

The Coaldrake Review

Last night, on the 28th of June 2022, the Final Report of the *Review of culture and accountability in the Queensland Public Sector* was released. Referred to as the Coaldrake Review (the Review), it addresses several issues at the core of which are culture and accountability in the Queensland Public Sector.

Queensland's Premier, Annastacia Palaszczuk has committed to accepting all of the reforms outlined in the review.

The Context of the Review

In Queensland, a feature of the recent past has been each new government ousting senior public servants and implementing major machinery of government changes.

Under the Newman Government (2012 - 2015), 14,000 public sector jobs were cut in Queensland. When elected in 2015, Premier Annastacia Palaszczuk committed to not cutting public service jobs nor selling any public assets. She did however remove a number of senior officials whom Newman had appointed.

The lack of permanence within the leadership of the civil service has caused an identifiable loss of capacity. The unsteadiness of the public sector, and particularly the public service within it, has contributed to an atmosphere of fear and outsourcing to the private sector for much of the work.

The Coaldrake review, established by the Queensland Premier on 18 February 2022, was prompted by a number of recent controversies including concerns about the erosion of the functions designed to hold the government to account, such as the Auditor-General; the increased use of outside consultants and the subsequent loss of capacity in the public service, the influence of lobbyists, the overreach of some ministerial staff and their lack of accountability.

The Queensland Government is currently the State's largest employer. This review extends beyond examining just ministerial offices and senior public officials but is rather a wide-ranging review of the culture and accountability within the public service.

The Review

Professor Coaldrake conducted a four-month-long independent review. In all, the Review received 327 submissions and almost 100 meetings were held.

The report makes 14 key recommendations designed to strengthen accountability and integrity mechanisms in the Queensland Government and the Public Sector.

1. Changes to the Auditor General's role to extend its status as an Officer of the Parliament.

The report recommends:

- The Auditor-General Act 2009 (Qld) be amended to allow for the Auditor-General's employment of Queensland Audit Office staff under that Act rather than under the Public Service Act 2008 (Qld)
 - The Auditor-General be allowed to independently set basic rates for audit fees without the Treasurer's approval
 - The Auditor-General be given the discretion to undertake performance audits on government-owned-corporations
 - Other outstanding recommendations from the 2013 Finance and Administration Committee Inquiry and 2017 Strategic Review be implemented.
- 2. Cabinet submissions and documents are proactively released and published online within 30 business days of a final decision being made by cabinet.**
- The need for the cabinet to maintain confidentiality around its deliberations, particularly in their developmental stages, is well understood and respected.
 - Currently, the RTI Act provides that information is exempt from release (for 10 years from the date the information was most recently considered by Cabinet) in several circumstances.
- 3. The rejuvenation of the capability and capacity of the Queensland public sector be a major and concerted focus.**
- The Public Service Commission must be tasked with and operate as a key leadership and oversight body
- 4. Development and continual reinforcement of a common framework to determine appropriate relationships among ministers, their staff and senior public service officers.**
- The tone set at the top is essential.
 - The report detailed a culture of bullying and pressure experienced by public service officials from staff in ministerial offices and senior bureaucrats.
 - The Codes of Conduct for Ministers, Ministerial Staff and Senior Officers should be reviewed by the responsible bodies to ensure alignment with the findings of this review.
 - Entirely fresh training in the codes should be developed, be mandatory on induction, and be renewed as changes occur.
 - That at least annually, ministerial staff and senior officers who interact with ministerial offices undertake joint training.
- 5. The appointment of agency CEOs (including directors-general) on fixed-term, five-year contracts, unaligned to the electoral cycle.**

6. Lobbying regulation should be strengthened through:

- requiring that all professionals offering paid lobbying services to third parties register as lobbyists
- abandoning the 'drop-down menu on the lobbying contact log in favour of a requirement that lobbyists provide a short description of the purpose and intended outcome of contact with government;
- requiring the publication of diaries of ministers and their staff. Diaries should record all external contacts designed to influence government decisions, should readily link to the lobbying register and should be easily accessible and searchable;
- an explicit prohibition on the "dual hatting" of professional lobbyists during election campaigns. They can either lobby or provide professional political advice but cannot do both;
- encouraging the Auditor-General to carry out performance audits of the lobbying register, ministerial diaries and public records to ensure recordkeeping obligations are being complied with.

In addition to the recommendations published in the Coaldrake Review, the Queensland Premier announced new rules for lobbyists available [here](#).

7. Establishment of a single clearing house for complaints, with the capacity for the complainants and agencies to track progress and outcomes.

Consideration should be given to the establishment of a technologically-enabled clearing house that will:

- act as the first point of contact for complainants to report concerns and complaints, including complaints about alleged corruption, administrative decisions, and customer complaints;
- assess each complaint and determine whether:
 - the complaint should be referred to an integrity body;
 - the complaint should be referred to an agency complaints-handling process or for departmental investigation;
 - Or no further action be taken (for vexatious or trivial complaints);
- operate through the creation and use of a central reporting portal, accessible to integrity agencies, ethical standards units and complainants, the purpose of which would be to rationalise and streamline reporting and compliance administration to enable agencies to focus on their core business in a timely manner and reduce administrative burden.

8. The Crime and Corruption Commission (CCC) will avail itself of the benefits of the new complaint agency to redouble its own attention on major crime and public sector corruption

9. Complaints against senior public sector employees that the CCC devolves must include ongoing oversight by the Public Service Commission and an independent Director-General.

10. Departments more robustly account for the benefits derived from engaging consultants and contractors, with regular monitoring by the Auditor-General.

- Agencies should be required to publish a more detailed account of both their use of contractors and consultants, including reasons for the appointment, a clear description of work undertaken, and the benefits derived

11. Citizens' privacy rights should be protected by the implementation of mandatory reporting of data breaches.

- The Information Commissioner and Privacy Commissioner have advocated for such a scheme in Queensland for a number of years
- The Commonwealth implemented a mandatory Reporting of data scheme in the Privacy Act 1988 (Cth) which commenced in 2018

12. Whistleblowers be protected by the Government

- In 2021, the Parliamentary Crime and Corruption Committee Report on the *"Inquiry into the Crime and Corruption Commission's investigation of former councillors of Logan City Council; and related matters (PCCC Report)"* recommended that the government review the effectiveness and appropriateness of protections afforded to public interest disclosers, including the roles of the CCC and other relevant entities.
- The Coaldrake review recommends the Government proceed with its promised review of Public Interest Disclosure legislation as a matter of urgency, and at least within the next six months

13. The independence of integrity bodies in Queensland is enhanced by aligning responsibility for financial arrangements and management practices with the Speaker of Parliament and the appropriate parliamentary committee, rather than the executive government.

- One of the key functions of any integrity body is to scrutinise and report on the actions of the executive government.
- In submissions to this Review, the Office of the Independent Assessor, Auditor-General and the Clerk of the Parliament were supportive of changes being made to increase autonomy over the availability of appropriate human and monetary resources to core integrity agencies.

14. The Ombudsman be provided with the authority to investigate complaints against private organisations carrying out functions on behalf of the government.

- The Report recommends that Section 10(c) of the Ombudsman Act 2001 (Qld) be amended to give the Ombudsman jurisdiction over non-government organisations and other providers of contracted service delivery.

Next Steps

The issues addressed in the Coaldrake Review are not unique to Queensland, public sectors everywhere have been challenged by enormous changes.

The review aspires to influence a cultural shift and create lasting change within both the government of the day and the public service.

The report will be submitted to cabinet on Monday the 4th of July for consideration. The Premier has already committed to implementing all 14 of the Recommendations.

The Review states that before Government approves changes to the machinery of government, it should seek a considered assessment of the likely costs of the change, the impact on service delivery and customers, and a realistic assessment of the time such changes would take to be fully implemented.

For more information, please contact Hawker Britton's Managing Director Simon Banks on +61 419 648 587.