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17/04/2007 09:37 AM

To
paec@parliament.vic.gov.au
cc
Subject
Submission

Dear Executive Officer,

I wish to make a submission to the Committee's current inquiry.

The Committee is looking at a number of very important topics, but many of them are topics on which I have no particular expertise, or which have defied satisfactory resolution in legislatures around the world.

Amidst all these topics, however, one finds, 'modernisation of Parliament including the permanent abolition of wigs and other archaic practices'.

Is it really thought that the permanent abolition of wigs will enhance accountability? And what other archaic practices are contemplated by these terms of reference?

The traditional costume is not something which Parliament can sensibly abolish permanently because its use depends on individual taste and preferences as well as the sense of each succeeding Parliament. It would be like trying to legislate for taste in the future in areas such as architectural design or music. Whether or not the traditional dress of an office-holder is worn is also a matter for each holder of the office. The practice might also depend on the occasion : for example, it might one day be thought in order to return to wigs for openings of Parliament and other grand occasions, while leaving them in the cupboard for ordinary sittings.

As a matter of law, each House of Parliament can of course always change its own standing orders and reverse a "permanent" ban. It is admittedly also possible, as a matter of law, that Parliament might be able to legislate so as to prevent the restoration of wigs - and these other unspecified 'archaic practices' - unless the people of Victoria approve of this course at a referendum. However, I strongly suspect that most people would consider this a rather extreme solution.

No doubt some people think that the non-use of wigs indicates that Parliament is a modern institution, devoted to efficiency, and does not consider itself a cut above the people it represents. This view

appears to have the upper hand in Victoria at the moment, at least in relation to this question, as no-one wears wigs in the Parliament of Victoria at the moment as far as I am aware - at least, not ceremonial wigs. Surely the current non-use of wigs is enough to satisfy those who prefer things this way, without also trying to dictate to the future.

This point of view has not however been carried through to its logical conclusion. Thus, Parliament still occupies what by Australian standards is a very old and grand building, in an extremely prominent position in the city of Melbourne. No doubt a far more modern appearance, a greater devotion to efficiency, and the further dispelling of any claim to be above the people would be achieved if Parliament no longer used that building and moved into a bog-standard office block somewhere.

That would certainly make a much greater impression on the public than merely permanently abolishing an item of headgear which is not in use now anyway, and which, even if it were in use, no-one actually would even see unless he or she actually goes into the said prominently located building.

However, I disclaim any intention of advocating this course in this submission, and as far as I am aware moving Parliament into an office block is not proposed, and for good reason. This is because we do not merely expect efficiency from Parliament, but also some dignity befitting its high status in Victorian constitutional law. And as far as accountability is concerned, a reminder to persons appearing before Parliament that they are not just being questioned by any old group of people, but are rather before a very special body with vast legal powers might, if anything, promote rather than hinder the giving of accurate and responsive answers, particularly on the part of those who do not regularly attend Parliament and who might be responsive to a bit of gentle intimidation.

I do wish your Committee well with its other, more important terms of reference, as real steps towards increasing the performance of Parliament in ensuring its own and the accountability of the government are certainly needed.

One thing you might wish to consider is a published ministerial code of conduct such as exists in many other jurisdictions. This might, for example, contain statements about the need for answers during question time to be more responsive. How effective similar statements have been in other jurisdictions might be debated. However, they are at least a positive symbol. What such statements lack, however, is enforceability.

If there were an independent Speaker with the power to suspend

ministers whose answers were egregiously non-responsive, there might be progress in relation to enforceability as well.

If the committee considers matters such as that, it will make a greater contribution to enhancing accountability than the use or non-use of wigs ever could.

Yours faithfully,
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