ECONOMICS AND GOVERNANCE COMMITTEE

Members present:

Mr LP Power MP (Chair)
Mr RA Stevens MP
Ms NA Boyd MP
Mr ST O'Connor MP
Mr DG Purdie MP (via teleconference)
Ms KE Richards MP

Staff present:

Ms L Manderson (Committee Secretary)
Mr J Gilchrist (Assistant Committee Secretary)

PUBLIC BRIEFING—INQUIRY INTO THE CRIMINAL CODE AND OTHER LEGISLATION (MINISTERIAL ACCOUNTABILITY) AMENDMENT BILL 2019

TRANSCRIPT OF PROCEEDINGS

MONDAY, 3 FEBRUARY 2020

Brisbane

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The committee met at 9.32 am.

CHAIR: Good morning. I declare open this public briefing for the Economics and Governance Committee's examination of the Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019. I would like to acknowledge the traditional owners of the land on which we meet and pay my respects to elders past, present and emerging. My name is Linus Power, the member for Logan and chair of the committee. With me here today are: Ray Stevens MP, the member for Mermaid Beach and deputy chair; Nikki Boyd MP, the member for Pine Rivers; Sam O'Connor MP, the member for Bonney; and Kim Richards MP, the member for Redlands. Joining us on the phone is Dan Purdie MP, the member for Ninderry.

On 23 October 2019, the Leader of the Opposition and shadow minister for trade, Deb Frecklington MP, introduced the Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019 into the Legislative Assembly. The bill was referred to this committee for examination, with a reporting date of 23 April 2020. The purpose of this morning's briefing is to assist the committee with its examination of the bill.

The briefing is a proceeding of the Queensland parliament and is subject to the standing rules and orders of the parliament. The briefing is being recorded and broadcast live on the parliament's website. Media may be present and will be subject to my direction. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I ask everyone present to turn mobile phones off or to silent. Any questions about government or opposition policy should be directed to the responsible minister or shadow minister or left to debate on the floor of the House.

JANETZKI, Mr David, Member for Toowoomba South, Parliament of Queensland

CHAIR: I invite you to make an opening statement on the bill. After that, committee members will have some questions for you.

Mr Janetzki: Good morning, Chair, committee members and secretariat. Thank you for the opportunity to be here today to brief the committee on the Criminal Code and Other Legislation (Ministerial Accountability) Amendment Bill 2019. Public trust and confidence in elected officials in the state government is fundamental to maintaining the integrity of government. It goes without saying that the people who work, live and vote in Queensland must have confidence in the leaders of our state. Any loss of public confidence in the executive arm of government is problematic.

Ministers have a responsibility to demonstrate the highest of standards and the utmost attention to detail. It is unacceptable and inexcusable for ministers to become complacent in their decision-making and the decision-making of those closely associated with them. It is the duty of all politicians, but especially those exercising executive power, to maintain confidence in decision-making and that the executive is viewed as not only acting in the best interest of the state but also acting in the public's best interest. The misuse of entrusted power for private gain is wrong. It amounts to a breach of trust which is difficult to restore. It undermines democracy. It is the sad reality that when one politician breaches the trust of the public there seems to be a ripple effect in which the perception of all those in public office is tainted.

This bill was introduced after the recent CCC investigation into the scandal involving the conduct of the Deputy Premier. That conduct related to her involvement in decision-making processes around Cross River Rail. It was this investigation which sparked the CCC to make five key recommendations to reduce the corruption risk in the future. The CCC ultimately concluded that the Deputy Premier's failure to comply with section 69B of the Parliament of Queensland Act was not a criminal offence and therefore could not constitute corrupt conduct. Interestingly, the CCC went on to recommend parliament create a criminal offence for occasions when a member of cabinet does not declare a conflict that does or may conflict with their ability to discharge their responsibilities. The CCC highlighted that creating a criminal offence would strengthen the obligation on ministers to ensure disclosure of actual, potential or perceived conflicts of interest occur and that failure to do so could, in certain circumstances, be considered corrupt conduct as defined in the Crime and Corruption Act 2001.

As articulated in the explanatory notes, the bill creates a criminal offence for occasions when a member of cabinet is aware, or ought reasonably to be aware, the minister has a declarable conflict of interest in a matter to be discussed at a meeting of cabinet or a cabinet committee but fails to declare the conflict. Failing to make a declaration as outlined above could, in certain circumstances, be considered corrupt conduct as defined in the CC Act. The bill also creates a criminal offence to apply to a member of cabinet who fails to comply with the requirements of the statement of interests by not informing the Clerk of the Parliament of the particulars of an interest or the change to an interest within one month after the interest arises or the change happens.

The opposition's conflict-of-interest offence does not require dishonest intent. By doing so, the offence does act as a strict liability offence. While strict liability has attracted some recent commentary, the opposition believes that potential, perceived or actual conflicts of interest should be at the forefront of every minister's mind when they make a decision or, as articulated by the CCC chair, Mr MacSporran, if you introduce the strict liability offence in relation to declarations of conflict plus prescribed interest, updating a register of interest, you set the bar higher for the need to be aware of the obligation to disclose and to update your register and there are serious consequences if you do not do that.

Until appropriate integrity measures are adopted the community cannot be expected to have complete confidence in the decision-making of the state's executive arm of government. This is why the LNP is committed to acting on the recommendations of the CCC to ensure ministers meet the highest standards in the future. Thank you for providing me the opportunity to brief the committee. I am happy to take some questions.

CHAIR: I should have interrupted you earlier, but you had moved on by the time I conferred on it—

Mr Janetzki: I was aware—

CHAIR: It is not great that you were aware. Standing order 271 relating to issues before the Ethics Committee applies to this hearing. I remind others about that as well.

Mr STEVENS: The explanatory notes provided state that a minister will be required to inform the Clerk within one month of an interest arising or a change to the particulars of an interest. However, subsection 69B(2A) of the bill only creates an offence if a change was not notified under subsection 69B(2) of the Parliament of Queensland Act 2001, which requires a member to notify the registrar in writing of a change in the particulars in the last statement of interest given by the member. There is no mention of notifying the Clerk after an interest arises. Could you please clarify the inconsistency?

Mr Janetzki: The question around section 69B—part 9 of the bill—relates to when the notification will be necessary. From the commencement of this bill there would be a requirement within one month to update the register of statement of interests. That means from the commencement of this bill you would be given a one-month grace period to update the register, notwithstanding if those particular issues had arisen prior to that time. It would be one month from commencement of this bill itself.

Mr STEVENS: For clarification, under the change to the particulars of interest if a member of cabinet has devolved themselves of an interest and has not notified the cabinet—in other words, they do not have an interest in a piece of real estate or something anymore—is that still captured as an offence?

Mr Janetzki: The question would be whether there was an obligation to update the register within that 30 days. If there was then that interest must be declared. Then if it were subsequently devolved there would be a requirement to register that change within 30 days of that change.

CHAIR: I think the point the deputy chair is making is that a devolved interest is unlikely to raise a conflict.

Mr STEVENS: Correct.

Mr Janetzki: That being so, the issue is maintaining the clarifying within 30 days of any change. Although there may no longer be a conflict, the fact that there has been a change in interest is what must be declared.

CHAIR: There is not much corruption risk in those circumstances, is there? Where there is a strict liability framework and they ought reasonably know that they have devolved that interest, there is very little risk of corruption, is there?

Mr Janetzki: That is correct. However, the question of this particular issue goes towards—

CHAIR: Sorry to interrupt you, Deputy Chair.

Mr STEVENS: Thank you for taking my line of questioning away from me.

Mr Janetzki: That is reflected in the nature of the penalties associated with these provisions as well.

Mr STEVENS: In other words, if they have made what is virtually an accounting mistake, not a conflict-of-interest mistake—that is, they have devolved the interest but they have not notified the Clerk of the change in interest—they are going to be subject a penalty under this legislation?

Mr Janetzki: The bill that has been put forward reflects the recommendations of the CCC. What the CCC has said in hearings on similar bills before this committee related to the appropriateness of the penalties. There was some comment about the nature of the penalties in our private member's bill. The reflection of the seriousness of any potential offence against provisions of this bill is in fact detailed in the penalty provisions. The maximum penalty for an offence of that nature is limited to 100 penalty units.

Mr STEVENS: Twelve and a half thousand?

Mr Janetzki: Correct. All that being said, yes, it may be strict liability. However, that is reflective of what the CCC found and recommended in its report—recommendation 4 of the CCC's findings.

Mr STEVENS: For any change of interest, even a devolving?

Mr Janetzki: That is right. If there is an obligation to report an interest and a change in interests under the Parliament of Queensland Act then that penalty is described as in this bill and the nature of the penalty is linked to the risk of corruption—that corruption risk. This bill seeks to reflect the CCC's recommendation 4 and also seeks to find the balance and, as I said, the CCC has made some recent comments. Mr MacSporran said that he was more in favour of the penalties in the government's bill than those in ours, but what we were trying to do in this private member's bill was to reflect the recommendations of the CCC but also find that balance, because I appreciate that strict liability is a delicate question.

CHAIR: I note that you found that building of public trust is very important and I think all of the committee agrees. Can that trust be undermined by unintended consequences? The deputy chair has brought up the case of someone who has a devolved interest, but as soon as the public finds out that someone is facing a criminal charge, of which they are likely to be found guilty because of the way this is phrased, they are just going to hear that their member of parliament is found guilty of a criminal charge when in some circumstances—and there are many more besides what the deputy chair has outlined—there would seem to be not an intent or even an occasion for public corruption. Does it concern you that the unintended consequences may actually undermine public trust?

Mr Janetzki: There is no doubt this is a complex issue. I might just make some comments about the question of strict liability, because I think that goes to the heart of it—these questions of inadvertent consequences. Strict liability is a serious state of affairs. We know that. It takes out mens rea. We know that it takes out that intent that is generally associated with the most serious offences.

My personal background is as a lawyer in a regulatory banking and prudential environment. In my experience, I have advised for nearly 15 years on these prudential and regulatory environment scenarios. I know that there are over 370 strict liability offences in the Corporations Act. In Queensland there are other strict liability offences, whether it be workplace health and safety laws or speeding offences, for instance. The prudential and regulatory environment is the environment most known to me, and the question in a regulatory environment in that regard is about the quality of the information available to the public.

A lot of the strict liability offences, in a regulatory sense, are: is the information known to the market, to be truthful, delivered on time and as it ought to be? There is a range of offences under the Corporations Act or the SI(S) Act or insurance related acts. It is analogous to this question. Although strict liability is controversial, it does have its seeds in regulatory environments like that, so for me our bill, which talks about making sure that interests are declared in cabinet or a cabinet meeting, being a strict liability provision, is in fact analogous to that kind of environment where the best information must be given in a timely way to the people who need to know it. Of course, in that sort of sense it is more a market sense so that the investment community or the finance community can make the best sorts of decisions, but here it is similar in that if you walk into a cabinet room then those members of cabinet should have all the information on the table about what may or may not be a conflict.

When it comes to unintended consequences, I understand the concern of the committee. I appreciate that the committee has put out for additional submissions in respect of the government bill. I personally look forward to seeing those submissions to understand the broader community's view of it. I have been watching it with interest. Yes, I accept that there is concern about strict liability

and the government may consider or contemplate amending their bill, but the balance we have found in this bill, in having those strict liability offences for declaration of interests or statements of interests, I think is analogous in some way to that regulatory, financial and prudential environment. I think there is an argument that strict liability is appropriate in these circumstances, and that is what was put forward in this bill.

CHAIR: I do not know if you answered whether public trusts could be undermined by unintended consequences, but I take it that your concerns are lesser. We had a circumstance in the federal parliament where several members of parliament were given a gift of an item that they thought was an imitation and only later, when speaking to someone who had knowledge of the items, were they told they were real items and of considerable value. I am trying not to overly politicise this. In that circumstance, the individuals in question were no doubt in breach of their obligations to report a gift. Their late reporting was, in strict liability, a breach whereby they would have to, under these circumstances, face a criminal charge, but they came before the parliament and explained that they did not have any intent or were not aware of the value of the items that were given. It would seem that there would be a fair case for a prosecutor who had an interest to say that they should have reasonably ascertained the value of the items given them and therefore a multitude of MPs in this case would have faced criminal charges and perhaps endangered the government when it might be generally accepted that they did not have in any way a guilty mind in the acceptance of this gift and as soon as information was made available, with some embarrassment to themselves, they revealed to the parliament that the gift had been given and indeed returned it. Does that and other unintended consequences concern you?

Mr Janetzki: The provision is also drafted here in terms of maximum penalties.

CHAIR: Nonetheless, they would have to, in public, face a criminal charge.

Mr Janetzki: There would be that. There is always a discretion with the DPP. It is up to that body, ultimately, which would make an independent assessment of the evidence before it. There is always that discretion there for them. Turning to the question of whether that is appropriate or not, obviously that is an extreme example and that is a concern. There is no doubt about it.

CHAIR: But nonetheless a real and recent example.

Mr Janetzki: Yes. That, again, is why in this bill we have strictly followed what the CCC recommended and also had the civil penalty up to a maximum of 100 penalty units. You have a two-step process, really, where the DPP has to make a judgement on the evidence before him or her as to whether a charge would proceed. Then at the second level there would be a question of, 'Well, what is the penalty to be applied here?,' bearing in mind that 100 penalty units is the maximum and zero is the minimum. There is the twofold question of the DPP taking up the charge and then that somewhere between zero and a hundred. I would submit that the example you have given would potentially fail on both counts, if it was an honest mistake—whether the DPP would proceed and then if it did proceed what would be the penalty applicable.

CHAIR: I am not a lawyer, but it would seem under strict liability that honest mistake does not enter into the equation. It seems to me that 'ought reasonably know' is the test and in giving a gift and examining it the DPP would be open to interpret it to say that the people in question ought reasonably have known and therefore proceed with the criminal charges with perhaps the unintended consequences of bringing down in this case the federal government, which would be a significant unintended consequence—I am presuming an unintended consequence—of a provision of the law that did not have some provision, as you said, for honest mistake.

Mr Janetzki: As complex as it is, there is always, in the Criminal Code, the defence of honest and reasonable mistake. Under the Criminal Code there is that. It is a complicated defence. I accept your concern, but, again, for the reasons I have already given—I think you yourself even said it about the DPP. It is still their assessment. Obviously that would be an offence against the bill, but it would still be in the discretion of the DPP as to what steps were taken and then, of course, the penalty.

CHAIR: My suggestion is that it would not be an unreasonable step to take, given the strict liability offence presented and the circumstances that we understand. It would not be unreasonable for them to go forward with a prosecution and have those what I assume are unintended consequences.

Mr Janetzki: My experience with this is that the DPP will make a reasoned and sound judgement on the circumstances in front of him or her. The point of this provision of the bill was always to reflect the views of the CCC, and that is what we have sought to do. Notwithstanding the concerns, there is that message of setting the highest standards that we possibly can. As I said, in my experience with similar provisions in a prudential regulatory environment sense, it does lift the standard of governance and sets the bar high, but there is an argument for it.

Mr O'CONNOR: In proposed section 97B(2) you propose to define that a minister does not have a declarable conflict of interest in a number of situations, but there is a particular threshold under (d) of $150. I was just wanting some explanation of where that level came from.

Mr Janetzki: These provisions were drafted following the recommendations of Belcarra and these provisions actually reflect what was in the Belcarra related legislation, which, if you recall, was pulled out of debate. We were due to debate the local government related bill with these provisions in them I think in November—maybe October or November last year—and they were pulled out while the government was considering both the findings of the CCC and how best to link them or to make them similar to the responsibilities and obligations in Belcarra, aligning with the CCC findings. These provisions mimic what was in the local government Belcarra related provisions, and that is why you will see them drafted in this way.

Mr O'CONNOR: Further to that, in 97C you propose to outline who is a related party of a minister. There are a number that you would expect—a minister's spouse, parents, sibling, child and that sort of thing—but then 97C(g) further defines a related party as another person who has a close personal relationship with the minister. I just wanted some clarity on how 'close personal relationship' would be defined.

Mr Janetzki: Generally in provisions of that nature it is not spouse and not de facto partner but another person who is in a care related relationship or a reliance related relationship. That is generally the definition that is taken up by 'close personal relationship'.

Mr O'CONNOR: A friend or—

Mr Janetzki: It will often be in the case of a caring environment, if somebody has a disability, someone is aged or something of that nature. Yes, there is no doubt 'close personal relationship' is—I do not want to say it is the catch-all, but it captures other close personal relationships that may not be defined as a spouse or a de facto.

CHAIR: In that case, obviously we are a bit older but would younger members of parliament have to engage with possible partners in order to sit down and go through a declaration of interests? How would that work? Would anyone involved understand the gravity of the laws in thinking through all of their personal obligations?

Mr Janetzki: Just to be absolutely clear, this private member's bill, firstly, does not relate to local government, which is obvious. Secondly, the obligations contained in this bill relate only to members of cabinet. My interpretation of this bill is that if you are a member of cabinet you are charged with the most serious responsibilities of governance in Queensland, and with that great authority and power comes responsibility. If you are a cabinet member, you should be thinking about your conflicts and the decisions that you are making every day of your working life. I do not think it unreasonable to expect the highest standards of governance and of working through these potential conflict issues if you are a member of cabinet.

If it comes to the question of a young person who has a parent in a position that may end up putting them in conflict—if we have a younger member of cabinet—yes, they have to ask the questions of the people around them, of a 'related party' as defined under section 97C in the bill, to inform themselves of any potential conflicts.

CHAIR: Recently a past member of parliament, quite a prominent one, was in the media talking about the circumstance where their partner—not a short-term partner but a long-term partner, a wife—had started a company without the knowledge of the former member of parliament. They did not know. In that case, there was little corruption risk because, ultimately, it was revealed that the company in question had not traded. It would seem that, with a strict liability offence and the standards that you have just put forward about a member of cabinet having a requirement to ask those around them about the activities they engage in, that would be a clear breach. Is that an unintended consequence of your strict liability provisions?

Mr Janetzki: Certainly on the face of it, but section 97D in the bill talks about when a minister must inform cabinet or a meeting of a cabinet committee. The section applies if 'a Minister is aware, or ought reasonably to be aware'. By all means, we must have ministers asking those people close to them the necessary questions, but there is a test that does say 'or ought reasonably to be aware'. There will be some circumstances that are just beyond the reasonable belief—

CHAIR: With respect, Mr Janetzki, I think with what we are talking about here, clearly there is not a conflict where a company has not traded. In this case we are talking about the declaration of interests and the criminal breaches that would be associated with that. The standards, you have just said in your own evidence, would indicate that a member with a variety of people around them, given

the concerns of the member for Bonney—especially for someone with a long-term partner or wife—should have that knowledge and keep current with that knowledge. You would be suggesting, under this legislation, that they ought reasonably to be aware of that and would be facing a criminal sanction?

Mr Janetzki: If we are talking, again, about members of cabinet updating their statement of interests—

CHAIR: That is what the previous member of parliament was making reference to when he wrote in the paper. I believe there was an interview with the ABC as well.

Mr Janetzki: Again, Chair, for fear of repetition, this bill seeks to implement the recommendations of the CCC and recommendation No. 4 related to this question. I have spoken already in respect of the penalties associated with a breach of that section, from zero penalty units to 100 penalty units, and also about that DPP question. Probably for me it is all about trying to maintain the highest standards of public governance as possible. Absolutely all members of parliament are human and will face challenges keeping across all of the issues in their lives. However, this bill is all about making the attempt to uphold the highest standards of integrity possible. This committee has called for additional submissions, and I know that the chair has issued a number of questions today about unintended consequences. It is entirely appropriate that this committee goes through that process to work through those potentialities. However, this bill, in following the CCC's recommendations, seeks to uphold the highest standards of integrity.

CHAIR: I understand that then they should be charged, but you feel that the way to mitigate it would be that they be found guilty of a criminal offence but be given a low penalty and that that would enhance public trust in Queensland politicians?

Mr Janetzki: Ultimately those questions are up to the DPP—that is, questions of who is charged and who is not charged. That is not for me to say. That will absolutely depend and turn on the circumstances of the particular case. The task of this House is to do our best to maintain and uphold those highest standards.

Ms RICHARDS: I note that this has been in the media. We have seen the federal Minister for Sport resign on the back of not declaring within her register of interests a Wangaratta Rifle Club membership that would have been valued at $200. Would that make her a criminal, in your mind, under this legislation?

Mr Janetzki: Obviously I have seen all of the media, but I am not aware of the individual and the particular circumstances of the case.

Ms RICHARDS: The Wangaratta Rifle Club membership is $200. Within your bill, you are setting down $150 as the benchmark for conflicts of interest for ministers. Would that make her a criminal within this legislation?

Mr O'CONNOR: She is not a member of the Queensland parliament.

Mr Janetzki: I cannot speak on the Commonwealth ministerial guidelines, the handbooks or anything of that nature. On my understanding of reading our bill, just on the face of it, subsection 97B(2)(a)(ii) talks about if someone is a member of a sporting club and how the conflict-of-interest question would be treated.

Ms RICHARDS: That is, a minister receiving a gift in excess of $150—

Mr Janetzki: No, you are looking at subsection (d). I am talking about subsection 97B(2)(a)(ii).

CHAIR: It could actually be both.

Ms RICHARDS: It could be both, yes.

Mr Janetzki: Again, I do not understand the nature of the particular funding process or anything of that nature.

Ms RICHARDS: But the minister has received a gift that has not been declared.

Mr Janetzki: Like I said, I am not going to engage in hypotheticals. I do not know the inner workings of that particular case. I am saying that for circumstances that are analogous to the one that the member is raising—

Ms RICHARDS: That is exactly analogous to this particular bill—

Mr Janetzki:—this bill covers that in quite clear detail. It covers those circumstances.

Ms BOYD: My question goes to the lack of a requirement to prove dishonest intent. Did you consider whether to make the need to prove dishonest intent part of the offences when you were drafting the bill?

Mr Janetzki: Yes, I did. Of course, as I said earlier, the question of strict liability is a serious one. The question of dishonest intent or a state of mind generally certainly did come into my consideration. However, the CCC was quite clear in its recommendations as to the nature of the offences it thought should be introduced. That is why, ultimately, we sought to introduce the bill as it stands today.

As I said, strict liability is a serious matter and it is not to be done lightly. As I said earlier, my experience has been in a prudential and corporate regulatory environment and there are hundreds of strict liability offences in the Corporations Act. As I said, generally the justification for that is upholding the fidelity of the financial system. The information that other people are relying upon or acting upon or receiving must be accurate and to the highest possible standards and given in a timely manner. For me, the question of strict liability in this context is all about similar things: trying to get the best information to the people who need it when they need it. When cabinet is making a serious decision about the governance of our great state, cabinet members need all the information before them. That is ultimately why we went with the CCC recommendations. They were quite clear in their recommendations. That is why we went here.

We also have a situation where there are existing offences. I think it is section 92A, 'Misconduct in public office', which does require dishonest intent. You have section 408C of the code that talks about fraud. There are existing provisions in Queensland legislation that deal with dishonest intent or that intent question. That, together with the CCC recommendations, is why in the end in our private member's bill we went with the question of strict liability.

Ms BOYD: In terms of compiling your bill, you stated earlier that the five recommendations from the CCC's report were your foundation for this bill. What other consultation did you endeavour to do?

Mr Janetzki: I spoke and met with the Queensland Law Society in preparing this bill. The questions are around these important issues and it is appropriate that they continue to be debated. This committee has done an excellent job in bringing it to debate. I think last week I saw a call for more submissions. Again, as I said, I have been watching them closely. We are getting a wide variety of positions on the bill. I think public submissions on the private member's bill are open for a little longer. I am expecting we will get some more opinions on ours as well.

Ms BOYD: As the committee, we know that the Queensland Law Society has some critical concerns around what is actually being proposed here by the CCC. Did that come through the meeting that you had with them and the dialogue that you exchanged?

Mr Janetzki: I do not want to put words into the mouth of the Queensland Law Society. I expect they will come and speak on our private member's bill and I will let them speak for themselves. Certainly I am aware, from conversations with a range of people, of various concerns about strict liability.

Ms BOYD: When they met with you, was their position the same as the position that they have put to the committee in respect to this matter?

Mr Janetzki: I will let them speak for themselves, but certainly those concerns are consistent, yes.

Ms BOYD: In terms of consulting around this, have you gone back to the CCC and said, 'Here are your recommendations. The opposition is looking to put forward a bill. Here is some practical application for that. Can we flesh out how this would work?' I am no lawyer, but it seems to me as though we are relying very heavily here on the DPP to apply these properly and with some rationality around them. Meanwhile, you would have cabinet ministers out there already tarred with the brush of being corrupt simply because, for instance, they were not aware that someone they had a close personal relationship with had an interest in something that had never been furnished or provided to them. How does that all work?

Mr Janetzki: The opposition introduced this private member's bill because it had been seven weeks of the government considering what steps to take in relation to that matter that I will not go near, Chair. The private member's bill that we introduced was to get things moving, to help to restore confidence. No, I have not gone back and spoken again with the CCC in relation to our private member's bill, particularly because then the government ultimately introduced their own bill, which is the subject of this committee's consideration. As I have said, I am watching with interest to see the additional submissions and to see the government's move in relation to their bill dealing with these matters. Once that is known and the status of our private member's bill is known, there may be an occasion for me to seek further clarification from the CCC.

Mr MacSporran was recused, of course, from the initial investigation. I saw his testimony to the committee last week. I will be waiting to see any further submissions. I will not make any decision about seeking further clarification from the CCC. I will wait and see what happens in relation to the other bill first.

Ms BOYD: To sum up, in your role as shadow Attorney-General you saw that the CCC set down some recommendations. A period of seven weeks elapsed and you moved to introduce this bill, despite stakeholders saying to you that they had grave concerns with not only unintended but also perverse consequences from this bill. It was not just unintended; it was, in fact, perverse. Would that be fair to say?

Mr Janetzki: I do not want to get political, honourable member, but that is worse than what the government did. The opposition actually sought a view on the particular bill and it appears that the government's bill has not received much consultation whatsoever. Now it appears on the government's bill that the government is playing catch-up and is seeking submissions and input now. The government has all the advantages of the machinery of executive power. My opinion is that I will be watching very closely where the government goes in relation to their bill. If it is appropriate, I will be seeking further submissions. In the meantime, public submissions will be coming shortly on this private member's bill and I am sure there will be forthright opinions on it. I look forward to receiving them.

CHAIR: No doubt that is the work of the committee. The deputy chair has pointed out that the time that we allotted for questions has expired. Is there anything further that members would like to raise? There being no further questions, I thank you for your appearance today. No questions were taken on notice. Thank you for the information that you have provided today. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's web page in due course. That concludes the briefing.

The committee adjourned at 10.19 am.