



Speech by

**Jann Stuckey**

**MEMBER FOR CURRUMBIN**

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## **MINISTERIAL AND OTHER OFFICE HOLDER STAFF BILL; INTEGRITY REFORM (MISCELLANEOUS AMENDMENTS) BILL; PUBLIC INTEREST DISCLOSURE BILL**

**Mrs STUCKEY** (Currumbin—LNP) (4.40 pm): I rise to join the debate on the Ministerial and Other Office Holder Staff Bill 2010, the Public Interest Disclosure Bill 2010 and the Integrity Reform (Miscellaneous Amendments) Bill 2010. These bills were introduced on 3 August by the Premier and Minister for the Arts as the second stage of the Bligh Labor government's suite of legislative reform announced in the November 2009 *Response to Integrity and accountability in Queensland*. Before lunch today I listened as the Leader of the Opposition, the honourable member for Surfers Paradise, began his debate on these bills. From the moment he got to his feet and uttered some home truths about this shabby Labor government, the heckling and harassment from government members was unleashed—just like a pack of wild animals. They can dish it up but they cannot take it.

Journalist Ruth Limkin wrote an article for the *Courier-Mail* in July 2009 that explained that by googling the word 'integrity' you find 66,500,000 results. There is apparently no shortage of integrity online, but, unfortunately, it is lacking from this Labor government. In an admission of its failings, in August 2009 the government released a discussion paper, *Integrity and accountability in Queensland*. The idea of government reform sparked a sizeable response, with 240 submissions officially accepted from a variety of stakeholders. Members of the public, legal professionals, professors, numerous organisations, the Clerk of the Parliament, the Crime and Misconduct Commission and even the Queensland branch of the Australian Labor Party were among those whose contributions to the highly contentious topics of accountability and integrity were chosen for public consumption on the Premier's website. The Clerk of the Queensland Parliament, who is held in high regard, made the following opening comment in his submission—

If we are to learn anything from our 150-year history as a colony and state, it is that an absence of scrutiny, accountability and transparency will lead, inevitably, to an absence of proper administration.

He argues that the current system fails to meet the needs of the state, especially since the abolition of the Legislative Council in 1922. No wonder the Clerk and others were concerned. A brief glance at Premier Bligh's history reveals a series of appalling examples of what the Premier considers to be an open, transparent and accountable government. Here are just a few.

In January 2006, then Acting Premier Bligh announced that the Labor government would introduce laws to make it legal for her and other ministers to deliberately tell untruths to parliamentary committees. In January 2008, Premier Bligh appointed confessed electoral cheat Mike Kaiser as her chief of staff. Mr Kaiser had previously been forced to resign from parliament in disgrace. He has now left the Premier's employ with a promise of more money and her blessing to work with NBN Co. In January 2009, it was revealed that members of the Queensland Labor Party were pocketing hundreds of thousands of dollars in so-called 'success fees' for winning government contracts. Ms Bligh had sat around the cabinet table approving projects that incurred success fees. Among the recipients was her former Labor cabinet colleague Terry Mackenroth, along with former federal Labor MP Con Sciacca. In July 2009, it was

revealed that the Bligh government had illegally accepted a \$225,000 election donation from the powerful union the CFMEU.

In September 2009, the LNP released an issues paper, *Integrity and accountability in Queensland: a blueprint to end Bligh Labor's corruption and cronyism*. This was followed by a private member's bill, the Criminal Code (Honesty and Integrity in Parliament) Amendment Bill 2009. It is because of an unwavering and genuine commitment to restoring integrity to parliament that the opposition continues to call for the end of sloppy, underhand practices in this House. Over 20 members of the LNP stood up to support this bill, but the government's contribution to that debate was pathetic. A total of five Labor members chose to speak against it and the rest voted it down.

**Mr DEPUTY SPEAKER** (Mr Ryan): Order! Member for Currumbin, the Speaker has on a number of occasions mentioned that there are various reasons that members of this House may speak or not speak on a bill. I think you should avoid those matters and proceed with your speech.

**Mrs STUCKEY**: Thank you, Mr Deputy Speaker. I will make sure that I do not name anybody who chooses not to speak on a bill.

**Mr HOOLIHAN**: Mr Deputy Speaker, I rise to a point of order. I submit that the Speaker's ruling was not a matter of naming persons; it was a matter of standing orders preventing any reflection.

**Mr DEPUTY SPEAKER**: Order! Member for Keppel, there is no point of order. The member for Currumbin has the call.

**Mrs STUCKEY**: Thank you, Mr Deputy Speaker. I think it would be very useful if the member provided what he was talking about. I am sure that when the next election comes around constituents will be reminded of who supported various policies. If Queenslanders want a true revelation of what members of this Bligh government think about providing integrity and accountability to the people of Queensland, then it is important for my constituents to look at the speaking list and see who spoke on this bill.

The first stage of the Bligh government's reform was introduced in November 2009 under the auspices of the Integrity Bill 2009, which, among other things, created the stand-alone Office of the Integrity Commissioner, banned the payment of success fees and created a register for lobbyists. As I mentioned in my speech on the Integrity Bill 2009, the first stage of supposed reform did little to offer any substantial changes to prevent corruption, cronyism and unethical behaviour of ministers of government and in elections. Not surprisingly then, these bills before the House today, which together introduce a host of reforms and amendments to about a dozen acts of parliament, have been tossed together in this cognate debate, reducing honourable members' time to address them individually. Nevertheless, the opposition this morning agreed to pursue this approach.

Objectives of each of the bills are as follows. The Ministerial and Other Office Holder Staff Bill 2010 will create a new stand-alone framework for the employment of staff members to support ministers, the Leader of the Opposition and, where necessary, other non-government members of parliament. This framework will act separately to the Public Service Act 2008. This bill provides a specific communique that ministerial staff do not have the power to direct public servants, an action promised by the government in its January 2010 submission to the CMC inquiry into the issue of interaction between ministers, ministerial staff and public servants.

Notably, the CMC's inquiry was initiated in response to allegations of misconduct involving former ministerial adviser Simon Tutt to then police minister Judy Spence in the sports rort claim involving \$4.2 million of taxpayers' money. It is a concern of the LNP that this bill does not go far enough to clarify and may even increase the uncertainty of the roles of ministerial staff. As it stands, this bill does little to reflect the reality of established practices and relationships between ministerial staff and public servants. Even more alarmingly, it fails to eliminate the ingrained culture of abuse of power that led to a public inquiry into the behaviour of Tutt and his fellow ministerial staff.

If it truly is the government's intention to prevent ministerial staff from giving directions to public servants, then this should be a concrete provision in the bill, but sadly it is not. Confusion prevails with the provision that a public servant cannot be subject to a direction from a ministerial staff member, unless they are acting on behalf of a person who may lawfully give a direction. For example, a minister will still be allowed to give direction to the chief executive of their department.

Furthermore, it is outrageous that this bill places direct responsibility for the appointment of opposition staff with the director-general of the Department of the Premier and Cabinet. As the member for Surfers Paradise stated earlier, the opposition is in no way part of the government. It is a fundamental element of the Queensland parliament, and control of staff should be placed with the Queensland Parliamentary Service—an impartial body, unlike the government's chief executive—to ensure fair and unbiased decisions are made. I note that a number of LNP members have raised these concerns.

The Public Interest Disclosure Bill 2010 will, in effect, replace the Whistleblowers Protection Act 1994. According to the Premier's second reading speech, this bill builds upon the framework established under the existing Whistleblowers Protection Act and maintains the protections and rights of disclosers. It could be argued this bill is simply putting a new name to an old face.

The fundamental problems that exist with the current Whistleblowers Protection Act have managed to weasel their way into this replacement bill. It would seem the Bligh government has made no significant attempt to initiate substantial reform. Namely, the responsibility for protecting whistleblowers is placed upon the very persons who are often the subject of contravening activities.

This bill does permit public servants to leak their concerns to journalists in certain circumstances. However, these circumstances are an avenue of last resort where attempts to have the matter resolved internally have failed. In reality, this means a whistleblower can go to the media only after the required six months for response has expired, leaving any value to their claims stale, dated and, quite possibly, no longer in the public interest. This is a classic example of Labor camouflage and subterfuge, designed to deter the very people to whom it is meant to provide avenues of help.

The culture of fear created by this government extends beyond the Public Service. Perceived or otherwise, there is a very real fear factor amongst many people who have complaints with the BSA. Only last night I had a gentleman on the phone who contacted me on behalf of another couple who were too terrified to call me directly because they were worried that if the BSA found out that they were contacting me they would somehow be persecuted. I received a submission yesterday to my discussion paper from a couple who wanted to contribute and share their own experiences. This morning I received an anxious email from this couple begging me not to reveal their identity as they feared that the BSA would find out and punish them. It is really sad when situations like this abound and governments become extremely defensive about these behaviours. Consumer protection is everybody's business as is child protection.

Now I will make a few comments regarding the Integrity Reform (Miscellaneous Amendments) Bill 2010 that proposes amendments to a number of acts including the Ambulance Service Act 1991, the Auditor-General Act 2009, the Civil Liability Act 2003, the Fire and Rescue Service Act 1990, the Government Owned Corporations Act 1993, the Integrity Act 2009, the Ombudsman Act 2001, the Parliament of Queensland Act 2001, the Public Sector Ethics Act 1994, the Public Service Act 2008, the Public Service Regulation 2008 and the Right to Information Act 2009.

It is really astonishing to see the lengths this government will go to to remove itself from liability as a result of its poor decisions, inaction and lack of governance. The proposed amendments to the Civil Liability Act 2003 to allow government departments to apologise without admission of legal liability will shamefully assist the government in admitting to the enormous array of faults and maladministration which have led to some of Queensland's worst public crises.

Need I remind the House of the incompetent governance and subsequent denials by the members for Lytton and Rockhampton that resulted in thousands of Queensland Health workers denied pay or experiencing deficient pay cycles for the past six months. Queensland was in the news nationally for all the wrong reasons, as this Health payroll fiasco exploded and the Premier had to undertake damage control by putting an urgent halt to all human resource and payroll programs across her government departments. While she overruled the Minister for Public Works and stripped him of his power in this area, she refused to hold him accountable for his negligent leadership which allowed this awful situation to unfold. Just where is the accountability here?

Six months on and the situation is still not resolved, with countless alterations needing to be made to health workers' pays each fortnight. Since September last year the opposition repeatedly alerted Queenslanders of the impending failures of this payroll system. Countless people's lives have been upturned needlessly by the incompetence of this Bligh government and its ministers. They will not forget when it is time to cast their vote at the polls.

But now the government's answer to all of this is to again flex its power muscle to avoid fallout, just as it did in 2006 when it recalled the parliament to remove the offence of telling complete and utter untruths in the Legislative Assembly from the Criminal Code to protect the unforgivable and illegal acts of a former minister—a mate whom many who are still elected members praised for his good character.

Tony Fitzgerald's damning comments on the dangerous direction the Beattie and Bligh Labor governments were taking our great state of Queensland in July 2009 have in some way brought us to this debate today. 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.

The timing of this shameful indictment from such a respected individual would certainly suggest it was the embarrassing truth that forced the government to address its shortcomings in the area of integrity and accountability.

In summary, the LNP accept that some of the amendments within these three bills that we are debating here today are a step forward and an improvement on some aspects of current legislation. Unfortunately though, as members have heard from my LNP colleagues, the Bligh government is using this opportunity to create a fanciful delusion that it is serious about bringing integrity to the operation of Queensland's government. The people of Queensland are not fools and they know a stunt when they see one. They have lost all confidence in the Bligh government and who could blame them. The LNP, on the other hand, is determined to return accountability and integrity to Queenslanders.