

EXECUTIVE SUMMARY

One of the key functions of a parliament is scrutiny of the executive. Proper scrutiny of the executive helps to ensure accountability and transparency and in turn better administration.

Queensland has a history of a strongly entrenched two-party system of government, with rigid party discipline. With members being elected from single-member constituencies through an optional preferential voting system, our Parliament frequently includes large government majorities. The additional level of scrutiny that can be provided by an Upper House is absent in Queensland since the abolition of the Legislative Council in 1922. Parliament becomes dominated by the government of the day.

We must look to other means of ensuring accountability and scrutiny.

A healthy parliamentary committee system is important for this reason. Additionally, a strong and well-resourced system of parliamentary committees can enhance the interaction between the Parliament and the community.

In the 19th century, Queensland had a strong parliamentary committee system, which fell into decline for almost the whole of the 20th century. Following the reforms of the Fitzgerald era, a modern committee system was established. Apart from some changes in 2009, that system has been largely unchanged since 1995, and largely unreviewed until now.

The system established in the late 20th century had a focus on oversight. Recommendations in 1992 for a move towards wider scrutiny of the policy functions of government and scrutiny of proposed legislation were not adopted. This was perhaps understandable, given the still fresh concerns of the era.

It is now time for committees to take on a greater role in examination of executive action across all the policy areas of government and in considering proposed legislation, building on the moves made in this direction in early 2009.

This is particularly important in a unicameral (single House) legislature such as we have in Queensland.

We recommend an increase in the number of committees. There should be nine committees with a subject based jurisdiction, mirroring the various portfolio areas of government. These committees should have the following functions in their policy areas:

- Monitor and review of all issues and executive action, including operational matters and events
- Consideration of proposed legislation, both from a policy point of view and to ensure compliance with fundamental legislative principles
- Scrutiny of the estimates
- The ability to consider petitions.

Committees will be able to act upon reference from the Legislative Assembly or upon their own initiative.

The current roles of committees in the oversight of various statutory offices holders should remain, and in some respects be strengthened.

Each committee would have six members, down from the current seven. We also recommend that there be one non-government chair.

There has developed in Queensland over the years a disconnection between the work of parliamentary committees and the parliamentary chamber. This connection must be restored. As well as a greater role for committees in the passage of legislation and the consideration of estimates,

there needs to be greater consideration by the Legislative Assembly of committee reports, and time set aside during the sitting week for committee business.

These enhanced roles for committees must be supported by adequate funding, staffing, accommodation and other resourcing. For their part, committees must continue to explore new technologies to better engage with the Queensland community in an efficient and cost-effective manner.

We propose the establishment of a Committee of the Legislative Assembly. This committee would assume the responsibilities of the current Standing Orders Committee and the roles of the current Integrity, Ethics and Parliamentary Privileges Committee (other than oversight of the Integrity Commissioner). It would have a range of responsibilities regarding proceedings in the House and also be responsible for:

- budget submissions regarding committees
- reviewing the resources of committees.

It is sometimes urged that Queensland re-introduce an Upper House. This outcome is unlikely to eventuate, having regard to public opinion and the need for a referendum of the Queensland people. Any proposal to increase the number of politicians is unpopular, notwithstanding that in the years since the last increase in size of the Queensland Legislative Assembly (to 89 members in 1986), Queensland's population has increased by seventy per cent.²

Costs of Upper Houses around Australia are in some cases difficult to ascertain with any precision. As expected they vary widely. The annual costs of the Senate are well in excess of \$186 million. At the other end of the scale, the Legislative Council of Tasmania, with 15 members, has a total budget of some \$5.6 million. There is also a Joint Services budget for both houses (with a total of 40 members) of \$5.25 million.

The Legislative Council of Victoria has provided an estimate for its annual costs of some \$42.8 million. That House has 40 members (with a Lower house of 88 members). The figures for Victoria might be particularly apt, noting that Queensland's Legislative Assembly has 89 members, and the populations of Queensland and Victoria are some 4,500,000 and 5,500,000 respectively.

The current annual budget for Queensland's Parliamentary committees is approximately \$2.5 million. This budget has not increased significantly for some years.

In the absence of an Upper House in Queensland, it is appropriate that there be 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.

This committee's proposals for the structure and roles of the parliamentary committee system are summarised on the next page, followed by a full list of recommendations.

² Mr Neil Laurie, Clerk of the Parliament, submission 23, page 3.

PROPOSED COMMITTEES AND THEIR ROLES

Economics and Industry Committee

Portfolio responsibility:

Department of Employment, Economic Development and Innovation

Education Committee

Portfolio responsibility:

Department of Education and Training

Environment and Resource Management Committee

Portfolio responsibility:

Department of Environment and Resource Management

Finance and Administration Committee

Portfolio responsibility:

Department of Premier and Cabinet

Queensland Treasury

Oversight:

Auditor-General

Integrity Commissioner

Health Committee

Portfolio responsibility:

Queensland Health

Oversight:

Health Quality and Complaints Commission

Legal Affairs Committee

Portfolio responsibility:

Department of Justice and Attorney-General

Oversight:

Electoral Commission

Information Commissioner

Ombudsman

Police and Public Safety Committee

Portfolio responsibility:

Department of Community Safety

Queensland Police

Social Affairs Committee

Portfolio responsibility:

Department of Communities

Oversight:

Family Responsibilities Commission

Commission for Children and Young People and Child Guardian

Transport and Infrastructure Committee

Portfolio responsibility:

Department of Transport and Main Roads

Department of Infrastructure and Planning

Department of Public Works

Parliamentary Crime and Misconduct Committee

Oversight:

Crime and Misconduct Commission

Criminal Organisation Public Interest Monitor

Committee of the Legislative Assembly

Standing Orders

Parliamentary powers, rights and immunities

Parliamentary privilege, including considering allegations of contempt

Ethical conduct of Members, including a code of conduct

Register of interests of Members

Advising the Legislative Assembly on requests for a right of reply

Other functions as recommended in this report.

RECOMMENDATIONS

Recommendation 1..... 11

The Committee recommends that in place of the current committees there be the following committees:

- nine statutory portfolio based committees to cover the array of government activities
- the Parliamentary Crime and Misconduct Committee
- a Committee of the Legislative Assembly.

Recommendation 2..... 11

The Committee recommends that nine statutory committees be established under the *Parliament of Queensland Act 2001* to cover the array of government portfolio areas, including scrutiny of any statutory authorities and government owned corporations within those portfolios.

Recommendation 3..... 11

The Committee recommends that the titles of such committees and their portfolio responsibilities are to be specified in Standing Orders in order to provide greater flexibility as government portfolio areas change over time.

Recommendation 4..... 12

The Committee recommends that, under the current administrative arrangements [see appendix E], the following committees be specified in the Standing Orders:

Economics and Industry Committee

Portfolio area: Department of Employment, Economic Development and Innovation

Education Committee

Portfolio area: Department of Education and Training

Environment and Resource Management Committee

Portfolio area: Department of Environment and Resource Management

Finance and Administration Committee

Portfolio areas: Department of Premier and Cabinet, Queensland Treasury

Oversight responsibilities: Auditor-General, Integrity Commissioner

Health Committee

Portfolio area: Queensland Health

Oversight responsibilities: Health Quality and Complaints Commission

Legal Affairs Committee

Portfolio area: Department of Justice and Attorney-General

Oversight responsibilities: Electoral Commission, Information Commissioner, Ombudsman

Police and Public Safety Committee

Portfolio areas: Department of Community Safety, Queensland Police

Social Affairs Committee

Portfolio area: Department of Communities

Oversight responsibilities: Family Responsibilities Commission, Commission for Children and Young People and Child Guardian

Transport and Infrastructure Committee

Portfolio areas: Department of Transport and Main Roads, Department of Infrastructure and Planning, Department of Public Works

Recommendation 5	12
<p>The Committee recommends that each of the nine portfolio committees have responsibility within their portfolio areas for any public accounts and public works formerly the responsibility of the Public Accounts and Public Works Committee.</p>	
Recommendation 6	12
<p>The Committee recommends that in considering any bill referred to it, a portfolio committee shall consider the application of the fundamental legislative principles (as previously performed by the Scrutiny of Legislation Committee).</p>	
Recommendation 7	12
<p>The Committee recommends that the portfolio committees shall also monitor and may report on any subordinate legislation within their portfolio responsibilities (formerly the responsibility of the Scrutiny of Legislation Committee).</p>	
Recommendation 8	15
<p>The Committee recommends that a Committee of the Legislative Assembly be established under the <i>Parliament of Queensland Act 2001</i>.</p>	
Recommendation 9	15
<p>The Committee recommends that the <i>Parliament of Queensland Act 2001</i> be amended to provide for the establishment of the Committee of the Legislative Assembly with the current functions of the Standing Orders Committee and the Integrity, Ethics and Parliamentary Privileges Committee, without the oversight function under the <i>Integrity Act 2009</i> (which is to be carried out by the Finance and Administration Committee).</p>	
Recommendation 10	15
<p>The Committee recommends that the <i>Parliamentary Service Act 1988</i> be reviewed. The Committee of the Legislative Committee should determine the budget and resources of committees and make submissions to government to ensure the committees of the Parliament are sufficiently resourced.</p>	
Recommendation 11	15
<p>The Committee recommends that this committee should oversee the establishment of the committee facilities (recommended by this Committee) in the parliamentary precinct.</p>	
Recommendation 12	15
<p>The Committee recommends that the responsibility for the management of construction and maintenance of the Parliamentary buildings and electorate offices (along with the relevant budget) be transferred to the Department of Public Works.</p>	

Recommendation 13.....	16
The Committee recommends that the membership of the Committee of the Legislative Assembly be:	
<ul style="list-style-type: none"> • Leader of the House (chair) • Premier (or nominee) • Deputy Premier (or nominee) • Leader of Opposition Business • Leader of the Opposition (or nominee) • Deputy Leader of the Opposition (or nominee) 	
Recommendation 14.....	17
The Committee recommends that all portfolio committees have the ability to report on all aspects of government activities, including investigating and reporting on events, incidents and operational matters.	
Recommendation 15.....	20
The Committee recommends that all committees consist of six members with three members nominated by the Leader of the House and three members nominated by the Leader of the Opposition to reflect the composition of the non-government membership in the House.	
Recommendation 16.....	20
The Committee recommends that Standing Orders provide for the use of participating and substitute members by leave of the committee.	
Recommendation 17.....	21
The Committee recommends that Standing Orders be amended to provide that participating members may participate in deliberative meetings, but have no voting rights.	
Recommendation 18.....	23
The Committee recommends that the <i>Crime and Misconduct Act 2001</i> be amended to provide that the chair of the Parliamentary Crime and Misconduct Committee be a Member nominated by the Leader of the Opposition.	
Recommendation 19.....	23
The Committee recommends that Standing Orders continue to provide for chairs to have a deliberative and casting vote.	
Recommendation 20.....	24
The Committee recommends that the status of chairs of parliamentary committees and the Leader of Opposition Business reflect the increased responsibilities of their position.	

Recommendation 21..... 27

The Committee recommends that all bills, with the exception of those deemed ‘urgent’, be referred to portfolio committees for inquiry and report, using a model that achieves the following:

- there shall be a presumption that the Legislature will refer legislation to a committee, and any exceptions must be transparent, narrowly-defined, and extraordinary in nature
- committees shall scrutinise legislation referred to them and have the power to recommend amendments
- opportunities shall be given for public input into the legislative process.

Recommendation 22..... 28

The Committee recommends that a committee be able to recommend amendments to a bill, but the power of amendment is to remain with the House as a whole.

Recommendation 23..... 28

The Committee recommends that Standing Orders be amended as necessary to provide that the introducing Member after moving ‘That the bill be now read a first time’ shall proceed with an explanation of the bill.

Recommendation 24..... 28

The Committee recommends that Sessional Orders be amended to provide that the current time limits for the mover of a bill be identified under a new ‘First reading debate’ heading.

Recommendation 25..... 28

The Committee recommends that the introducing Member nominate the portfolio committee that the bill be referred to.

Recommendation 26..... 28

The Committee recommends that Standing Orders be amended to provide that following the first reading stage, the introducing Member shall move that the bill be referred to a particular portfolio committee.

Recommendation 27..... 29

The Committee recommends that Standing Orders be amended to provide that a portfolio committee considering a bill may ask any other committee for its opinion on the whole or any portion of the bill.

Recommendation 28..... 29

The Committee recommends that committees have access to the appropriate expertise and assistance required for the conduct of their inquiries.

Recommendation 29..... 29

The Committee recommends that there be a Code of Practice outlining the nature and extent of assistance to be provided by relevant offices.

Recommendation 30	29
The Committee recommends that there be guidelines concerning the attendance and conduct of officials before committees.	
Recommendation 31	30
The Committee recommends that the maximum timeframe for committees to inquire and report on bills be six months.	
Recommendation 32	30
The Committee recommends that Standing Orders be amended to provide that committees must report on a bill within six months of the bill being referred to it or by such other time as fixed by the Committee of the Legislative Assembly.	
Recommendation 33	30
The Committee recommends that bills be set down for the second reading a minimum of three sitting days after a committee reports.	
Recommendation 34	30
The Committee recommends that Standing Order be amended to provide that following the presentation of a committee report on a bill, the bill is set down for second reading on the third sitting day following.	
Recommendation 35	31
The Committee recommends that, for bills that have been reported upon by a committee, the time limits for the second reading debate be reduced.	
Recommendation 36	31
The Committee recommends that the Sessional Orders be amended to provide the following time limits for the second reading debate on such bills:	
Bills (Government)	
Leader of the Opposition (or nominee) – 1 hour	
Members of the relevant portfolio committee – 20 minutes	
All other Members – 10 minutes	
Mover in reply – 30 minutes	
Bills (Private Members)	
All Members – 10 minutes	
Mover in reply – 30 minutes	
Recommendation 37	31
The Committee recommends that the time limits for consideration in detail, for bills that have been reported upon by a committee, be reduced.	

Recommendation 38	32
<p>The Committee recommends that the Sessional Orders be amended to provide the following time limits for consideration in detail of such bills:</p> <p>Mover – no limit</p> <p>Other Members (on each question) – 3 minutes</p>	
Recommendation 39	35
<p>The Committee recommends that the budget estimates be considered by portfolio committees.</p>	
Recommendation 40	35
<p>The Committee recommends that portfolio committees examine the estimates without restrictive structured timeframes for questions and answers.</p>	
Recommendation 41	35
<p>The Committee recommends that Chapter 28 of the Standing Orders be amended as necessary accordingly.</p>	
Recommendation 42	36
<p>The Committee recommends that the estimates hearings continue to be held over a two week period, with the Committee of the Legislative Assembly to determine the hearing dates.</p>	
Recommendation 43	36
<p>The Committee recommends that senior public servants (senior executive level), chief executive officers and statutory office holders be able to be directly questioned at estimates hearings.</p>	
Recommendation 44	37
<p>The Committee recommends that portfolio committees have access to the expertise and assistance of the Auditor-General to provide financial briefings or advice in relation to estimates and other financial reviews.</p> <p>The Committee recommends that a code of practice outlining the nature and extent of assistance to be provided by the Office of the Auditor-General be developed in consultation with the Auditor-General.</p>	
Recommendation 45	49
<p>The Committee recommends that the bipartisan support of a parliamentary committee be statutorily required for any appointment (including reappointment) to any of the following positions:</p> <ul style="list-style-type: none"> • Auditor-General • Crime and Misconduct Commission – chairperson and other commissioners • Criminal Organisation Public Interest Monitor • Electoral Commission • Information Commissioner, Right to information Commissioner and Privacy Commissioner • Integrity Commissioner • Ombudsman. 	

Recommendation 46..... 50

The Committee recommends that the *Crime and Misconduct Act 2001* be reviewed with a view to:

- having lay members included on the Parliamentary Crime and Misconduct Committee and
- greater transparency of the operations of the Parliamentary Crime and Misconduct Committee.

Recommendation 47..... 58

The Committee recommends that the Standing Orders be amended to provide that a committee can on its own initiative consider any petition received by the House, the subject-matter of which falls within the jurisdiction of the committee.

Recommendation 48..... 58

The Committee recommends that the Standing Orders be amended to provide that a minister (being the minister responsible for the administration of the matter which is the subject of the petition) can refer a petition to the relevant committee for consideration, but such referral shall not operate so as to require the committee to consider any petition.

Recommendation 49..... 59

The Committee recommends that there be a presumption that portfolio committee proceedings be open to the public unless the committee otherwise determines.

Recommendation 50..... 64

The Committee recommends that parliamentary committees continue to investigate and utilise new ways to better engage with the community.

Recommendation 51..... 67

The Committee recommends that appropriate accommodation to support parliamentary committees be provided, to include a minimum of three dedicated committee rooms to be established in the parliamentary precinct, equipped for recording by the Parliamentary Reporting Service and media, together with internet connectivity and teleconferencing and videoconferencing capacity, with a view to establishing a dedicated room for each committee.

Recommendation 52..... 69

The Committee recommends that:

- parliamentary committees make greater use of videoconferencing in their operations.
- the Parliamentary Service establish its own videoconferencing facilities and be funded to do so.
- the Parliamentary Service continue to develop innovative consultation methods for use by committees.

Recommendation 53..... 72

The Committee recommends that sitting times be altered to allow for committee time on Wednesday mornings from 9.30am to 1pm, with the Parliament to commence at 2.30pm Wednesdays.

Additionally Friday mornings are to be considered committee time.

Committees may also meet outside parliamentary sitting times.

Recommendation 54..... 73

The Committee recommends that the Committee of the Legislative Assembly consider the allocation of more private members' time, and review the time allocated to ministerial statements.

Recommendation 55..... 74

The committee recommends that there be a dedicated time for debate of committee reports (other than reports on bills) of at least one hour each sitting week.