



# **Submission to the Committee of the Legislative Assembly**

Review of the Queensland  
parliamentary committee system

As at 29/01/2016

Liberal National Party Queensland  
PO Box 940  
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Dear Research Director

Re - Committee of the Legislative Assembly  
Review of the Queensland parliamentary committee system

## 1. Introduction

1.1 The Liberal National Party (the LNP or the Party) responds to the Queensland Parliamentary Committee of the Legislative Assembly's (the committee) invitation for submissions to issues raised in recommendation nine<sup>1</sup> regarding entrenchment and recommendation ten<sup>2</sup> regarding a review of the parliamentary committee system of the Finance and Administration Committee's (the FAC) report "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 (the report)".

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<sup>1</sup> Finance and Administration Committee's 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, Queensland Parliamentary Committee, 9 November, 2015, P. Xii-xiii.

Recommendation 9:

The Committee recommends that, should it proceed, the *Constitution (Fixed Term Parliament) Amendment Bill 2015* should provide for the voters of Queensland's approval:

- Every Legislative Assembly summoned after the approval of the Bill must establish at least seven portfolio committees the role of which will include the review of Bills (including Appropriation Bills) introduced into the Assembly.
- A process for consideration of Budget Estimates must be maintained by the Legislative Assembly.
- Every Bill introduced into the Legislative Assembly must be referred to and reviewed by a committee of the Legislative Assembly, for a period of not less than six weeks, unless –
  - a special majority of the Assembly agrees to the Bill not being referred to a committee or being referred for a period less than six weeks; or
  - the resolution for the Bill not being referred to a committee is passed without division or dissent.
- A **special majority** to be defined as at least 65 per cent of the Members of the Legislative Assembly, including at least one Member of the official opposition.

This recommendation would also apply to any other Bill(s) with similar intent which are introduced.

<sup>2</sup> Ibid. p.xiii.

Recommendation 10:

The Committee recommends a review to ensure the efficacy of the Queensland parliamentary committee system be undertaken during the term of the 55th Parliament.

1.2 The LNP's comments are submitted on behalf of its membership and are confined to issues which relate to the review of the Queensland parliamentary committee system.

## **2 Terms of Reference**

2.1 The terms of reference are:

1. Consider "issues raised in recommendation nine<sup>3</sup> regarding entrenchment and recommendation ten<sup>4</sup> regarding a review of the parliamentary committee system of the Finance and Administration Committee report "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 (the report)".
2. That, in undertaking this inquiry, the committee consider how the current parliamentary committee system could be strengthened to increase accountability by:
  - Examining the role of parliamentary committees in other jurisdictions with unicameral parliaments, including the functions and powers of those committees and how they are exercised, to see if the functions and powers of Queensland Parliamentary committees can be furthered strengthened; and
  - Reviewing the *Parliament of Queensland Act 2001* and Standing and Sessional Orders of the Legislative Assembly pertaining to parliamentary committee functions, powers and procedures to ensure these functions, powers and procedures are operating as effectively as possible as an accountability mechanism.
3. Further, as part of this review, that the committee consider the implications and method of entrenching matters as outlined in recommendation nine of the report and consider alternative accountability mechanisms in lieu of entrenchment.

## **3. Context**

3.1 In preparing this submission the LNP has taken into consideration reports and other materials including:

- The Queensland Parliamentary Finance and Administration Committee's 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, November 9, 2015
- Government Response - Report No 16, 55th Parliament - Inquiry into the introduction of four year terms for the Queensland Parliament, December 4, 2015
- Legislative Assembly of Queensland Committee System Review Committee, Review of the Queensland Parliamentary Committee System Report, December 2010.
- *Parliament of Queensland Act 2001* (Chapter 5 Statutory Committees of the Assembly).
- Standing and Sessional Orders of the Legislative Assembly (Part 7 Committees)
- Parliament of Queensland (Reform Modernisation) Amendment Bill) 2011

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<sup>3</sup> See footnote 1.

<sup>4</sup> See footnote 2.

- LNP policy platform.

3.2 A significant review of the Queensland Parliamentary Committee system was undertaken in 2010 by a Committee System Review Committee which was the most “comprehensive assessment of our parliament’s structure”.<sup>5</sup> Unicameral provincial parliaments of New Zealand, Scotland and Canada were examined. Fifty-five recommendations were proposed being “... the most significant changes to the Queensland Parliament since the abolition of the Upper House in 1922”.<sup>6</sup>

3.3 These changes were reflected in the Parliament of Queensland (Reform Modernisation) Amendment Bill 2011. This Bill provided for a restructure of the parliamentary committee system that:

- contributes to the development of best practice policy and legislation;
- provides enhanced parliamentary oversight of the expenditure and activities of the government; and
- maintains the standards and operational requirements of Parliament, as a legislature and as a public sector organisation.<sup>7</sup>

The Bill was supported by the LNP Parliamentary Party (with some amendments). The Member for Toowoomba South Mike Horan in speaking to the Bill said:

Through this proposed system of revitalised committees we could introduce a true system of checks and balances, a true system of involvement of the talents and abilities of members of the parliament other than those who are in the executive—in the cabinet—so that this place really operates in a modern way and is open and accountable and so that the government of the day is truly held to account.<sup>8</sup>

3.3 In the party’s view a “strong system of parliamentary committees, with sufficient powers, jurisdiction, and resources to successfully and effectively aid and inform the Parliament in its role of holding the executive accountable”<sup>9</sup> is essential to underpin the proposed changes to Queensland parliamentary terms. In the Party’s 20<sup>th</sup> October submission to the Finance and Administration Committee’s *Inquiries into possible changes to Queensland Parliamentary terms* we stated that:

Parliamentary accountability in a unicameral parliamentary system, in the past has been viewed to be a limiting factor to the consideration of fixed four or four year parliamentary terms. This has changed. Public participation in the Parliamentary process has been significantly enhanced with reforms to the parliamentary committee system which includes scrutiny of Bills open to stakeholders and citizens to make submissions and to provide evidence before the specific portfolio

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<sup>5</sup> Committee System Review Committee, Review of the Queensland Parliamentary Report, December 2010, p. vii

<sup>6</sup> Ibid. p. ix.

<sup>7</sup> Parliament of Queensland (Reform Modernisation) Amendment Bill, Explanatory Note, Parliament of Queensland, 12 May 2011.

<sup>8</sup> Horan, M., Ibid. Queensland Parliamentary Debates, p. 1249.

<sup>9</sup> Ibid. p.vii

committee; advances in communication and information technologies ensuring access and responsiveness to citizens by legislators and vice versa such as the live broadcast of parliament and committee hearings; and Right to Information legislation enabling a citizen or other entities access to documents held by government agencies and Ministers.

### **3 Response to Terms of Reference**

3.1 Referring to the FAC's recommendation 9<sup>10</sup>, neither the Government nor the LNP Parliamentary Party supported the recommendation at this stage. The Government stated in its response stated that:

This recommendation is not supported at this stage. Given the significance and implications of entrenchment, including the method of entrenchment, the matters raised in this recommendation have been referred to the Committee of the Legislative Assembly for consideration as part of the review recommended by the Committee under Recommendation 10.<sup>11</sup>

3.2 The Shadow Attorney General and Shadow Minister for Justice Minister Ian Walker stated that:

We do not believe that recommendations 9 and 10, which deal with the parliamentary committee system, should be supported at this time and that those should be considered as a separate issue to this debate.<sup>12</sup>

3.3 The possible entrenchment of the parliamentary committee system is a current proposition. In the period 1999-2005, Queensland's constitution was subject to significant review by including the Queensland Constitutional Review Commission<sup>13</sup> (QCRC) and the Legal Constitutional and Administrative Review Committee.

3.4 The QCRC's recommendations included the extension of the maximum term of the Legislative Assembly from three to four years with a fixed minimum period of three years but it appears the parliamentary committee system did not emerge as an issue of concern that would require its entrenchment. In the 2010 Committee System Review Committee Report entrenchment of the parliamentary committee system was not addressed. By way of contrast, evidence before the FAC from respected academics and Parliamentary officers advocated entrenchment of the parliamentary committee system whilst others were cautionary on such a procedure.

3.5 Weighing this evidence in conjunction with the general thinking of LNP members, a gradual pathway forward is preferred to entrenchment of the parliamentary committee system which would require a referendum. At this stage, the general view within the Party is that the

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<sup>10</sup> See footnote 1.

<sup>11</sup> Government Response - Report No 16, 55th Parliament - Inquiry into the introduction of four year terms for the Queensland Parliament, December 4, 2015, p. 5.

<sup>12</sup> Walker Ian, Constitution (Fixed Term Parliament) Amendment Bill, Constitution (Fixed Term Parliament) Referendum Bill, (Cognate Debate), Queensland Parliamentary Debates, 4 December 2015.

<sup>13</sup> Established in May 1999 to investigate and report on possible reforms to legislation relating to the Queensland Constitution.

parliamentary committee system is not a burning community issue in the context of an increase in parliamentary terms demanding entrenchment. An online survey with 1,047 responses attracted 74% support for increasing the maximum term to 4 years<sup>14</sup> but there remains a body of opinion that “three years is long enough for government to show their true colours and be subject to public acceptance or otherwise”.<sup>15</sup>

3.6 As indicated in 3.2 and 3.3 substantial changes were implemented in 2011 through the Parliament of Queensland (Reform Modernisation) Amendment Bill and agreed by the Parliament.

3.7 Other factors that impede entrenchment of the parliamentary committee system include:

- the necessity for a referendum and as illustrated in the report Queenslanders have participated in seven State sponsored referendums since 1899, the last being in 1992 and only two have been resolved in the affirmative;<sup>16</sup>
- restricting the Parliament of the time to make adjustments that reflect the changed representative circumstances such as when one party has insufficient numbers to attend all the Committees. This occurred in e.g. the 54<sup>th</sup> Parliament (2012-15); to a lesser extent the 50<sup>th</sup> Parliament (2001-04) and the 41<sup>st</sup> Parliament (1974-77); and
- subject issues which change with the times e.g. ‘innovation’ currently is a primary focus and reflected in the responsibilities of the current Utilities, Science and Innovation Committee but may not be so in a ten to twenty years time. The Parliament of the day must have the jurisdiction to modify the committee structure and titles from within its own procedures.

3.8 Without question, the community wants to be guaranteed that Queensland’s unicameral parliamentary system:

has a strong system of parliamentary committees, with sufficient powers, jurisdiction, and resources to successfully and effectively aid and inform the Parliament in its role of holding the executive accountable.<sup>17</sup>

3.9 Considering the issues above, it is clear that a mechanism is needed to manage the parliamentary committee system into to the future. The LNP has the belief that the parliamentary committee system has evolved to the point where it should have its own standalone legislation to give it solidarity. This would ensure the committee system is recognised.

3.10 Providing the parliamentary committee system with its own statutory legislation would provide more confidence to electors that it was enduring, thus mitigating the difficulty with the proposed fixed four year terms that electors do not think there is enough protections.

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<sup>14</sup> Finance and Administration Committee’s Report - No. 16, op cit. p. 3 and p. 20.

<sup>15</sup> Greenhill, Phil., “Four Year Terms? No thank you”, Letter to Editor, Courier Mail, 18 January, 2016.

<sup>16</sup> Finance and Administration Committee’s Report - No. 16, op cit., p.44,

<sup>17</sup> Committee System Review Committee, op. cit. p.xiv.

3.11 Referring to the term of reference relating to:

- Reviewing the *Parliament of Queensland Act 2001* and Standing and Sessional Orders of the Legislative Assembly pertaining to parliamentary committee functions, powers and procedures to ensure these functions, powers and procedures are operating as effectively as possible as an accountability mechanism,

the Party has the view that these matters are best left to the parliamentary practitioners and specialists. The Party, other than having strong commitment to a parliamentary committee system with the powers, jurisdiction and resources to ensure transparency and accountability of executive government is an observer of the process.

3.12 In a general sense, the Party has engaged in the parliamentary committee system process by way of submissions and Hearings appearances. Those experiences indicated to us that the function, powers and procedures operated effectively and there was a high standard of professionalism with the delivery of associated responsibilities.

3.13 Referring to the Estimates Committee, as an observer of the process, the view is that these could be more free flowing - less regimented. Perhaps, the Senate Estimates is the benchmark for effective scrutiny of portfolio budgets but this appears not to be a process adopted by State Legislatures. We suggest that consideration be given to enabling senior public servants to respond to both policy and financial questions.

#### **4 Conclusion**

4.1 The general thinking of LNP members is that a gradual pathway forward is preferred to entrenchment of the parliamentary committee system which would require a referendum. The LNP has the belief that the parliamentary committee system has evolved to the point where it should have its own standalone legislation to give it solidarity. This would ensure the committee system is accorded the legislative status of an important element in Queensland's parliamentary system.

4.2 Thank you for your consideration and I would be pleased to expand on any matter that requires clarification.

Yours sincerely



**Lincoln Folo**  
State Director