



Tim Mulherin

Labor for Queensland

telephone: 3844 8101 address: 16 Peel St South Brisbane Qld 4101

web: abetterwayforqld.com.au twitter: @timmulherinmp

C/15/7522

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Dr Richard Denniss
Executive Director
The Australia Institute
Level 5, 131 City Walk,
CANBERRA CITY ACT 2601

Dear Dr Denniss

Thank you for your letter dated 8 January 2015 addressed to the Leader of the Opposition, the Honourable Anastacia Palaszczuk MP, seeking to ascertain the Queensland Labor Party's stance on some fundamental democratic issues. As you would be aware, Labor has already announced a number of significant reform measures in this field, which it will implement as a priority if elected to form government in Queensland. I will be responding on behalf of the Labor Opposition.

As government becomes larger and more sophisticated new challenges to integrity arise and government must be constantly vigilant to address them. In an organisation the size of the Queensland Government keeping check on the ethical culture is a complex challenge and one which cannot be taken lightly.

Queensland must be ever vigilant to ensure we have a government that lives up to the highest standards of integrity. To that end, Labor has committed to:

- Restore equal Government and non-Government membership to Parliamentary portfolio committees
- Restore the independence of the Parliamentary Crime and Corruption Commission
- Restore the independence of the Speaker
- Restrict MPs' pay rises to that in the most recent Core Public Service EBA
- Enable anonymous complaints to the CCC
- Reinstate the CCC's preventative function
- Widen the definition of 'corrupt conduct'
- Ensure appointments of the Chair and CEO of the CCC have bi-partisan support
- Limit temporary appointments for the Chair and CEO of the CCC to three months, unless there is bi-partisan support
- Remove the discriminatory and unnecessary voter ID laws
- Lower the disclosure threshold for political donations from \$12,800 to \$1,000
- Require government advertising over \$1 million to be approved by a bi-partisan committee
- Remove gag clauses from non-government organisation contracts with government
- Introduce an open and transparent process for appointment of Directors-General
- Set the salary of the Chair of the CCC to be equal to that of a Supreme Court Judge, with access to a judicial pension

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As a representative of the Labor Opposition the Member for Rockhampton, Mr Bill Byrne MP, had the privilege of attending the 2014 lecture of the Tony Fitzgerald Lecture and Scholarship Program. At this lecture the Honourable Gerald Edward (Tony) Fitzgerald AC, QC sought all parties seeking election in Queensland to make commitments such as the following:

- The public to be fully and accurately informed promptly and not to be misled
- All government decisions and actions to be taken for the common benefit without regard to personal, political or other considerations
- All people to be treated equally with no person given special treatment
- All public appointments to be made on merit

I note your letter asks whether the Labor Party undertakes to act in accordance with a number of principles which are similar in effect to those espoused by Mr Fitzgerald if successful at the upcoming election. I will address each of those in turn.

1. Govern for the peace, welfare and good government of the State;

The *Constitution Act 1867* (Constitution Act) sets out the parameters within which Government in Queensland is empowered to act. Section 2 of the Constitution Act provides:

“2 Legislative Assembly constituted

Within the said Colony of Queensland Her Majesty shall have power by and with the advice and consent of the said Assembly to make laws for the peace welfare and good government of the colony in all cases whatsoever.”

The Labor Party is not only committed to, but also recognises that it is only empowered to, govern for the peace, welfare and good government of the State.

2. Make all decisions and take all actions, including public appointments, in the public interest without regard to personal, party political or other immaterial considerations;

The Labor Opposition makes a commitment that a future Labor government will make all decisions and take all actions, including public appointments, in the public interest without regard to personal, party political or other immaterial considerations.

Ministers are bound by the Code of Conduct of Ethical Standards of the Parliament and should also observe ethics values set out in the *Public Sector Ethics Act 1994* that apply to the Queensland Public Sector.

In exercising their discretionary powers in the execution of their public duties, Ministers must comply with the Ministerial Code of Conduct. As MPs, Ministers also have obligations that flow from the fundamental principles, set out in the Code of Ethical Standards of the Legislative Assembly of Queensland. This includes an obligation for members to act in the public interest and make decisions solely in terms of the public interest.

To this end, Labor has already made a specific commitment to introduce an open and transparent process for appointment of Directors-General. Additionally, we have committed to review the current processes for the appointment of judicial officers in Queensland, and then consult extensively with stakeholders in the development of a protocol as to how judicial appointments ought to be made. In so doing, Labor further recognises that it is the role, in fact it is the duty, of Executive Government to appoint the judiciary. This arises from the duty of the executive to promote the rule of law through the appointment of a highly skilled and independent judiciary.

3. Treat all people equally without permitting any person or corporation special access or influence; and

The Labor Opposition recognises that, in Queensland, all citizens are equal. The Preamble to the *Constitution of Queensland 2001* (Constitution) states, amongst other things, that the people of Queensland, free and equal citizens of Australia, adopt the principle of the sovereignty of the people, under the rule of law, and the system of representative and responsible government, prescribed by the Constitution.

A future Labor government will act in a representative capacity for the free and equal citizens of Queensland, and is committed to treating all people equally without permitting any person or corporation special access or influence.

Greater transparency ensures that Queenslanders can see for themselves whether, for example, government contracts have been awarded to party donors. It is for the people of Queensland to then make a judgment whether, in all the circumstances, this was appropriate, and it is only through greater transparency that we can ensure greater accountability. To this end, Labor has committed to again lowering the disclosure threshold for political donations from the \$12,800 that currently applies to \$1,000.

4. Promptly and accurately inform the public of its reasons for all significant or potentially controversial decisions and actions;

Like all Queenslanders, Labor does not want to see the corruption and cronyism of the past return to Queensland. We will never allow this to occur. It was the opaque approach to past government decision-making processes that contributed to this. Openness and transparency in government decision-making is integral to good government.

Sometimes, governments will make decisions which Queenslanders are not sure about, or which can be controversial in certain communities or within certain groups.

There are certain conventions of government that require confidentiality, such as Cabinet Confidentiality. Similarly, there are government protocols that protect the confidentiality of, for example, budgetary papers and preparatory documents, and matters which are commercial-in-confidence.

Queensland Labor is committed to openness and transparency in government. Queensland has the best Right to Information legislation in Australia following the extensive amendments made by the previous Labor government. Changes were made to Cabinet confidentiality procedures, so that, where possible, Summaries of Cabinet documents are pro-actively released within six weeks after Cabinet considered a matter.

The period of time that documents attach the privilege of Cabinet confidentiality has also been massively reduced. The *Public Records Act 2002* has been amended to reduce the administrative release period for Cabinet documents from 30 years to 20 years. Cabinet documents created after commencement of the *Right to Information Act 2009* on 1 July 2009 will therefore be administratively released after 20 years, while Cabinet documents created prior to 1 July 2009 will continue to be administratively released after 30 years.

However, subject to those limited constraints, most of which are recognised in Right to Information legislation, a future Labor government will promptly and accurately inform the public of its reasons for all significant or potentially controversial decisions and actions.

The Labor Opposition appreciates the opportunity to respond to your letter, and to put on the record the commitments of a future Labor government in respect of certain fundamental democratic issues. Please do not hesitate to contact me should you require clarification of any of the matters contained herein.

Yours sincerely

A handwritten signature in blue ink that reads "Tim Mulherin". The signature is written in a cursive style with a large initial 'T'.

Hon Tim Mulherin MP
Deputy Leader of the Opposition