



Speech by

LINDA LAVARCH

STATE MEMBER FOR KURWONGBAH

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PARLIAMENTARY MEMBERS (OFFICE OF PROFIT) AMENDMENT BILL

Mrs LAVARCH (Kurwongbah—ALP) (12.15 p.m.): Before I speak to this Bill, I want to make a comment about the member for Clayfield. If anyone listens to the member for Clayfield speaking in any debate, one would think that members of Parliament could only be men. I suggest to the member for Clayfield that he be conscious of that, or perhaps he should sign up to some gender awareness classes.

This Bill has a direct impact on all members of the Legislative Assembly. As outlined in the Premier's second-reading speech, a member of Parliament should be able to serve on statutory boards, committees, councils——

Mr SANTORO: I rise to a point of order.

Mr DEPUTY SPEAKER (Mr D'Arcy): Order! Is the member taking a point of order?

Mr SANTORO: I found the comments——

Mr DEPUTY SPEAKER: Order! The member has been here long enough to know——

Mr SANTORO: Mr Deputy Speaker, I take your point that I have been here long enough to know that the comments which the honourable member for Kurwongbah made were offensive in that they reflect——

Mr DEPUTY SPEAKER: Order! The member is testing the Chair's patience with his point of order. He will get to the point.

Mr SANTORO: I find offensive the comments by the honourable member for Kurwongbah in relation to my attitude in references to women in this place or outside. They do not reflect my attitude in this place or outside, and I ask her to withdraw them. She did not have the courage to take my interjection.

Mr DEPUTY SPEAKER: Order! The member for Clayfield finds the remarks offensive and asks that they be withdrawn.

Mrs LAVARCH: I was only trying to give the member for Clayfield a little friendly advice. But if he finds the remarks offensive, then I withdraw.

As outlined in the Premier's second-reading speech, a member of Parliament should be able to serve on statutory bodies, committees, councils or other Government bodies without the need for a complicated and costly series of resolutions, regulations or enactments each time a member is to be appointed to perform additional duties for or on behalf of the Crown. However, the Premier is adamant that the strict accountability measures prescribing the appointment of members to an office of profit will remain.

Accountability is a watchword for the Beattie Labor Government. After two years of backsliding under the previous Government, the Beattie Government is insisting that accountability and honesty are prime considerations in everything that it does. And the same is true of what we do as members. The overriding principle that members of Parliament do not receive patronage from the Crown continues. The same sanctions remain should a member attempt to profit by receipt of expenses in excess of what is reasonable or by failing to waive all entitlements to rewards other than reasonable expenses.

Further, the Bill provides accountability in that the waiver must be made, firstly, as soon as practicable after becoming aware of the entitlement. The waiver must be for all purposes and for all time according to law. It must be in writing. And a copy must be provided to the Speaker. This Bill also deals with the actual expenses incurred by or on behalf of the MLA, as opposed to allowances which might be open to abuse.

"Expenses" are defined in the Bill as expenses actually incurred by a member, or on behalf of a member on account of the member performing duties for the Crown. The public and the media can therefore see that the emphasis is on transparent and open accountability. These changes will help all members better serve the people of Queensland. As members of Parliament we have a duty to serve Queenslanders to the best of our ability. These changes will remove serious restrictions which have been imposed on all members of the Assembly who wish to contribute to the administration of the State by accepting positions or performing duties or services on statutory boards, committees, councils or other Government bodies.

My personal experience was that, prior to my election to this Parliament in May 1997, I was a community representative on the Redcliffe Hospital Ethics Board. My election to Parliament would have led to my automatic resignation from that board. Just to be sure, I resigned from the board at the time when I received preselection to run in the Kurwongbah by-election. My position at the Redcliffe Hospital was a voluntary community position. Members of the board did not receive refreshments unless we went to the hospital canteen and paid for them ourselves. Sometimes we might be lucky enough to have some coffee—which we made ourselves—in the small kitchen that adjoined the meeting room. The lunacy of this situation is that I can represent my community in this House but I cannot represent that same community on the hospital ethics committee at the same time.

Under section 7A of the Legislative Assembly Act 1867 an appointment of a member to an office of profit under the Crown or to a position of the prescribed description may make that member's election null and void. That means that, if I continued to serve on the ethics committee, my election to Parliament would be null and void and I would be disqualified from sitting in this House.

In addition, 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. Finally, the effect of section 5 of the Officials in Parliament Act 1896 requires that for a member to be appointed to a Government body the member is not entitled to receive any payment so as to avoid the election of the member becoming null and void. This has meant that, for a member to be appointed to a statutory board, committee, council or other Government body and avoid these sanctions, two options have been available.

The first option has involved up to two resolutions by the Legislative Assembly plus the making of a regulation. The second option has required an Act of Parliament 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. So there have been significant hurdles placed in the way of members wishing to serve their constituents. It is time for commonsense to prevail so that these hurdles are removed. However, we need strict rules to apply for the appointment of a member to an office of profit.

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. For added accountability, the Bill maintains adequate safeguards against a conflict of interest between a member's duty to hold the Government of the day accountable and potential pecuniary benefit received in relation to the performance of additional duties on behalf of the Crown.

The current sanctions remain in operation should a member profit from the performance of a service or duty by receiving amounts in excess of reasonable expenses as defined, or upon becoming aware of an entitlement and not taking reasonable steps to waive such an entitlement. As a further accountability measure, if a member transgresses the office of profit provisions, the Legislative Assembly will maintain its oversight role. Members will be able to receive only amounts payable for reasonable expenses within clearly defined parameters.

This improvement to legislation follows another example of the Beattie Government's commitment to improved accountability which occurred yesterday when the Leader of the House dealt with the Members' and Related Persons' Registers of Interests. As reiterated by the Premier this morning, the guidelines for travel and accommodation are the toughest in Australia. These guidelines are in response to a review of the existing guidelines carried out by the Members' Ethics and Parliamentary Privileges Committee in 1996.

Any air, train or coach travel which is paid for by someone else, or free hotel or motel accommodation, has to be declared. Members in other States do not have to declare travel and accommodation unless it is over a certain value—\$250 in New South Wales, \$500 in Western Australia and \$750 in South Australia. Members have to declare any gift worth more than \$500, or any gift at all where there could be a perception of a conflict of interest.

The rules are even tougher for Ministers. They have to declare gifts worth \$100 or more. These declarations will be entered in a register which is open to FOI applications. But trivial items, such as every lift in a car, every cup of tea or coffee, every sandwich or the entry price to a function do not have to be declared, otherwise we would spend all our time either filling in forms or being quite rude to our hosts.

If honourable members look at how the changes in disclosures in the register of interests was reported in the media they would find that it was extremely cynical and probably further entrenched public and electorate cynicism of politicians. This morning we had the Leader of the Opposition trying to ignite that cynicism by innuendo concerning matters dealing with the register of interests. The media, when it reported on the changes, jumped to the conclusion that it was all done so that honourable members could conceal any free tickets that we might get to the Olympics. What rot! Nothing could be further from the truth!

Mr Sullivan: Are they the same journalists who don't pay to go into theatres, don't pay to go into sporting grounds and don't pay to go to functions and dine off the host? Are they the same journalists?

Mrs LAVARCH: The member for Chermside is probably quite correct. They are the same journalists, and the same journalists who receive free air travel from their frequent flyer points. As I look at the way the media reported the register of interests changes, I wonder how the media will report this Bill. The title must be so tempting but, as one cannot judge a book by its cover, one cannot judge a Bill by its title. This Bill has nothing at all to do with profit. This Bill is about members of Parliament further serving their communities and the State of Queensland. I support the Bill.
