



Speech by

**Mrs E. CUNNINGHAM**

**MEMBER FOR GLADSTONE**

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Hansard 28 April 1999

**PARLIAMENTARY MEMBERS (OFFICE OF PROFIT) AMENDMENT BILL**

**Mrs LIZ CUNNINGHAM** (Gladstone—IND) (12.27 p.m.): I rise to speak to the Parliamentary Members (Office of Profit) Amendment Bill. I would like to take a few minutes to seek clarification on several issues and to comment on several other issues. Comments have been made about the positive contribution that members of Parliament could make to boards and committees. I would not dispute that for one moment. However, there are inherent risks in the proposal and those risks need to be recognised and constantly monitored.

In his second-reading speech the Premier said—

"The combined effect of section 7 of the Legislative Assembly Act 1867 and section 5 of the Officials in Parliament Act 1896 makes the appointment of members to an office of profit under the Crown costly, complicated and cumbersome."

Would it not be a natural outcome of what has been described as a "cumbersome and complicated" process that, by its very nature, great care would be taken by any member pursuing this course of action and careful scrutiny of the progress of that position would be more likely to be maintained? I believe members of the community would expect that great caution and great care would be taken before any real or perceived conflict of interest would be achieved.

The Premier's second-reading speech states further—

"The need for caution in respect of appointments of members to offices of profit under the Crown is not new."

I believe that such caution should remain. This morning, the Scrutiny of Legislation Committee's report has been quoted often and I intend to refer to it also. At point 8.3 it states—

"The Bill does not, however, resolve all of the difficulties which arise in the interpretation of these provisions, some of which were identified in the opinion of the Crown Solicitor attached as Appendix E to EARC's Report on the Consolidation and Review of the Queensland Constitution (August 1993). A different regime is proposed by the consultation draft of the Parliament of Queensland Bill 1998 from the Legal, Constitutional and Administrative Review Committee."

Point 8.4 states—

"The original purpose of the relevant statutory provisions was to protect members of Parliament from being influenced by the Crown in their parliamentary duties. This risk is clearly heightened if they also hold a Crown appointment or even if there is a prospect of such an appointment. These provisions were designed therefore to safeguard the independence of Parliament from being undermined by Executive manipulation of its members and thereby hinder Parliament's capacity to hold the Executive to account for the exercise of its powers. These concerns are just as relevant today in Queensland as they were last century."

In point 8.13, the report states—

"It is clear that this bill enhances the capacity of the Crown to use members of Parliament for executive purposes. The effect this might have on the independence of members and hence of the Parliament is reduced by the absence of any pecuniary advantage

to the members. However, certain Crown appointments, even without reward are likely to be attractive to members for various reasons, in particular, the benefit of public exposure and the opportunity to demonstrate administrative skills and hence ministerial potential."

The report also conveys the positives. Point 8.14 states in part that the risks—

"... must be weighed up against the benefits of having members more involved in the range of activities which these Crown appointments concern."

I appreciate the advice that was given for this Bill from Gerard Carney.

The Leader of the Opposition has said that the removal of the holding of the office of profit will address the problems as they relate to appointments. He said that the financial benefit was the problem. I would have to say that the community and I do not see that as the only problem at all. The risk is the one that has been outlined in the Scrutiny of Legislation report, that is, not only the risk of a compromise of the independence and impartiality of the parliamentarian but also the risk of politicisation of the boards or committees.

If the intent of this amendment is merely to enhance the contribution of members of Parliament to committees, that will become self-evident. I would be interested in hearing from the Premier as to how many people in the past, using the previous regime, were appointed to these committees. How many times has that rather convoluted process been pursued? The other point that I think we will pick up over time, which will indicate the intent of this amendment and which will be evidenced by the use of the Act once it is proclaimed, is the number of appointments and the committees or boards to which these appointments are made. Although evidence is always a tragedy in hindsight, I reiterate that I believe that the intention of this Parliament in amending this Bill will be evidenced to the community by the use of the new power. I trust that it will not be a characteristic of the Parliament that the boards are politicised or that Parliament's integrity is compromised.

The other issue that I want to raise relates to statements or letters being passed on to the Speaker. I wonder who would be able to access this information and the broad distribution of the letters, information or declarations from the Speaker's office. Will this information be accessible through FOI or will it be just a general register? In that regard, I would be interested to hear the Premier's response.

Many people have said that this is a positive move, and I have no doubt that there are many parliamentarians who have very specific skills and a broad base of experience who may be able to contribute very strongly to the boards in their areas. However, this change has quite serious and significant risks attached to it. It will require parliamentarians, and particularly the Government of the day, to be constantly vigilant to ensure that this Parliament is not compromised and that those boards are not politicised.

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