So I think there are some worrying signs there that we have to take on board. I will go back to the CLA for a moment and to some of the areas where members lose out. A couple of years ago members in this place traded off the printed Hansard for constituents. A lot of people might ask, 'So what? What's a printed Hansard?' A whole range of people in our electorates used to get the printed Hansard—those who do not want to use the internet or who do not have the internet, or those who do not think that that is the best way to read Hansard. They like to sit down and study it. There were only handfuls of people in our electorates who wanted that, but we traded the printed Hansard off in order to provide some additional overdue entitlements to members representing western areas. Honourable members, the whole point is that we are often forced to rob Peter to pay Paul because we are constantly battling the forces of executive government which is saying, 'If you want to do something that is common sense, you go and find the resources within to rob yourselves to make those changes.' There is much good in this bill, but we have a long way to go.

Hon. JC SPENCE (Sunnybank—ALP) (3.40 pm): This bill brings into law a number of changes that were recommended by the parliamentary Committee System Review Committee—the CSRC. As I have stated in this parliament previously, I appreciate the input, views and support of my committee colleagues in making these recommendations. I would also like to thank my colleagues on the Committee of the Legislative Assembly as well as those who have played a significant role in shaping this bill before the House. As has already been acknowledged today, we are seeing the most sweeping change to the way in which this parliament works that has probably ever happened. Although the government has drafted the bill, the Committee of the Legislative Assembly was provided with copies of the bill and examined each clause and recommended a number of changes, which were adopted by the government. This must be a first for the Queensland parliament.

I note that the Leader of the Opposition pointed out with some disappointment that the government has made changes to some of the original recommendations in the CSRC report. In fact, the Leader of the Opposition said that the government is deviating from the recommendations of the committees. I would like to remind the Leader of the Opposition and those who served with me on the CSRC that we discussed in great detail in our deliberations whether we should actually go down the path of adopting the New Zealand model, where policy committees are allowed to change legislation in the committee stage of the bill rather than sending that bill back to parliament. We all believed—we were unanimous in believing—that at the end of the day the committee should make recommendations and that it would be up to the minister, to the executive of the day, to support or reject those recommendations and that those decisions should be made on the floor of this parliament, not in some committee. So to suggest now that the government does not have the right to reject some committee's recommendations is seriously not in the spirit in which the CSRC considered all of its recommendations. To have the member for Southern Downs now say today that the government's decision to reduce our recommendation of nine policy committees down to seven—and I quote the member—'represented an executive domination of the parliament.' I think it is not in the spirit of the deliberations that we made when we thought about the role of the committees and how they should interface with the executive and with the parliament.

Mr Seeney: The executive knew better than the committee. That's what it means.

Ms SPENCE: At the end of the day we believed that the policy committees can make recommendations and those recommendations will come back to this parliament. If the minister of the day wants to reject a unanimous report that has come back from a policy committee on legislation, the minister can stand in this parliament, front up to the Queensland people and say why that unanimous committee report is going to be rejected by the government of the day. Ultimately, parliament will make that decision. We did not want to go down the path of adopting the New Zealand model for precisely that reason. The bill proposes significant reform to parliament and, like any major reform, it is controversial. I think this is the first time that I have heard the way parliament works being discussed in the public domain for probably more than a decade and that has to be helpful and healthy to democracy in Queensland.

This morning I tabled legal advice from the Solicitor-General, which relates to this bill, and a proposed bill to be introduced later. His advice is unequivocal. There is not a breach of the doctrine of the separation of powers and the bill does not weaken or diminish the ability of parliament to reform its primary role, that of making laws.

The bill amends the Parliament of Queensland Act 2001 in a number of ways. It provides powers to create portfolio committees, while their responsibilities and names will be found in the standing orders. Portfolio committees will be standing policy, legislative, scrutiny and estimates committees and will be responsible for the public accounts and public works functions for their portfolios. Each committee will consist of six members—three nominated by the government and three by the opposition—with the government-appointed chair having a deliberative and casting vote. The bill will abolish a number of committees whose functions will transfer to these new committees. Although not legislated, there will be seven portfolio committees. As the legislation states, each department must be covered by a portfolio area, whether by allocating the whole department to the portfolio area of a committee or allocating parts of the department to the portfolio areas of different committees.
For the first time in this parliament’s history there will be subject matter committees that can cover all aspects of government administration. For example, currently our policy committees do not cover the whole range of government activities. Government portfolios such as Transport are not covered by any committee under the existing arrangement. The new committees will also assume all the existing functions of the Scrutiny of Legislation Committee and the Public Accounts and Public Works Committee for those matters relevant to that portfolio as well as serving as the estimates committee.

Increasing the number of committees from four to seven, expanding their functions to include public accounts responsibilities, public works, scrutiny of legislation and estimates functions as well as the scrutiny of the policy objective of the legislation delivers on the government’s intention to improve scrutiny of legislation. The existing functions of the Public Accounts and Public Works Committee and the Scrutiny of Legislation Committee have been allocated across the seven portfolio areas. Indeed, the government has agreed to retain the staff of the Scrutiny of Legislation Committee to assist the committees deal with these responsibilities under the Legislative Standards Act.

The proposed changes will allow parliamentarians to be subject matter experts and to focus on policy areas of greatest interest to them. The changes will also allow fundamental legislative principle matters to be considered along with matters related to the policy efficacy of a bill. That will benefit the public and parliamentarians in many practical ways. For example, a person who is interested in transport matters would be able to serve on a committee that considered all transport matters in one area.

I will use a plausible, practical example to demonstrate how this new system will benefit members and the public. Say the Auditor-General had identified in a report to the Public Accounts and Public Works Committee some deficiency with the legal basis of a fee charged on heavy vehicles and the use of that funding to the Roads Investment Program. As a secret recommendation, or confidential matter, as provided for under the Auditor-General Act, the problem would not be known to other members of parliament. Under law, it would be limited to only those members of the Public Accounts and Public Works Committee. The director-general of that department and the minister would need to attend secret hearings of that committee to advise on the progress of any legislative changes to address the deficiency identified by the Auditor-General. Under the present system, most of the deliberations of committees are conducted in private and members are not allowed to share these discussions with their colleagues outside the committee. In future, we expect that the committees will be more transparent and open.

I will go back to the example that I have given. When the bill was presented to the parliament or any subordinate legislation was gazetted, the minister and departmental staff would need to prepare fresh submissions and responses to the Scrutiny of Legislation Committee as the committee would comprise a different group of members. The minister would then go back to square one to explain why the bill was needed, potentially why it had to breach any fundamental legislative principles and why it was drafted in a manner such as to give effect to a report of the Auditor-General. Then the minister and the director-general would attend estimates hearings. This would be another forum where they would need to go back to square one and brief a third group of parliamentarians on matters that have already been ventilated with two parliamentary committees. They may then have to explain to the estimates committee the rationale for changing the law. Finally, when the funds were applied through the Roads Investment Program to specific projects, the minister and the director-general may well need to go back to the Public Accounts and Public Works Committee to explain matters relating to the building of that infrastructure. By that stage the committee may well have forgotten about the report of the Queensland Audit Office that sparked the original change.

Although this hypothetical example may seem absurd, I am well aware of a similar case that has occurred in the past decade. Under these changes contained in this bill, the transport and infrastructure committee will comprise the same group of members who will hear public accounts matters, scrutiny of legislation matters, public works matters and who will sit as members of the estimates committees. Those committee members will be able to use the knowledge that they have accumulated at each stage of the parliamentary process to better scrutinise the raising, allocation and spending of funds as well as any legislation presented to the House.

As was noted in the Fitzgerald report, parliamentary committees enhance the skills of backbenchers of all parties and increase their experience in and familiarity with public administration, as well as reinforce their sense of purpose and appreciation of their independent parliamentary role and responsibility. The portfolio committee system will significantly assist members of parliament in their understanding of public administration through this integrated process. The bill will also retain the Parliamentary Crime and Misconduct Committee. Unlike other committees it will continue with seven members—three non-government and four government—as presently exists. While not detailed in the bill, the chair will be a non-government member.

I turn now to the role of the Committee of the Legislative Assembly, the CLA. All members of the CSRC agreed on its membership. I note that there has been much public debate about the membership of this committee. In fact, some commentators have gone so far as to say that the membership of the CLA hands more power to the executive arm of government. Some have even suggested that ‘it is an
insult to the doctrine of the separation of powers. I note that a number of people who purport to be some experts on democracy or on the Westminster system indeed signed a letter to the editor of the Courier-Mail that makes that very accusation. I would hope that those members who put their names to that letter take the time out to read the Solicitor-General's summary that I tabled this morning and I hope that they are sufficiently embarrassed by the statements that they have made in this letter. These arguments have been well and truly refuted in the advice I tabled from the Solicitor-General today.

Regarding the issue of the membership of the executive or the alternates being represented on the CLA, the Solicitor-General notes that the Board of Internal Economy, the administration board for the Canadian House of Commons, includes two ministers and the Leader of the Opposition. Accordingly, we do not think that this difference is a significant one. The Solicitor-General goes on to say that the reintroduction of a multiparty committee, the CLA, increases the role of the opposition in the administration of parliament and is a move back towards Westminster convention that tends to lessen the grip on the executive. I encourage every single member of parliament to read the Solicitor-General's advice before commenting on this legislation. I have not seen a lot of evidence of that in the debate thus far.

Regarding the membership of the CLA that does not include the Speaker, the Solicitor-General points out quite properly that this of itself does not create any legal consequences. He says that it is also relevant that under the reform bill the Speaker is a member of the CLA when it deals with a matter relating to standing rules and orders and that this aspect of the proposal supports the independence of the Speaker. The advice foreshadows further safeguards a government will have to protect the role of the Speaker when it amends the Parliamentary Service Act.

The Solicitor-General's advice confirms that the primary role of the Speaker is to preside over the House, to maintain order and ensure its effective functioning and, by convention, the Speaker acts as the representative of the House. These functions will not change. The Solicitor-General also points out that, unlike the Speaker of the House of Commons, Australian Speakers are required to contest their seats and there is little likelihood of them being re-elected Speaker if there is a change in government. In practice, he says, it is very difficult for a political partisan to discharge the duties of Speaker with fairness and impartiality and therefore the position does not occupy the high plane of dignity which it occupies at Westminster. In short, he says that the Australian model of Speakership does not follow the two fundamental Westminster conventions: impartiality and continuity. The reality is that in Australia the Speaker is a political appointment of the executive, and that is what the Solicitor-General says. I have made that point myself on a number of occasions. In fact, the Solicitor-General said he cannot see how the diminished role of the Speaker under the proposal would be unconstitutional or breach any law.

Let me return to those who suggest that these changes are an insult to the doctrine of the separation of powers—our high-minded friends who put their names to the letter in the Courier-Mail. The Solicitor-General's learned advice considers the doctrine of powers as far back as Aristotle, Montesquieu, the modern British Constitution and Australian High Court rulings and notes that the Westminster system departs from the pure form of the doctrine in a fundamental way. In the Westminster system ministers are drawn from and remain accountable to the parliament. They have the same rights as other parliamentarians plus they have additional responsibility. The Solicitor-General concludes that the proposal does not breach the doctrine of the separation of powers; rather it is an acceptable variation that does not weaken or diminish the ability of parliament to perform its primary law-making function. Finally, he states that he does not consider that the proposed laws breach any other law, doctrine or rule. As I said, I encourage every member of parliament to read his full advice before making the outrageous allegations that have been made in the public domain by so many people who I believe have embarrassed themselves.

I will address a number of points raised by the Leader of the Opposition about this very matter. He and other opposition members have made the point that the government's decision that the chair of the CLA have a casting vote takes away the concept of a bipartisan committee. I actually agree with that point. I have just had another look at the CSRC report that was tabled in December last year and I have to say that, on another reading of that report, I think we were not very clear on this particular recommendation. When we wrote in 7.28 on page 23 of that report about the voting rights of chairs, our recommendation 19 says—

The Committee recommends that Standing Orders continue to provide for chairs to have a deliberative and casting vote.

We were silent on our desire for the chair of the CLA not to have that deliberative or casting vote. I acknowledge that every single member of the CLA believed that the chair should not have the deliberative or casting vote. I certainly agree with that point. I am happy to talk to the Premier, who, as we know, is in Malaysia, about that very significant issue and see whether the government wants to change its mind on that very issue. From our point of view—and I see the member for Southern Downs nodding in agreement—we could have been a lot clearer in our report about that particular matter.

Another point made by the opposition is that we took away the disciplinary role of the CLA and there was no reason not to have the Speaker on this committee. We debated that the Speaker could not be on a committee that was deciding disciplinary matters. I think, though, that what we were
always thinking about was that the CLA would be much more than that. We discussed the issue that, as a board of management of parliament, we all believed it was incorrect for any Speaker to have to turn to the Premier of the day, or indeed for the Leader of the Opposition to have to turn to the Premier of the day, to ask permission to travel. Those decisions should be made by a board of our peers, which would be the Committee of the Legislative Assembly. I still believe that this committee should serve that sort of function. I do not think it can serve that function if the Speaker, whose travel we are approving, for example, is a member of that committee.

That is only a small part of this legislation. Like others, I am sorry that this issue has overshadowed these reforms. In 20 years time, when people look back at the reforms that we are making today to change the way the Queensland parliament operates, they will see today as the day when very important committees were formed which, for the first time in a long time, give members of parliament the opportunity to really participate and have their views known and to have some real input into the laws of Queensland. They will look back and say that every other state followed us down the track in a similar model and that we improved democracy in this state on this day. This issue about the Speaker on the CLA will be a minor issue that will not warrant much attention. We are debating important issues today. As I said, I thank all my colleagues, both on the CLA and on the original committee, for their contributions and I ask all members to endorse this bill before the House.

Debate, on motion of Ms Spence, adjourned.

Interruption.

PRIVILEGE

Comments by Member for Burnett

Hon. RE SCHWARTEN (Rockhampton—ALP) (3.59 pm): I rise on a matter of privilege suddenly arising. I note that this morning the member for Burnett hid behind parliamentary privilege to defame me. I challenge him to leave this chamber and repeat what he said outside. If he does, I will have him dealt with by the courts. Unless he is prepared to do that, anything that he said this morning should be discredited and condemned. That the member for Burnett is prepared to be a mouthpiece for a person like Gordon Nuttall, who in my view was the most corrupt politician in the history of this state—and that includes Bjelke-Petersen, whom Nuttall himself cited as a man who accepted brown paper bags full of cash, which, as it evolved, Nuttall repeated—tells us what sort of person the member for Burnett is.

I make no secret of my long friendship with the McGuire family which goes back to the days when I worked for Tom Burns, who was also a personal friend of theirs. Never once has the McGuire family asked me to do anything improper; nor would I be mates with them if they did. Unlike Nuttall, to me mateship is not about money; it is about decency. True mates do not expect their mates to lie or be corrupt on their behalf. True mates do not care whether you have money or whether you do not. I have mates who have plenty of money and I have mates who have none, and there is not one I treat differently. That was not the case with Nuttall, who loved to hang around people with money and, as it turns out, was not shy in putting the bite on them as well.

As for Mr Nuttall’s parliamentary mouthpiece, I suggest he ask Nuttall about his hotel fundraising events. I can confirm that the member for Sunnybank and I held large fundraisers at McGuire hotels and we were charged for those functions. There were well over 100 paying guests, it was a public event and the proceeds were banked in a Labor Party account. Yes, a table I crafted was auctioned, from my memory, for $8,000. Again, the money was banked in a Labor Party account, which is duly dealt with according to law. Such a secret was this that the auction made the pages of the Courier-Mail. I would welcome any scrutiny by any agency of my actions. Unlike Nuttall, who was collecting cash and bribes, all of my dealings are transparent and will survive any investigation at any time.

One final point is this: some inside help I turned out to be for publicans. And believe you me—no one will find this a surprise—I know lots of publicans.

Mrs Kiernan interjected.

Mr SCHWARTEN: That is right, too. I sat in a cabinet that increased their poker taxes, increased their fees, banned smoking, cut their hours and allowed for the naming of publicans who had incidents in their pubs. The record will show that I supported all of those measures. Despite that, the McGuire family are still mates, which says a lot about their values. They are a good family and are great supporters of community events and charities. They do not deserve to have their name trashed in this way. Furthermore, they have friends on both sides of the parliament, are respected in the hotel industry in this state and have a proud history in that regard. I will finish on this point: they do not deserve to have a low grub like the member for Burnett trash their name in this place.

Mr DEPUTY SPEAKER (Mr Kilburn): Order! That language is unparliamentary and you will withdraw it.

Mr SCHWARTEN: It was intended to be. I withdraw it.