



29 January 2016

Research Director
Committee of the Legislative Assembly
Parliament House
George Street
Brisbane QLD 4000

Via email: cla@parliament.qld.gov.au

Dear Sir/Madam

Thank you for the opportunity to make a submission into the review of the parliamentary committee system.

The Local Government Association of Queensland (LGAQ) is the not-for-profit peak body representing all of Queensland's 77 local governments. The LGAQ has been advising, supporting and representing local councils continuously since 1896, allowing them to improve their operations and strengthen relationships with their communities. A key component of this work is contributing to legislation that improves the operating environment for councils and their ratepayers, and also contributing to better public policy in Queensland. To that end, the LGAQ has participated in Queensland Parliament committee hearings for over twenty-five years and, on average over the last three years, has made one hundred submissions per year on legislation, inquiries and the like, predominately in relation to state matters but also on some federal issues. As such the LGAQ is well versed in the process and procedures around making submissions and committee hearings, and is invited to appear before committees on at least one in every two submissions made.

While the LGAQ supports the committee system as an essential part of parliamentary democracy and has observed improvements to it over time, the current system requires strengthening to ensure that there are greater checks and balances to not only maintain the system but also to ensure that fundamental changes to bills and the formation of policy is driven by committees, and that unanimous recommendations made to government are adopted in legislation. Of significant concern to the LGAQ is the fact that there seems to be reduced credibility in the current system because of extensive departmental involvement. Legislation is drafted based on the position of the government by departmental staff. When introduced into parliament and referred to a committee the respective committee calls upon those same staff to appear as a witness before a committee hearing to answer questions from Members of Parliament and explain the government's position. Once the committee makes recommendations, the government then responds and for a third time, those same departmental staff draft the government's response. The LGAQ's position is one of frustration as despite active engagement in the process in attempting to formulate the best legislation and policy possible through providing expert advice, commentary and research that ultimately results in a unanimous recommendation by the committee to government, the LGAQ's experience, more often than not, is that the government of the day unilaterally rejects unanimous recommendations made by a committee. In order to prevent this from occurring and to strengthen the accountability of committees, the LGAQ recommends that there needs to be some form of fetter on the government's response when considering unanimous recommendations of a parliamentary committee.

Given this review is a consequence of the Finance and Administration Committee's inquiry into the introduction of four year terms for the Queensland Parliament, it is worth recalling that the LGAQ at its Policy Executive meeting in October 2015 resolved that the Association would support four year fixed terms of State Parliament, provided a state election was not held within twelve months of a local government election. In the context of four year fixed terms particularly, but even under the current circumstances, the LGAQ is keen to ensure that the appropriate checks and balances be implemented to ensure that there are safeguards in place to enhance accountability in the committee system and empower their independence.

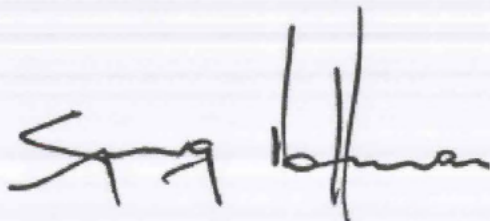
Consequently, the LGAQ supports recommendation nine of the *Finance and Administration Committee, Report No. 16 – Inquiry into the introduction of four year terms for the Queensland Parliament, including consideration of Constitution (Fixed Term Parliament) Amendment Bill 2015 and Constitution (Fixed Term Parliament) Referendum Bill 2015* to entrench the basic requirements of the committee system. As the Committee highlights, “an extension to four year terms needs to be complemented by other safeguards to reinforce the role of parliament and democracy”. This is further reinforced by their comments “it is clear to the Committee that the effectiveness of the committee system is somewhat compromised because of a lack of statutory protections for the role and functions of committees”. The LGAQ also supports the additional safeguard, included in recommendation nine, that a process for consideration of Budget Estimates must be maintained by the Legislative Assembly.

Notwithstanding this support, the LGAQ is aware that it is unlikely that entrenching the committee system through a referendum will occur in the immediate future. The LGAQ therefore recommends that the second proposal by Mr Neil Laurie, Clerk of the Queensland Parliament, in the Finance and Administration Committee’s report of a statutory requirement enhancing the current provisions relating to portfolio committees contained in the *Parliament of Queensland Act 2001* be initially implemented with a view to eventually securing constitutional entrenchment, in line with the Committee’s view in recommendation nine that safeguards be in place prior to the commencement of the next Parliament.

While these legislative checks and balances should increase accountability in the committee system, little has been said about other aspects of the structure of the system in the Queensland context. Firstly, the LGAQ supports better resourcing of the research functions in the Parliamentary Service. Ultimately, the majority of the research that goes into committee work is undertaken by these staff and needs to be bolstered to enhance the scrutiny of legislation, provide more in-depth analysis and also to assist in the development of new policy. This is not to underestimate or understate the work that committee members and research officers undertake, but simply to say that things can always be improved and enhanced in a review process. The second matter as aforementioned is that while the review and scrutiny of legislation function is fundamental, committees need to be utilised more to develop policy in their own right, which, in the LGAQ’s view, should only enhance public policy generation in Queensland. While this requires a cultural shift around the overall position of the parliamentary committee system in Queensland, it also requires greater community consultation in inquiries undertaken by committees across Queensland – not just at Parliament House. There has been some improvement in this regard in recent years and the LGAQ supports the continuation of involving the community in policy formation.

Should you wish to discuss this matter further please contact Mr Joshua O’Keefe, Team Leader Intergovernmental Relations on [REDACTED].

Yours sincerely



Greg Hoffman PSM
GENERAL MANAGER - ADVOCACY