

~~disciplinary or poverty reasons. There are all sorts of reasons they are unable to attend their own school. The Centenary Heights State High School also looks after the Flexi School in the middle of the CBD. In a wonderful honour to the late John Armstrong, whose family have run the Nissan dealership in Toowoomba for many years, the Flexi School has now been called the John Armstrong Flexi School. John, along with his colleagues from the Rotary Club of Toowoomba East, provided the building and much assistance to make this Flexi School a reality. I say to Centenary Heights State High School, well done! You are a shining light amongst schools in Queensland, be they public or private.~~

~~The achievement of that school, the enthusiasm that has developed in the children, the enthusiasm of the teachers from the principal, through the deputy principals right down to the ground staff has to be seen to be believed. Those kids leave the school gate at the end of year 12 as optimistic, confident and self-disciplined young Australians. Well done to them.~~


~~My final comment is a warning regarding the Baillie Henderson Hospital. The rumour is that once again they are looking to cut back the bed numbers, putting unfortunate patients out. That has to be stopped.~~

032

~~Debate on motion of Mr Horan, adjourned.~~

PARLIAMENTARY SERVICE AND OTHER ACTS AMENDMENT BILL

First Reading

 **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (4.10 pm): I present a bill for an act to amend the Acts Interpretation Act 1954, the Auditor-General Act 2009, the Financial Accountability Act 2009, the Legislative Standards Act 1992, the Parliamentary Service Act 1988 and the Parliament of Queensland Act 2001 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.


Motion agreed to.

Bill read a first time.

Tabled paper: Parliamentary Service and Other Acts Amendment Bill.

Tabled paper: Parliamentary Service and Other Acts Amendment Bill, explanatory notes.

Second Reading

 **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (4.10 pm): I move—

That the bill be now read a second time.

I am pleased to introduce the Parliamentary Service and Other Acts Amendment Bill 2011. The bill has two major purposes. The first purpose follows on from the recently passed Parliament of Queensland (Reform and Modernisation) Amendment Act, with the bill seeking to implement further reform to our parliament by altering the way that the Parliamentary Service is administered. Secondly, the bill proposes amendments to the Auditor-General Act 2009 to implement the government's responses to Public Accounts and Public Works Committee Report Nos. 5 and 7, which address matters raised in the Strategic Review of the Queensland Audit Office. The government's responses to the reports were tabled on 1 December 2010 and 9 June 2011 respectively.

From the outset, I would like to make it very clear that the amendments being proposed to the Parliamentary Service Act 1988 in this bill should not in any way be seen as casting aspersions on the way that the Speaker or any of the Speaker's predecessors have discharged the Speaker's role for the Parliamentary Service. Indeed, I believe that during my time in this House, the parliament has been served by a succession of Speakers who have upheld the role of the Speaker and have keenly advocated for improved funding for the parliament to enable the provision of enhanced facilities and support services so that members can best serve Queenslanders. These amendments are simply a different way for the Parliamentary Service to be administered, and arise from the bipartisan recommendations that have been made to the parliament and the government by the Committee System Review Committee and the Committee of the Legislative Assembly, CLA.

In the government's response to the Committee System Review Committee's report, we supported the establishment of a bipartisan CLA to, among other things, oversee the parliament's budget, facilities management for parliamentary committees, maintenance for the parliamentary buildings and policies for the management of the parliament. In this respect, the government also referred the task of reviewing the Parliamentary Service Act 1988 to the CLA. Since March 2011, the CLA has been considering the act and it recommended to the government that the administrative

functions of the Speaker with respect to the Parliamentary Service be transferred to either the CLA or the Clerk of the Parliament, as the chief executive of the Parliamentary Service.

Under the proposed changes in the bill, the CLA will be responsible for: deciding policies about accommodation and services in the parliamentary precinct and elsewhere such as electorate offices, deciding major policies to guide the operation and management of the Parliamentary Service and preparing budgets and associated submissions to the government, and hearing appeals against promotional appointments and disciplinary actions that might be imposed by the Clerk upon officers or employees of the Parliamentary Service. These matters will be placed in the hands of the six member CLA, made up of three government and three non-government members, and will enable a greater number of members, including non-government members, a direct say in the management of the parliament.

I acknowledge that appeals about promotional appointments and disciplinary actions, particularly in relation to electorate staff, can be very sensitive given the direct working relationship between the electorate officer and member of parliament. Therefore, the government has given and will continue to give careful consideration to how those appeals should be heard. For this reason, the government reserves the right for further review of this amendment during the consideration in detail stage of the bill.

The CLA will be required to work in a bipartisan way, as the chair of the CLA has not been provided with a casting vote in the case of an equality of votes at a meeting. This provision was provided at the request of the CLA and was included in the Parliament of Queensland (Reform and Modernisation) Amendment Act 2011. While I understand that the CLA has already been conducting itself in a bipartisan way while exercising its other parliamentary functions, it is clear that neither the executive nor the opposition acting on their own would be able to control the CLA with respect to its intended role regarding the Parliamentary Service.

The CLA has also recommended to the government that the Speaker's current role under the act as the employing authority for Parliamentary Service officers and employees be transferred to the Clerk of the Parliament, rather than the CLA. The government supports this recommendation and the bill makes provision accordingly. This reflects arrangements in government departments where directors-general, not ministers, are the employing authority for departmental officers and employees. This change will mean that the Clerk will also appoint electorate office staff. However, such appointments will be made by the Clerk on the recommendation of a member in the same way that a member currently would make such a recommendation to the Speaker.

The bill also provides that the Clerk must ensure that the remuneration, conditions of employment and other benefits given to Parliamentary Service officers and employees are comparable to those of state officers and employees who have similar duties. The equivalent obligation applies to the CLA with respect to the position of Clerk.

The bill provides that following the dissolution of a Legislative Assembly, the CLA continues in existence until the end of the day before the polling day and that from polling day until the appointment of new CLA members are advised to the House, the Clerk will perform the functions of the CLA. However, while the Clerk constitutes the CLA, the Clerk will be required to perform this function under the policies as decided by the CLA before the polling day. This is similar to the provision which applied during election periods, when the Parliamentary Service Commission was responsible for the management of the parliament from 1988 to 1995.

While the bill provides that the Speaker will not be involved with the management of the Parliamentary Service, the bill inserts certain provisions to maintain the prestige and dignity of the office of Speaker of the Legislative Assembly. For instance, the bill provides that the functions of the CLA and the Clerk under the Parliamentary Service Act do not limit the Speaker's functions under section 50 of the act relating to behaviour in the parliamentary precinct or the Speaker's functions under the Parliament of Queensland Act 2001 or the Standing Rules and Orders of the Legislative Assembly. An express provision is also being inserted to provide that nothing in the act derogates from any power, right or immunity traditionally held or exercised by the Speaker on behalf of the Legislative Assembly.

Furthermore, the bill provides that: the CLA must ensure the Speaker is given the necessary administrative and other support to perform the Speaker's functions efficiently and effectively; the Speaker may appoint appropriately qualified and competent persons to the Office of Speaker; the CLA must consult with the Speaker before deciding a matter relating to the Speaker or the Legislative Assembly chamber; the Speaker will continue to be consulted by the government, together with the CLA, with respect to the appointment of the Clerk; and the Clerk and Parliamentary Service officers and employees must follow the reasonable directions of the Speaker relating to operations of the Legislative Assembly and the Speaker's functions relating to the Legislative Assembly.

I now turn to the provisions of the bill relating to the Auditor-General Act 2009. The bill includes amendments to the Auditor-General Act that implement the government's support for recommendations made by the Public Accounts and Public Works Committee in Report Nos. 5 and 7. As recommended by the committee, the bill provides for a fixed, non-renewable term of appointment for the Auditor-General

of seven years. This will further strengthen the independence and integrity of the position of Auditor-General.

The bill also expands the audit mandate of the Auditor-General through providing for two new types of audits. Firstly, the bill provides the power to conduct an audit of a matter relating to public money and property. This will allow the Auditor-General to examine financial transactions between government entities and third parties, such as companies and community organisations.

In light of the time, I seek leave to incorporate the remainder of my second reading speech.

Leave granted.

In conducting this type of audit, the Auditor-General will be able to 'follow-the-money trail', including deciding whether Government money or property has been applied economically, efficiently and effectively for the purposes for which it was given.

As recommended by the Public Accounts and Public Works Committee, the Bill also provides that the Auditor-General must set out the reasons for conducting a 'follow-the-money trail' audit. The Auditor-General is to include these reasons and the results of the audit in a report to Parliament.

The second new type of audit is the power to conduct a full performance audit of a public sector entity. The committee considered that the Auditor-General has extensively tested the boundaries of the existing mandate in relation to performance management systems audits and believed that more could be achieved if that mandate was expanded. The committee acknowledged that although it is management's responsibility to review and report on their agencies performance this does not prevent the Queensland Audit Office from bringing a fresh and independent assessment of that performance.

This means that the Auditor-General will be able to examine and report on whether the objects of a Government department or other government entity are being achieved economically, efficiently and effectively.

As recommended by the committee, the power to conduct a full performance of a GOC or a controlled entity of a GOC, will be at the request of Parliament, a parliamentary committee, the Treasurer or the relevant Minister.

The committee also recommended that the Auditor-General prepare a strategic audit plan setting out the performance audits and performance management systems audits proposed to be conducted over the following three years. The Bill provides that when preparing the plan, the Auditor-General must consult with the parliamentary committee and any relevant entity, such as a department proposed to be the subject of a performance audit.

Once a draft of the plan is prepared, the Auditor-General must give the draft to the parliamentary committee for comment and consider these comments when finalising the plan. The plan is then published on the Queensland Audit Office's website.

The Bill also implements the committee recommendation to allow the Auditor-General to exempt certain entities that are considered 'low cost/low risk' audits from audit by the Queensland Audit Office for up to three financial years.

An exempted entity must still engage an auditor and provide the Auditor-General with any audit documents on request. The Auditor-General continues to maintain an oversight role in relation to the exempted entity and, if necessary, may revoke the exemption.

In consulting on the Bill, including with the Auditor-General and the Queensland Audit Office, it was decided to include additional amendments.

The Bill provides that the Auditor-General may conduct an audit jointly, or in collaboration, with the auditor-general of another Australian jurisdiction. This power could be used, for example, in the audit of a Queensland statutory body that received funding from the Queensland and Commonwealth Governments. To facilitate this collaboration, the Bill also provides that the Auditor-General may disclose information obtained in the course of this type of audit to a Commonwealth, State or Territory auditor-general.

The Bill also amends the definition of 'protected information' to include observations, comments, suggestions or notations made by auditors in the conduct of an audit. This is to ensure that an auditor may provide full and frank advice in the conduct of an audit.

The Bill also makes amendments in relation to where the Auditor-General provides advice to the Treasurer, the relevant Minister or another person about a matter of significance proposed to be included in a report to Parliament.

The Bill provides that the Auditor-General must also provide a copy of this advice to the Premier. This will ensure that the Premier is kept informed of cross-agency and whole of government issues as they arise. I commend the Bill to the House.

Debate, on motion of motion of Mr Seenev, adjourned.

~~ETHICS COMMITTEE~~

~~Report, Motion to Take Note~~



~~Hon. JC SPENCE (Sunnybank ALP) (Leader of the House) (4.19 pm), by leave, without notice:
I move~~

- ~~(1) That this House notes Report No. 116 of the Ethics Committee and the recommendations of the committee that a right of reply be incorporated into the record of proceedings; and~~
- ~~(2) That the House adopt the committee's recommendation and incorporate the right of reply into the record of proceedings.~~

~~Question put That the motion be agreed to.~~

~~Motion agreed to.~~

~~Response by Mr Gary Fenlon to a statement made by the Member for Rockhampton~~