



Queensland

Commissions of Inquiry (Corruption, Cronyism and Unethical Behaviour) Amendment Bill 2009



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2009

A Bill

for

An Act to amend the *Commissions of Inquiry Act 1950*

The Parliament of Queensland enacts—

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Clause 1 Short title

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This Act may be cited as the *Commissions of Inquiry
(Corruption, Cronyism and Unethical Behaviour) Amendment
Act 2009*.

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Clause 2 Act amended

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This Act amends the *Commissions of Inquiry Act 1950*.

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Clause 3 Insertion of new s 35

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After section 34—

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insert—

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**‘35 Inquiry into corruption, cronyism and unethical
behaviour**

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‘(1) The Attorney-General must, within 21 days after the
commencement of this section, advise the Governor to
establish a commission of inquiry under this Act into
corruption, cronyism and unethical behaviour by the Labor
Government of Queensland between 1998 and 2009.

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‘(2) The commission is to be constituted by a person who—

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(a) either—

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(i) is or has been a Supreme Court judge; or

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(ii) is or has been a judge of a Supreme Court of
another State or of the Federal Court of Australia;
and

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(b) has been or was a judge of the court for at least 15 years.

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‘(3) However, if after making reasonable inquiries, the
Attorney-General is unable to locate a person mentioned in
subsection (2) who is willing to constitute the commission,
the Attorney-General must ask the Bar Association of

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- Queensland ACN 009 717 739 to nominate a member of the
association who is a barrister of the Supreme Court of at least
5 years standing to constitute the commission.
- ‘(4) If subsection (3) applies, the commission is to be constituted
by the nominated person.
- ‘(5) On the advice of the Attorney-General under subsection (1),
the Governor may establish the commission of inquiry.
- ‘(6) The commission of inquiry is taken to be a commission of
inquiry mentioned in section 4(1).
- ‘(7) The commission is to inquire into the following—
- (a) the matters and circumstances that led to, and permitted
to continue, the breakdown in integrity and incidences
of misconduct in the public sector in relation to the
payments received or sought by Mr Gordon Nuttall
whilst a Minister, despite the *Crime and Misconduct Act*
2001 and the bodies and powers created under it;
 - (b) the circumstances and procedures relating to all
contracts of Queensland Government departments, or
Queensland Government owned or controlled entities or
appointments to Queensland Government boards or
boards of Queensland Government owned or controlled
entities in relation to which Mr Gordon Nuttall had
Ministerial responsibility;
 - (c) the allegations made by Ms Jacqueline King that she and
Mr Scott Zackeresen complained to the office of the
former Premier, the Honourable Mr Peter Beattie, in
2002 about misconduct by Mr Gordon Nuttall, and the
circumstances surrounding the cessation of their
employment allegedly as a result;
 - (d) the circumstances that led to Sunsuper Pty Ltd, a
superannuation fund with over \$12 billion of funds
under management, a substantial portion of which funds
are the superannuation investments of Queenslanders,
deciding to withdraw \$100 million of the funds from the
management of Queensland Investment Corporation and
place those funds under the management of Trinity
Property Trust (‘Trinity’), or a Trinity-related entity, and
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- the coincidence of the payment by Trinity, or a Trinity-related entity, of \$1m to Mr Ross Daley (or his company Veritate Pty Ltd), the then senior executive of the political lobbyist Enhance Group, and any other person;
- (e) the dealings between Ministers, former Ministers, ministerial staff, former ministerial staff or persons exercising delegated authority on behalf of the Queensland Government, or Queensland Government owned or controlled entities, with lobbyists concerning access to government, the grant or withholding of approvals, the awarding of tenders, the entry into contracts and other decisions;
- (f) the relationship between members of the Queensland Government and persons who have been appointed to the judiciary or magistracy by Labor Attorneys-General between 1998 and 2009;
- (g) the termination of the employment of Mr Scott Patterson by the Labor Government and the failure of the Crime and Misconduct Commission to adequately address matters raised by Mr Patterson;
- (h) the adequacy of the following legislation and government policies, with a view to advising on a coherent, uniform, consolidated and harmonised scheme for stipulating standards of conduct and supervising the integrity of government business in Queensland—
- *Auditor-General Act 2009*
 - provisions of the Criminal Code dealing with misconduct in public office
 - *Electoral Act 1992*
 - *Financial Accountability Act 2009*
 - Charter of Fiscal Responsibility under the *Financial Accountability Act 2009*
 - *Government Owned Corporations Act 1993*
 - *Judicial Review Act 1991*

•	<i>Local Government Act 1993</i>	1
•	<i>Ombudsman Act 2001</i>	2
•	<i>Police Service Administration Act 1990</i>	3
•	<i>Public Sector Ethics Act 1994</i>	4
•	<i>Public Service Act 2008</i>	5
•	<i>Right to Information Act 2009</i>	6
•	<i>Whistleblowers Protection Act 1994</i>	7
•	<i>Witness Protection Act 2000</i>	8
•	Code of Conduct for Ministerial Staff under the <i>Public Sector Ethics Act 1994</i>	9 10
•	Codes of Conduct for Public Sector Entities under the <i>Public Sector Ethics Act 1994</i>	11 12
•	Code of Ethical Standards issued by the Members’ Ethics and Parliamentary Privileges Committee of the Legislative Assembly of Queensland	13 14 15
•	Queensland Contact with Lobbyists Code and the Register of Lobbyists	16 17
•	Ministers’ Code of Ethics published in the Queensland Ministerial Handbook;	18 19
(i)	any other matter raised with the commissioner during the commission of inquiry that the commissioner considers worthy of investigation for the purposes of the inquiry.’.	20 21 22 23