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**From:** David Phillips [dmp@fava.org.au]  
**Sent:** Monday, 17 May 2010 3:00 PM  
**To:** CSRC  
**Subject:** Submission on the Review of the Parliamentary Committee System  
**Attachments:** fava-sub-qld-sub-csrc-committee-system-2010.pdf

Sub # 7

The Secretary  
Committee System Review Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Secretary,

Please find attached the Submission on the Review of the Parliamentary Committee System by FamilyVoice Australia.

Should the Committee decide to conduct hearings in support of this inquiry, FamilyVoice would be happy to provide verbal evidence in support of our submission.

Yours sincerely,

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A Christian voice for family, faith and freedom

18/05/2010

## **Submission**

on the

## **Review of the Parliamentary Committee System**

to the

### **Committee System Review Committee**

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by

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17 May 2010

## TABLE OF CONTENTS

<b>1. Introduction.....</b>	<b>1</b>
<b>2. Committees in a unicameral parliament .....</b>	<b>1</b>
2.1 Referring all legislation to committees .....	2
<b>3. Committee minorities .....</b>	<b>2</b>
<b>4. Time for public response.....</b>	<b>3</b>
<b>5. Endnotes .....</b>	<b>4</b>

## 1. Introduction

The Queensland Legislative Assembly resolved on 25 February 2010 to establish a select committee to be known as the Review of the Parliamentary Committee System Committee. The committee is to conduct an inquiry and report on how the Parliamentary oversight of legislation could be enhanced and how the existing Parliamentary Committee system could be strengthened to enhance accountability.

In undertaking this inquiry, the committee is to consider—

- the role of Parliamentary committees in both Australian and international jurisdictions in examining legislative proposals, particularly those with unicameral parliaments;
- timely and cost effective ways by which Queensland Parliamentary Committees can more effectively evaluate and examine legislative proposals; and
- the effectiveness of the operation of the committee structure of the 53rd Parliament following the restructure of the committee system on 23 April 2009.

The committee is to include in its report options on models for structuring the Queensland Parliamentary Committee system.

The committee is due to report to the Legislative Assembly by the end of 2010.

Submissions have been invited and are due by 21 May 2010.

## 2. Committees in a unicameral parliament

It is instructive that the terms of reference direct the Committee to give particular consideration to examples of the role of parliamentary committees in unicameral parliaments. Nevertheless, the terms of reference do allow the Committee to consider parliamentary committees in bicameral parliaments.

In unicameral parliaments, parliamentary committees, formed to review legislation, always have a majority of government members and therefore have limited independence for review purposes.

There is no doubt that the role of parliamentary committees in bicameral parliaments is clearer and stronger. In a bicameral parliament, parliamentary committees formed in an upper house elected by proportional representation are more likely to be balanced and provide a genuine and independent review of legislation.

The best way of improving the effectiveness of Queensland parliamentary committees would be to restore the Legislative Council.

### ***Recommendation 1:***

***Since parliamentary committees function best in a bicameral parliament in which the upper house is elected by proportional representation, the Queensland Legislative Council should be restored and should be elected by proportional representation.***

In the absence of this most desirable improvement of the Queensland parliamentary system there are steps that could be taken to somewhat improve the system of parliamentary committees.

## 2.1 Referring all legislation to committees

Nebraska has the only State unicameral legislature in the United States.

The Nebraska Unicameral legislature has fourteen standing committees organized around public policy areas.

With the exception of a few technical bills, all legislative bills must receive a public hearing by a legislative committee.

*At hearings, citizens have a chance to express their opinions to committee members. Testimony is recorded, transcribed and incorporated into the official committee record. After the hearing, committees may vote to send the bill to General File with or without amendments, indefinitely postpone (kill) the bill or take no action on it.<sup>1</sup>*

New Zealand has a national unicameral legislature.

*The New Zealand select committee system is unique in the Westminster world in that almost all legislation is scrutinised by committees, with legislation automatically standing referred to a committee. Also unique is the way in which a committee's recommended changes to a bill are drafted into the bill as reported back and unanimous changes adopted automatically by the House. Committees also, as a matter of course, invite public submissions on the legislation before the committee.*

*This does not extend only to written submissions but to hearing oral submissions from pretty much anyone who wishes to be heard. While in many jurisdictions committees do take public submissions, there is not the same expectation that submissions will be received and heard as a matter of course. This greatly enhances the legitimacy of the committee process.<sup>2</sup>*

The Queensland parliamentary committee system could be strengthened by sending all except technical bills for an inquiry, including public consultation, to a relevant standing committee. Alternatively, a request by any two members of the Legislative Assembly for a bill to be referred to a committee for inquiry, including public consultation, could be made sufficient to trigger a referral.

### ***Recommendation 2:***

***Either all bills, except technical bills, or all bills which any two members of the Legislative Assembly request be referred, should be referred to the relevant standing committee for inquiry including public consultation.***

## 3. Committee minorities

In a unicameral parliament – especially one which operates on a party system as does the Queensland parliament – it will usually be the case that committees will have a majority of government members. This means that in the absence of any significant dissent by government backbenchers the majority reports of committees will ordinarily reflect unqualified support for legislation or legislative proposals advanced by the government.

In this context it is important that committee procedures give as full an opportunity as possible for non-government members of the committee to exercise the role of scrutiny of government sponsored legislation.

When giving evidence before one Queensland parliamentary committee a witness for FamilyVoice Australia formed the impression that, unlike his experience before most Senate committees, the

questioning seemed to be unduly dominated by the Chairman of the committee, with a consequent reduction in the opportunity for non-government members of the committee to pursue a line of questioning. This may not be representative of the usual practice in Queensland parliamentary committees. However, this dominance by the government majority is certainly possible and should be actively prevented.

In regard to Estimates Committees, Standing Order 180 (d) provides that “*that at least half the time available for questions and answers in respect of each organizational unit is allocated to non-Government members*”.<sup>3</sup> This requirement should apply to all parliamentary committees.

Non-government members should be given the first opportunity to ask questions. The Chairman should go last rather than first in putting questions and be the one to miss out if time is short.

The New South Wales parliamentary committees publish minutes of meetings which disclose the nature of disagreements on the text of a report and its recommendations, including recording the names of committee members voting for or against motions.

If there is a dissenting report, the response by the government to the report should include an obligation to respond to matters raised in the dissenting report not just to the recommendations of the majority.

***Recommendation 3:***

***The role of the non-government members of committees should be strengthened by:***

- *giving them precedence in asking questions of witnesses, with a guarantee that at least half of the available time for questioning a witness will be allocated to non-government members;*
- *publishing minutes of committee meetings including recording how members vote on motions; and*
- *requiring the government to include, in its response to a committee report, a response to matters raised in any dissenting report.*

## **4. Time for public response**

Six weeks should be the minimum period between inviting submissions from the public and the due date for submissions.

There is no point asking for public submissions if members of the public and interested organisations are not given adequate time to consider the issues raised, to consult with other interested parties or with their members and to encourage others to consider making a submission to the inquiry.

***Recommendation 4:***

***The minimum period between inviting submissions from the public and the due date for submissions should be six weeks.***

## 5. Endnotes

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1. <http://www.legislature.nc.gov/committees/committees.php>
2. Ganley, M, "Select Committees and their role in keeping Parliament relevant" in *ASPG Parliament 2000 – Towards a Modern Committee System 2001*, p 83; [http://www.parliament.qld.gov.au/aspg/documents/aspg\\_09.pdf](http://www.parliament.qld.gov.au/aspg/documents/aspg_09.pdf)
3. <http://www.parliament.qld.gov.au/view/legislativeAssembly/documents/procedures/StandingRules&Orders.pdf>