



8/3/11

3989



HON JOHN MICKEL MP
SPEAKER OF THE LEGISLATIVE ASSEMBLY OF QUEENSLAND

2 March 2011

Mr Neil Laurie
Clerk of the Parliament
Parliament House
BRISBANE QLD 4000

Dear Mr Clerk

As you would be aware, reports have appeared in the media regarding my trip overseas from which I returned yesterday.

These reports have given rise to the perception at least that the trip involved some level of wrongdoing on my part. Indeed, a political opponent has sought to characterise the trip as a misuse of taxpayers' money warranting investigation by the Crime and Misconduct Commission, while one media report stated that I had been "ordered home" by the Premier.

I refer to the guidelines for the financial management of the Office of the Speaker, and in particular your role under the *Financial Accountability Act 2009* as the accountable officer for the Queensland Parliamentary Service responsible for the financial stewardship of my office. The guidelines state at Section 4.1: "...the Clerk must insist upon predetermined standards being met, including compliance with these Guidelines...".

The office of the Speaker is already under threat from the recommendations of the Review of Queensland Parliamentary Committee System currently under consideration by the government without there being a perception, however baseless, arising from media reports and associated claims that I have somehow acted improperly, requiring the intervention of the Premier.

Not only has my integrity been impugned, but as a consequence the office of Speaker has been maligned. I believe it is imperative for both the Parliament and the public to be satisfied that no wrongdoing has occurred, and be assured that it has not been necessary for the Premier to step in and act as a brake on questionable conduct by the Speaker.

In relation to the trip concerned, I seek your advice regarding my compliance with the relevant guidelines.

Yours sincerely


HON JOHN MICKEL MP
Speaker



Queensland Parliamentary Service

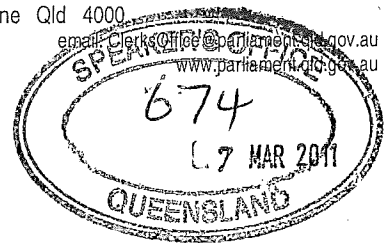
THE CLERK OF THE PARLIAMENT

Parliament House
George Street
Brisbane Qld 4000

Ph: 61 7 3406 7250

Fax: 61-7-3221.7475

email: ClerksOffice@parliament.qld.gov.au
www.parliament.qld.gov.au



Your Ref:

Our Ref:

7 March 2011

Hon John Mickel MP
Speaker
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Speaker

I refer to your letter of 1 March 2011 regarding your travel overseas to Canada for the Commonwealth Parliamentary Association (CPA) Executive Committee meeting and your proposed travel to Japan for which you sought the Premier's approval.

You have sought my advice regarding your compliance with relevant guidelines.

CPA Guidelines

At the outset, it is important to note that the *Guidelines for the Financial Management of the Office of the Speaker* (Speaker's Guidelines), at part 5.2.5, provides that CPA travel is not covered by the Speaker's Guidelines. That part says:

Commonwealth Parliamentary Association (CPA) related travel is not covered by these Guidelines. Refer to the Members' Entitlements Handbook.

The *Members' Entitlements Handbook*, at section 2.3.2.2, amongst other things, recognises that various activities are held by the CPA, including overseas representation.

The CPA hosts several conferences and seminars on an annual basis to foster discussion of Parliamentary matters of mutual interest. These activities are held both domestically by the Australian Region and overseas, as part of the Commonwealth CPA agenda.

Representation by the Queensland Branch at such activities is normally on a rotational basis ie. Government Member followed by non-Government Member. The Clerk of the Parliament as Honorary Secretary is responsible for coordinating representation by the Queensland Branch at all CPA activities including nomination of Queensland delegate(s) and provision of appropriate travel benefits and allowances to delegates.

The *Commonwealth Parliamentary Association (Queensland Branch) Membership, CPA Activities and Administrative Guidelines* (CPA Guidelines) which have been approved by both the CPA (Queensland Branch) and the Premier as relevant accountable minister, complements the *Members' Entitlements Handbook* and sets out the rules and processes for approving CPA travel.

The CPA Executive Committee has the control and management of the CPA and is comprised of 35 representatives from throughout the Commonwealth, including three representatives from the Australian Region. Australian representatives include one representative from the Commonwealth Parliament and two representatives from the States and Territories who are selected by the various branches in rotation. As a result of the rotation the Queensland Parliament is obliged to send a representative to the CPA Executive Committee approximately one term (3 years) in every 12 to 15 years.

At the Annual General Meeting of the Queensland Branch held in the Legislative Assembly Chamber, Parliament House on Thursday 28 October 2010 you were endorsed as the next regional representative from the Australian Region, the Queensland Branch being next required to nominate a representative on rotation.

As the CPA Executive Committee membership only arises every 12 to 15 years, it is not dealt with in a specific section of the CPA Guidelines, but rather is covered by part 3.7 (Other CPA Conferences, Seminars and Activities).

In accordance with the responsibilities of this position you were invited (and as the CPA Executive representative, obliged) to attend the CPA Executive Committee meeting in Whitehorse, Yukon, Canada.

Normally, all correspondence regarding the CPA is sent by the CPA to the Honorary Secretary (the Clerk of the Parliament). However, it is the practice of the CPA as regards Executive Committee matters to forward correspondence directly to the Executive Committee member. So whereas I would normally advise the Premier of overseas CPA travel in accordance with part 3.9 of the CPA Guidelines, this function was discharged by you directly in correspondence to the Premier on 20 December 2010. In any event, the Premier was notified of the overseas travel as required pursuant to section 3.9 of the CPA Guidelines, prior to your departure to Canada.

I was absent on extended leave for all of December 2010 and January 2011, and the Deputy Clerk was Acting Clerk. The Acting Clerk was aware of your invitation to attend the CPA Executive Committee meeting and your advice to the Premier. On 19 January 2011 there was email correspondence between the Deputy Clerk and the Department of the Premier and Cabinet regarding the CPA travel explaining why notification of the travel to the Premier had issued from you rather than the Clerk and indicating that there was no irregularity.

The only other requirement of the CPA Guidelines is for you to table a written report on your travel within one month of return or the next available sitting under part 3.10. The report is to detail:

- *the CPA activity undertaken;*
- *benefits obtained from the overseas travel;*
- *any duties undertaken on behalf of Queensland (which would be ancillary to the primary purpose of the travel);*
- *the final itinerary or program, including countries visited, dates of travel, and sufficient detail to substantiate the official nature of the journey;*
- *details of accompanying persons (including the spouse) whose costs are to be met by public funds and purpose for their attendance; and*
- *details of any personal component of the travel.*

In summary, as accountable officer I am satisfied that in respect of your travel to Canada and your attendance at the CPA Executive Committee meeting and incidental travel, there has to date been compliance with the CPA Guidelines, your travel report being the only outstanding matter. I also note that in terms of the cost of this travel component, the CPA is responsible for reimbursement of a large part of the air travel and was responsible for your accommodation and incidental matters in Whitehorse.

Speaker's Guidelines

The *Guidelines for the Financial Management of the Office of the Speaker* (Speaker's Guidelines) provides for non-CPA related travel by you as Speaker. The relevant portion of part 5.2.5 provides:

5.2.5 Overseas Travel

All Overseas Travel must be for the purpose of carrying out official duties and fulfilling official responsibilities in relation to the role and functions of the Speaker. Occasions may also arise where the Speaker may be requested (in writing by the Premier) to represent Queensland.

Travel for private purposes is not to be charged to the Office of the Speaker. Private expenditure while travelling must not be incurred on an official credit facility. Overseas travel expenditure is all travel expenditure (including travel to/from Presiding Officers and Clerk's Conferences – section 5.2.7 refers) not considered domestic travel under section 5.2.4 above incurred by the Speaker, or:

- *staff of the Speaker (including consultants);*
- *spouse of the Speaker; and/or*
- *guests of the Speaker (whose attendance the Speaker believes on reasonable grounds will or may assist in the performance of the relevant duties or otherwise, is reasonably associated with the performance of those duties);*

when accompanying the Speaker in carrying out official duties and fulfilling official responsibilities.

The approval process is set out in part 5.2.5.6:

5.2.5.6 Approval Process

The Speaker must seek the Premier's approval for all overseas travel. Requests should be made at least six weeks before the proposed travel. The approval request must incorporate the following detail:

- *objectives of the visit;*
- *the Parliamentary Service (or other) program or activity expected to benefit from the visit;*
- *a request (if applicable) to undertake duties on behalf of Queensland;*
- *a draft agenda, including countries to be visited, dates of travel, and sufficient detail to substantiate the official nature of the journey;*
- *details of accompanying persons whose costs are to be met from public funds and purpose for their attendance;*
- *total estimated cost; and*
- *a clear indication of any personal component of the travel (exclusive of minor personal periods reasonably associated with official travel such as daily meals, evening free time etc) including any personal leave (see 5.2.5.7).*

The Clerk is to be provided with a copy of the approval within one week of it being provided by the Premier. This copy will be filed with documentation in the Travel Section relating to the travel.

Prior to any overseas travel by the Speaker, the Premier will table in Parliament his approval for the overseas travel, including the destinations, purpose of the travel and length of travel.

I am aware that on 20 December 2010, in accordance with part 5.2.5.6 of the Speaker's Guidelines you sought approval from the Premier to conduct parliamentary business in Japan following your CPA visit to Canada. In accordance with the Speaker's Guidelines the approval request was submitted more than six

weeks prior to the proposed travel. Indeed, the request was submitted approximately nine weeks prior to the intended travel to Japan.

Of course, extraordinary events were to occur after the approval request was forwarded to the Premier and before your departure to Canada, including extensive flooding around the State and cyclone Yasi in far North Queensland.

After my return to duties, on 18 February 2011, Officers from the Department of the Premier and Cabinet contacted me seeking my advice regarding section 5.2.5.6 of the Speaker's Guidelines with respect to your request to visit Japan. The question posed was "whether if the Premier decides to approve Mr Speaker's request to visit Japan as a trip pursuant to the Speaker's Guidelines, then is the Premier's approval required to be tabled prior to him leaving for overseas on the CPA leg of the trip to Canada i.e. prior to 22 February, or would it be sufficient for the approval to be tabled while Mr Speaker is overseas but prior to his departure from Canada to Japan i.e. prior to 1 March 2011?"

My advice was that in terms of s.5.2.5.6 "any travel" must refer to travel under that section. So I would think it would be in order as long as approval and tabling is prior to 1 March".

My advice on this point was also communicated to your office.

Whilst I have never formally or informally been advised, my assumption was that consideration of the request for approval was understandably delayed by the extraordinary events from December through to February.

Of course, as has been publicly reported, the Premier subsequently declined to approve your travel to Japan whilst you were in Canada on CPA business, but prior to your departure to Japan.

In respect of this matter I note:

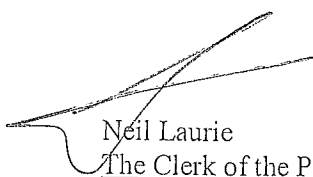
- Your application for overseas travel was made appropriately in accordance with s.5.2.5.6.
- It was within the clear remit of the Premier to make the decision to not approve the travel.
- You had not commenced the overseas travel for which approval had been sought – that is, travel to Japan. You were on other approved CPA related travel, but did not commence any travel pursuant to the Speaker's Guidelines without approval.

Conclusion

In conclusion, I am satisfied that you have, to date, in respect of this matter complied with all guidelines, the only outstanding matter being the tabling of your CPA travel report which must be tabled by Thursday 31 March 2011.

You did not, as has been reported, "leave the country without the necessary approvals". You had the necessary approvals to travel to Canada and had not commenced travel to Japan for which you required further approval. When that approval was not given, you returned to Brisbane.

Yours faithfully



Neil Laurie
The Clerk of the Parliament

HON JOHN MICKEL MP
SPEAKER OF THE LEGISLATIVE ASSEMBLY OF QUEENSLAND

3 March 2011

Dr David Solomon AM
Queensland Integrity Commissioner
PO Box 15290
CITY EAST QLD 4002

Dear Dr Solomon

I draw to your attention a matter concerning overseas travel that I recently undertook, and also to seek your advice in relation to an appropriate approval process for overseas travel undertaken by the Speaker.

The reason I am bringing my recent overseas travel to your attention is because of a perception that has arisen in some quarters that the travel was not duly authorised. As a consequence, my integrity in undertaking the travel that I did and in relation to travel which I planned but subsequently did not undertake has been called into question. As Integrity Commissioner, I believe it is important for you to be apprised of the facts regarding this travel.

In December last year, in accordance with the Guidelines for the Financial Management of the Office of Speaker (enclosed) I wrote to the Premier seeking approval for travel to Japan which I had intended to undertake following my attendance at a Commonwealth Parliamentary Association executive meeting in Canada in late February this year (enclosed). Under the guidelines, my travel in relation to attending the CPA conference did not require the Premier's approval.

As the date for my departure to Canada approached, I booked the travel to Japan although at that stage the Premier's approval for the travel had not been received. I made the bookings in what I believed to be the very reasonable expectation that approval would be forthcoming as requested, even if at late notice. This was on the basis of the purpose and details of the proposed visit, and also as the Premier had approved a visit I made to Japan last year in similar circumstances.

In my letter to the Premier, I had sought approval for travel and activities related to my role as Speaker and also relating to travel and activities categorised as representing Queensland. In regard to this latter category of travel, I requested that if approval was not provided as requested that, in the alternative, approval be given for the payment of Overseas Daily Travel Allowance for the days in question pursuant to the *Members' Entitlements Handbook*.

While I was in Canada I received notification from my office that the Premier had not approved my travel to Japan (enclosed) and accordingly I cancelled my proposed visit. I should mention that while the travel bookings had been made, the cost of the travel involved was not forfeited.

As a result of my travel to Japan not being approved, allegations have been made of wrongdoing on my part. Unsurprisingly, the most serious of these have come from a political opponent who alleges I have misused taxpayers' funds (enclosed) and has asked that the Crime and Misconduct Commission investigate my actions.

Not only has my integrity been impugned, but so too has the integrity of the office of Speaker been impugned. I believe it is imperative for both the Parliament and the public to be satisfied that no wrongdoing has occurred.

I have written to the Clerk of the Parliament who under the *Financial Accountability Act 2009* is the accountable officer for the Queensland Parliamentary Service and is responsible for the financial stewardship of my office. The Guidelines for the Financial Management of the Office of Speaker state that "...the Clerk must insist upon predetermined standards being met, including compliance with these Guidelines...".

I have asked the Clerk to provide advice regarding my compliance with the relevant guidelines in relation to the travel concerned. I will furnish you with a copy of the Clerk's advice as soon as it is received.

The related matter on which I would appreciate your advice is in regard to instituting a different approval process for overseas travel by the Speaker from the one currently in place.

In relation to the Premier's decision not to approve my proposed travel to Japan this has been reported in the media as my having been "ordered home" by the Premier. I do not believe it is appropriate for the executive arm of government to be seen to be exercising a controlling influence over the Speaker, as has happened in this instance. More generally, I consider it inimical to the interests of an independent Parliament that the Speaker should have to seek the Premier's approval for overseas travel. This places the executive arm of government in a position of control over the Parliament.

I believe it is worth examining removing responsibility for the approval of this travel from the executive arm of government. I stress that I do not suggest that the Speaker should be at liberty to approve his or her own travel overseas, but rather that an approval and accountability mechanism that does not reside with the executive arm of government would be desirable, and preferable to the current procedures. It may, for example, reside within the Parliament, as happens in other jurisdictions, with the Clerk of the Parliament responsible for authorising proposed travel as being appropriate and justified.

With reference to the existing guidelines, you may wish to indicate any general principles or specific requirements that you would see as necessary in order to ensure that an alternative approval mechanism for overseas travel by the Speaker was fully accountable in terms of the tests you would apply as Integrity Commissioner.

Yours sincerely

HON JOHN MICKEL MP
Speaker

Enc:

PRIVATE AND CONFIDENTIAL

7 March 2011

Hon John Mickel MP
Speaker of the Legislative Assembly
Parliament House
BRISBANE QLD 4000

Dear Mr Speaker

I have received your letter of 3 March 2011 together with a number of attachments. In it you draw my attention to the disapproval by the Premier of your request to extend a visit to Canada for a CPA meeting to allow you to travel to Japan. You then seek my advice about an appropriate approval process for overseas travel by the Speaker.

I will deal with these in turn.

At the outset, however, I should say that I will be unable to respond to them as you may wish because I consider the *Integrity Act 2009* does not permit me to offer the advice you seek.

Section 15(1) of the Act provides –

A designated person (the ***advisee***) may, by written request to the integrity commissioner, ask for the integrity commissioner's advice on an ethics or integrity issue involving the person.

Subsequent sections of the Act (16 to 20 inclusive) demonstrate that the advice is limited to advice about an ethics or integrity issue involving only the person seeking the advice. I cannot express an opinion to you about the actions of others. In a practical sense I could not do so without carrying out an investigation and that is not provided for in the Act.

You point out that one of your political opponents has made a complaint to the Crime and Misconduct Commission. The CMC has the legislative mandate and the resources to examine such matters. I do not have either.

In your letter you say –

As a result of my travel to Japan not being approved, allegations have been made of wrongdoing on my part. Unsurprisingly, the most serious of these have come from a political opponent who alleges I have misused taxpayers' funds (enclosed) and has asked that the Crime and Misconduct Commission investigate my actions.

Not only has my integrity been impugned, but so too has the integrity of the office of Speaker been impugned. I believe it is imperative for both the Parliament and the public to be satisfied that no wrongdoing has occurred.

I have written to the Clerk of the Parliament who under the *Financial Accountability Act 2009* is the accountable officer for the Queensland Parliamentary Service and is responsible for the financial stewardship of my office. The Guidelines for the Financial Management of the Office of Speaker state that "...the Clerk must insist upon predetermined standards being met, including compliance with these Guidelines...".

I have asked the Clerk to provide advice regarding my compliance with the relevant guidelines in relation to the travel concerned. I will furnish you with a copy of the Clerk's advice as soon as it is received.

In so far as you complain about the attack on your integrity, I consider you have responded in a sensible and appropriate manner by seeking the Clerk's views on how you complied with the rules that are in place.

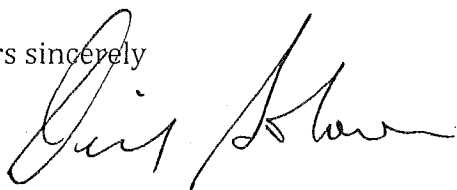
The second matter you raise and on which you seek my advice "is in regard to instituting a different approval process for overseas travel by the Speaker from the one currently in place".

You will be aware that I have commented elsewhere on the relationship between the executive and the Parliament (as represented by the Speaker and the Clerk) in my commentary on proposals for a change in the parliamentary committee system.

However I do not consider it appropriate to respond to your request for advice on this matter. I am limited by the Act in the advice I can provide to you and in my view I am not free, in providing you with advice about any ethics or integrity issue raised by and concerning you personally, to suggest institutional changes that would need to be adopted by others - in this case, the Premier and perhaps the Cabinet.

Please do not hesitate to contact me if you wish to clarify any of these issues, and if I can be of any further assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Solomon', written over the 'Yours sincerely' text.

Dr David Solomon AM
Queensland Integrity Commissioner