



Speech by

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MEMBER FOR SANDGATE

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PARLIAMENTARY MEMBERS (OFFICE OF PROFIT) AMENDMENT BILL

Mr NUTTALL (Sandgate—ALP) (11.47 p.m.): This morning it is a pleasure to support the Parliamentary Members (Office of Profit) Amendment Bill 1999. I listened closely to the remarks of the Leader of the Opposition. Although I am not able to speak for the Premier, I am sure that the concerns of the Leader of the Opposition will be addressed by the Premier in his response.

The amendments in this Bill aim to allow members of the Parliament to better serve the people of this State. It should be understood that that is the underlying reason that this Bill is before the House today. The Bill clarifies the existing law by making it clear that MLAs may serve the community on Government bodies provided that they receive only reasonable expenses for holding an office. Later in my speech I will point out what we mean by "reasonable expenses". Again, I take on board the comments by the Leader of the Opposition in respect of what "reasonable expenses" may or may not include.

As we are well aware, as members of this Parliament we are all the servants of the people of this State. However, we are not the servants of the people in this State only in the Parliament; we are the servants of the people in respect of applying our abilities and energies in every way we can for the betterment of the State and its people. That is our main responsibility. I believe that members of this House can make considerable contributions to their relative communities and to the State as a whole through the passage of this legislation.

On several occasions I have been invited to become involved on various boards, whether they be Government or non-Government. I must admit that I have been hesitant to take up any such offers. On not one occasion have I accepted an offer to become a member of a board, committee or council. That is for the simple reason that I was always concerned about the possibility of a conflict of interest arising. For example, were I to receive some sort of remuneration, I would be concerned that an aspersion might be cast upon my good name. I was certainly wary of that. However, at the same time I always believed that I might have something to offer. I felt that it was unfortunate that, as a member of Parliament, I was not in a position to contribute by way of any such appointments.

Mr Lucas: What is a profit to a man if he gains the world but loses his soul?

Mr NUTTALL: I take that interjection from the honourable the philosopher, the member for Lytton. As the law stands, there are serious restrictions on members of the Legislative Assembly in Queensland who wish to take up positions or perform duties on statutory boards, committees, councils or on any other Government body. Under section 7A of the Legislative Assembly Act of 1867, an appointment of a member to an office of profit under the Crown or to a position of the prescribed description may render a member's election null and void. Section 7B of that Act prescribes that, if a member transacts any business on behalf of the Crown, the question of whether the member should continue as a member of the Assembly shall be determined by a resolution of the Assembly. I understand those constraints and those difficulties, and this Bill seeks to clarify and to clear up those problems.

The effect of section 5 of the Officials in Parliament Act of 1896 requires that, to avoid the election of a member to this Chamber becoming null and void, a member to be appointed to a Government body should not be entitled to any payment. Currently, members who wish to be appointed to a statutory board, committee, council or any other Government body and wish to avoid the sanctions that are currently in place have but two options. Firstly, they can seek either one or possibly two resolutions by the Legislative Assembly plus the making of a regulation; or, secondly, an

Act of Parliament could be passed requiring or expressly permitting the particular office of profit to be held by a member and for the business, service or duty to be undertaken by the member. That really says that the appointment of members to an office of profit under the Crown is currently costly, very complicated and very cumbersome. Again, as I say, this Bill seeks to clarify and clear up those problems.

Crown Law advice since the early 1990s has been that the current provisions are uncertain and are, indeed, ambiguous. In 1993 the Electoral and Administrative Review Commission considered amendments to consolidate and simplify provisions. For whatever reason, at the end of the day that commission did not reach any firm recommendations. The Legal, Constitutional and Administrative Review Committee's interim report on the consolidation of the Queensland Constitution proposed a consolidation of these and other sections of the Legislative Assembly Act of 1867 and the Officials in Parliament Act of 1896 in its proposed Parliament of Queensland Bill. So we have already had a parliamentary committee looking at the difficulties that we are currently trying to address before the Parliament this morning.

Cabinet Handbooks of successive Governments on either side of politics have acknowledged that this is an issue and a difficulty that we have needed to address. The Crown Solicitor and the Solicitor-General have given advice over a number of years on various appointments to offices of profit that were contemplated by various Governments of the day or by various members of this Parliament. The Government believes that a member of Parliament should be able to serve on statutory boards, committees, councils or other Government bodies without the need for resolutions, regulations or enactments of this Parliament. The Government is also adamant that it will retain the tough accountability measures prescribing the appointment of members to an office of profit. I think that it needs to be pointed out and to be made crystal clear that we will ensure that the accountability measures are tough. That, I suppose, is one of the reasons that they are prescribed in the legislation before the Parliament today.

These, indeed, are the objectives of this Bill. Under this Bill, members of the Legislative Assembly would receive only reasonable expenses for serving on Government bodies. As I said earlier, I wanted to outline clearly what those reasonable expenses are, and we have defined them in the Act. The reasonable expenses are things such as accommodation, meals, domestic air travel, taxi fares, public transport charges and motor vehicle hire. Basically, we are saying that, if someone is to attend any meetings, the travel expenses would be catered for, they would be able to partake of a meal and their accommodation, if they were required to stay in a particular place overnight or over a period, would be provided in terms of this legislation and would be an acceptable form of—"payment" is probably the wrong word—reimbursement and expenses.

Members, of course, will not be entitled to fees or other rewards. For example, if a member was on some sort of committee or Government board and was invited along for a week to examine whatever the issue may be, I do not think that that would be one of those things that would be in the grey area and something that would still need to be clarified. If members were travelling by domestic air travel from point A to point B, frequent flyer points would not be able to be used. If members were showered with gifts from some sort of international body that came to visit them, again they would not be able to accept that gift.

Members will be required on appointment to waive, for legal purposes, any entitlements to a fee or any other rewards. So members would actually have to waive any rights to any type of reward in terms of their appointment. The waiver in terms of the legislation must be provided as soon as practicable after the member is aware of the entitlement and a copy given in writing to the Honourable the Speaker of this Parliament. The Bill also includes safeguards against a conflict of interest. Existing sanctions will remain should a member profit from the performance of a service or duty by receiving amounts that are more than reasonable expenses—again more safeguards.

The Bill does not profess to consolidate all the relevant provisions. Accordingly, the scheme drafted for the purpose of the parliamentary Legal, Constitutional and Administrative Review Committee's interim report on the consolidation of the Constitution has not been adopted at this particular point. Consolidation of all relevant provisions will be addressed following receipt of the committee's final report on the consolidation of the Constitution. I am unaware when that report may be provided to this Parliament.

If this Bill is passed in the Parliament today—and I am not pre-empting what may or may not happen in the debate—honourable members would need to be aware of and diligent about the fact that, if they are offered an appointment, first and foremost they must ensure that it does not affect their ability to represent their constituency and, in my view, they need to be mindful that they are not going to be often in conflict of interest with their duties as members of this Parliament. I think that that is something that we need to be mindful of. If we are offered an appointment, as members of Parliament, we need to look at the reasons behind that offer. Is it so that members could be asked to unduly influence decisions that are made in this Parliament? If so, I personally think that it would be improper of us, as members of this Parliament, to accept such an appointment.

If, however, that appointment was made solely on the basis of the person's expertise as a member of the Parliament or as the person representing the local area—their knowledge of the district and their involvement with community organisations and day-to-day happenings in the electorate—and the organisation wanted to tap into that expertise, in my view that is an entirely different matter. I think we as members of Parliament have a duty to offer that advice and contribute where we possibly can for the betterment of our community and, indeed, the State in general.

This Bill tackles a difficult and complex issue that has been around for quite some time. I believe it is worthy of due consideration by Opposition members. I hope that when honourable members sit down and read the reasoning behind the legislation they will then be prepared to support this very worthwhile Bill.
