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4BC INTERVIEW BETWEEN GARY HARDGRAVE AND HARRY EVANS -- 11 APRIL 2011

GARY HARDGRAVE: A couple of weeks ago I raised this subject and I think some people thought it was just very, very highbrow and hard to get their head around. But since then reforms to the Queensland state parliament have featured very prominently on this program. One of the reasons has been that we have had three Speakers including the current Speaker come and raise some genuine concerns. Essentially what has happened is the Queensland parliament, through which the people of Queensland are heard, now is controlled by the executive. What's the difference? You think the Premier has got the numbers - the Premier should run the parliament? Well, no. The way in practice it is supposed to work is that the majority of the members should make a decision on any given day. The executive, the Premier, her ministers are there to report to parliament. And the way these reforms are set up now it is almost going to be a case that ministers could be asking backbenchers questions in question time instead of the other way around. Certainly that is my back of the envelope view of the whole thing. One bloke highly regarded for his enormous amount of expertise, long-term experience and commitment to Australia's national parliament, the former Clerk of the Senate, Harry Evans, joins us. Harry Evans, I guess you must look on with a bit of horror like I do as to what is going on in the Queensland parliament?

HARRY EVANS: Well we have a saying down here that nothing that goes on in Queensland surprises us. But there is one particular aspect of these changes to the Queensland parliament that I think seriously could undermine the powers of the position of the parliament vis-a-vis the executive. We all know in practice through intense party discipline governments pretty well control parliaments anyway except where they don't control upper houses. But I think this takes it to a new height.

GARY HARDGRAVE: Well, there is no doubt though that in practical terms, yes, the government dominates the chamber, but they are still subject to questions - although I think, by comparison to the national parliament, in Queensland a farcical inquiry of the ministers as to how indeed they are conducting themselves. And that inquiry is made on behalf of everyday Queenslanders in the parliament.

HARRY EVANS: Well, yes. The significant thing about these proposed changes is that there is to be a Committee of the Legislative Assembly, and it's to consider practically everything relating to the functioning of the parliament including the powers, rights et cetera and immunities of the parliament. But that committee is to consist of three government ministers and three opposition executive - read leaders - with the chair who is a government person having the casting vote. And, even more significantly, the Speaker only gets invited to join this committee when they are considering matters relating to the standing orders, not all those wider matters relating to the powers, immunities and rights of the parliament. This committee could be making very, very significant recommendations which would be virtually sure of being carried in the Assembly about the rights of parliament itself. But there are no backbenchers on the committee. It will not only have an effective government majority through the casting vote of the chair but there will be no backbench representation at all. And the poor old Speaker, who is traditionally supposed to be the guardian of parliamentary rights and immunities, is relegated to the status of a second class member.

GARY HARDGRAVE: It strikes me as extraordinary though that none of these private members, these individual members from individual electorates, have really spoken out about this.

HARRY EVANS: I think the problem is we've lost the distinction between government and parliament. People have got so used to the idea that government controls everything and so used to the idea of things being worked out between the leaders that the poor old backbench members don't get much of a look in anyway, but this will exclude them even further from thinking about their own institution.

GARY HARDGRAVE: But, Harry Evans, aren't they failing a basic duty of care as a private member of parliament to actually represent their constituents first and foremost ahead even of their own political party?

HARRY EVANS: Well, we all know that party discipline in Australia is incredibly intense and that people simply don't vote against their party and certainly government backbenchers don't vote against their government at pain of political death. This, as I say, carries that system to a new height in not even having backbench representation on this exceptionally important and powerful committee. I would have thought that there would be a backbench rebellion about this, if nothing else.

GARY HARDGRAVE: I've been in both the position of a member of the executive and a member of the parliament as a private member and I've to say to you there is no way on earth this could ever, ever happen in the dynamics of the Australian federal parliament - no way on earth anybody would even try it.

HARRY EVANS: I would not have thought so. I would not have thought even in our old House of Reps, which is pretty well government controlled, I don't think that the backbench members of the House of Reps would allow this to happen. It certainly wouldn't happen in the Senate, of course.

GARY HARDGRAVE: If you go through some of the basics, I mean the power of the executive comes as a result of the parliament and the parliament's power comes as a result of the people. So what we really have here are the people being sidelined while the 17 people who form the executive are just doing whatever it is they want to do.

HARRY EVANS: Well, yes and the leaders of the opposition and the government have a shared interest in making life easy for themselves. We see from time to time Premiers and leaders of opposition and their immediate executive coming together to agree on matters that are not necessarily in the interests of the parliament and certainly not in the interests of the backbench members. So to guard against that there ought to be majority backbench representation, I would say, on this sort of committee.

GARY HARDGRAVE: Do you see anywhere else in the world any kind of parallel like this system?

HARRY EVANS: I do not know of any. No, I do not know of any. There is a standing orders committee in the Senate which has leadership representation - the Leader of the Government and Leader of the Opposition in the Senate are on the committee.

GARY HARDGRAVE: Sure.

HARRY EVANS: But that is a different situation because they know that the government does not control the Senate and they can't recommend anything that simply favours the government. I think in a House which has a perpetual government majority this sort of proposition is dangerous.

GARY HARDGRAVE: And is it not in the best interests of everyday Queenslanders?

HARRY EVANS: No, I do not believe so. It takes executive control of parliament to a new height, and that is ultimately not in the interests of the population of the state because it excludes their backbench representatives from deliberations about the powers of the parliament itself, which is not healthy.

GARY HARDGRAVE: I think it is a great day of shame for members. I think for too long though the Queensland parliament has not really understood how it could and should be operating. It is very, very sad to see the Speaker being sidelined like this. But ordinary members are being sidelined as well as the Speaker. That is the point you are making?

HARRY EVANS: Yes, exactly. The backbench members are excluded altogether and the Speaker is only there by invitation for a small part of their responsibility - a second class member, as it were. It is the executives of the two major parties coming together to organise things to suit themselves, without even having to talk to backbench members on the committee.

GARY HARDGRAVE: Harry Evans, thank you for being part of the discussion, the debate. It is something that automatically people will look at and say it is politicians looking after themselves. I think there is a lot more depth to it than just simply dismissing it as a political thing, isn't there?

HARRY EVANS: I think it would be very unfortunate if this proposal were adopted because this committee is going to be making recommendations which profoundly effect the functioning of the parliament and to have no backbench representation and the Speaker virtually excluded from it is really dangerous, I think.

GARY HARDGRAVE: Thank you for your time, Harry Evans.

HARRY EVANS: Okay then.

GARY HARDGRAVE: Harry Evans retired recently as the Clerk of the Senate. I do not think he was anybody's fool at all during his time as the Clerk of the Senate. The principal legal officer, if you like, gave advice to government, opposition to all private senators for generations. He made friends and probably made a few people who were not his friends.