



FINANCE AND ADMINISTRATION COMMITTEE

Members present:

Ms DE Farmer MP (Chair)
Ms VM Barton MP
Mr MJ Crandon MP
Mr CD Crawford MP
Mr DA Pegg MP
Mr PT Weir MP

Staff present:

Ms D Jeffrey (Research Director)
Dr M Lilith (Principal Research Officer)
Ms L Johnson (Executive Assistant)

PUBLIC HEARING—INQUIRY INTO THE PARLIAMENT OF QUEENSLAND AND OTHER ACT AMENDMENT BILL 2015

TRANSCRIPT OF PROCEEDINGS

MONDAY, 27 APRIL 2015

Brisbane

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Committee met at 1.30 pm

BRAILSFORD, Prof. Tim, Chair, Queensland Independent Remuneration Tribunal

FOURAS, Hon. Jim AM, Former Queensland Speaker

JESSOP, Ms Joanne, Member, Queensland Independent Remuneration Tribunal

LAURIE, Mr Neil, Clerk of the Queensland Parliament

SOLOMON, Dr David AM, Accountability Round Table

CHAIR: Good afternoon, ladies and gentlemen. I declare open this public departmental briefing of the Finance and Administration Committee's inquiry into the Parliament of Queensland and Other Acts Amendment Bill 2015. I am Di Farmer, the chair of the committee and the member for Bulimba. The other members of the committee are: Mr Michael Crandon, the deputy chair and member for Coomera; Ms Verity Barton, the member for Broadwater; Mr Craig Crawford, the member for Barron River; Mr Duncan Pegg, the member for Stretton; and Mr Pat Weir, the member for Condamine.

The purpose of this hearing is to receive additional information from submitters about the bill, which was referred to the committee on 27 March 2015. This hearing is a formal proceeding of the parliament and is subject to the Legislative Assembly's standing rules and orders. The committee will not require evidence to be given under oath, but I remind you that intentionally misleading the committee is a serious offence. Thank you for your attendance today. The committee appreciates your assistance. You have previously been provided with a copy of the instructions for witnesses, so we will take those as read. Hansard will record the proceedings and you will be provided with the transcript. This hearing will also be broadcast. I remind witnesses to speak into the microphones.

I remind all those in attendance at the hearing today that these proceedings are similar to parliament to the extent that the public cannot participate in the proceedings. In this regard, I remind members of the public that under the standing orders the public may be admitted to or excluded from the hearings at the discretion of the committee. We are running this hearing as a round-table forum to facilitate discussion. However, only members of the committee can put questions to witnesses. If you wish to raise an issue for discussion, I ask you to direct your comments through the chair. I also request that mobile phones be turned off or switched to silent mode. I remind you that no calls can be taken in the hearing room.

The committee is familiar with the issues you have raised in your submissions and we thank you for the detailed submissions that we have received. The purpose of today's hearing is to further explore aspects of the issues you have raised in the submissions. I now invite each of you to make an opening statement if you would like to avail yourselves of that opportunity. The committee also has a number of questions that we wish to put to you and there will be opportunities for you to make additional points throughout the hearing. Can we start with you, Dr Solomon?

Dr Solomon: I really do not wish to add to my statement, except to say that the Accountability Round Table is based in Melbourne primarily. At the moment it consists of about 20 or so people on the executive committee, including, I might say, a former speaker of the Legislative Assembly in Victoria and a former speaker of the Legislative Assembly in New South Wales. There are people from all sides of politics on it.

CHAIR: Thank you very much for that.

Mr Fouras: Could I add that as a former speaker of the Queensland parliament I have been working with the Accountability Round Table and I intend to be a member also, with Dr Solomon.

CHAIR: Thank you very much. Mr Fouras, would you like to add anything?

Mr Fouras: I would. In my submission I recommended the addition of the Leader of the House on the committee, as well as the opposition business manager, but I did not justify that. I presume that is what you want to ask me about, so I am ready for that.

CHAIR: Thank you very much. Mr Laurie?

Mr Laurie: I really have little to add to my submission. There is one matter, which relates to material that has probably been available through the remuneration tribunal reports. I had the human resource section do a comparison between the core Public Service increases and members' increases since about 1995. If the committee is interested, I have a copy of that document.

CHAIR: Yes. Thank you very much for that.

Mr Laurie: As I said, it probably replicates some work that is in the remuneration tribunal's previous reports anyway.

CHAIR: Thank you.

Mr Laurie: It is a fairly lengthy period; it is almost 20 years. I think the interesting point to make is that, over that 20-year period, there is not much variance between the two. I understand that that is largely as a result of the work of the remuneration tribunal as well, in making its determination in 2013 to, I suppose, equalise things a lot. During that period, of course, there was no direct linkage between Public Service salaries and members. In fact, for the majority of that period the members were linked to the federal members of parliament. Still, it is interesting to note that over the long term there is very little difference.

CHAIR: Thank you. Professor Brailsford?

Prof. Brailsford: Thank you, Madam Chair and committee members, for this opportunity. I might make a few brief introductory remarks, particularly for those members who do not have the full history. We were established in August 2013 and I think that the circumstances of that are fairly well known. When we were initially established, we saw that there were four key tasks that we had to undertake and undertake quite quickly. The first was in relation to resetting the base salary, the second was a complete overhaul of the allowances system, the third was a review of the additional salaries payable to office holders and the fourth was a review of the entitlements available to former members. Those four key tasks were undertaken very diligently and they were published. The three main determinations are: determination 1 that deals with the base salary reset and the review of the allowances system; determination 3 that deals with the additional salaries for the office holders and determination 5, which deals with the former members.

Over the past 20 months since our establishment, I believe that we have acted very fairly, certainly independently, we have acted impartially and we have been consultative. We have gone out to public submissions. We have received I think over 2,500-odd public submissions and they are all up on the website and continue to be so. We have been very transparent, we have been very open and we have been open to media scrutiny the whole way through. We have worked very closely and effectively with the Clerk. Certainly through all our deliberations we have consulted with Neil and his staff.

In relation to the specifics that are in front of us in the bill, we are only dealing, of course, with the third section that deals with member remuneration. Just for clarity, we announced publicly in late 2014 that our work plan for 2015 was to look at the member based salary increase. We said that we would be undertaking that in the first quarter of 2015 and then, in the second half of the year, we will be undertaking a further review of the allowances system, given that the allowances system has not yet been in place for a full 12-month cycle. Given that it runs from July to June, post-July this year is the first time that we will have the opportunity to really look at the completeness of the 12-month cycle and we will be doing that in consultation with the Clerk.

To conclude, our work has been challenging. You will appreciate that this topic is not a topic that is easily digested by the public. Nonetheless, I believe that we have achieved much in the 20 months since. Our determinations have been deliberately written along the lines of providing a lot of information, particularly determination 1, which covers a long history of the background of remuneration of members' salaries. Indeed, we provide data in that determination 1 that goes back over 50 years. As the Clerk has pointed out, there are some interesting insights to be had there.

Surprisingly, the tribunal's role has been, not by intent, one where we have assumed some national leadership. Other jurisdictions either had or have, since our establishment, incorporated their own remuneration tribunals. We have found that our work tends to lead those of other jurisdictions to the extent where now we get semi-regular requests for advice from the other states and jurisdictions.

CHAIR: Thank you for that.

Mr Fouras: Madam Chair, I may be a bit imprudent, but can I suggest that I did not talk to object 3 of the submissions when they were written because I thought that, as a former member, that would be somewhat pecuniary. Can I make one suggestion to the people here who are doing the job: I think if you have an independent tribunal, it should be independent. I think this idea of playing politics because we are going to be doing it like that is not the way to do things. That is all I would like to say. I did not make that submission because I was concerned that, as a former member and as it dealt with the base salary of a backbencher, I would be seen to be too pecuniary. I am very concerned that people do not see me that way in my life. Thank you.

CHAIR: Thank you very much. We might proceed straight to the questions. I have a question for the Clerk of the Parliament. We have noted your advice to the former government on the issue of salaries of members of parliament. You included four options, which included linking MP salaries to the Public Service or establishing the remuneration tribunal. Obviously, the former government opted for establishing the remuneration tribunal. Could you please outline for the committee the reasons behind the options that you put forward at the time?

Mr Laurie: Looking at the rationale for those options, I recall at the time we had the situation where we were by legislation linked to the federal parliament, but those pay rises had not actually been passed on for quite some time. Obviously, there were political reasons for that, so the pay rises had not been passed on. The context in which I wrote to the new Premier was that we had to do something; we could not have the then status quo, which were essentially members' salaries being in limbo or amounts being passed on that were not reflecting the statutory regime that we have. I was trying to provide a range of options as to how the government could deal with the matter. Those four options, I suppose, were the four possible ranges of ideas that I could come up with to find some sort of politically palatable way of still giving members reasonable pay increases.

Obviously I saw an advantage with having our own independent remuneration tribunal, not only because of the salary side but also because of the entitlements side. I do not think it would be imprudent of me to say that I think the allowances over a very long period had become de facto salary rises in the sense that they were totally discretionary. There were rises or adjustments to those over the years to compensate in a way that the salary was not compensating for. I think that there had been lots of changes in the circumstances of members, particularly in the early part of the 2000s. For example, a significant alteration to the total package of members' remuneration was the removal of the then defined benefit superannuation for members. When the feds reviewed their remuneration, they took into account those matters when coming up with the new base salary for the federal members. I certainly knew that there was a need to find a potential mechanism out of the issue and an independent remuneration tribunal was certainly one. The other one was to select an SES level salary and peg it to that and let the salary increments just flow when the Public Service rises flow.

I accept the right of political parties during campaigns to make political election commitments. I accept the right of incoming governments to implement those. The difficulty that I have at the moment—and this is no disrespect to the Tribunal at all—as I said in my submission, is that you have an independent tribunal but at the same time you are in a way at least capping or limiting it to some degree. I think if you are going to cap it or if you are going to link it, link it statutorily. In that way when the Public Service core increases happen, it will just flow on to members and then there is no role for the Tribunal in that. If you are going to take away what is essentially a very large part of the tribunal's role, whether you do it directly by linking them or in a de facto way by capping them, it raises a wider issue of whether the Tribunal continues—once again, no disrespect to the Tribunal.

CHAIR: Under your model of pegging it to a particular Public Service salary, how have the issues of allowances been dealt with?

Mr Laurie: To be honest with you, Madam Chair, at the time that I wrote the letter to the previous Premier allowances were not the pressing issue; salaries were. I think allowances have been dealt with over the years by other mechanisms and the simplest one in the past was the Premier approved the changes to the handbook usually after advice from me. So there was a mechanism in place, the handbook, and the operation of the allowances. The critical issue at that time was salaries. That is why my letter to the Premier of the day addressed the salaries issue because that was the pressing issue.

In terms of allowances, there is not as much political odium around allowances issues, especially now, I do not think, when all the allowances are essentially acquitted. The odium is around salaries. As the table that I circulated earlier demonstrates, the reality is that over the long term there has not been a differential between Public Service salaries and members' salaries, it is just the perception that there is.

Mr CRANDON: I have a follow-up question for the Clerk. You broached the subject of the 2004 changeover from the old defined benefit scheme to the new. I think we all understand that the majority are post 2004 now. There are only a handful of members that are pre-2004 members. Would you be able to make a comparison between the package for a pre-2004 member versus the package entitlements for a post-2004 member given they are both still in the parliament? If you were to normalise it by bringing them to a close date, perhaps looking at a member who came into the House in 2005—I think we had at least one member come in in 2005—and the entitlements for that particular individual versus a pre-2005 member. Could you perhaps provide a comparison as to whether or not there was a significant drop or change to the entitlements for newer members?

Mr Laurie: That is a very difficult question. I think you would need someone who has more actuarial experience than me. I am a lawyer, not an accountant. There are two aspects to it. The first is over the long term if you had a member of parliament who was a member for, say, 15 years under the old system compared with a member under the new system for 15 years there is no doubt in my mind which member is significantly better off. It is certainly the members under the previous system. I do not think anyone could argue that. There are a lot of ifs and buts to it as well, because as we have seen in the last two elections we have had an almost 50 per cent membership changeover so most of those members would not qualify under the old system anyway and it wouldn't have made any net difference. Certainly for a member who serves over the qualifying period there is no doubt that members under the old system were better off than the new system.

The only observation I would make is that when these matters were looked at by the Commonwealth remuneration tribunal the arrangements they had when they reviewed their salary certainly took into account those aspects plus changes to the entitlement system and post entitlements, and their salary went up significantly.

Mr CRANDON: What you are saying is that did not flow on to—

Mr Laurie: No. I think we are getting back to the reasons why the tribunal came around in 2013 because the attempt to pass on what was effectively the law was not very popular.

Miss BARTON: I have a question for the Independent Remuneration Tribunal. In your submission you made a number of comments about the fact that the legislation effectively removes the independence of the tribunal. I was wondering if you could expand on some of those comments that you made in your submission.

Prof. Brailsford: To be clear, we did not actually say that the legislation removes the independence but there is an element in terms of the direction in which that is headed. The challenge for the Tribunal is that under the current act we are required to act without direction or influence. Taken as a philosophical stance it then becomes quite difficult to honour the true spirit of what that means if the act is changed such that there is direction over explicit benchmarks.

Mr CRAWFORD: I have two questions. The first one is to the Clerk. Did you want to add anything to the last comment from the tribunal, Mr Laurie, or are you happy with that?

Mr Laurie: I prefer not to. I think I have probably said too much anyway. One thing that occurred to me—and I noticed something along these lines in the Independent Remuneration Tribunal's submission to the committee which it caused me to look at the original bill when introduced in 2013—was there were amendments put forward by the then Leader of the Opposition, now Premier, to that legislation which attempted to have the criteria for those matters that the tribunal consider essentially mirror some of the changes that have been made at the industrial relations level. That amendment was defeated. That was in particular to ensure that the financial position of the state and the state's fiscal strategy was taken into account by the tribunal, but that particular amendment was defeated.

There was another amendment moved by the member for Mount Isa which is not too dissimilar to the matters that are currently before the committee at the moment. The member for Mount Isa's amendment was that in making a determination the tribunal must not increase the salary of a member by more than a percentage given to an ambulance officer, a fire service officer and a police officer—a very similar flavour to the matters that are under discussion here.

Mr CRAWFORD: Towards the end of your submission you question whether there is a need for the independent tribunal if its ability to make determinations on MP salaries is restricted in the legislation. I know you touched on this before, but did you want to elaborate more on that?

Mr Laurie: I think the whole reason for the tribunal, in my opinion, was predominantly about the salaries issues. Certainly at the time no-one was worried about the allowance issues, as I discussed before. It was really the salaries issues that led to the creation of the tribunal. I do not wish to take away from the work the tribunal has done in that space because part of the legislation was making sure that the allowances were no longer de facto salary and putting in place structures for those, and the tribunal has obviously done a lot of work in that area. What I would say is that in many ways the hard yards of the tribunal in relation to entitlements have been done. There are probably some adjustments that I would like to see and maybe they would like to see in the future, but the hard yards on the salaries issues have been done I would have thought. A great deal of the work of the tribunal—the hardest work, I think—has already been achieved. Maybe the tribunal can speak more to that but certainly from where I sit it seems like the hard yards have been done. If you are limiting or taking away a lot of their discretion in respect of one of their primary roles it does raise the question about whether or not you need to have the tribunal continuing.

CHAIR: Professor Brailsford, you indicated that you would like to say something?

Prof. Brailsford: Yes, thank you, Madam Chair. I would like to add a comment to that. I think the Clerk's analysis is quite a reasonable analysis. The tribunal itself does not have any problems with those types of observations. Indeed, in my opening statement I made the point that there were four key matters that we sought to address and each of those matters have been addressed respectively through those determinations. So to some extent the work plan of the tribunal going forward is far less onerous than it was over the last 18 or 20 months, but I should point out that part of the reason allowances over the last few years have laid in the background has been because of the focus on salaries. Potentially if you remove the focus on salaries then there may well be a shifting of focus towards the allowances. If you were to have the allowances being determined by anything other than an independent body it just creates a bit of a spectre and leads to questions as to the motives and incentives for those allowances. To put things into perspective, when the tribunal commenced its work and reviewed the allowances system I think there were something like—

Ms Jessop: Thirty-one allowances.

Prof. Brailsford: There were 31 different allowances and we have cut them down to three. So there is a risk that over time you get creep again in the allowances system. Our review went back over a 50-year history, and it is quite remarkable what has happened over those 50 years. Jo, you might want to point out one of the observations.

Ms Jessop: In 1957 MP salaries were linked to the state Public Sector Award, but the parliament decided to break it as MP salaries were deemed to be rising too fast compared to Public Service salaries.

CHAIR: The issues do not change much, do they?

Ms Jessop: That is right. History repeats itself. We have a system now where it is very independent as opposed to all of those links that are the history of the state.

CHAIR: Thank you for those comments.

Mr Laurie: Madam Chair, can I make one further observation? The part that concerns me a little in the current legislation and bill by effectively statutorily overriding the last determination and replacing it with a new formula is that the argument is forever lost now that government cannot do something about unpalatable decisions of the tribunal. There is a bit of a precedent here, is what I am saying, in the sense that now when the tribunal makes a determination—let's say it makes a determination that the allowances are insufficient and they need a 10 per cent increase—the first thing that will be said by those constant critics will be, 'You can override that by legislation; you have done it before.'

Mr Fouras: I must make this comment as a former member. You talk to a lot of former members and people are interested in their pensions, I can assure you, and they are fortunate they came in before 2004 and I can verify that as a happy recipient of a better policy. I think there is a perception among former members that the denial of giving increases for the last couple of years to former members will mean that the current members are all right because they have been favoured by substantial increases in their allowances. That is the perception. Politics is about perceptions. People who do not understand that do not understand politics. The most important thing in politics is perception.

Mr WEIR: I have a question for the Independent Remuneration Tribunal. The tribunal's submission suggests that another way to enshrine the intent of the policy reforms is to embed the benchmark of the Public Service wage conditions within section 29 of the act. Could the tribunal please elaborate on the reasons for this suggestion and how this would work in practice?

Prof. Brailsford: Thank you for the question. Section 29 of the act basically directs the types of factors that the tribunal must take into account when reaching a decision. We have already implicitly been considering where Public Service salaries have been in our determinations to date and, indeed, I think if you have a look at determination 1 there is a very extensive discussion and comparison in there. Section 29 would provide explicit direction to the tribunal in that regard. It would not necessarily guarantee the outcome, which I understand the current legislation is seeking to do, but it would certainly put in very bright lights the need to explicitly consider public sector salary rises as future determinations are made. I think it is a softer way, perhaps, to achieve the objective.

Mr PEGG: Just a follow-up question to the question that the member for Condamine asked, would the clerk of the parliament like to make a comment in relation to that issue?

Mr Laurie: When I read the tribunal's submission I thought it was a reasonable solution—that is, there is no suggestion that you are interfering with the independence of the tribunal but you are merely setting down a benchmark that would be considered amongst other things that they can consider. It is not too dissimilar to what the Premier when she was Leader of the Opposition was trying to put forward in her amendments back in 2013. I do not see it as being an unreasonable way to proceed. I also understand the reality of election promises as well.

Mr PEGG: I have a question to the QIRT in relation to clause 33 which covers the revocation of determination 7 of 2015 that was made by the tribunal on 5 March 2015. The tribunal's submission outlines a number of reasons why this directive should be retained. Could you please elaborate on the reasons for this suggestion?

Prof. Brailsford: Yes, thank you. You will note from our submission to the committee that this is a complex issue. The history of MP salary increases over the 50 years has been fraught with variations from time to time which, it could be argued, appear to be ad hoc. The consequence of that is that when you try to draw a line in the sand at a particular point in time people do become fixated on what that number is. We have always believed that that number needs to be seen in context and that is primarily why we went through such an extensive analysis in our first determination when resetting the base salary. We believe that we needed to see that number in the context of history and to land on a point that was fair and equitable and reflected what had happened in the past. In our submission what we are arguing is that if you were to take into account the effect of determination 7, which provides for a salary increase of 2.58 per cent, and you were to look at the effective wage rise since 1 December last year, that an MP's salary over that 12-month equivalency period from December to December, the 2.58 per cent on an annualised basis is actually less than the 2.2 per cent. That is the irony here. Our argument in relation to that is that we have already delivered the intent of the policy change for 2015. We have delivered on an MP salary increase effective from December to December which is less than 2.2 per cent which was the Public Service wage increase awarded in December last year.

CHAIR: Just on that matter, the next public sector increase is not due until 1 December; do you have a capacity to actually make a determination prior to that date?

Prof. Brailsford: My understanding is not under the proposed amendments. We would not be in any position to consider any salary increase to the backbench salary until that directive comes into force, which I understand—and I am turning here for a little advice—is 1 December 2015?

Mr Laurie: 1 December 2015.

Prof. Brailsford: In the original draft of the legislation we were to have been given 30 days in which to reach our determination. We made a submission through the drafting process that that was just impractical because we are trying to deliver a determination within 30 days which would fall on 31 December, so I understand that in the revised drafting that was now extended to 90 days so we would have until February 2016 to deliver on that next determination. But February 2016 is some time into the future, so effectively the base salary for an MP will have been set from 1 July 2013.

Ms Jessop: Yes, until 2016 because it is three years.

CHAIR: Thank you.

Mr CRANDON: I think we covered that final question earlier. Moving on now, getting away from salaries and so forth, I have a question to the clerk: the committee notes that one of the objectives of the bill is to restore autonomy to the position of Speaker. What will be the practical effect of the legislation on the CLA and on the Speaker?

Mr Laurie: I think the practical effect on the CLA is it will in the main become a standing orders committee/business committee. Its remaining obligations will be in relation to standing orders, it will have a role in relation to setting the code of ethical standards and reviewing the register of interest, which used to be items that were part of the Ethics Committee role but has now been subsumed into that standing orders role. Its other remaining role is the ability for the Speaker to take matters to the CLA. I am hopeful that that would enable speakers to take longer-term strategic issues to a bipartisan group with authority. There is that aspect of it as well. On a day-to-day basis it will not have any role in management. That is my reading of the effect of the amendments.

Mr CRANDON: Thank you.

Mr Laurie: In relation to the Speaker, the Speaker becomes once again the primary policy setter for the Parliamentary Service and more involved on a day-to-day basis with the management of the service.

Miss BARTON: Another question for the clerk: in your submission you talked about the membership of the CLA and you spoke about there being advantages and disadvantages to the current make up and future make up. Could you expand on what some of the advantages and the disadvantages might be of the proposed membership of the CLA?

Mr Laurie: Unlike most other committees, the legislation sets out who will be the membership of the committee via their office holdings—so, the Premier, Leader of the Opposition, et cetera, et cetera. It allows a delegation and sometimes that has been exercised. For example, the delegate for the last Premier was the Treasurer for the entire term, pretty well, of the CLA. That is unusual for parliamentary committees because usually there is another mechanism where people are appointed by nomination of the Leader of the Opposition or the Leader of Government Business. The disadvantages? Well, these are very busy people and, to be honest with you, management of the Parliamentary Service I would have thought probably does not warrant the attention of four or five of your most senior office holders of the state, in my view. We are very important, but are we that important? We have plenty of other state institutions to run.

That being said, one of the advantages I could see, and I think we were starting to see this through the CLA as it existed, was the beginning of a recognition of longer-term decisions that need to be made in relation to the parliamentary precinct in particular. Certainly I think having people who are the actual decision makers in that context was very helpful. I am keen, therefore, that future speakers hopefully will utilise those proposed amendments to allow matters to be referred to the CLA where there are longer-term strategic issues which at the end of the day often times means money is required.

Miss BARTON: If I might quickly ask a follow-up. Mr Fouras, with your experience I wondered whether you might be able to comment on the membership of the CLA and what you think is a good thing and what you think is a bad thing. You have a bit more experience.

Mr Fouras: I presume I was asked here on that basis because when I look at my submission everything else I said is quite clear. My reason for wanting the Leader of the House to be on the CLA is because, as the clerk just said, fundamentally the CLA will be doing that ethics update, it will be doing the standing orders committee stuff. When I became Speaker in 1989 there was a program for the reform of parliament set out in election policy by the government. But when I was trying to introduce that, Tommy Burns said to me, 'Look, you may come from the home of democracy, Fouras, Greece, but I want to be minister for retribution, I want to be minister for getting even and therefore you just stay out of the House.' This is really what happens. What really happens is that oppositions want a level playing field but governments, when they get there, they do not.

What I have discovered and what is a fundamental truth in parliaments all over the Westminster system is that the executive has an unbelievable propensity to use the standing orders for their own benefit. For example, I would like to think that this standing orders committee this time would have a look at urgency of bills which do not go to committees, which don't get the proper scrutiny. We do not have an upper House. It is disgraceful. It is disgraceful that we would have bills being brought before the House that have no urgency considered urgent. There should be something there. The reason I wanted those two people on, the two senior people on each side,

with regard to the running of the business of parliament to be on the committee was because of the standing orders. When I called standing orders committee meetings, in my experience, there would be Wayne Goss and there would be Borbidge in the room. Wayne would be looking up at the ceiling; they would be glaring at each other. There was no chance that these two people would come to an agreement. It is sad.

The trouble with politics today is that it has become a battleground between the leader and the would-be leader and people are finding that very tiresome. This is what is happening. The whole idea of the previous CLA is to hand control of the parliament to the two most senior members of the government. That is what I have argued and I think it has been argued by too many experts to be denied. This situation here is not doing that. The Parliamentary Service Commission was set up before we won government in 1989 because the Speaker, Powell then, was actually playing some funny games with the opposition and they set up the Parliamentary Service Commission to nobble him. I become the Speaker and I am limited by a body that has a very senior member on it, Terry Mackenroth—called the Fox—who was a very, very strong and powerful person. If you read the speeches made by people like Di McCauley, the member for Callide and others, the opposition members on the Parliamentary Service Commission, they were so disgusted that the role they had to play was so small on the Parliamentary Service Commission. So it would be quite strange for me to be basically saying that I want to have the leaders of the House. I want them there because I really want this parliament, in a situation where it is a minority government, to have a darn good look at standing orders. I do not think we do enough about that and I think that we should.

As I said before, I think what we are doing with declaring bills urgent in the parliament is disgraceful. We do not have an upper house. We have a situation in Queensland where we have one-member electorates and first past the post, but we have unbelievable majorities. We do not have an upper house. Our only hope is that our committees behave properly. Today I say to you, as members of parliament, that the lack of governance is what is really ruining parliaments around the world. People do not feel that they are getting proper governance. It is very important. I think that people see that; they are not silly. They get the perception—and I think people do not understand perceptions—that something is not right. The reason I really want those members to be on that committee is that you would have some seniority on that committee, but you would have people who might have the capacity to have some influence there. Now—and it appears to me to be the way of the future—leaders of the house are not going to be senior government ministers. What happened last time is happening also this time and I think that is going to become the norm. That is why I want him there; that is the reason. Standing orders are important and I do not believe that they have been looked after very well for some time now.

CHAIR: Thank you for that. We are a little bit past the time that had been scheduled for the hearing but I think we would like to ask another couple of questions.

Mr CRAWFORD: Dr Solomon, in your submission you identified a concern with the crossbench representative being appointed by the Leader of the House. Could you elaborate on that for us?

Dr Solomon: The legislation envisages that there should be a crossbench member. It seems to me that when there is more than one crossbench member, it should be the crossbenchers themselves who decide who should represent them and not the Leader of the House. The Leader of the House might be motivated by fixing the numbers, for example. I think the crossbenchers should be entitled to determine their own representation on the committee.

Mr CRAWFORD: Mr Laurie, have you got any input into that one?

Mr Laurie: No, I think I will stay right out of this one! If the rationale behind the amendment is to ensure that crossbenchers have representation on the committee then it occurs to me that what Mr Solomon says makes a lot of sense, that is, that the crossbenchers actually get the representative that they want. I should have stayed out of it, shouldn't I?

Mr Fouras: I will not stay out of it. Can I just suggest that what Dr Solomon said is absolutely right. We have to get away from some of the things we have been doing. When I was in parliament, one day we had the Premier coming along and saying that a member who should have gone to the Ethics Committee can just bypass that by making an apology to the House. It is disgraceful. I was there and I voted for it because I am a member of the Labor Party. We also had the situation of the abolition of the CCC committee. Again, it is disgraceful. It is so important that governments—and the gain gets paid out there because parliaments are losing their authority in the eyes of the public. It is just so important. It is up to committee members. I sat on the subordinate legislation committee for nine years and in those days, in Joh's days, we never made a decision that was not totally in

unison—never. I remember one day the Attorney-General came in. A bill had passed through and we recommended that it be disallowed. He came in with a bundle of papers trying to argue like the QC that he was. I sat next to Kev Hooper, who unfortunately passed away before he could become a minister. Kev looked at him and he said, 'John, put that down. What we are asking for is you are going to change what was said or else we're going to disallow it.' Just one word: go with the unanimity of a committee.

On the last scrutiny of legislation committee that looked at the modernisation of parliament bill—what a misnomer—two members saw the truth and spoke for it to the committee. That is the reason I made the submission. They saw the truth of what was wrong: that Queensland was becoming the laughing-stock of parliaments because of what it did. With regard to clause 7, which deals with the composition of the CLA, the other five members decided, 'We're going to ask the Premier to explain it.' I wrote an article in the *Courier-Mail* about the legal affairs committee—and it is there; it is public—that of the 20 bills that they looked at, they rubberstamped every one of them. You are giving money to the chair of that committee because they are doing a job and they are just sitting there as a rubber stamp. It is a disgrace.

CHAIR: I am going to have to ask you to wrap up, Mr Fouras. Do you have any other comments?

Mr Fouras: Thank you very much. I am sorry, I get carried away. People know who I am, Di.

CHAIR: That is right.

Mr Fouras: You doorknocked with me in St John's Wood one day—for me.

CHAIR: Actually I had forgotten that. I will have to declare that now so it does not look like there is any conflict of interest.

Mr Fouras: You are absolutely right. You did, and I remember that fondly.

CHAIR: That is very good. I think I have declared it publicly now. I will just ask the Clerk to make one final comment.

Mr Laurie: I do think that we have to resist the temptation to continually use positions on parliamentary committees as a penalty or a favour, if you like, in other words, penalising members by removing them from committees. It is a bad trend that we have gotten into.

CHAIR: Thank you. The time allocated for this public briefing has expired. If members require any further information we will contact you. Thank you very much for your attendance today. We really appreciate your assistance. I declare this briefing closed.

Committee adjourned at 2.21 pm