



Speech by

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MEMBER FOR CUNNINGHAM

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COMMISSIONS OF INQUIRY (FORDE INQUIRY—EVIDENCE) REGULATION 1998
Disallowance of Statutory Instrument

Mr ELLIOTT (Cunningham—NPA) (2.35 p.m.): I rise to speak in this debate this afternoon as a former chairman and now deputy chairman of the Scrutiny of Legislation Committee. It has been interesting to see the reactions of various people to this disallowance motion. Obviously, I wholeheartedly support the inquiry, as do all other speakers. I particularly support Mrs Leneen Forde, the former Governor, for whom I have a very strong regard. I believe she did a great job as Governor. I think she is an excellent person to conduct an inquiry such as this. Let there be no doubt about where I stand in relation to the inquiry.

It appears to me that the Government has fallen into a trap, which rather surprises me. Many on the Government side of the House championed Henry VIII clauses. In the last Parliament the Scrutiny of Legislation Committee brought down a report on the use of Henry VIII clauses. Over the life of that committee, things were gradually brought around to the point where the previous Government was in fact assisting in the carrying out of a review of legislation. For example, the former Minister for Primary Industries was going through relevant legislation piece by piece. As he modernised it, he was taking out Henry VIII clauses. That was in conjunction with and with the support of the Scrutiny of Legislation Committee. The former Premier was probably one of our greatest supporters. We had the odd recalcitrant Minister who was not all that keen—

Ms Bligh: The member for Indooroopilly.

Mr ELLIOTT: I was not pointing at the member for Indooroopilly at all; I was thinking of others. It is interesting that the then Premier assisted us. In fact, he put considerable pressure on Ministers at different times to ensure that they did take some interest in it. I think it ill behoves anyone in this House to talk piously about the Westminster system—about how we believe in it, how we want to see the whole system operate properly and how we believe in the sovereignty of this House and those people who serve in it. If we believe in that, surely we cannot go around, willy-nilly, using Henry VIII clauses when they are not necessary.

There is no question that there would have been support from all sides of the House to carry out what was required in this instance. There was no need whatsoever to go about things in this way. The report of the Scrutiny of Legislation Committee states that the Act contains the clause which gives the power to use a Henry VIII clause if it is felt necessary, but in this case it is not necessary because all of the people in this House would have been perfectly happy to see that go through as a matter of expediency. It could have gone through in 10 minutes. That is all that would have been required.

I think this is disappointing, particularly in the light of the people who are involved. Here we have the supposed up-and-coming young star of the Labor Party—the Minister—and the Attorney-General, the good old former civil libertarian. I used to watch him on television and say, "Here's Matt Foley." It was interesting to see him championing various causes. On a number of occasions before he came into this House, I saw him championing this sort of a cause. So I am disappointed that he will not stand up and be counted to ensure that this is not done in this way.

Quite frankly, the member for Warwick very eloquently made most of the points that I was going to make from the point of view of the Scrutiny of Legislation Committee. I do not intend to reiterate those points and bore everyone to tears. However, I remind all members that far more flies are caught with honey than with vinegar. I suggest to Government members that they should endeavour to work with the committee. Simply because there has been a change of Government, members should not think that the committee has lost its teeth, that it has lost its nerve, or that just because Jon Sullivan is

no longer here to tilt at windmills, we will not get stuck into members if they do the wrong thing. Believe me, the committee will do its work. When its members enter the committee room, we hang up our hats and we operate on a nonpartisan basis. The committee most definitely did that for the last three years, and I guarantee that it will continue to do so for the next three years. All Ministers should be working with the members of the committee, rather than trying to circumvent them, particularly in respect of Henry VIII clauses.

As to an RIS, members should not look for ways to get around an RIS. When there is a need for an RIS, members should be considerate to the public out there. After all, the whole concept of putting in place an RIS was to assist and protect the business community. They do not want over-regulation or over-legislation. They do not want to be hidebound with red tape every time they do something. We should be saying to the Public Service, "Hang on. Do we really need this regulation?" They should have a look at what is required and why they are doing it before they create regulations that are not needed.

I have much pleasure in being involved in this. However, it disappoints me that those people, particularly those who are involved, did not see fit to go about it the right way.
