

17. Conclusion: do the 'ayes' have it?

The Queensland Parliament is an inherently political and adversarial institution—vibrant in some areas, moribund in others. Under the *Constitution*, it is principally its own 'boss' and has all the strengths and weaknesses that concept implies. If perhaps not Australia's most reformist parliamentary institution, it nevertheless is not a static institution in any way. It changes over time as circumstances change; it is refreshed with new personnel and procedures; it can be analytical or banal; it can display prudence or excess; it can be characterised by goodwill or enmity; it can be a workhorse or it can be symbolic. In many ways, parliament is a mirror of society, reflecting its values, visions and apprehensions. It consists of elected members who represent specific constituencies at the local level and who share the concerns and biases of those communities. Parliament can also react to itself and become self-referential, and it will take heed of coverage of itself and its activities by the media and react to changing attitudes and the expectations of the wider community.

Parliament is an important part of the political system, but it is only *one* part of that system. Although it considers itself supreme, it has rivals and combatants and other institutions vying for attention. The other components of the political system include the executive, which sits in and dominates the Parliament but is separate from it. So too are the media, the courts, other levels of government, the array of interest groups and social movements, other forums and tribunals and the citizenry. In short, the Parliament is not an island sitting alone in deliberation; it is a player in the system and not necessarily centre-stage at all times.

Perhaps the best way to consider the workings and outcomes of the Queensland Parliament is to think of it as the coming together of four sets of influences. These are

- the place where the legitimate expression of politics occurs, which meets at relatively regular intervals, where events and activities take place and where power is exercised
- the people who make up the institution, the interests and constituencies they represent, their personalities, their qualities and foibles
- the political agendas, ideas and discourses that flow through and inform parliament, its debates, grievances and controversies
- the practices and procedures that provide order, the rules of the game and the terms of political engagement.

These influences are discussed below in relation to the Queensland Parliament during the period 1957–89.

Parliament as ‘place’: a political institution

The Queensland Parliament is an adversarial place where events, decisions and outcomes take shape. It is a highly formalised institution, with a physical presence, a building and facilities. Some of its traditions date back centuries through the influence of English parliaments, but also new and reconfigured conventions are constantly being applied. The Chamber is a special place of debate with its own special ‘privilege’ and other important protections, and with public records of its business.

A history of the Parliament has to be sensitive to these institutional structures, events and developments. Politically significant events also occur, however, outside the Parliament. A history of the Parliament is not a history of the whole society or of all dimensions of politics. It is not a history of the entire state and everything that occurs within it. Indeed, parliament is in many ways only a subset of these broader concerns and is often selective about the issues on which it chooses to focus.

It is, therefore, incorrect to think that parliament deals only or mostly with the important matters of state. Some momentous issues are not much evident in its records and developments occurred in Queensland during these decades that did not attract a great deal of attention from the floor of the Parliament. The police raid on Cedar Bay in 1976 was one case that for various reasons attracted little serious debate at the time. Indigenous issues were not at the forefront of the Parliament’s agendas during the time covered in this history. One additional reason for this is that the Parliament was often not sitting when tumultuous events were taking place. It was not uncommon in the period for parliament not to be sitting for months at a time—sometimes up to six months and even up to eight. The Assembly generally sits for about 60 days a year (that is, there are 300 days when it does not sit). A particular event could be over when the Parliament finally came back into session, meaning the event received no serious attention or debate. Subsequently, mention could be made through a comment tacked onto a speech on some other matter, or the occasional throwaway line here and there. Conversely, some less significant issues or trivial things could consume or waste an enormous amount of time.

The Queensland Parliament is a winner-takes-all institution and, so, to the victor go the spoils. The party or parties able to form a majority and govern are also able to control the legislature. There were many dimensions to this control. The government always selected the people to fill the senior positions including

the Speaker, Chairman of Committees and the deputy chairs (which for most of the time contained only one or maybe two non-government members; see Chapter 1 for a list of these offices). The government steadfastly refused during this period to contemplate having an open (non-whipped) vote for the Speaker or for senior positions (including chairs of committees). Significantly, for most of the time, the Parliament had no parliamentary committee system in existence, although belatedly a scrutiny of legislation committee was established followed by an accounts and works committee in 1988–89. Again, the government also claimed the chairs of these committees. There has not yet developed a tradition whereby non-government parliamentarians are expected to take responsibility for chairing these potentially important committees. Although the opposition may provide the deputy chair, it is rare that they get to chair the committee themselves.

During the period of this history, the government's domination over the House ensured that only government business was ever attended to. With the exception of grievance motions (matters of public importance, want-of-confidence motions), there was almost no non-government-led business to mention and certainly no private member's bills to debate. It was a closed shop.

Parliament and its people

Parliament is an institution of people with interests in politics and public policy. They have ambitions, egos, reputations, jealousies, rivalries, likes and dislikes and even hatreds. In some ways, these qualities are what make parliament work as a deliberative forum where the interests of electors are represented, given voice and grievances aired. During this period, many members made carefully structured contributions to the debates and raised searching questions, taking their contributions very seriously. Others were less careful and put little thought into their occasional contributions or spoke off the cuff.

Politicians enter parliament with a range of skills and from different walks of life, with different backgrounds and motivations for being there. In the period of this history, some were dedicated, honest and conscientious, but few were angels. Many were eccentrics and had their own foibles or idiosyncrasies and some had dark secrets that sometimes emerged much later in their careers. Some, like Tom Hiley, were known for their dandy style of dress and walking with a cane. Others were known for what they consumed—whether it was food or alcohol. Others became notorious for their meanness and parsimony of purse. Paradoxically, two of Labor's more effective opposition spokesmen during the period (Bill D'Arcy and Keith Wright) would later both be charged with serious crimes and jailed. A good many politicians, including one premier, died in

office, as sitting members (a list is included in Appendix 3) or very shortly after leaving parliament. The high rate of fatalities was predominantly because politics was a second career and perhaps personal lifestyle concerns were not then such a priority.

Because parliament was composed of political opponents who often had long histories of personal conflict, members would often express their adversarialism in personal terms. To leave these personal dimensions out or censor them would not be to present parliament as it really was. Members would often resort to name-calling or invective and descend into personal abuse. ‘Dishing it out’, as it was called, was a routine weapon in the political arsenal of members. So, too, was making allegations about one’s opponents to await a predictable reaction. Even frontbenchers who were responsible for leading their own side of politics were not averse to handing out the occasional personal invective—such as Tom Burns, Ron Camm, Ed Casey, Llew Edwards, Bill D’Arcy, Keith Wright, and later, both Mike Ahern and Wayne Goss could go feisty rounds together. Burns was once ejected from the House for refusing to withdraw a remark after he had alleged the Treasurer, Llew Edwards, had come to him ‘snivelling looking for preferences’. When Edwards objected, Burns said to the Speaker, ‘I am sorry, but you will have to throw me out because I won’t withdraw or apologise to the worm ever’ (*QPD* 1982:vol. 288, p. 81). They were meant to be debating an appropriation bill. On another occasion, Burns claimed that ‘half the people in the National party in the North cannot read’ and, when Martin Tenni complained, Burns called him a ‘mongrel dog’ who liked to hand it out but who ‘does not like to cop it’. Again, when asked to withdraw the remark, he said, ‘I withdraw the words “mongrel dog”. I will call him an average dog, or just an ordinary dog’ (*QPD* 1981:vol. 285, p. 3072). There were few moments of real affection or empathy, with the main exceptions being immediately after the deaths of respected members such as Jack Pizzey, Kev Hooper and Denis Murphy. The Parliament was rarely amicable after 1969.

Some members liked to behave as buffoons, with perhaps the main culprit being Tom Aikens, who for decades was prone to talking absolute nonsense and making speeches consisting mainly of vituperation. Like Ted Walsh, Aikens in his day could be a forceful opponent. Independents in particular often felt more able to criticise both sides simultaneously and occasionally raised issues that neither side wanted aired because there was a ‘code of silence’ between the major parties on some issues. Their influence waned, however, as the decades wore on and there were no genuine independents after Aikens retired (although Hartwig was elected as a sole independent in 1983). Beside Aikens and Walsh, these spirited individuals included ‘Bunny’ Adair, Arthur Coburn and, after they fell out with their parties, Alex Dewar, Ed Casey and later Lindsay Hartwig. Some members liked to develop a reputation as opinionated loudmouths, inveterate

muck-rakers or chose to contribute mainly by baiting the other side—and often these members were somewhat renegades on their own benches, such as Des Frawley, Lindsay Hartwig, Lou Jensen, Brian Davis, Ray Joe Kruger and Lew Yewdale. Most of these members remained perpetual backbenchers with little chance of being considered for the ministry or shadow ministry. A few who became ministers or opposition frontbenchers were similarly inclined, including: the Nationals' Wally Rae, Russ Hinze, Don Lane and occasionally Ken Tomkins and Ivan Gibbs (as well as Brian Austin in the Ahern years) and Labor's Col Bennett, Tom Burns, Pat Hanlon, Fred Bromley, Ed Casey, Kev Hooper, Bill D'Arcy, Doug Sherrington, Percy Tucker and later Bob Gibbs. None of them was shy about 'dishing'.

Other members were more conciliatory and could display professional courtesies. Terry Mackenroth, one of Labor's emerging 'hard-men', worked cooperatively with Bill Hewitt and Sam Doumany. Llew Edwards thanked Bill D'Arcy for his cooperation on the Statutory Bodies Financial Arrangements Bill, claiming 'although at times we tend to throw insults across the Chamber, I want to acknowledge the co-operation that I have received on this occasion, particularly from the honourable member for Woodridge' (*QPD* 1982:vol. 288, p. 626). On a few occasions members would work cooperatively on informal bipartite or tripartite committees, but generally only on non-contentious matters (such as consumer affairs protection in 1970).

Political agendas and discourses

Political ideas and policy agendas are the lifeblood of a parliament. The Queensland Legislative Assembly could go from great visions of substance and import to squalid diatribes on censorship issues or recollections of what dresses Mae West once wore. Those members standing up to speak from their 'own seats' in the Assembly (not at a dispatch box) could wax eloquently over issues of high politics and great moments of state and then meander on to the mundane and totally trivial. Because the House had a fair diversity of business matters to cover, on most sitting days its proceedings were often bitty and disjointed. Questions, ministerial statements and formal debates were piecemeal, often tangential and sometimes quite unrelated to each other. The exceptions to this were the set-to debates when both sides would 'debate' each other for 10 to 12 hours on a topic of passionate interest (votes-of-confidence motions, industrial laws, the Essential Services legislation, SEQEB or, at the end of the period, the responses to the *Fitzgerald Report*). Generally, there was no right, say, to respond to a ministerial statement or question the minister directly on its contents. In speaking to a bill, after the mover and seconders had introduced the debate and had attracted two opposing speakers, the debate would proceed usually with

alternating contributions. Although speakers were successively alternated in this way, nothing required each debater to respond necessarily to any previous points made (or sometimes even the main point of the debate). Sometimes debates could appear almost as exercises in random thoughts.

Parliamentarians were themselves largely responsible for choosing the topics on which they elected to speak and for selecting the content of their contributions. Together, the whips usually agreed the time allocated for debates, how many speakers would participate and in which order they would appear. Each speaker would, however, have some latitude in deciding what they spoke on and how they chose to address the topic—perhaps factually, polemically, generally, with detailed criticisms or resort to bluster. Some speakers were given short notice by their own whips or party leaders and occasionally members would admit to having drawn the short straw in having to make a contribution. It was frequently the case that government legislation was presented to the Parliament without much, if any, prior warning, not only to the opposition members but to the government's own backbench too. Certainly, the debates in parliament may be initiated (and overall controlled) by the executive, but the content, the ideas and the agendas are fashioned by the members themselves. Members who had a burning issue to get off their chest invariably did so—even if not necessarily at the time of their own choosing. The question remains, however, did these contributions have much impact or effect? The answer, for most legislation, was not much, which is one reason why allegations of impropriety were often made by the opposition as a means of gaining some attention and perhaps action.

The Address-in-Reply debates to the Governor's opening address or budget debates could roam aimlessly into meandering monologues, touching on any topic of particular concern to the member nominated to speak. They were notoriously laced with tangential padding, with members returning to favourite topics or personal obsessions—over time banging on again and again on the same issue. At various stages this was the availability of racy stories or the Premier's use of his aircraft, what Labor's factions were up to this week, aspersions about the judiciary, rumours of Coalition disharmony, women taxi-drivers, tips for the greyhound or trotting races and even where police were placing speeding traps. It seemed a continual battle to hold the attention of members for any length of time. Some members attempted to curtail the number of days allotted to these 'debates' because after one or two of the leaders had spoken they rapidly degenerated into little of any consequence.

The main exception to this characterisation was in the period from the end of 1987 to 1989, with a new Premier and, more importantly to this particular matter, a new opposition leader with a far more disciplined and targeted strategy of opposition. Although it was an acrimonious parliament with everything to play for at the 1989 election, the quality of ideas, questioning, investigative

scrutiny, the research and thematic coherence improved markedly. A number of Liberal members were also beginning to raise issues against the government during this time from the cross-benches.

Question time also allowed agendas to be pursued. Questions ranged far and wide, sometimes becoming mini-speeches rather than questions, and some members became quite accomplished at delivering a pointed political attack while asking a loaded question. There were some general questions about overall accountability or the government's policy approaches, but most were about electoral matters, usually about some local complaint or timing issue. Although questions always received a response (even if it was a one-word response such as 'No'), they did not always necessarily receive an answer. For about half of the period covered by this history, questions were allowed only on notice (and had to be given to the Speaker ahead of question time before 1970), but thereafter questions were allowed without notice, but in most cases some form of written notice was still required. Only towards the end of the period were questions truly 'without notice' allowed. And follow-up questions by the same questioner—common in some other jurisdictions—were not usually permitted. It is also clear that many members did not put much effort into investigating issues on which to ask questions, relying on the media to provide them with convenient topics. The *Courier-Mail* was a constant source of available ammunition and sometimes the limit of their research. Criticisms of the lack of adequate resources available to the opposition throughout this period should also be borne in mind.

Probably about three-quarters of the questions asked during the period were serious attempts at eliciting important information and scrutinising ministerial responsibilities (even if the question was based on scuttlebutt). Others, however, were in the category of 'ridiculous questions'. For instance, Norman Lee (Lib., Yeronga) asked a new Primary Industries Minister, Mike Ahern, about the quality of rump steak in Queensland, inquiring whether the minister knew that the manager of the Parkroyal Motor Inn had complained about the local quality and taken rump steak off his menu. Ahern said he read the report in the paper that morning 'with disbelief' and that he was sure it was a 'silly assertion'—yet perhaps no more silly than the question itself (*QPD* 1981:vol. 282, p. 341). Later, another question was asked about whether kangaroo meat was being substituted for beef in butchers' shops (*QPD* 1981:vol. 284, p. 1838).

If the executive could control outcomes by relying on its numbers, it could not keep contentious issues permanently off the agenda or prevent issues from recurring, sometimes with repetitive frequency. Lobbying from business, the unions, developers, the gaming industry, local councils, churches and moral crusaders could keep up the pressure over certain issues, keeping them

regularly at the forefront of debate. During this period, examples included: the introduction of poker machines, casinos, mining leases, leisure resorts, exemptions from planning, film censorship and promiscuity.

Practices and procedures, and the limits of political engagement

The Queensland Parliament, like every other, runs according to certain practices and procedures. These constitute the rules of engagement and while they might appear to be neutral are weighted in the government's favour because of its ability to enforce its chosen tactical option. The executive dominates parliament through a combination of Governor-in-Council decisions (the ability to summon and dissolve the Assembly) and its control of the House under the *Standing Rules and Orders*. The executive determines when parliament sits and rises, for how long it sits in a session, when it adjourns for the day or for how long it will be asked to continue debating late into the evening or night. The executive also sets the budget for the operation of the Parliament and usually it did not have much interest in adequate resourcing or in assisting members with research or facilities. Resources provided for the Assembly were tightly rationed (for support to members, for staff, travel, library resources and administrative support); and this would later be given, by both the *Fitzgerald Report* and the subsequent research of the Electoral and Administrative Review Commission, as one of the weaknesses in the accountability parliament was able to exert on executive government.

Most importantly, the government always imposed tight control over the daily agenda of the House, determining what went on the business paper each day and what would be discussed (and could, and sometimes did, change this during the day itself). The *Standing Orders* are the crucial ingredient in this control and those in operation during the period covered by this volume were the product of more than a century of rule augmentation covering the internal procedures governing the House. These *Standing Orders* restrict what kinds of questions are allowed, how long question time lasts, what forms of discipline governments can impose over opponents, the ability to 'gag' the opposition, how documents are tabled and what opportunities oppositions have to state their case, raise grievances or take up points of order. They limit the scope for political engagement to a formulaic but manageable exercise. The Speaker is the enforcer of these rules and would often constrain how far an opposition could go in pursuing some matter and favour the government in specific rulings. Equally importantly, the government could always use its numbers to refuse any opposition request and even expel members for various periods.

Critics often made accusations that the *Standing Orders* were archaic and inflexible. There was ample criticism that the rules had not kept pace with modern parliamentary practice elsewhere and indeed until the early 1980s the government had steadfastly refused to allow the committee overseeing these rules ever to meet. Although each parliament would appoint members of a Standing Orders Committee, it would never meet because the government refused to call it together. Even when the Standing Orders Committee (of senior ministers and opposition frontbenchers) did meet in 1980 the prevailing orders were hardly relaxed.

One of the most extreme controls is the expulsion of a member (usually an opposition member) for a variety of reasons (showing dissent, contempt, misbehaviour or unparliamentary language that is not withdrawn). Speakers can order members to 'withdraw' if they (or what they said) were considered to be out of order, meaning that they were prohibited from further attendance but for that day only. For more serious breaches, however, on a motion from the Leader of the House or a senior minister, the Assembly can vote to suspend an offending member for a given number of days. A full list of suspended members is included in Chapter 13, while a longer list of members asked to withdraw for the day is attached as Appendix 4.

Under Westminster conventions, ministers exercise ministerial responsibility usually by attending the House when in session and appearing at a minimum at question time and in key debates over legislation they have introduced or for which they will be responsible. Such conventions were adhered to relatively closely in the Nicklin and early Bjelke-Petersen years, but gradually discarded in later years. As the Bjelke-Petersen Premiership wore on, it was not uncommon for ministers to skip question time entirely or absent themselves when their legislation was before the House. The Opposition Leader, Ed Casey, asked in November 1981 why nine ministers were missing from question time and who was going to accept questions on these portfolios. In 1982, Casey again complained that only four ministers from a ministry of 18 were present, claiming question time was becoming a 'farce' and that *Standing Orders* should require ministers to be in attendance (*QPD* 1982:vol. 287, p. 5125). Some ministers came in for particular criticism for repeated absences during question time (such as Llew Edwards when he was Treasurer). Bjelke-Petersen when he was both Premier and Treasurer from 1983 to 1987 almost never sat through budgetary debates, as Gordon Chalk and Bill Knox often did.

In an almost senseless show of petulance, the Bjelke-Petersen government would not publicly accept the concept that the opposition was an 'alternative government' waiting in the wings. The government rejected any notion of a 'shadow ministry'—not only Bjelke-Petersen, who was belligerent on this point, but other senior ministers were hostile to the idea. Some senior Liberal

ministers would acknowledge that the opposition had appointed a spokesperson who would take the lead on matters in their portfolio, but it was far from formal recognition. In the late 1970s, the Parliamentary Library once got into enormous trouble when it asked the Labor opposition for its list of shadow spokespeople and published it as the shadow ministry (thinking they were doing a public service, for the convenient reference of the media and other interest groups, and so on), but the Premier chastised them for doing so. One of the many reforms allowed by the Ahern government was to recognise the shadow ministry and allow Labor to table its spokespeople. It was a small, but important, recognition of the legitimacy of the opposition within parliamentary democracies.

The ‘ayes’ control proceedings, but still need consent

Finally, the title of this volume is ‘The Ayes Have It’, and there can be little dispute about the certainty of this outcome throughout the bygone era covered in this study. The history of the Queensland Parliament during these decades clearly showed that almost invariably the ‘ayes’ controlled the proceedings, decided things their way and determined what results they wanted (even election results). As Bjelke-Petersen once said, ‘the numbers are the only things that matter in politics’ (cited in Chapter 7). There was little the opposition could do to prevent abuse, excess or unaccountable behaviour. The ‘ayes’ might have ruled the day, almost to the point of despotism, but over time they could not prevent the accumulation of demands for systemic reform. All parliamentary systems—even harsh ‘winner-takes-all’ systems—operate in a social, political and legal context; a context that implies consent, which can resist if necessary and urge reform. In Queensland, that ‘context’ eventually did fight back, especially in the aftermath of the Fitzgerald Inquiry. A quiet social revolution started in Queensland politics about the time of the passing of the Bjelke-Petersen era. This social revolution imposed new reform agendas on Queensland’s system of parliamentary democracy, placed constraints on unbridled executive power and targeted misconduct and corruption that had been allowed to flourish. As a final reflection, the ‘ayes’ could make history most of the time, but not always under the conditions of their own choosing.