



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**HOUSE OF REPRESENTATIVES**

**PRIVILEGE**

**SPEECH**

**Thursday, 26 February 2009**

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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## SPEECH

**Date** Thursday, 26 February 2009  
**Page** 1935  
**Questioner**  
**Speaker** Pyne, Chris, MP

**Source** House  
**Proof** No  
**Responder**  
**Question No.**

**Mr PYNE** (Sturt) (9.20 am)—Thank you, Mr Speaker, and thank you for the statement to the House on the privileges matter. As you would imagine, it does not satisfy the opposition's desires with respect to what we regard as a very serious breach of privilege; therefore—by leave—I move:

That so much of standing orders be suspended as would prevent the member for Sturt from moving immediately:

That the following matter be referred to the Committee of Privileges and Members' Interests: Whether the actions of the Deputy Prime Minister, by:

- (1) issuing Members of Parliament with a form requiring that they indicate whether they wish to be informed of, or participate in, launches and ceremonies at new buildings and redevelopment of their local schools, with the intention being that only through registration will Members be allowed to participate;
- (2) changing the guidelines for the launches and ceremonies associated with the former government's Investing in Our Schools Program:
  - (a) to prevent schools from inviting their local Members of Parliament; and
  - (b) so that they now require the officiating individual at any such launch or ceremony to be a member of the Australian Labor Party; and
- (3) instructing schools to disinvite their local Members of Parliament from attending programs and announcements at those schools, where the local Member of Parliament is a member of the Coalition,

amount to improper interference with the free performance by members of their duties as members.

We understand the limitations with respect to what can be done with a government that is drunk with power and incapable of allowing free democratic processes to take their course. We in the coalition are deeply concerned about the infringement of our rights as members of parliament with respect to launches, ceremonies and opening events at schools in relation to the Investing in Our Schools Program. The key point to make today is that the coalition's guidelines, from when we were in government before 2007, have been demonstrably changed by the current government to be much more strict and much less capable of allowing members of parliament to perform their duties. Let me explain why that is the case.

When we were in government the Investing in Our Schools guidelines for 2007 required that a minister be invited to all opening ceremonies. It also required that a representative of the government be given the opportunity to open those events. In practice, that meant that often a coalition government senator would get the opportunity to open a school event. Most senators usually did not get the opportunity to open school events in electorates, whether they were Labor electorates or coalition electorates. We left open the fact that schools would organise those events, but they would work with the department to organise those events. We never at any point suggested that schools not invite their local members of parliament. I am not aware of any occasion when we were in government when a Labor member of parliament who had been invited to open a school events was then 'disinvited'. Mr Speaker, that has happened to the member for Hinkler, who is in the House and who has written to me, and that is the basis of the reference to the Standing Committee of Privileges and Members' Interests that we asked you to rule on. The shadow minister for education and I were bizarrely disinvited from opening an Investing in Our Schools Program event just last year at the Paradise Primary School in my electorate of Sturt.

I reiterate that the coalition government's guidelines have been demonstrably altered. The Deputy Prime Minister keeps repeating that they have not been changed one iota. Let me give two very clear examples where they have been changed. The House will be most interested to hear this. The new guidelines for the Investing in Our Schools Program, right at the beginning, referring to inviting the Minister for Education to an opening ceremony, say: 'Schools should not invite the minister or their local member directly. The department coordinates

all opening ceremony requests between the minister's office and the school.' So the invitation goes to the Labor Minister for Education's office, and they will apparently invite the local members of parliament in coalition seats. Previously, the schools were quite entitled to invite the local members of parliament. In fact, that was the practice.

Principals or governing councils reading these guidelines could be forgiven for not inviting their local members of parliament to school openings that are federally funded. In our view, nothing could be more clearly a breach of the privileges of members of parliament. This amounts to a *prima facie* case of privilege and we believe it should be referred to the Privileges and Members' Interests Committee. It is a direct change from the period of the coalition government, and we know that it is affecting members of parliament in their capacity to do their job. The member for Hinkler and I have been disinvited from events. The member for Ryan, in Queensland, has sent me an email in which he specifically indicates that the guidelines have been changed and that he has been stopped from doing his job as the member for Ryan.

There is a second demonstrably different aspect of the Rudd government guidelines—or the Gillard government guidelines—for Investing in Our Schools and that is the second paragraph. It states: 'The minister generally appoints an Australian government representative to officiate at the ceremony. In 2008 an Australian government representative is a member of the Australian Labor Party.' The Deputy Prime Minister would say that the Australian Labor Party is in government, so naturally that is the case. But, in the coalition government, we did not have any requirement in our guidelines for Investing in Our Schools that a member of the Liberal Party of Australia or the National Party of Australia be the representative of the government. None at all. You can check the 2007 guidelines and you will find nothing in appendix 4, 'Recognition requirements', which says that the person who officiates at the ceremony should be a member of the Liberal Party or the National Party. It is nowhere in those guidelines.

But that is what you will find in the 2008 guidelines. They actually state: 'In 2008 an Australian government representative is a member of the Australian Labor Party.' Now, the Deputy Prime Minister might be slightly obtuse about this point. Perhaps she does not realise that, when members of the Public Service are chosen to represent the government and are sent along to open the events or the programs or whatever the change is under Investing in Our Schools, according to the guidelines—and this has happened more often than not—they must also be members of the Australian Labor Party. There is a serious question—and this is another matter for debate—about whether that is in breach of the Public Service Act because it politicises the Public Service.

When I sat in the back row at Paradise Primary School last year—because I had been disinvited from opening the program at Paradise Primary School—I asked whether the public servant who had been sent along was a member of the Australian Labor Party. I can only assume that he was and that when they passed the invitations around at the department of education in Adelaide to go along to Paradise Primary School to do Christopher Pyne's job for him they asked, 'Which of you are members of the Australian Labor Party?' I assume this fellow put up his hand and he was sent along. We are seeing the government politicising the Public Service and finding out who in the Public Service is a member of the Australian Labor Party and who is not. If you want to open an Investing in Our Schools Program event, you must sign up to the Australian Labor Party or you cannot do it.

**Mr Billson**—No ticket, no start.

**Mr PYNE**—As the member for Dunkley says: no ticket, no start. We are seeing the blatant politicisation of the Australian Public Service. I believe it is in breach of the Public Service Act. That is probably not a matter for debate today under this matter to do with the privileges committee, but it is a matter for another day as to whether the Deputy Prime Minister is in breach of the Public Service Act. So there are two demonstrable changes between the Investing in Our Schools Program of 2007 and the Investing in Our Schools Program of 2008.

Mr Speaker, I heard what you said in your report to the House on privileges but I must say that on this occasion we disagree with you. We very rarely disagree with you but we do on this occasion. We believe that this does warrant a referral to the Standing Committee of Privileges and Members' Interests. We believe that the inalienable right of members of parliament for 108 years has been to attend events such as openings at schools in their electorates when there are federal funds involved. I have been a member of this House for 16 years and I have attended hundreds of school events and programs. No-one had ever suggested that I could not be there to open a federally funded event in my own electorate until the government changed in 2007.

The Deputy Prime Minister puts on her smug, snarly smile, which she has perfected in this House, as though we do not know what we are talking about. There were Labor state governments for most of the time the Howard

government was in power. This is exactly the process that they undertook for state project openings and events, and we used to complain about it even then. Federal members would turn up and find state Labor people or public servants opening events in our electorates when members of parliament should have been doing it.

The member for Hinkler wrote to me—a letter that you have, Mr Speaker—giving us a good example in his electorate where funding of \$123,000 was being used at the Coalstoun Lakes State School west of Bundaberg. They were spending the money on tubular steel playground equipment, a T-shaped shed, reverse cycle air-conditioning and a storage and assembly area. He had been involved in securing those funds for the Coalstoun Lakes State School. When the member for Hinkler turned up to the opening, the principal shamefacedly informed him—he was embarrassed, I am sure, because I am sure he knows the member for Hinkler well after all the member's years of service; Mr Neville is also a class of '93 member—that he could not do the opening; that he would have to let somebody else do it. The principal ended up doing it because he had been instructed by the government not to allow the member for Hinkler to do his job as a member of parliament. But it is an inalienable right of this parliament.

I have another very recent example, from the member for Ryan, of the opening, at the Middle Park State School, of an Investing in Our Schools Program project. He was sent an email from the Branch Manager of Infrastructure, Funding and Coordination in the National Education System group in the Deputy Prime Minister's Department of Education, Employment and Workplace Relations. In that email, she confirmed that the member would not be able to open the event at the Middle Park State School in Ryan because, according to the 2008 guidelines, 'An Australian government representative is a member of the Labor Party.'

We are seeing a classic example where the member for Ryan has been denied the opportunity to fulfil his tasks as a member of parliament. In 2009 the Labor Party say, 'If you are not Labor, you are not really a fully fledged member of the parliament.' We know that they basically do not have any great attachment to the democratic traditions of the Westminster system. That was on full display yesterday in the pathetic attempts by the member for Hunter to defend his incompetence as the Minister for Defence. We know that they have only a cursory attachment to the democratic principles that have underpinned this parliament for the last 108 years. And this cannot be allowed to stand. Members on this side of the House will not stand by and see their right to serve their electorates infringed upon. Their electorates expect it—the schools, the governing councils, the parents and friends, the local community groups, the Scout groups and all the others. Where will this stop, when members of parliament are not able to do their jobs as local members? We cannot allow our own constituencies to be let down. We cannot give way to unelected public servants who are members of the Australian Labor Party, which is apparently the only qualification that is required to do an opening—

**Mr Billson**—A recruitment drive.

**Mr PYNE**—It is a recruitment drive, as the member for Dunkley says. We cannot allow those people to fulfil the tasks that we were elected to do and that our constituents expect us to do. We feel very strongly about this motion. It will be strongly supported on this side of the House. We have not even touched on the extraordinary Building the Education Revolution guidelines because that is not a matter for debate today. It will become a matter for debate in the future. We will not let this matter rest. We will return to it again and again.

**The SPEAKER**—Order! During the member for Sturt's speech he indicated that he wished to table a document. He requires leave to table a document. Is leave granted?

Leave not granted.

**The SPEAKER**—Is the motion seconded?

**Mr Neville**—I second the motion and reserve my right to speak.