

## Functions of Parliament: Scrutiny

### Teacher guide

One of the functions of Parliament is to scrutinise (or closely examine) the actions of the government.

The government holds great power in making decisions that impact the lives of Queenslanders, but good governance requires mechanisms to keep this power in check. These mechanisms (or tools) can include:

**Non-government Members of Parliament** (including the opposition, minor parties and independents) keeping a check on the government's work by asking questions during Question Time.

**Parliamentary committee inquiries** that review proposed legislation or other policy proposals and ask questions about public accounts or public works.

The legislative requirement of the *Human Rights Act 2019* (Qld) for all bills to have a **Statement of Compatibility** that explains how a proposed law impacts a person's human rights.

Being able to raise alternative solutions and identify issues during **debates** in the Legislative Assembly chamber.

We will look at these mechanisms in action with a case study.

## Case Study

Crime is an issue of concern for many Queenslanders. This case study will examine how the Parliament scrutinised the Government's response to youth crime in early 2023, focusing on the Strengthening Community Safety Bill 2023.

### Question Time

Question Time occurs each day the Legislative Assembly sits, for a period of one hour. Government backbenchers (or members that do not hold a portfolio), members of the opposition, minor parties and independents ask the premier and ministers to explain government decisions, actions, and policy. The premier or minister has three minutes to answer each question.

On 21 February 2023 (the first sitting day of that year), the Leader of the Opposition asked the Premier (the leader of the Government) the first two questions in Question Time. This question type is called a 'question without notice.' As the name suggests, these are questions the government is asked without warning or time to prepare.



### DURATION

1 to 2 lessons

### LEVEL

Year 12

### SUCCESS CRITERIA

Students will be able to:

- Explain that one function of Parliament is scrutiny.
- Identify two mechanisms that the Parliament uses to scrutinise the actions of the Government.
- Write an extended response that analyses one mechanism of scrutiny through the examination of two viewpoints and their consequences.
- Write an extended response that justifies whether a mechanism of scrutiny has been effective at holding the Government to account in a given situation.

The Leader of the Opposition asked:

1. My question is to the Premier. Will the Premier apologise to victims of crime for changes to the Youth Justice Act from 2015?
2. My question is to the Premier. I refer to the Premier's breach-of-bail backdown after years of saying that it will not work and ask: what does the Premier say to those Queenslanders who have lost loved ones at the hands of young offenders out on bail?

### Activity

1. **Identify** which member of the Government was being asked the first two questions in Question Time.
2. **Explain** how these questions may be viewed as a demonstration of the Government being held accountable for their actions.
3. **View** the Record of Proceedings ([Hansard](#)) for 21 February 2023.
4. **Identify** two other questions asked during Question Time that demonstrate Parliament is scrutinising the Government's actions.

## First reading and human rights scrutiny

The [Strengthening Community Safety Bill 2023](#) was introduced on 21 February 2023. The Bill was tabled with [Explanatory Notes](#), and a [Statement of Compatibility](#).

Everything said in Parliament is recorded visually and written in Hansard (Record of Proceedings). This means that you can also monitor the government's work by:

- [watching proceedings](#)
- [reading Hansard](#)



## Strengthening Community Safety Bill 2023

### Explanatory Notes

#### Short title

The short title of the Bill is the Strengthening Community Safety Bill 2023.

#### Policy objectives and the reasons for them

Community safety is a key priority of the Queensland Government.

On 29 December 2022, the Queensland Government announced ten new measures aimed at keeping the community safe. The objective of the Bill is to give effect to the announced legislative reforms and strengthen youth justice laws.

#### Responding to serious offending relating to motor vehicles

Offending involving the unlawful use of motor vehicles is often accompanied by dangerous, risk-taking behaviour that places both the offender and the community at risk of harm, including death. Recent data identifies that unlawful use of a motor vehicle offences represent a greater proportion of youth crime than in previous years. In terms of reported crime, in 2020-21, unlawful use of a motor vehicle became the fourth most prevalent offence committed by child offenders in Queensland, recording the largest increase in the proportion of all child offenders.

There is also an increasing trend where offenders post images and recordings of their offending online and on social media platforms, particularly in relation to motor vehicle offences. By publishing images and recordings of their criminal acts, these offenders encourage others, particularly young people, to engage in similar criminal behaviour involving vehicles.

The Bill seeks to increase the maximum penalties for the offence of unlawful use or possession of motor vehicles, aircraft or vessels (section 408A of the Criminal Code (the Code)), through the amendment of existing penalties and through the introduction of a number of circumstances of aggravation, including where an offender has published material of their offending behaviour on social media. The increases to the maximum penalties reflect the seriousness of this type of offending and the community's denunciation of such conduct.

#### Strengthening our youth justice laws

The Bill also seeks to respond to the small cohort of serious repeat young offenders who engage in persistent and serious offending with the following amendments to the *Bail Act 1980* (Bail Act), *Youth Justice Act 1992* (YJ Act) and *Police Powers and Responsibilities Act 2000* (PPR Act):

## Strengthening Community Safety Bill 2023

### Statement of Compatibility

#### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and Emergency Services, make this statement of compatibility with respect to the Strengthening Community Safety Bill 2023.

In my opinion, part of the Strengthening Community Safety Bill 2023 is not compatible with the human rights protected by the HR Act. The nature and extent of the incompatibility is outlined in this statement. In my further opinion, the remainder of the Bill is compatible with the rights protected by the HR Act for the reasons outlined in this statement.

#### Overview of the Bill

The objective of the Bill is to give effect to legislative reforms announced by the Queensland Government on 29 December 2022 aimed at keeping the community safe, and to strengthen youth justice laws to respond to serious repeat offenders. The Bill will do so by amending the *Bail Act 1980* (Bail Act), Criminal Code (the Code), the *Youth Justice Act 1992* (YJ Act) and the *Police Powers and Responsibilities Act 2000* (PPR Act) to:

- increase the maximum penalty for unlawful use or possession of motor vehicles, aircraft or vessels from 7 to 10 years imprisonment;
- create new circumstances of aggravation for the offence of unlawful use or possession of motor vehicles, aircraft or vessels where:
  - the offender has published material advertising their involvement in, or of, the offending on social media;
  - where the offending occurs at night;
  - where the offender uses or threatens violence, is or pretends to be armed, is in company and damages or threatens to damage any property;
- provide that it is an offence for children to breach a condition of their bail undertaking;
- extend and expand the trial of electronic monitoring as a condition of bail for a further two years and to include eligible 15-year-olds;
- remove the requirement that police consider alternatives to arrest if they reasonably suspect a child on bail for a prescribed indictable offence or certain domestic violence offences has contravened or is contravening a bail condition;
- provide that a child's bail history must be taken into account during sentencing;



### Activity

Each law has a short title and long title. The short title is the formal name we use when we cite a law. The long title is usually more descriptive and sets out the subject, scope, or purpose of a law.

1. **Identify** the short and long titles of the Strengthening Community Safety Bill 2023.

### Balancing human rights and legislation in Queensland

The *Human Rights Act 2019* (Qld) s38 requires any ‘...member who proposes to introduce a Bill in the Legislative Assembly’ to prepare a Statement of Compatibility. This statement is acknowledged in the Act as a scrutiny tool.

If a proposed law is incompatible with one or more human rights, it can still become law. Laws can override our human rights if exceptional circumstances exist. Examples of exceptional circumstances listed in the Act can be war, a state of emergency, or an exceptional crisis threatening public safety, health and order.



### Activity

1. **Locate** the Statement of Compatibility and Statement of Exceptional Circumstances of the Strengthening Community Safety Bill 2023. **Describe** the key features and information you see in these scrutiny tools. **Explain** how these documents may encourage accountability.
2. **Identify** the human rights that may be impacted by the creation of a new aggravated offence for publishing material on a social media platform that advertises the unlawful use of a motor vehicle (Clause 8).
3. **Identify** what ‘exceptional circumstance’ justified the Bill overriding peoples’ human rights.

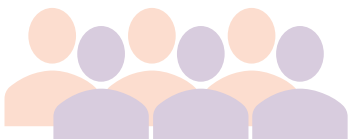
### Committee consideration

Committees consist of government and non-government members. One of the roles of a committee is to scrutinise proposed law and recommend whether it should be passed. To make this decision, the committee will hear from stakeholders and any Queenslanders who wish to make a submission. These people may support the proposed law or point out an issue or negative consequence.

The Bill was referred to the [Economics and Governance Committee on 21 February 2023](#). This Committee had three government and three non-government members, with public hearings held in South East Queensland, Cairns, and Townsville. The Committee tabled its [report](#) on 10 March 2023, recommending the Bill be passed. There was no dissenting report or statement of reservation (which can be in a final report).



A parliamentary committee is a body established to inquire into specific matters.



The *Constitution of Queensland 2001* (Qld) s26B(2) sets a minimum timeframe of six weeks for a committee to examine a proposed law, unless a bill is declared urgent (see below).

**Hon. MT RYAN** (Morayfield—ALP) (Minister for Police and Corrective Services and Minister for Fire and Emergency Services) (12.08 pm), by leave, without notice: I move—

That, under the provisions of standing order 137, the Strengthening Community Safety Bill be declared an urgent bill and the Economics and Governance Committee report to the House on the bill by Friday, 10 March 2023.

Question put—That the motion be agreed to.

Motion agreed to.



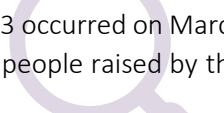
### Activity

1. **Describe** how referring a bill to a committee allows for scrutiny. What factors may limit the effectiveness of this mechanism of scrutiny? **Explain** your answer.
2. **Identify** how many weeks the Economics and Governance Committee was given to examine this Bill. Do you think this was long enough? Why or why not?
3. View the [Report No. 41, 57th Parliament – Strengthening Community Safety Bill 2023](#). **Select** one issue a submitter raised about the Bill in the Executive Summary. **Analyse** this viewpoint and the viewpoint of the Committee on this issue, and its consequences.

### Second reading and consideration-in-detail

The very nature of a debate means that members raise different arguments, allowing for the open discussion of the Bill's benefits, issues or consequences. Sometimes a non-government member may advocate an alternative approach to the initial problem. After the conclusion of the debate, the Bill is read for a second time, and each clause is examined and voted on.

The second reading and consideration-in-detail of the Strengthening Community Safety Bill 2023 occurred on March 14, 15 and 16. Below, you will see different viewpoints on the electronic monitoring of young people raised by the Members of Parliament.



**Mr RYAN:** *'...while there are some benefits associated with electronic monitoring, a larger sample size is needed to determine its effectiveness in deterring offending behaviour. The extension of the trial...will provide a bigger sample size to support decisions on the future use of electronic monitoring devices.'*

**Mr WEIR:** *'...The bill also extends and expands the trial of electronic monitoring...It would be difficult to find a more public policy failure than this government's electronic monitoring devices program. To date there have only been eight devices fitted due to offenders having the right to refuse to wear them and in some areas an inability to actually track them.'*

**Mr ANDREW:** *'...Surely the money spent on the program would be better spent on other measures that might actually help deter crime and enhance community safety.'*

**Mr BERKMAN:** *'...We have heard from all the experts previously that the use of GPS monitoring devices is useless and it is not going to work. It does not work, it is stigmatising for children...'*

**Mr DAMETTO:** *'I speak in support of the amendment. We would like to see more GPS monitoring devices fitted to more children, especially in the Townsville region, who have been let out on bail and are out there causing havoc on our streets...This extra layer of protection for the community is necessary.'*

The Strengthening Community Safety Bill 2023 received [Royal Assent](#) on 22 March 2023.



### Activity

*You have now learnt about how scrutiny occurs in Queensland Parliament.*

Selecting one of the following mechanisms (Question Time, Statement of Compatibility with Human Rights, committee consideration, second reading, or consideration-in-detail):

1. **Analyse** the effectiveness of this mechanism of scrutiny by **examining** two viewpoints (such as a member of the Government, opposition, crossbench, independent or the community) and their consequences.
2. **Locate** information on how this mechanism operates in another jurisdiction in Australia. **Compare** and **contrast** Queensland with this jurisdiction.
3. **Propose** another strategy, provision or mechanism that could be introduced to strengthen the scrutiny of government activity in Queensland.

Go further and debate the introduction of a legal alternative raised in the final question.

### Additional resources and activities

- Queensland Parliamentary Education – [Committees at work role play](#)
- Queensland Parliament Factsheet – [Question Time](#)
- Queensland Parliament Factsheet – [Parliamentary Committees](#)
- Queensland Parliament Factsheet – [Legislative Process FAQ](#)
- Queensland Parliament – [The Legislative Process](#) (YouTube)