42nd Presiding Officers and Clerks Conference

Changes to the role of Speaker in Queensland

Address by Hon John Mickel MP
Speaker of the Queensland Parliament

Parliament House, Brisbane 12 July 2011

We meet at a significant time in the history of the Queensland Parliament.

We have a brand new committee system that has just come into effect.

We also have a radical new approach to the position of Speaker poised to come into effect, one that I see as having major ramifications for the independence of Parliament.

I will speak briefly on the former, which I support, and more extensively on the latter, which I oppose, to put it mildly.

Some see them as both simply part of the overall reform of the Parliament's committee system.

I see them in a dramatically different light. I see one as a benefit to the Parliament. The other I believe is to the Parliament’s great detriment.

A logical place to begin is to examine the origin of these historic changes, and trace how we got to the point we are at today.

In the process, I will canvass at some length the role of Speaker.

I will also ask you to ponder a question that naturally arises: If this can happen to me, can it also happen to you?

I hasten to add, when I say “me” I mean first and foremost the office of Speaker here in Queensland. The sense of “me” personally is very much a secondary consideration, yet still a real one in that the position of Speaker does not exist in the abstract. It is occupied by a person.

And similarly, when I say “you” I mean first and foremost the office of Speaker or President in your Parliaments, while also noting the reality that if it were to come about it in your jurisdiction during your term in office it would affect you personally.

Indeed, on this very point, when I have voiced my objections to what is happening, I have been urged by its architects not to take it personally.

Just exactly how I’m meant to take it, I’m not sure, seeing as I’m the person who is Speaker.

However, I’m prepared to go along with that advice. I won't take it personally. But I sure will take it on behalf of the position of Speaker, and respond accordingly.
So what was the genesis of these changes?

For that we need to go back, to 6 August 2009 and the Queensland Government's release of a discussion paper titled *Integrity and Accountability in Queensland*.

In its overview of Queensland’s Integrity and Accountability framework, the discussion paper stated:

*Democratic government, including the doctrine of the separation of powers, is a keystone of any integrity framework.*

It then stated how the doctrine of the separation of powers divides the institutions of government into three branches, the executive, the legislature and the judiciary. The legislature, the discussion paper stated, and I quote, “makes the laws and, through its proceedings and committees, holds the executive to account.”

I'll repeat that, because for the purposes of my address today, it is of paramount importance: The legislature makes the laws and, through its proceedings and committees, holds the executive to account.

The paper then outlined Queensland’s “extensive integrity and accountability framework which has been progressively amended and enhanced over recent years”, citing 16 separate pieces of legislation.

The first of these, the *Constitution of Queensland 2001*, which consolidated and modernised the Queensland constitution, operates in conjunction with the *Constitution Act 1867*, and provides for the Parliament of Queensland and the law-making power of the Legislative Assembly.

In its preamble, the *Constitution of Queensland 2001* makes reference to the people of Queensland adopting “the principle of the sovereignty of the people, under the rule of law, and the system of representative and responsible government, prescribed by this Constitution.”

Section 42 states that “The Cabinet is collectively responsible to the Parliament.” In other words, the executive is responsible to the Parliament. The significance of this will become apparent in due course.

The second piece of legislation, the *Parliament of Queensland Act 2001*, commenced concurrently with the *Constitution of Queensland 2001*, and sets out laws relating to the operation of the Legislative Assembly, its powers, procedures, Members and committees. It also provides for the position of Speaker of the Legislative Assembly, and establishes the Speaker’s presiding officer role.

No mention was made of the *Parliamentary Service Act 1998*, which outlines the Speaker’s administrative role in relation to the Parliament. The significance of this also will become apparent in due course.

The reason I am sketching out in some detail the background to the historic changes I referred to earlier is to illustrate how one aspect of the changes, the overhaul of the Parliament’s committee system, was legitimately conceived while the other, the changes to the role of Speaker, have no such legitimacy. It is quite involved, so please bear with me.
In November 2009, following the receipt of 200 submissions to the issues raised in the Discussion Paper, a series of nine discussion forums with local community leaders across the State, and the input of a roundtable of experts, the government issued its response.

The response outlined a program of reforms, including, and I quote, “both legislative and administrative improvements, aimed at ensuring that Queensland stays at the forefront of open and accountable government.”

These reforms would have regard to four key principles which had been identified as underpinning a robust integrity and accountability framework. These were strong rules, strong culture, strong scrutiny and strong enforcement.

Under the category Strong Scrutiny, the government’s response spoke exclusively in terms of reviewing the role of parliamentary committees in providing oversight of the legislative process.

And so on 25 February, heads nodded in agreement in the Legislative Assembly, mine among them, when the Leader of the House moved a motion to establish a Select Committee to review the Parliamentary Committee System. I quote from that motion, which became the Review Committee’s terms of reference:

*A select committee, to be known as the Review of the Parliamentary Committee System Committee, be appointed to conduct an inquiry and report on how the Parliamentary oversight of legislation could be enhanced and how the existing Parliamentary Committee system could be strengthened to enhance accountability.*

*In undertaking this inquiry, the committee should consider —*

• *the role of Parliamentary committees in both Australian and international jurisdictions in examining legislative proposals, particularly those with unicameral parliaments*
• *timely and cost effective ways by which Queensland Parliamentary Committees can more effectively evaluate and examine legislative proposals*
• *the effectiveness of the operation of the committee structure of the 53rd Parliament following the restructure of the committee system on 23 April 2009.*

*The committee should include in its report options on models for structuring the Queensland Parliamentary Committee system.*

The motion was agreed to. Little did I realise that the establishment of this committee would set in train a process that would culminate in the emasculation of the Speaker of the Queensland Parliament in terms of having any administrative role and responsibilities – or to put it another way, my being sawn off at the knees.

The Review Committee delivered its report on 15 December 2010. It would be just six months later that the Premier would introduce a Bill into the Parliament to strip away the Speaker’s administrative duties and transfer these to a new governance and management committee which included the executive’s most senior members in the Parliament.

I do not know everything that happened in those six months, or indeed in the preceding 10 months during the life of the Review Committee, that explains how we started out with a Review Committee to examine the Parliament’s committee system so as to strengthen the oversight of legislation and improve accountability and ended up not just with an overhaul of the committee system but also my
position of Speaker skewered and the balance in the relationship between the executive and the legislature fundamentally changed.

But I do know some of what has happened, and that much bears setting down.

For example, in introducing the Bill, the Premier pointed out how the changes being proposed to the way the Parliament was administered arose from the recommendations of the Review Committee, in other words, the government was implementing what the Review Committee, a committee of the Parliament, had recommended. I will explain shortly how, in fact, the changes were first enunciated in the government’s response to the Review Committee’s report and recommendations – a critical difference.

But first, the period of Review Committee, about which I know the least. At some point the committee decided not to be bound by its terms of reference and took it upon themselves to start considering aspects of the Parliament’s management and administration more broadly. This was to become evident in its report.

I do not know when the Review Committee decided that the administration of the Parliament generally was on its agenda, though I do know that when I appeared before the committee here at Parliament House on the 20th of August last year it was not raised with me.

I do not know whether the committee broached this matter with any of the Parliaments it visited or consulted, including the New Zealand Parliament, the Canadian Parliament, and three provincial legislatures – those of Ontario, Quebec and British Columbia.

There is nothing in the committee’s report to indicate that committee members spoke to anyone, except among themselves, about this wider issue of the administration of the Parliament.

I certainly did not raise the issue of the Parliament’s administration when I appeared before the committee. That was not in its terms of reference.

The day the Review Committee’s report was released was when I first realised there was more to the Review Committee and its deliberations than had met my eye.

Up until that point I was totally unaware that the committee had been examining issues more broadly related to the running of the Parliament – issues completely outside its terms of reference.

That all changed with the release of the report. I remember arriving at Parliament House in the morning and outside the television stations’ offices on the fifth floor of the Parliamentary Annexe I passed one of the political journalists who had just attended the media conference for the report’s release, and who commented to me: How does it feel to be nobbled as Speaker?

I had no idea what he was talking about, although on glancing through the report soon afterwards I could see immediately there were several recommendations that did not stack up.

For example, the Speaker was not included on the committee that was to be responsible for Standing Orders. I was not going to go along with that.

The same committee, to be known as the Committee of the Legislative Assembly, was to be responsible for the current functions of the Integrity, Ethics and Parliamentary Privileges Committee. That was never going to work – the committee was to comprise the Leader of the House as chair, the
Premier, Deputy Premier, Leader of the Opposition, Deputy Leader of the Opposition and the Leader of Opposition Business.

There was no way on earth a committee with this membership could function as an Ethics Committee hearing complaints and charges. It would not last five minutes.

Also, a recommendation that responsibility for the management and construction of the Parliamentary buildings and electorate offices (along with the relevant budget) be transferred to the Department of Public Works was clearly outside the Review Committee’s terms of reference. Its appearance in the committee’s report was like a bolt from the blue, and not surprisingly raised my concerns.

I was sufficiently concerned to issue a media release in which I welcomed the majority of the Review Committee’s recommendations and the thrust of its report, but also said there were two recommendations that gave me cause for concern.

I stated how the Speaker had overall responsibility for the conduct and management of the Parliament, not only inside the Legislative Assembly chamber when Parliament was in session but across the board.

I certainly did not think for a minute that the stage was being set for the Westminster system to be trampled, the doctrine of the separation of powers to be ignored and the position of Speaker to be downgraded.

But that is precisely what was happening.

Over the following days my concerns did not abate. If anything, they grew, particularly as I read the report more closely, and there were no clarifying statements from the Review Committee. It became increasingly clear to me that I had been ambushed by the Review Committee – not just treated unfairly, but shabbily as well.

I was astounded on the one hand that the Review Committee could come up with recommendations that were so plainly were never going to work, and appalled on the other that the committee would so blatantly disregard its terms of reference and deny people the chance to have an input into recommendations which had such enormous ramifications.

If the Review Committee had in the course of its inquiries come to the view that it really needed to run a ruler over and make recommendations about the way the Parliament was administered, then it should have sought a widening of its terms of reference. This would have been the correct thing to do, the fair and decent thing to do.

Other aspects of the report rankled, for example:

- the report was disturbingly deficient in terms of providing supporting facts and argument justifying the particular recommendations that gave most cause for concern. The evidence and analysis was either very thin, or non-existent. The devil was not in the detail, but rather in the absence of it.

- the report was internally inconsistent, for example, stating how in the Canadian House of Commons the Speaker chaired the Board of Internal Economy, and in the National Assembly of Quebec the president chaired the Committee of the Legislative Assembly, but then
recommending a Committee of the Legislative Assembly for the Queensland Parliament which excluded the Speaker.

- the report did not disclose that one of the Review Committee’s members, the Member for Rockhampton, was also the Minister for Public Works, whose portfolio would benefit from the transfer of responsibility for the Parliament’s buildings and electorate offices to the Department of Public Works – a conflict of interest that ought to have been disclosed.

- the report was completely dismissive of the existence, role and purpose of the Speaker’s Advisory Committee. In a footnote, in miniscule printing, the report said this committee had not been considered as part of the review.

The following week I gave an interview to The Courier-Mail in which I stated a number of the recommendations were wrong in principle and would be dangerous in practice.

My speaking out in defence of the office of Speaker and the Parliament prompted a public attack on me by Review Committee member and Government Minister Robert Schwarten, about how I was naïve in the extreme in regard to the proposed changes to the running of the Parliament, how management of the Parliament under me had been misguided, and how I enjoyed five-star surroundings while ignoring the accommodation needs of Members.

When questioned by journalists about the whether she agreed with her Minister’s criticisms and if it was proper for him to attack the Speaker in the way he had done, it was abundantly clear from the Premier’s comments where her support lay – with her Minister.

Christmas arrived a few days later, and then the destructive Queensland floods and tropical cyclone Yasi belted the State. Not surprisingly, the issue of changes to the administration of the Parliament took a back seat.

I wrote to the Premier in mid January setting out my concerns, but did not receive a response.

I sent a second more detailed letter in late January to the Premier and Cabinet Ministers, providing a comprehensive analysis of the issues arising out of the Review Committee’s recommendation to transfer responsibility for the management and construction of the Parliamentary buildings and electorate offices together with the relevant budget to the Department of Public Works.

I included a copy of a commentary by the Queensland Integrity Commissioner, Dr David Solomon, on the Review Committee’s report, who observed in relation to this matter:

No reason is provided for this unprecedented transfer of power over part of the physical structure of the Parliament to the Executive Government. Making such a change would constitute a significant departure from the traditional independence of the Parliament and further diminish the role of the Speaker (and the Clerk, who under the Parliamentary Service Act is the chief executive of the parliamentary service).

I did not receive a response to this letter either.

Throughout January and February there was mounting speculation around the Parliament about a wider, more encompassing role within the Parliament for the proposed Committee of the Legislative Assembly, wider than that proposed in the Review Committee’s report.
In March, the Review Committee’s report was debated in the Parliament, and I found myself subjected to yet attack by the Member for Rockhampton, who claimed my criticism of two of the Review Committee’s 55 recommendations soon after its report was brought down was improper and intemperate, and a discourtesy to the members of the Review Committee, who the Member thought were at least owed the courtesy of first being allowed to put their case in the Parliament.

A couple of things struck me about this. Firstly, if the committee members had a case to put, why had not they put it in their report? Secondly, what about the discourtesy shown to the 80 Members of Parliament not on the Review Committee, to me as Speaker and to the people of Queensland when the committee decided it would ignore its terms of reference and bring down recommendations about which no one, I repeat no one, had had a chance to have any input.

By this stage we had moved from this particular Member attacking me in the media to actually standing in the House and being critical of the Speaker. And what did the government do about it? Precisely nothing.

The debate in Parliament of the Review Committee’s report did, however, produce the next major development in the removal of the Speaker from his administrative role in the Parliament, and it came in the government’s response to the Review Committee’s report, tabled by the Premier at the conclusion of her speech.

Tucked away in that document was confirmation that the rumours swirling around the Parliament over the previous two months about the Committee of the Legislative Assembly being in charge of everything and being appointed as the management committee for the entire Parliament – not just the committees, but everything, were in fact true.

In its opening sentence, we saw in the response document the first evidence of the goalposts being moved, the first signs of retrofitting the government’s response to the original grounds for a review of the parliamentary committees system, for the purpose of retrospectively providing grounds to justify the action it was about to take. The opening sentence stated:

*The Queensland Parliament, like most other Westminster parliaments, has maintained a system of committees of parliamentarians to monitor and inquire into aspects of Government administration, and to provide governance over the functions of the parliament itself.*

It then stated how in August 2009 the government had released a discussion paper, *Integrity and Accountability in Queensland*, how the discussion paper highlighted the importance of the Parliament having a high standard of scrutiny over the executive government, and how – and I quote – “In response to this feedback the government committed to creating a bipartisan committee to review the role of parliamentary committees in Queensland.”

Do you see the smoke starting to blur what is in the mirror? First, the reference to committees that provide governance over the functions of the parliament itself. Yes, that is true, there are such committees. Then the statement about setting up a bipartisan committee to review the role of parliamentary committees in Queensland. Yes, that’s also true.

But was the *Integrity and Accountability in Queensland* discussion paper ever meant to have anything to do with how governance over the functions of parliament is provided? No it was not. As I mentioned earlier, the discussion paper cited 16 pieces of legislation which it said formed Queensland’s integrity and accountability legislative framework.
The Parliamentary Service Act 1988, the Act that provides for governance over the functions of the Parliament, was not one of them. And nor should it have been.

And another point, was not the review committee set up for a very specific purpose, which was the role of parliamentary committees in examining legislative proposals, and whether Queensland parliamentary committees could more effectively evaluate and examine legislative proposals?

Yes it was. The government said exactly that at the time. And no, the review committee was not created to review how parliamentary committees in Queensland might be involved in the management and governance of the Parliament.

Next in the government’s response to the Review Committee’s report, we find the following statement:

*The report makes 55 recommendations. The government supports the majority of the recommendations which will fundamentally reform the parliamentary committee system and hence, the operation of the Queensland Parliament.*

So we have gone from parliamentary committees examining legislative proposals to suddenly the operation of the Queensland Parliament becoming part of what the government has on its drawing board for the Parliament. And a few sentences later:

*The Committee of the Legislative Assembly will be used as a governance committee for the Parliament.*

There you have it. In three easy steps a retrospectively justified scenario for the Committee of the Legislative Assembly being installed as the new management committee of the Parliament, minus the Speaker.

No person could have reasonably foreseen the creation of this committee or giving it the role that it has or appointing the people who are on it. Consequently, no one had a chance to have a say, and to have an input into what was being planned.

After some more smoke about how the government would let the Parliament finalise the way it wanted to implement the report, and how implementation of the government’s response would be shaped and informed by debate in the Parliament and by the wishes of the proposed Committee of the Legislative Assembly, the government proceeded to further outline the expanded management role it was granting to this committee.

In relation to the Review Committee’s recommendation about the Parliamentary Service Act 1988 being reviewed, this was in the context of the new Committee of the Legislative Assembly determining the budget and resources of committees.

However, in the government’s response, this context disappeared altogether. This was achieved by reversing the order of the elements of the recommendation.

There would be, to quote from the government’s response, “minor amendments to the Act”, related to the Committee of the Legislative Assembly having responsibility for determining the budgets and resources for committees. This should have been the extent of action required for the government to implement the recommendation concerned.
But the government’s response went further, a great deal further. “Additionally,” it stated, “the Government will refer the task of reviewing the Parliamentary Service Act 1988 to the newly established CLA”.

In this way, the government gave the Committee of the Legislative Assembly carte blanche approval to rewrite the Act that provides for the Speaker’s administrative responsibilities.

In relation to the Review Committee’s recommendation about transferring a large chunk of the Parliamentary Service’s responsibilities to the Department of Public Works, well this would instead be shifted from being the responsibility of the Speaker across to the Committee of the Legislative Assembly.

And in relation to the Review Committee’s recommendation about the proposed Committee of the Legislative Assembly having the functions of the Standing Orders Committee and the Ethics Committee, the government in its response proposed three major functions for the CLA. Firstly, it would be a House Business Committee. Secondly, it would consider changes to Standing Orders.

Thirdly, and I quote, “it will act as a committee to manage and ensure the implementation of the recommendations of the Review. That is, the CLA is to oversee the parliament’s budget, facilities management for parliamentary committees, maintenance for the parliamentary buildings and policies for the management of the Parliament.”

In this statement we see a wholesale rewriting by the government of the recommendations of the review. The Review Committee had in fact recommended only one out of the four nominated functions for the CLA enunciated in the government’s response.

The Review Committee had not recommended, as claimed in the government’s response tabled by the Premier, that the Committee of the Legislative Assembly oversee the Parliament’s budget, or maintenance for the parliamentary buildings, or policies for the management of the Parliament. It was the government that handed responsibility for these matters to the Committee of the Legislative Assembly, in effect creating it as the management committee for the Parliament.

I should mention here that there were two small consolations to emerge from the government’s response – the Speaker would be identified as a member of the Committee of the Legislative Assembly whenever it considered Standing Orders, and the government did not consider it appropriate that the Committee of the Legislative should not have the specific role of hearing and determining complaints against a Member in relation to a breach of privilege.

While the House agreed to a motion that the Review Committee’s report be noted, concerns were being raised outside the Parliament about what was being proposed, particularly as the reality of the proposed all-encompassing role for the Committee of the Legislative Assembly and what this meant for the role of the Speaker began to sink in.

Former Speaker of the Legislative Assembly of New South Wales, Kevin Rizzoli, was one of the first to speak out, saying how the strong representation of the executive on the proposed new Committee of the Legislative Assembly struck at the heart of parliamentary sovereignty.
Members of the Accountability Round Table issued a statement, condemning what it described as an executive takeover of the Parliament. In that statement, former long-serving Clerk of the Senate, Harry Evans, stated:

To give control and supervision over all things parliamentary affecting the Legislative Assembly of Queensland to a committee consisting of government ministers and opposition executives amounts to a vote of no confidence in the current Speaker and all future Speakers and in current and future backbenchers of all parties. It would vastly extend executive control over a parliament already notorious for executive domination.

In early April, I again wrote to the Premier restating my objections to the proposed changes, and advising it was totally unacceptable that the Speaker had been excluded from the new Committee of the Legislative Assembly.

I pointed out how throughout the Parliaments of the world, as well as being the presiding officer, the Speaker was centrally involved in administrative and management responsibilities.

Indeed, in the British Parliament the Speaker, by statute, is chairman of the House of Commons Commission. The commission comprises the Speaker, the Leader of the House, a member appointed by the Leader of the Opposition and three other members appointed by the House, none of whom may be a Minister of the Crown.

I also decided it was time to outline my concerns to Members, and did so in a statement to the House on the 5th of April. For the purpose of my address to this conference, I will attach a copy of that statement.

That same day, the 5th of April, the first round of legislation required to implement the various changes was introduced in the Parliament – the Parliament of Queensland Reform and Modernisation Amendment Bill 2011.

Over the following weeks, concerns about what was happening continued to grow. In a letter published in The Courier-Mail on 20 April, a group of eminent people expressed their concerns.

The signatories included former judge of the High Court of Australia Ian Callinan, five former Speakers of the Queensland Parliament and a former deputy Speaker, a former Queensland Premier, Rob Borbidge, former leader of the Liberal Party in Queensland Terry White, former Cabinet Ministers and former Members, together with a number of professors of law and other distinguished academics.

Also in April I appeared before the Scrutiny of Legislation Committee for its examination of the changes to the Parliament of Queensland Act, and spoke strongly against the changes, as well as the foreshadowed amendments to the Parliamentary Service Act. So too did former Speakers of the Queensland Parliament Jim Fouras and Mike Reynolds.

In its report on the Bill tabled on 10 May, the Scrutiny of Legislation Committee raised a number of concerns with the Bill, concerns subsequently dismissed by the government.

Included in its report were further observations by Harry Evans, who had made a written submission to the Scrutiny Committee, which are worth stating again here today. In part, Mr Evans had this to say:
Committee of the Legislative Assembly: composition

This committee is to consider "parliamentary powers, rights and immunities" and the rules of procedure of the Assembly. This is a combination of two spheres of immense significance to the operations of the Assembly. It is therefore highly undesirable to restrict the membership of the committee to government and opposition executive members or their nominees, with no direct backbench representation.

The likely result is that decisions on these important matters would increasingly reflect the imperatives of the executive rather than the rights of ordinary members and of the Assembly. A parliament should not be run by government and opposition leaders arranging things to suit themselves, and nor should a parliament be seen simply as a forum for the contest between two monolithic parties with procedures to match.

It is even more undesirable that the Speaker, who should be the representative of all of the members, should be relegated to the position of a second-class member of the committee, joining it only on matters of procedure, and in effect subordinate to the party leaders.

I have never seen a presiding officer treated in such a way.

Also worth reading is an opinion provided by Professor Gerard Carney, Professor of Law at Bond University, to the Scrutiny Committee on the Bill. It elucidates and illuminates many of the aspects of the role of Speaker in an informative and insightful way and I will attach a copy of it for you.

A little over an hour later, the government tabled an opinion provided by the Solicitor-General’s opinion, not only of the Bill before the House, but also of draft changes to the Parliamentary Service Act 1988.

Even though the Parliament had not seen this second Bill, here it was being presented with a legal opinion provided by the government’s Solicitor-General, accompanied by loud trumpeting that the opinion proved how wrong everyone had been in criticising the proposed legislation.

Basically, the Solicitor-General found that the proposed new laws did not breach the doctrine of the separation of powers, and even if they did there was no legal consequences.

I certainly do not claim to have legal expertise, but to me the Solicitor-General’s opinion regarding the doctrine of the separation of powers struck me as highly legalistic, and to some extent superficial.

Even with my limited knowledge, I am aware that in Australia the separation of powers is inextricably linked to the notion of responsible government.

You will recall my mentioning earlier that the Constitution of Queensland 2001 makes reference to the people of Queensland adopting “the principle of the sovereignty of the people, under the rule of law, and the system of representative and responsible government, prescribed by this Constitution.”

Yet despite Section 42 of the Constitution of Queensland stating that “The Cabinet is collectively responsible to the Parliament”, the Solicitor-General did not address the extent to which the Bill upheld the Constitution.

I regard changes that install the executive in charge of running the Parliament and dispose of the Speaker from having a role in the administration of the Parliament as inimical to the executive being
responsible to the Parliament, as required under the Queensland constitution, and certainly a matter deserving of comment in the Solicitor-General’s Memorandum of Advice.

Furthermore, the Solicitor-General’s opinion stated that “The proposed laws do not conform with the Westminster convention that the Speaker performs the administrative role of head of the parliamentary services”.

This alone suggests to me that the Bill now before the House is dangerously flawed. In a unicameral Parliament such as we have in Queensland, I would have expected an abiding commitment to the Westminster model rather than a departure from Westminster convention that involves a fundamental shift in the balance of power between the legislature and the executive, in favour of the executive, and a dilution of the application of the doctrine of the separation of powers.

The second reading debate on the first Bill occurred on 10 May and the Bill was passed on 12 May.

A little over a month later, the second stage of the legislative changes was introduced into the Parliament, in the form of the Parliamentary Service and Other Acts Amendment Bill 2011.

In terms of the Speaker being removed from having any administrative responsibilities, it was, according to the Premier, “simply a different way for the Parliamentary Service to be administered.” To me the Bill represents a monumental change to the way the Parliament is administered.

I have written again to the Premier, pointing out what I believe was a false impression conveyed to the House about the origin of the legislative amendments before the House both in the Premier’s second reading speech and also the Solicitor-General’s opinion.

Both inferred that the transfer of the Speaker’s administrative functions to the Committee of the Legislative Assembly was a case of the government implementing the recommendations of the Review Committee. To the contrary, the move to expand the role of the Committee of the Legislative Assembly so as to include the administration of the Parliament generally – a role that currently is the province of the Speaker – was first enunciated in the government’s response to the Review Committee’s report.

I also advised the Premier that I found it remarkable that the Solicitor-General would fail to notice the “chalk and cheese” difference between why the Review Committee was established and the legislation which had emanated from its recommendations and about which he had been asked to provide advice.

The Bill is due for debate in the next month’s sittings of the House.

You may well ask: what is the explanation and justification for not including the Speaker on the Parliament’s new management committee?

The common refrain appears to be that it is a mistake for the administration of the Parliament to be in the hands of just one person. Parliament needs to be administered by Parliamentarians, and in order to have a bi-partisan committee with equal numbers from each side, then there is not a place for the Speaker on such a committee.

The advocates of this approach are not troubled in the slightest by the collateral damage to the office of the Speaker and as a consequence to the independence of the Parliament.
I have said all along that I have no difficulty with having a management committee of Parliamentarians to administer the Parliament. I currently have a Speaker’s Advisory Committee, a fact conspicuously ignored by the Review Committee, and a management committee comprised of MPs would be an expansion of that arrangement.

I have said all along that my difficulty with the proposed Committee of the Legislative Assembly is who is on it, and who is not on it. The Premier and Deputy Premier should not be on it, full stop. And the Speaker should be on it, except when it meets as a Business of the House committee, and should chair it.

**Conclusion**

Here in Queensland there are major changes afoot to the role of Speaker. I regard what has occurred so far and what is proposed as extremely serious.

I go back to where I started – the Integrity and Accountability discussion paper – which described the role of the legislature under the doctrine of the separation of powers: The legislature makes the laws and, through its proceedings and committees, holds the executive to account.

How can we have the Committee of the Legislative Assembly holding the executive to account when it includes the executive’s two most senior members, the Premier and deputy Premier, and is made up entirely of the senior echelon of the government’s executive and the Opposition’s executive, and does not include the Speaker?

The ramifications for the Queensland Parliament are immediate. The role of Speaker has already changed under the first round of legislation passed by the Parliament – the Speaker no longer chairs the Standing Orders Committee, and the committee that will take over the Speaker’s administrative functions has been established.

The ramifications of the second stage of legislative amendments which are contained in the Bill now before the House are massive in the way the role of Speaker will be greatly diminished.

The ramifications for the Parliament are enormous in that instead of the existing separation of powers between the legislature and the executive being reinforced, there will be a combination and a collusion of powers.

The ramifications for other parliamentary jurisdictions are serious. I posed the question earlier: if this can happen to the office of Speaker in the Queensland Parliament, could it also happen to your position in your Parliament?

I will not speculate on the prospects of that happening, although I would observe that what happens in one jurisdiction is often used as a precedent to justifying another following suit.

While the passage of the Bill may be a foregone conclusion, there is still water to pass under the bridge before the Bill is debated and agreed to by the Parliament.

In the meantime I will continue to voice my concerns. I owe that much to the office I hold, to the Parliament, and by extension to the people of Queensland.