



Speech by

Hon. D. WELLS

MEMBER FOR MURRUMBIDGE

Hansard 11 March 2003

APPOINTMENT OF GOVERNOR OF QUEENSLAND

Ms Quentin Bryce AO

Hon. D. M. WELLS (Murrumbidgee—ALP) (Minister for Environment) (3.14 p.m.): The office of Governor is above politics but the position is not entirely ceremonial. It also requires a fine mind and a canny understanding of the processes of government. This is what Quentin Bryce brings to the position. The Governor presides over Executive Council, which has always been the body which formally ratifies the decisions of the executive arm of government from the time of the earliest governmental systems on this continent.

The convention that the monarch and the monarch's representative always take the advice of ministers is reaffirmed on a weekly basis when at the end of each Executive Council meeting the Governor asks, 'Do ministers wish me to ratify these Executive Council minutes?' The convention that the Governor does not play a role in setting policy is a very old one. The following rather dramatic statement written by the great constitutional writer Walter Bagehott in his book the *English Constitution*, written 120 years ago, indicates this. Bagehott wrote—

The Queen must sign her own death warrant if the two Houses send it to her.

Bagehott goes on to explain what the role of the monarch is and, by analogy, what the role of the monarch's representative is. It is, he says, 'to be consulted, to encourage and to warn'. That is to say, it is entirely within the scope of a non-political office to address issues of good governance, though not issues of political objectives. So it is entirely appropriate for the Governor to occasionally ask a minister the question, 'Are you aware that such and such a time a previous minister sought to achieve similar objectives and use the following administrative tools?' Or it is equally appropriate for the Governor to say, 'Would the effect of this measure be to do so-and-so and is this what you intend?' Such interventions by governors have, to my knowledge and experience, occurred in the last 12 years in Queensland to the benefit of good governance in this state. At such times as those it becomes very clear that the convention articulated by Walter Bagehott so long ago is exactly the basis on which our system functions.

I happen to recall those words of Walter Bagehott because they were drawn to my attention by Quentin Bryce at the Queensland University Law School when she was tutoring me there just over 20 years ago. I was very surprised on a day in the late seventies when I walked into my first Administrative Law tutorial to see that the subject was being taken by a member of a then very rare species—a woman lawyer, a very assured and very insightful woman lawyer. Quentin Bryce was one of the first female lawyers to break the glass ceiling in law, which she did by becoming the first female staff member of a university law school in Queensland. I was impressed by the sharpness of her mind and the power of her intellect. I remember on one occasion saying to her that a certain judgment by Lord Denning seemed to do justice between the parties, and she said, 'Yes, of course it does, but the reasoning is all wrong.' I asked with surprise, 'What's the matter with the reasoning?' and she said, 'There isn't any.' Then I said, 'He does refer to precedents, two earlier cases.' She said, 'No, he doesn't. If you look closely, you will see that he just says that "all the old books say" and then goes on to state his own preconceived conclusion. Actually,' she went on to say, 'you can only get to that conclusion by legislative reform. If a judge makes a fair decision in spite of what the pre-existing law says, then later judges will see the faults in the reasoning and reassert the pre-existing law. You need to actually change the statute law in order to get just results in this area across-the-board.'

As it happened, I subsequently became Attorney-General. I had the honour of introducing into the House the bills for the Freedom of Information Act, the Judicial Review Act, the Anti-Discrimination Act, the Justices of the Peace and Commissioners for Declarations Act and various other pieces of legislation and administrative amendments which introduced simplicity and modernisation into our administrative law. For any defects of these measures I take ministerial responsibility. But my conversion to the idea of administrative law reform came about on a sunny morning two decades ago at a tutorial led by Queensland's next governor. I hope she enjoys presiding over Queensland's administrative structure, altered, as it is, by the education that she previously disseminated.

After a distinguished university career, Quentin Bryce became Commonwealth Sex Discrimination Commissioner. In that role she dispensed justice with an even hand. She acted decisively to ensure gender equity. She would not put up with any nonsense or frivolous processes from either gender. I had the privilege of being a member of the federal parliament that voted for the Sex Discrimination Bill and I subsequently had the privilege of being the Attorney-General of Queensland at the time that she was Sex Discrimination Commissioner applying that act.

It was refreshing to see a distinguished Queenslander enlightening the rest of Australia in gender equity, just as she had educated a generation of Queensland law students earlier in her career. So it is a pleasure now to join with other honourable members in welcoming the Premier's announcement that that same distinguished Queenslander will be Queensland's next governor.

May I wish retiring Governor Peter Arnison and Mrs Arnison well in the future and express the thanks of the people for their contribution to the civic life of this state. May I welcome the Premier's initiative to demystify the process of the appointment of governor. Demystification and the debunking of obscure systems was Quentin Bryce's hallmark when she was at the university. I think that is something that is very appropriate to observe on the occasion of her appointment.