

## RESEARCH REPORT NO 11

### CONTEMPT FOR PARLIAMENT, OR JUST CONTEMPTIBLE BEHAVIOUR? THE SENATE INQUIRY INTO CERTAIN ASPECTS OF QUEENSLAND GOVERNMENT ADMINISTRATION RELATED TO COMMONWEALTH GOVERNMENT AFFAIRS

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On 29 November, Alex McKean wrote in the *Sydney Morning Herald* that:

The Senate Inquiry into Certain Aspects of Queensland Government Administration Related to Commonwealth Government Affairs deserves to be taken seriously. It has an important role to play in shining a light on the dealings of the Newman government, providing a mechanism for transparency and accountability otherwise absent from the state of Queensland.

‘Reporting of the conduct of the inquiry, at least within Queensland, has reflected the derision and outrage voiced by LNP figures at both the state and federal levels. Such a reaction avoids analysis of the very real and important deficits of transparency and accountability the Senate inquiry is seeking to address. (<http://www.smh.com.au/comment/senate-inquiry-into-queensland-government-deserves-to-be-treated-seriously-20141128-11wbnu.html>)

McKean’s comments were endorsed by the reporting in the *Brisbane Times* which made it clear that the first hearing, on the Gold Coast, was treated by the Coalition Senators with contempt (<http://www.brisbanetimes.com.au/queensland/red-faces-mark-senate-inquiry-into-queensland-government-20141121-11rio6.html>).

I have a long-term interest in parliamentary committees dating back to my doctoral research in the early 1980s, and continuing on the secretariat of various parliamentary inquiries in Canberra. I decided to escape a home without power or communications, and a yard covered in debris, and attend the Brisbane public hearings on Friday 28 November.

Before attending the hearings I visited the Senate Inquiry’s website to examine the submissions. Only three were listed, two of which were ‘Confidential’. We were told informally that the Committee had received ‘hundreds’ of submissions. By the time of writing (4.12.14) only 14 have been listed of which four are classified ‘Confidential’. Apparently the others will only go up on the website if they are deemed relevant to the terms of reference of the inquiry. If a great many people and organisations have taken the trouble to make submissions to the Senate Inquiry, it is important that the public should be

allowed to read any submissions that are relevant to the inquiry as they become available.<sup>1</sup>

The closing date for submissions has been extended to 27 February 2015.

Unlike my experience at the Queensland Law and Justice portfolio Estimates Committee (see TJRyan Research Report No 6), I was not the only member of the public to attend the hearing. It was held in a relatively small room in the Ibis Hotel, and despite the trauma of the storm on the previous night, it was full, with an audience, to judge from their responses, more sympathetic to the people appearing before the inquiry than with Coalition committee members. There was a significant media presence, and in the reports that appeared the following day media outlets focussed on different parts of the evidence.

The *Guardian Australia* covered Dr Chris Davis's session in detail (<http://www.theguardian.com/australia-news/2014/nov/28/former-queensland-liberal-mp-chris-davis-voices-corruption-concerns?>).

The *Sunshine Coast Daily* dwelt on the unpleasant grilling to which Senator Ian Macdonald subjected Peter Wellington MLA (<http://www.sunshinecoastdaily.com.au/news/senator-calls-peter-wellington-ineffective/2468471/>).

The *Brisbane Times* concentrated on the evidence from the Electrical Trades Union on the impact of cost-cutting on the response to the storm (<http://www.brisbanetimes.com.au/queensland/energex-dispatched-only-a-handful-of-crews-after-storm-etu-20141128-11wf19.html>).

The *Courier-Mail* wrote 'PUP witnesses lose their bite'. (As this paper is behind a paywall we cannot provide a hyperlink.). The *Courier-Mail* quoted Senator Macdonald 'slamming' the inquiry 'which has previously been labelled a "farce" and "witchhunt".'

The witnesses did not treat the committee as a farce, despite some being subjected to questions from Coalition Senators trying to discredit their integrity, and harassment by interjections and derision.

Senator Lazarus chaired the sessions with dignity. In addition to the Committee Members, there were two 'Participating Members' present, both from Queensland: Senators Matthew Canavan (LNP) and James McGrath (Liberal). Three individuals and two organisations gave evidence:

- Simone Marsh
- Peter Wellington MLA
- Dr Chris Davis
- Electrical Trades Union
- Queensland Teachers Union

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<sup>1</sup> Compare this Senate Inquiry with that into the Higher Education system which put its submissions up with expedition, allowing the public to judge for themselves the issues of concern not only to the universities but to other interest groups and the general public. See submissions relevant to Queensland at <http://www.tjryanfoundation.org.au/cms/page.asp?ID=471>.

### **Simone Marsh**

Simone Marsh gave evidence 'in camera'. The assembled media and members of the public were not told why. What we do know is that Simone Marsh is the senior environmental specialist who was part of the Queensland Government team that approved Santos's \$18 billion and Queensland Gas Company's (QCG) \$20 billion LNG projects under the Bligh Labor government, in 2010. She went public at the time with her complaint that the approval process was flawed.<sup>2</sup>

While she gave evidence those of us excluded from the proceedings consumed caffeine, exchanged 'storm stories', charged electronic devices and chatted. Quite a few of us were there simply as community members wanting to see our 'democracy' in action - and it was clear from the few times when there was applause from the floor that the proceedings were being taken seriously.

### **Peter Wellington, Independent MLA**

The first person to give evidence in the open hearings was Independent MLA Peter Wellington. The main point that he wished to make was that the 'bikie laws' were unnecessary and contravened international conventions. Liberal Senator Ian Macdonald was particularly hostile, making unpleasant, derogatory comments, suggesting Wellington was 'so ineffective a State politician that he had to come to the inquiry' because he had failed to stop the legislation, or have it sent to a committee for scrutiny, in the first place.<sup>3</sup>

Wellington said the bikie laws were the most topical example of the way the Newman government used urgency to evade scrutiny, passing the bulk of the laws in one night last year at 2.30am without providing full drafts to MPs.<sup>4</sup>

When Greens Senator Larissa Waters asked whether Wellington thought Queensland had returned to the Joh days, there was spontaneous applause from the floor. At one stage, Macdonald accused Wellington of 'playing to the audience', and impugned his motives for appearing beside Clive Palmer at Palmer's Coolum Resort (despite the fact that the resort falls within Wellington's electorate of Nicklin).

### **Dr Chris Davis former LNP member for Stafford**

Dr Chris Davis gave evidence next. He talked at length about the pressures on the health system, and the predicted pressures from Australia's ageing population. He was full of praise for the Chief Health Officer, and her November 2014 report.<sup>5</sup> However, Dr Davis is a man who had resigned from the Newman Cabinet in protest about its conduct and the way in which the government introduced doctors' contracts. A professional bureaucracy, he said, should trust the health care professionals: 'Command and control contracts are best suited to a machine bureaucracy'.

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<sup>2</sup> <http://www.abc.net.au/news/2013-04-01/key-information-missing-from-lng-approvals/4603026>

<sup>3</sup> <http://www.sunshinecoastdaily.com.au/news/senator-calls-peter-wellington-ineffective/2468471/>

<sup>4</sup> <http://www.theguardian.com/australia-news/2014/nov/28/former-queensland-liberal-mp-chris-davis-voices-corruption-concerns?>

<sup>5</sup> Queensland Health. 'The health of Queenslanders 2014. Fifth report of the Chief Health Officer Queensland.' Queensland Government. Brisbane 2014.

When asked about the increase in the political donations 'cap' he said that there were 'better ways of fundraising than receiving large amounts of 'undisclosed' donations. It is 'easy to allow ourselves to get on to a slippery slope' and forget the core values of democracy. Dr Davis said he had been guided by his electorate's concerns about the Queensland Government's performance, and in particular about their tampering with the Crime and Misconduct Commission.

He was asked what it was like to be an 'insider' in the LNP Government and was cautious with his reply, saying he was aware of the perceptions about its probity - the risk of corruption. He answered with an extended health metaphor:

"A fortysomething male who comes to a general practitioner says: 'I was asked to come and see you because down in NSW, my brother had some abdominal symptoms and he was referred to a colonoscopy. They found some malignant polyps and they took them out. This brother has had the same symptoms as his brother in NSW along with other risk factors in addition to his genes, such as high fat intake. But the Queensland doctor says: 'No, my son, don't worry at all - we don't have this problem of malignant polyps in Qld at all ... we stopped doing colonoscopies.'"<sup>6</sup>

A truly accountable government, he said, needs an audit like the New South Wales ICAC - otherwise there will be a 'progressive loss of trust in Australian politics and politicians'.

Senator Ketter (ALP) asked about hospital waiting lists. Davis said there had always been an issue with health statistics, and the manipulation of the figures was known as 'gaming' within the health system: moving patients between areas labelled 'emergency' to other areas to shift cost or blame - at the expense of patient care.

Davis expressed concern about the impact that blunt measurement instruments could have on the quality of care provided to patients. Exhausted medical teams cannot function properly. The team should be devoted to getting the best outcome for the patient, not the best outcome for the system.

Davis, like Wellington before him, expressed concern about the integrity of the government. He said he was

"not personally excited about the value" of the government's practice of publishing ministerial diaries because "the reality of the world is that most business is done in a multitude of ways". Transparency on donations was more critical "if we're actually removing the risk factors for any potential third-party intrusion" into a government representing its constituency.<sup>7</sup>

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<sup>6</sup> <http://www.theguardian.com/australia-news/2014/nov/28/former-queensland-liberal-mp-chris-davis-voices-corruption-concerns?>

<sup>7</sup> <http://www.theguardian.com/australia-news/2014/nov/28/former-queensland-liberal-mp-chris-davis-voices-corruption-concerns?>

### **Electrical Trades Union**

The fierce storm overnight allowed the ETU team to argue that cost-cutting in the electricity industry could be short-sighted and dangerous. According to their evidence (queried later by the Coalition Senators), a restriction had been imposed on overtime. The result was that many fewer teams than were available were despatched overnight to repair power lines after the storm.<sup>8</sup>

### **Queensland Teachers Union**

The QTU raised concerns about the erosion of technical and further education in Queensland over the past two years; about the closure of Nyanda State High School; and the closure of the Barrett Adolescent Centre.

The *Courier-Mail* (30.11.14) wrote of the ETU and QTU evidence:

The Electrical Trade Union also gave evidence - which referenced industry job losses and the LNP's dealings with ERM Power - as did the Queensland Teachers' Union.

In fact they said considerably more. The QTU's conclusion to its submission (which they brought to the hearing) read:

The propriety of the decisions made by the LNP government in Queensland needs to be examined. These decisions have resulted in large numbers of funding cuts in a number of areas which have greatly reduced access to TAFE for a wide variety of the community. The LNP government and its representatives have stated in a number of open forums since 1 July 2014 that TAFE Queensland (a public education institute for over 130 years) no longer has a community responsibility and is a profit drive organisation only. These decisions have also seen an attack on wages and conditions, the loss of more than 550 highly qualified teachers, almost 1300 staff in TAFE altogether and a reduction of a number of campuses. At the same time these decision have provided a benefit to those private RTOs [registered training organisations] that are in direct competition with TAFE. This may have put TAFE on the path to extinction in Queensland, allowing the complete privatisation of the Queensland VET sector.<sup>9</sup>

This echoed concerns expressed by the ETU about the significant drop in the number of apprenticeships in the electrical industry, dependent on TAFE training.

Despite the scorn of the Coalition members and the Murdoch media, the Committee provided a valuable contribution to public debate in a political environment that increasingly lacks transparency. Its much-maligned Chair, despite his inexperience, did a laudable job under trying circumstances.

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<sup>8</sup> <http://www.brisbanetimes.com.au/queensland/energex-dispatched-only-a-handful-of-crews-after-storm-etu-20141128-11wf19.html>

<sup>9</sup> Queensland Teachers' Union Submission to the Senate Select Committee on Certain Aspects of Queensland Government Administration related to Commonwealth Government Affairs, November 2014, p.7.

It remains to be seen how many of the remaining submissions the general public will be allowed to view on the Committee's website.<sup>10</sup>

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<sup>10</sup> ([http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Certain\\_Aspects\\_of\\_Queensland\\_Government\\_Administration/Certain\\_Aspects\\_Qld\\_Admin/Submissions](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Certain_Aspects_of_Queensland_Government_Administration/Certain_Aspects_Qld_Admin/Submissions)).