission. Secondly, it is proposed that GOCs are corporatised entities that operate in a commercially competitive environment and therefore imposing obligations on GOCs that do not apply to their privately owned competitors would adversely affect their ability to compete on equal terms. The Queensland Ombudsman addressed these arguments with the following observations—

In respect of the first argument, I would expect the requirements of the Corporations Act, and potential regulation by ASIC, to have little or no application or relevance to the types of complaints received by my Office regarding the administrative actions of GOCs.

The Queensland Ombudsman went on to say—

... while it might be expected that the governance framework of ASIC under the Corporations Act would regulate serious misconduct on the part of board members and most senior executives of a GOC, it is highly unlikely that ASIC would ever become involved in the investigation of misconduct or maladministration on the part of staff of the GOC.

As regards the second argument, I take the view that it is unrealistic to expect that a completely level playing field is ever achievable as far as GOCs are concerned. At the end of the day, GOCs are not private sector bodies no matter how closely they may resemble them. Their expenditure of considerable public money and the regulatory privileges they enjoy set them apart from private bodies and give rise to a significant public accountability obligation as regards their use of that money.

I consider that the public interest in ensuring that GOCs are accountable should, unless exceptional circumstances exist, outweigh the public interest in protecting the commercial interests of GOCs. Accordingly, I am of the view that all GOCs (whether or not they operate in a competitive environment) should be subject to the jurisdiction of both the CMC and the Ombudsman. The CMC and the Ombudsman should have the ability to investigate matters within their respective jurisdictions, on complaint or on their own initiative.

The Queensland Ombudsman finalised his submission in relation to this issue with a formal recommendation that—

The Queensland Ombudsman and the CMC be given jurisdiction over GOCs, with the ability to investigate matters that fall within their respective jurisdictions, either on complaint or on their own initiative.

There you have a clear and compelling argument from a respected and independent office holder in the person of the Queensland Ombudsman, whose recommendation has been totally ignored by the Bligh Labor government. That recommendation does not figure in the provisions of this bill.

Interestingly, I heard the member for Murrumba during his contribution to this debate yesterday praise the Premier for the extension of the CMC's oversight to GOCs for exactly and specifically the reasons outlined by the Ombudsman, which I mentioned earlier, as to why the Queensland Ombudsman should also be given oversight for the conduct of GOCs in Queensland. Why was the member for Murrumba silent in respect of the failure of this bill to extend the same capacity to the Queensland Ombudsman? Surely, on the basis of consistency alone, the same capacity ought to be extended to the Ombudsman. What explanation can the Premier or the Attorney-General give for this oversight? I would be

very interested to know why the CMC gets the nod in terms of oversight of GOCs but the Ombudsman is left out in the cold.

I turn now to the provisions of the Commissions of Inquiry (Corruption, Cronyism and Unethical Behaviour) Amendment Bill introduced by the Leader of the Opposition, the member for Surfers Paradise. The objective of the bill is to amend the Commissions of Inquiry Act 1950 for particular purposes. This bill has been brought to the Queensland parliament because the Bligh government refuses to establish an independent commission of inquiry into allegations of corruption, cronyism and unethical behaviour by the state government over the last 11 years.

Clause 3 of the bill outlines the extensive list of grounds on which the LNP opposition justifies the introduction of the bill. The litany of problems listed in clause 3 has plagued the government for some time now. Questions have been consistently asked about the state government's links with lobbyists, many of whom are former Labor members of parliament, and the extent of their influence over government decisions. The state government voted against a motion moved by the LNP opposition to establish a royal commission to investigate the culture of secrecy and allegations of corruption.

During this debate, Labor members have frequently referred to the Fitzgerald inquiry. Tony Fitzgerald did have plenty to say in his report that came out of the royal commission. Tony Fitzgerald has also had a bit to say in more recent times, including on 29 July 2009 when in respect of the current government, formerly led by Premier Beattie and now led by Premier Bligh, which has been in power for the last 11 years, he said—

Access can now be purchased, patronage is dispensed, mates and supporters are appointed and retired politicians exploit their connections to obtain 'success fees' for deals between business and government.

In 1987, amid allegations of a similar nature, the then Queensland National Party government had the guts to call a royal commission and appoint Tony Fitzgerald as the commissioner. The result of that royal commission is well known. It was a watershed for politics and public administration in Queensland. Two decades later, the Bligh government has demonstrated it does not have the same courage to open itself up to the scrutiny of a royal commission. The Labor Party may want to call up the ghosts of Fitzgerald from the 1980s but it wants to ignore Fitzgerald's words in 2009. The double standards are extraordinary.

There has been a claim made by the state government, and repeated during this debate, that the CMC has the powers required to investigate the allegations of corruption that are dogging the government and that a royal commission is not required. Labor says that the CMC is a standing royal commission. The state government is asking Queenslanders to believe that the CMC has made royal commissions redundant and that we will never need one again. The findings of the royal commission in relation to the Bundaberg Base Hospital shamed the state government for its mismanagement of Queensland Health. Does the state government really believe that we should have just left that inquiry to be undertaken by the CMC? If the CMC is a standing royal commission, why did the CMC not conduct the investigation into the Bundaberg Hospital? What are the Labor Party's criteria as to what should be investigated by the CMC and what warrants a royal commission? Again, the double standards are extraordinary.

Earlier in this debate I heard the Attorney-General offer criticism of the LNP opposition in respect of the issue canvassed in its issues paper regarding the Electoral Act and the fact that Queensland's electoral system is delivering results in terms of seats that do not reflect the results in terms of the relative share of the votes received. The Attorney-General drew a very long and unsubstantiated bow that discussion about this issue was somehow evidence the LNP opposition was launching an attack on the principle of one vote, one value. His comments were completely ridiculous. Not only is the Attorney-General wrong; he knew he was wrong.

The Queensland electoral system has a colourful history that is well documented. The former Hanlon Labor government introduced the zonal electoral system in 1949. The zonal electoral system was born of the Labor Party, and that is a fact. After a couple of decades of Labor complaining about the zonal electoral system and blaming the electoral system for its own failures, and after the former National Party government had the guts to call a royal commission, which was the Fitzgerald inquiry, one of the recommendations from that inquiry was implemented in the form of the Electoral and Administrative Review Commission. The report of that independent commission, EARC, born out of the Fitzgerald inquiry—although the National Party established the Fitzgerald inquiry, the Labor Party so keenly seeks to associate itself with it—recommended a one-vote, one-value electoral system in Queensland, except in respect of five extremely large seats covering Western and Far North Queensland. EARC's report took account of Queensland's particular geographic and demographic circumstances.

That recommendation was accepted and implemented by the Goss government in recognition of the massive disadvantage faced by Queenslanders in those areas in terms of accessing effective representation in our democratic system. The advantage is not significant for those Queenslanders who still have members that are required to cover massive electorates. I wonder how the member for Mount Isa felt yesterday when the Attorney-General was making his comments, given that her seat now covers more than 500,000 square kilometres.

If I were to draw a long bow, I could—in the same way the Attorney-General did during his contribution—allege that, based on his contribution, he was going to suggest we remove this minor

protection of Western and Far North Queenslanders in the electoral system just because he canvassed the issue during his contribution. But I will not do that, because I do not want my contribution to be as silly as that of the Attorney-General.

The LNP opposition legitimately canvassed in its issues paper a range of matters including electoral matters, as did the people of Queensland in their submissions to the state government's integrity and accountability green paper. Surprise, surprise! These did not materialise in the government's bill before the House today. Where are the provisions dealing with the electoral matters raised by the Clerk of the Parliament in his submission? His comments in relation to the current Queensland electoral system are extensive. I wonder whether the Attorney-General harbours the same arrogant contempt for the Clerk's submission. Why didn't the Attorney-General try to ridicule the Clerk's submission when he canvassed similar and related issues?

This paltry effort by the Bligh government in respect of these four provisions is really only taking baby steps towards restoring the confidence of the people of Queensland in this parliament and public administration in this state. The bluster and mock outrage of Labor members indicate that the LNP opposition bill is cutting close to the bone and the truth.