

THE SPEAKERSHIP IN QUEENSLAND - THE ANTITHESIS OF THE BISHOPRIC

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Despite its generally shady distant legislative past, Queensland has much to be proud of in the history of the role of the Speaker in this state since 1989, when Mr Justice Fitzgerald handed over his report on corruption in Queensland. The report considered the role of the Parliament:

In order to be an effective forum, Parliament must have sufficient resources to enable it properly to research topics and evaluate Government proposals. Parliament can easily be prevented from properly performing its role by being denied time and resources. Any Government may use its dominance in the Parliament and its control of public resources to stifle and neuter effective criticism by the Opposition.

This can be prevented by mechanisms such as an impartial Speaker. Because of its necessary numerical strength, the Government in a parliamentary democracy is obviously able to change or ignore the rules. In these circumstances the authority and neutrality of the “referee” is of critical importance. The Speaker cannot afford to adopt a partisan role, either voluntarily, or in order to retain the confidence and support of the Government party. If the Speaker enters the arena, there is a risk that Parliament will not be able to make the Government accountable.¹

It was appropriate that the recent article in *The Conversation* about what a Speakership ought to look like – and what it does look like in Britain – should be written by the son of former Queensland Premier, Wayne Goss, who was responsible for implementing the Fitzgerald reforms after the corruption of the Bjelke-Petersen administration had been exposed.

Ryan Goss argues that, ‘by making the speakership a political gift of the party in power, Australia is missing a major opportunity for democratic renewal of its parliament’.² Goss goes on to describe how the British deal with the role of the Speaker in terms of partisanship. Parties of all colours choose, when a vacancy occurs, someone with a reputation for even-handedness and thus someone likely to command respect for actions they take in defence of the whole institution, if necessary in confrontation with the executive. Anyone accepting the appointment and its attractive emoluments is opting out of party politics, secure in the knowledge that their tenure will not be challenged at subsequent elections. Powerful Speakers are those who stand up to the Government, not aggressively use the office to facilitate its agenda by offering them differential access to parliamentary time, access to parliamentary facilities for fund raising and personally participate in such partisan fund-raising. Bishop fails on all these grounds to meet traditional expectations.

¹ *Report of a Commission of Inquiry Pursuant to Orders in Council* (The Fitzgerald Report), Queensland, 1989, 3.1.1.

² Ryan Goss, *The Conversation*, ‘A truly independent speaker could renew Australia’s parliamentary democracy’, July 21 2115, <https://theconversation.com/a-truly-independent-speaker-could-renew-australias-parliamentary-democracy-44915>.

The British model has never, of course, been fully embraced in Australia, despite its clinging to the monarchy and the risible use of the imperial honours system by Mr Abbott.³ In Australia, the Speakership is included along with all other government appointments made after each election. It is often identified as a useful, exceedingly well-paid reward as an alternative to offering Ministerial office for those with a sense of entitlement for recognition of past services.

Ryan Goss would be buying for the moon if he felt that Prime Ministers and Premiers would give up this patronage lightly by permitting a genuinely free election for the Speakership among all parliamentarians, or even allowing a decision within the party room. But Mr Abbott showed his customary pugnaciousness in choosing a confrontational figure not especially warmly regarded by his own backbench and other Ministers.

The Prime Minister is now living with the consequences of that choice. There can be no doubt that the way in which Bronwyn Bishop has behaved as Speaker has brought the office into disrepute at the federal government level.⁴ The problem has been magnified by her recent response to criticism of her choice of transport. But her behaviour in the role has long been a source of anger among parliamentarians outside the governing coalition and a source of embarrassment from those inside. The aggressive partisanship with which she has exploited her formal powers and access to patronage must go beyond even the expectations of Mr Abbott.

The Prime Minister, given his admiration for all the pomp, ceremony and pageantry associated with the British version of the Westminster Model must be aware of the gap. By condoning her behaviour, he has weakened his own standing among those within his own party loyal to the British tradition of respect for parliamentary processes.

The *Courier Mail* is often a bell-wether for conservative opinion in this state. On Friday 24 July, Terry Sweetman suggested that Bishop has focussed attention on the way all politicians have access to luxurious allowances but she is profoundly irritating the public by her refusal to apologise or even appear contrite. A front-page photoshop image of a French queen seemed deliciously relevant.

Sweetman notes that 'the smart money is that she will survive because she is an old party pal of Abbott, rounded up the numbers when his job was in danger, keeps an eye on his seat while he is busy, and runs Parliament just as he likes it'. Sweetman continues by suggesting that 'this may well be so but they seem feeble and selfish reasons to keep in office a woman who has done so much to diminish the reputations of Parliament and those who inhabit it'.

³ The British model has been sullied by the revelations of widespread abuse of entitlements. These led to resignations and criminal charges in some cases. The high point came at the end of July when John Buttfant Sewel, Lord Sewel of Gilcomstoun, was forced to resign as Deputy Speaker of the House of Lords. Sewell also resigned from the office of chair of the Lords 'Privileges and Conduct Committee' where he had reported on the major steps his committee had taken to 'protect its reputation and punish misconduct by its members'. He was facing police investigation. 'Lord Sewel's resignation comes after The Sun on Sunday published a video showing him using a five pound note to snort a white powder off a table top in the presence of sex workers'. Apart from the currency, he could have been mistaken for a Gold Coast footballer. The issue of abuse of entitlement is summed up in a quote from the video in which he discusses the allowance he gets as a peer and tells the two women: 'It's not (for) lunch, luvvie darling - it's paying for this'. ('Lord of Bad Manners, *Courier Mail*, 29.7.15. See also 'Can Bronwyn Bishop learn anything from the UK expenses scandal?', Louise Thompson, *The Conversation*, 22.7.15, <https://theconversation.com/can-bronwyn-bishop-learn-anything-from-the-uk-expenses-scandal-44930>

⁴ Madonna King, 'Bronwyn Bishop and an image emblematic of what went wrong', *Brisbane Times*, 22.7.15, <http://www.smh.com.au/queensland/bronwyn-bishop-and-an-image-emblematic-of-what-went-wrong-20150722-giib7r.html>; Louise Thompson, 'Can Bronwyn learn anything from the UK expenses scandal', *The Conversation*, 25.7.15, <https://theconversation.com/can-bronwyn-bishop-learn-anything-from-the-uk-expenses-scandal-44930>. Bishop's latest debacle has led to articles analysing her political track record, such as David Leser's 'Bronwyn Bishop's lifelong gambits', <https://www.thesaturdaypaper.com.au/news/politics/2015/07/25/bronwyn-bishops-lifelong-gambits/14377464002167>; or Rose Donohoe, 'The best Bronwyn Bishop 'Chopper-gate' memes', *New Daily*, 20.7.15, <http://thenewdaily.com.au/news/2015/07/20/bronwyn-bishops-expenses-revealed/>

Speakers in the Queensland Parliament

Queensland offers a striking contrast. Successive Speakers, going at least as far back as Mike Reynolds (Speaker from 2006 to 2009) have not been seen to be cyphers under direction from the Premier and even earlier ALP Speakers like Jim Fouras (1990 to 1996) were deeply imbued with a scholarly commitment to the ideals of impartiality. Both Reynolds and then John Mickel (1990 to 1996) had been Ministers prior to accepting this position, which was unprecedented in Queensland where the job had always been seen as a consolation prize in the gift of the Premier for someone missing out on a Ministry. Reynolds made a notable contribution in using his position to promote the Indigenous presence in the precinct (flags, room namings, ceremonial didgeridoo).

The most outspoken of them all – the most recent ALP Speaker, John Mickel – had very public confrontations with the ALP Premier of the day, Anna Bligh, over changes to Parliamentary rules and procedures which undermined his capacity to manage the business of the House and secure the resources needed to fulfil its representative mission.

In a forum on the role of the Speaker in improving executive accountability in Queensland, held in 2011, there was discussion of a wide range of changes which strengthened the role of the committee system in response to a bipartisan report. The record of the forum reported that Mickel had a major reservation about an otherwise impressive range of changes:

The removal of the Speaker from any administrative role in relation to the Parliament is a major departure from Westminster practice. (Mickel) said he had no issue with the Speaker being replaced by a board of management of MPs responsible for administration of the Parliament – so long as the Speaker was included as its chair. He said much had been made of how a board of management of MPs was preferable to having administrative responsibility for the Parliament solely in the hands of the Speaker. This did not however, explain why the Speaker was being excluded from the new Committee of the Legislative Assembly and ignored how in recent times Speakers had consulted on all major administrative matters with their Speaker's Advisory Committee. Mr Mickel said inclusion of the Premier and Deputy Premier on the CLA, combined with the exclusion of the Speaker from the new management committee, represented an unwarranted intrusion by executive government into the conduct of the Parliament.⁵

Mickel threatened to resign as Speaker over the issue.⁶ After the change of party government in 2012, the incoming Premier Campbell Newman showed little interest in the niceties of parliamentary procedures, not unexpected given his only frame of reference being the Brisbane City Council where he held the directly-elected Mayorality. Given his overwhelming parliamentary majority, he had the numbers for total dominance which undermined the provisions of the earlier report on the committee system and its assumption of near-parity between the two contending forces.

However the Speakership was largely undamaged under Newman. Like Mickel, Fiona Simpson (2012 to 2015) represented a major intellectual force within the party and a contender for party leadership if circumstances drastically realigned. For Mickel these circumstances did not occur and he left Parliament to take up a career in academe which drew on his long previous experience in and around Ministerial offices. Remarkably, in the interregnum between the change of government, Mickel mentored his LNP successor and she continued procedural reforms that he had instigated so they became embedded in the system, ensuring a greater degree of formality in the proceedings.

Simpson accepted the Speakership for much the same reasons as Mickel – a second prize compared to the senior Ministry which she felt she deserved because of her seniority within the urban wing of the old National Party. She was able to draw on long parliamentary experience and a family tradition of service in Parliament to fight for the prestige and authority of the office. Those

⁵ Report on Accountability Forum: the role of the Speaker - improving executive accountability in Queensland, Public Policy Institute, Australian Catholic University, https://www.acu.edu.au/__data/assets/pdf_file/0005/352859/Summary_of_Accountability_Forum_10082011.pdf.

⁶ Steven Wardill, 'Speaker John Mickel quits in protest after having powers handed to committee of MPs, *Courier-Mail*, Brisbane, 11.8.11.

closest to Parliament and working inside its bureaucracy came to respect her commitment to the ideals of the office, even if those around her in her own party felt less constrained. She was no Bronwyn Bishop.

But she was prepared to make a heavy-handed response to political dissent, particularly in her strident defence of the Parliamentary precinct against any public or media demonstrations critical of the Government. Her ban on the use of any television cameras apart from those provided by the parliamentary service did not endear her to the media. Casual visitors were inhibited by dress codes and the presence of security officers in the visitor's gallery. In the eyes of some, she facilitated the Government's use of its numerical dominance to weaken the committee system and rush through legislation without adequate opportunities for comment by those affected, although she never resorted to the unrelenting partisan vindictiveness of her federal counterpart.

When the electorate reacted unfavourably to the activities of a rampant Newman executive and its perceived abuse of the separation of powers, Simpson broke with precedent by offering herself as former Speaker to be a candidate for the merged party's leadership. Not at all British. The strength of her candidacy was the distance she had legitimately placed between the office of Speaker and the activities of the Government, a very different situation from the Canberra scene.

Simpson also had a power-base in the National Party's Sunshine Coast heartland and a strong ethical dimension flowing from being a committed evangelical Christian. (Not that overt religiosity has been an impediment to hypocrisy in other leaders either locally or in Canberra). In the end, she may have fallen between the two stools of the hard-headed rural tradition of the old National party and the economic rationalism of the urban Liberals strongest in Brisbane and on the Gold Coast. Nevertheless the fact of her candidacy re-established her as a power-broker able to command a senior portfolio on the opposition front bench. The respect she commanded as Speaker made her too significant to be ignored.

Simpson was succeeded in more tumultuous circumstances by someone who offered an even stronger contrast to Bishop - and an unwavering proponent of non-partisan rationality. Peter Wellington's hold on the balance of power in association with a maverick duality of Katter Party members placed him in a powerful bargaining position. In accepting the Speakership, he made clear that he meant to create a genuinely independent authority for the office and for the values which had traditionally underpinned it. Wellington made it clear that he would be prepared to exercise his potentially determinative casting vote on the basis of arguments offered in the chamber on any issue on which the confidence of the Government itself was not at stake.

It is early days yet, but Wellington is conceivably more influential in terms of decision-making than any other Speaker in any other jurisdiction. The British Speaker might enjoy a security of tenure unlike anyone in Australia - and Wellington in particular - but there is rarely such a close division in the Commons with over six hundred members that a casting vote comes into contention. By contrast, Wellington's opinions matter on every issue facing the ALP and his perception of the way the Speakership should function will be the way that Parliament operates in practice. For once, Queenslanders can be proud of being different.⁷

⁷ Wellington is not unique in holding the office of Speaker as an independent with the balance of power. Tasmania probably came first. I remember as a teenager being told that Mr Bill Wedd was the second most important politician in Tasmania after Premier Cosgrove. Wedd served for two terms, retaining a pivotal position even after the parties combined to increase the number of parliamentarians from 30 to 35. He served as Speaker between September 1949 and June 1950.