

Accountability and the Law

Safeguarding Against Corruption in Queensland

Monday 9 February 2015

Customs House Brisbane

CPD Units for Solicitors

Bar Association Accredited Event

(See registration form for CPD points allocation and details)

For further information visit accountabilityconferenceqld.com

The Hon David Ipp AO QC will give the conference Keynote Address. After a distinguished judicial career, David conducted ICAC's Jasper and Acacia investigations into corrupt behaviour in NSW coal allocations. This address will inform the Conference's examination of the role of the law in current accountability issues in Queensland.



Centre for Governance and Public Policy

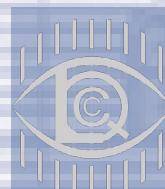
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Programme

8:30 – 9:00am	Registration and Coffee
9:00 – 9:20am	Welcome to Country Welcome and opening address by the Hon Justice Margaret McMurdo AC, President of the Queensland Court of Appeal
9:20 – 10:30am	Session One Keynote Address: Coal and Corruption — the ICAC Experience, a NSW case study The Hon David Ipp AO QC
10:30 – 11:00am	Morning tea
11:00 – 11:30am	Session Two A Law Reform Response for Queensland Speakers: to be announced
11.30am – 12.30pm	Session Three Queensland Case Studies — accountability in the resource assessment process Chair: Dominique Hogan-Doran Speakers: Adrian J Finanzio SC, Glen Martin, Richard Carew, further speakers to be announced
12:30 – 1:30pm	Lunch
1:30 – 3:00pm	Session Four Integrity Institutions and Their Independence — safeguarding the integrity and independence of Queensland's institutions Chair: Dr Jacoba Brasch QC Speakers: H G Fryberg QC, retired judge of the Supreme Court of Queensland, Philip Nase, Prof. AJ Brown, Peter Callaghan SC
3:00 – 3:30pm	Afternoon tea
3:30 – 5:00pm	Session Five Managing political influence — lobbying and political donations Chair: Paul Barclay, Presenter, <i>Big Ideas</i> , ABC Radio National Speakers: Stephen Keim SC, Gary Crooke QC, Prof. Graeme Orr Dr David Solomon AM, Simone Marsh.
5:00 – 5:30pm	Pre-Panel Drinks
5:30 – 7:00pm	Session Six Evening Panel Discussion — can we legislate for accountability? Chair: Elizabeth Wilson QC Speakers: the Hon David Ipp AO QC, Dr David Solomon AM Professor Janet Ransley, Dr Richard Denniss
7:00 – 8:00pm	Terrace drinks and canapés

Programme

Welcome and opening address

9.10 – 9.20

The Hon Justice Margaret McMurdo AC, President of the Queensland Court of Appeal

Session 1

Keynote Address: Coal and Corruption — the ICAC experience, a New South Wales case study

9.20 am – 10.30 am

Speaker: the Hon David Ipp AO QC

The now infamous dealings in New South Wales of the former Minister for Natural Resources Ian MacDonald, Eddie Obeid and others, uncovered by ICAC revolved around the issuing of coal exploration licenses.

ICAC noted that the issuing of coal exploration licenses '*represent a transfer of assets worth tens or hundreds of millions of dollars from the state to private hands*', and that the corrupt behaviour '*cannot simply be put down to a rogue minister for mineral resources. The state arrangements that relate to coal provided an opportunity not found in other parts of government for individuals to engage in corrupt conduct.*'

The Honourable David Ipp AO QC is a former judge of the Court of Appeal of the Supreme Court of New South Wales and was the ICAC Commissioner overseeing the Jasper and Acacia investigations that uncovered corrupt allocations of coal exploration licenses. His keynote address will give a rare glimpse into the actual events that led to this extraordinary investigation and provide a unique insight into ICAC's recommendations for reducing incentives and opportunities for corruption in the management of coal resources.

Session 2

A Law Reform Response for Queensland — lessons for Queensland?

11:00 - 11:30 am

Speakers: to be announced

Do the problems identified by ICAC with the management of coal resources in New South Wales stop at the border? Queensland government and opposition representatives will be asked to give a brief response to the Hon David Ipp's keynote address.

Speakers will discuss:

- ▶ how well current Queensland laws measure up to the principles behind the ICAC recommendations
- ▶ what is, or should be, the law reform agenda for reducing or eliminating the risks and incentives for corruption in light of ICAC's experience
- ▶ taking the lessons from ICAC, how well is Queensland placed to safeguard against abuses in the resource allocation and assessment process?

Session 3

Queensland Case Studies — accountability in the resource assessment process

11.30 am – 12.30 pm

Chair: Dominique Hogan-Doran

Speakers: Adrian J Finanzio SC, Glen Martin, Richard Carew, further speakers to be announced

The granting of approvals to exploit mineral resources in Queensland represents a transfer of rights worth tens or hundreds of millions of dollars from the state to private hands.

These approvals often involve the state in contentious decisions. Transactions of this magnitude carry the risk of abuse. Strong safeguards are required to prevent and deal with abuse. ICAC found that key anti-corruption safeguards in the New South Wales planning system required

transparency, public participation and third party appeal rights.

Rising from the keynote address, a panel of experienced practitioners will examine the recent administrative decisions and regulatory changes regarding resource approvals. For example, the *Mineral and Energy Resources (Common Provisions) Act 2014* (Qld) and consider the degree to which the corruption safeguards identified by ICAC are being upheld in Queensland's resource approval system.

Session 4

Integrity Institutions and Their Independence — safeguarding the integrity and independence of Queensland's institutions.

1:30 – 3:00 pm

Chair: Dr Jacoba Brasch QC

Speakers: H G Fryberg QC, Philip Nase, Prof. AJ Brown, Peter Callaghan SC

The judiciary and the Crime and Corruption Commission (CCC) are two key institutions for safeguarding accountability of the executive and public sector integrity in Queensland. Changes to the CCC were strongly criticised in 2013 and 2014 by prominent Queensland corruption fighters including Tony Fitzgerald AC QC and Doug Drummond QC. The process of judicial appointments has been subject to trenchant criticism by prominent Queensland lawyers, raising questions about the perception of independence and the quality of judicial appointments.

Conventions surrounding judicial appointments are intended to protect the integrity and independence of the judiciary. This session will discuss how well they are serving these objectives today, whether public confidence in the separation of powers remains relevant, and how it can be best maintained. Similarly, what is the best appointment process for ensuring the independence of the CCC Chair and commissioners, are the recent reforms an improvement, and what else should be done to ensure the

Programme

independence and accountability of modern anti-corruption watchdogs. How is Queensland's integrity system faring? What else do we need to do to ensure the CCC and other agencies are adequately equipped to fight the kind of corruption risks revealed in New South Wales?

Session 5

Managing Political Influence — lobbying and political donations.

3:30 – 5:00 pm

Chair: Paul Barclay, Presenter, *Big Ideas*, ABC Radio National

Speakers: Stephen Keim SC, Gary Crooke QC, Prof. Graeme Orr, Dr David Solomon AM, Simone Marsh

The keynote address identified the central role and influence of politicians in the resource allocation process. We have seen the unfolding story of political donations and lobbying for influence. How do political donations and lobbying impact on the integrity of government? Are the legislative safeguards in Queensland enough in light of the New South Wales experience?

Political donations are an accepted part of the political process but payment for favourable outcomes in government decision-making is corruption. Are there risks when developers or resource companies make political donations when waiting on government decisions on projects? Should some industries be banned from political donations? Should

political donations be capped? What rules should govern disclosure?

Lobbying came into ICAC's sights:

'A lack of transparency in the current lobbying regulatory system in NSW is a major corruption risk, and contributes significantly to public distrust. Those who lobby may be entitled to private communications with the people that they lobby, but they are not entitled to secret communications. The public is entitled to know that lobbying is occurring, to ascertain who is involved, and, in the absence of any overriding public interest against disclosure, to know what occurred during the Lobbying Activity.'

This session will discuss the existing legal regulation of political donations and lobbying with reference to case studies from Queensland and elsewhere and how potential conflicts of interest can be avoided. Queensland's current laws will be compared to the ICAC recommendations. The presenters will discuss regulation and remedies in these areas:

- ▶ political donations with reference to case studies from Queensland and elsewhere
- ▶ conflicts of interest
- ▶ lobbying in Queensland including whether the Queensland lobbying register provisions are adequate and improved transparency of dealings between lobbyists and senior government officials, the

phenomenon of senior public servants or former ministers taking lobbying jobs for big business such as resource companies and how to deal with industry lobbyists moving to senior government positions and ways of removing the corruption risks of lobbying success fees.

Session 6

Evening Panel Discussion — can we legislate for accountability?

5:30 – 7:00 pm

Chair: Elizabeth Wilson QC

Speakers: the Hon David Ipp AO QC, Dr David Solomon AM, Professor Janet Ransley, Dr Richard Denniss

This session brings the strands of the conference together in a reflective way. The panelists will consider whether it is possible to legislate for integrity. They will explore concrete ideas for law reform in the context of the rule of law, integrity in public life, ethics and the legal process.

Registration form

Monday 9 February 2015 Customs House Brisbane

Delegate information		Payment Please note that full payment must accompany registration	
Given name		Total payment (incl GST)	
Surname		Please debit my credit card	
Organisation		<input type="checkbox"/> Visa	<input type="checkbox"/> MasterCard
Postal address		<input type="checkbox"/> AMEX	
City/Town	Postcode	Card Number	
Phone	Fax	Cardholder name	
Email		Expiry date /	Amount \$
Special dietary requirements		Cardholder signature	

Registration			
Standard		\$330	<input type="checkbox"/>
Including Evening Panel		\$363	<input type="checkbox"/>

Evening Panel followed by Terrace Drinks and Canapes			
Standard		93.50	<input type="checkbox"/>

*All ticket prices include GST.

Tick here if you do NOT consent to your name and position being included on the delegate list.

Register online at accountabilityconferenceqld.com

HOW TO REGISTER:

- Online at accountabilityconferenceqld.com
Please Note online registrations attract a booking fee
- By Email - scan and email registration form to coordinator@accountabilityconferenceqld.com
- By Post - send registration form to
Accountability Conference Queensland
Carlton LPO PO Box 1441 CARLTON VIC 3053

Disclaimer

The organising committee of Accountability and the Law – Safeguarding Against Corruption in Queensland reserves the right to substitute program sessions and/or speakers or cancel sessions/programs where necessary. All details are correct as at 15 January 2015.

Cancellation policy: The full value of the ticket price will be refunded if event attendance is cancelled before 5 January 2015 and 50% of the value of the ticket price will be refunded if event attendance is cancelled after 5 January 2015.

CPD Units

Barristers

Code: ATL150209

Strand: Ethics and Non-allocated

Points: 1 CPD point per hour of attendance

CPD points also available for Solicitors