



Speech by

Hon. J. FOURAS

MEMBER FOR ASHGROVE

Hansard 28 April 1999

PARLIAMENTARY MEMBERS (OFFICE OF PROFIT) AMENDMENT BILL

Hon. J. FOURAS (Ashgrove—ALP) (12.38 p.m.): I am also pleased to take part in this debate on the Parliamentary Members (Office of Profit) Amendment Bill 1999. I well remember being invited to my old school, The Southport School, on the Gold Coast when I was the Speaker to address a summer school for Anglican Church ministers. I quite enjoyed it. It was a very, very warm and wonderful environment to be in.

Mr Hamill: It was an unorthodox thing for you to do.

Mr FOURAS: It was very unorthodox. However, when I left, they gave me an envelope. I thought that it was a bit of a thankyou. So I took off, left The Southport School, and at Labrador—and those members who know the Gold Coast would know that that is just a few kilometres away—I thought I had better open this envelope. Inside it was \$100.

Mr Lucas: A stipend.

Mr FOURAS: Yes, a stipend. I actually burned some rubber, rushed back to The Southport School and said that I did not really think that I should take this money. I was not aware of the laws, but I thought that taking this money could be akin to the laws relating to the office of profit under the Crown. I do not think that it was, technically. Nevertheless, I was able to return the money. They gave me the luxury of recommending some charities that the money could go to. Remembering that, I think it is good that today we are clarifying a position that the legal brains say is not at all clear.

Mr Hamill: This wasn't a share of the plate?

Mr FOURAS: No, but I remember when I was at school we put threepence in the plate every Sunday. When the threepence dropped into the plate, it would clink. The idea was to make it clink and jump up, and then buy a threepenny ice-cream. It was a diminishing plate. Every Sunday, they had the economic law of diminishing returns at that school.

Mr Hamill interjected.

Mr FOURAS: I am not suggesting that I did any of that. It was a trick amongst some of my school mates. I had better return to the Bill.

Mr Mickel: I am fascinated about how old you are.

Mr FOURAS: I am not. I would quite gladly reverse our ages.

Earlier in the debate, both the Leader of the Opposition and the member for Clayfield made a large issue of the fact that the legislation may be some sort of contrived backdoor way of giving increased status to members of Parliament by allowing their appointment to boards. Of course, they meant Government members of Parliament. They implied that there was a conspiratorial tone to the legislation. That says more about the way that they think than the way people on this side of the House think. That is quite a ludicrous proposition, because the legislation will not open the floodgates on appointments of MLAs to Government bodies. The ability to appoint MLAs to such offices already exists. That is not the purpose of the legislation.

Mr Lucas interjected.

Mr FOURAS: Maybe we should pass a law to help us get the member of Clayfield to the Senate so that he can stop making those scurrilous accusations on the floor of this House.

As I said, the legislation will not open the floodgates on appointments of MLAs to Government bodies. That is not the intention of the Government. When he sums up, I am sure that the Premier will

cover that point. To answer the questions of the Leader of the Opposition and the member for Clayfield, that is not the intention of the legislation. The legislation is intended to encourage the appointment to various bodies of members of the House who have expertise and who can provide substantial benefits to and perform duties on behalf of the whole community. In my view, it is a duty for members of Parliament to serve Queensland to the best of their ability. Last night after leaving the House, I attended the meeting of a local committee that I am a member of. The meeting finished at 10.10 p.m.. I could have gone home and read a book, or whatever. However, the bottom line is that that committee believes— with some justification, I hope—that I have something to contribute. I attend those meetings as a member of Parliament because I want to give the group the benefit of the expertise that I have gained in this place. That is one of the reasons why members of Parliament are wanted to serve on committees. Why should restrictions be placed on that when the community understands that we can be very useful and provide much needed expertise?

For example, just before Christmas I was approached by a couple of teachers from my electorate who teach English in the South Brisbane area. They received funding from the Migrant Resource Centre, which was an incorporated body. That resource centre was defunded by the current Federal Government, I think with some justification. Therefore, those people were teaching without receiving any pay. They asked me what to do about it. I said that they needed to become incorporated. I told them to call a public meeting, get a constitution and go through the process under the Acts Interpretation Act. They held a meeting at a church hall in my old suburb of West End, which I attended. One of the people there said, "What are you doing back here?" I said, "As a member of Parliament, I drive around looking for church halls with lights on because I am so willing to be appointed to committees!" As if I have nothing better to do than that. Nevertheless, the committee was formed and incorporation has been completed. The other day, I helped those teachers find new premises from which to run their program. That is indicative of the role that a member of Parliament can play.

The Bill will make it easier for members to perform their duty in the Parliament. Quite simply, the Bill makes the legal position of appointing MLAs to Government bodies much more certain. As a Government, it would have been totally irresponsible of us to be aware of that ambiguity and do nothing. As the Leader of the Opposition said, this is not the ultimate legislation. But we must bear in mind that, as other members have said, serious consequences flow from a breach of the provisions of office of profit under the Crown. To not make this position totally clear through the legislation would have been irresponsible. The current law does impose serious restrictions on MLAs who accept positions or perform duties or services on statutory boards, committees, councils or other Government bodies. However, as I have said previously, it is generally agreed among the legal profession that the restriction provisions for the appointment of members of Parliament to offices of profit are complex and ambiguous. To not clarify the position would be totally irresponsible.

In practice, the current provisions are not workable, and I will speak more about that later. There is no doubt at all that both sides of the Chamber agree on that, which is good to see. I served on one particular body that would only reach a unanimous agreement when the fees were being put up. Amazingly, we are now agreeing in the interests of serving the people rather than achieving a pecuniary advantage. We are upgrading the pecuniary interest register to enhance accountability and openness within the Parliament. However, I should not speak about it because it is the subject of a notice of motion which is before the House and which will be debated later in the week.

On the one hand, we must have a clear and accountable process relating to the conflicts of interest of members of Parliament and, at the same time, we need to make it easier for members of Parliament to do their duty by serving on statutory boards, committees and other Government bodies.

As I said earlier, it is agreed that there are ambiguous and complex restrictions placed on members of Parliament that discourage us from serving our communities. As the law stands currently, under section 7A of the Legislative Assembly Act 1867, an appointment of a member to an office of profit under the Crown to a position of the prescribed description may be null and void. That situation exists now. Section 7B of the same Act states 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 resolution of the Assembly. We do not really want those matters determined by the Parliament.

Some time ago, a former Federal coalition Government tried to bring before the Parliament a member of the press who criticised one of its members. Historically, in particular in the Federal Parliament, political decisions have been made which attacked the right of members to serve in the Parliament. Those decisions should not be determined by a resolution of the Assembly. One side will always have the numbers and it is dangerous for members of Parliament to make such decisions. Section 5 of the Officials in Parliament Act requires that a member to be appointed to a Government body not be entitled to receive any payment in order to avoid the election of the member becoming null and void. That is what we are discussing today.

Mr Lucas: Our payment is merely to serve.

Mr FOURAS: Absolutely. We are duty-bound under this legislation.

The view of the Beattie Labor Government is that a member of Parliament should be able to serve on Government bodies without the need for a complicated and costly series of resolutions, regulations and enactments each time a member is to be appointed to perform additional duties on behalf of the Crown.

Two options are available to avoid these sanctions. One approach would involve a resolution of the Legislative Assembly in addition to the making of a regulation. Another would be to pass an Act of Parliament requiring or expressly permitting an office of profit to be held by a member and for the business, service or duty to be undertaken by the member. As has been outlined by members on both sides of the Chamber, that is a waste of the time of the Parliament and honourable members. A member's only purpose in being appointed to these bodies is to better serve Queensland. This is all about altruism. I think it was Socrates who said that, if we are to strive for the common good and create a better society, we must remove ourselves from self-interest. The only way to make sure that a decision is made for the common good is to ensure a level of disinterest. The higher the level of disinterest, the greater the service to the common good. This legislation is not about enabling members to hold an office of profit. In accordance with the Socratic view, we are allowing members to claim only expenses incurred whilst serving on those bodies.

Mrs Lavarch interjected.

Mr FOURAS: The member for Kurwongbah made an excellent contribution earlier in this debate. The report of the Scrutiny of Legislation Committee, which is chaired by the member, should be compulsory reading.

I have been in this Parliament for some years. Indeed, this is the seventh Parliament in which I have served. In various handbooks, Governments have recognised the issue of members holding offices of profit under the Crown. However, until now nothing has been done to clear up the ambiguities and complexities in this legislation. The Beattie Government is adamant that the strict accountability measures prescribing the appointment of members to an office of profit will remain. I reiterate that a total commitment has been given by the Beattie Labor Government to the maintenance of accountability measures in respect of the appointment of members to an office of profit.

Although this Bill introduces a degree of flexibility with respect to the appointment of members to an office of profit, it will be incumbent on members to remain diligent to ensure that they receive only reasonable expenses as clearly defined. It has long been my view that people know what "reasonable" means. Ultimately, I think ethics come from the heart and soul of a person. Members have to understand that they must behave ethically and be diligent when determining what "reasonable expenses" means. A definition is given of the reasonable expenses in respect of which members can be compensated. Members who are appointed to such offices will waive their entitlements as a formality. I hope members understand that they will not be entitled to the fees that other board members may receive for their service. Again, I think members understand fully the consequences of any failure to waive their entitlements.

The Bill does not change or consolidate relevant provisions of the Constitution Act or the Electoral Act. Under this Bill, resolutions, regulations and specific enactments will no longer be required automatically on each occasion a member is to be appointed. However, as I mentioned earlier, the Bill does not detail strict rules that will apply to the appointment of a member to an office of profit. However, some things are very clear. Members will not be entitled to fees or other rewards. Members will be required to waive irrevocably for all legal purposes any entitlement to a fee or other reward. The waiver must be provided as soon as practicable after a member becomes aware of the entitlement. A copy of the waiver must be provided in writing to the Speaker, and members will be allowed to receive only amounts payable on account of reasonable expenses relating to the performance of such additional duties.

In his contribution to the debate, the member for Sandgate indicated the sorts of expenses that can be recouped under this legislation. They are defined simply as expenses actually incurred by a member or on behalf of a member of Parliament on account of the member performing duties for the Crown. This Bill will enable members to receive compensation for reasonable expenses. For example, the honourable member referred to expenses for accommodation, meals, taxi fares and other transport.

In conclusion, I am pleased to support this Bill. I am sure that, if members opposite did not look at this legislation in terms of how they might misuse it and instead accepted it in the spirit in which it has been presented to the House, there would be unanimous support for this Bill. There will be sanctions if some members of Parliament do not play the game. This Bill clarifies the law and allows us, as members of Parliament, to be appointed to Government boards. However, this does not mean that it will be open slather in respect of appointments to Government boards. The legislation will allow us to better serve Queensland. I commend the Bill to the House.