

Sub# 8.

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Sent: Tuesday, 18 May 2010 1:56 PM
To: CSRC
Subject: Submission

SUBMISSION TO COMMITTEE SYSTEM REVIEW

COMMITTEE

INTRODUCTION

The advent of Parliamentary Committees to the Queensland Parliament has been fairly recent compared to other jurisdictions. While a Subordinate Legislation Committee and a Privileges Committee had been established in the 1970s, it is a reasonable assumption that these were permitted by the Government of the day because they posed no threat of scrutiny or represented an attempt to bring the Government to account. It is a matter of historical record that, in 1983, the attempt by a section of the then Liberal backbench to set aside Standing Orders to debate the establishment of a Public Accounts Committee produced a political crisis and terminated 26 years of Coalition Government. It is perhaps ironical that 5 years later its successor, a National Party Government, did establish a Public Accounts Committee and a Public Works Committee, but that Government was now led by Mike Ahern, a long term advocate of the committee system. The modern system then dates from that period, enhanced by the relevant recommendations of the Fitzgerald Report and their enactment by the Goss Government following the 1989 election. (A tentative start had been made by the Cooper Government, but as it lasted only two months, nothing of substance was achieved.)

As Parliament is a sovereign body, there is no other institution or force in society which can alter, change or reform it and its practises. Despite the clamour for reform following the Fitzgerald Inquiry, it had necessarily to fall to the Government of the day to act upon the recommendations, including those concerned with Parliament. Once the requisite changes were made, there was no possibility of return to the *status quo ante* as all sides of politics recognised the desirability and utility of the committee system. The fact that the number, ambit and remit of the system had been altered several times since the late 1980s is testimony to its evolution and the desire to continue improvements.

AN ALTERNATIVE MODEL

As the Committee's background paper attests, EARC had "favoured a system of *portfolio* based committees". It moreover recommended five to cover all areas, plus a Scrutiny of Legislation Committee and the possibility of further select committees as and when the need arose. The PCEAR in turn considered these matters and rejected the EARC model, opting for "enhancing the then current system ... an emphasis on accountability and scrutiny rather than policy areas." It is the argument of this submission that this was a missed opportunity to bring in a robust system which would have gone a good distance to meeting the primary terms of reference of this Committee.

Unicameral jurisdictions face unique problems concerning "*Parliamentary oversight of legislation ... [and] enhance(ment) [of] accountability*". These matters are more complex than in bicameral jurisdictions, although an Upper House does not automatically ensure oversight and accountability as these will depend on forces beyond the control of the parliamentary institution; including the electoral system utilised, the balance and range of political parties in the political culture, whether the control of the Chamber is in the hands of the Government, Opposition or the cross benches. In unicameral systems the best, and perhaps only mechanism open to achieving these aims is the committee system, specifically tailored to these goals. The 2009 restructuring of the committee system points to a significant shift towards such goals by inaugurating the Economic Development, Environment and Resource and Social Development Committees, which, together with the Public Accounts and Public Works Committees; Law, Justice and Safety Committee and the Integrity, Ethics and Parliamentary Privileges Committee form what might be called "cluster committees" with multi- focussed activities.

This re-structuring points to the possibilities of adopting an adaptation of the committee system of the New Zealand House of Representatives, discussed in detail by Marcus Ganley in "Select Committees and their Role in Keeping Parliament Relevant. Do New Zealand Select Committees Make a Difference?" *Australasian Parliamentary Review*, 16(2), Spring 2001. These committees are also clustered, but have an important role in the legislative process. Over 90% of all legislation is referred to the relevant committee after the First Reading. The committees then advertise for submissions, including oral ones, hold public hearings and discuss the bill clause by clause. Ministers can appear before the committee on their own bills, but cannot participate in the committee's deliberations, including voting. The committees routinely gain reports from the Departments, agencies and Statutory Authorities effected by the bill. The committees can also initiate their own inquiries on matters they deem to be pertinent to their operations. Any changes

to the legislation agreed to by the committee are drafted into the bill and those that are made by unanimous decision, in the committee, are automatically adopted by the Parliament.

The NZ Parliament is a multi-party House, therefore negotiation and compromise are part of its routine so, the committees are embedded in, and a significant part of this process. With 129 MPs the NZ Parliament is of roughly comparable size to our own and this form of the committee system (although regularly refined) has a provenance dating back at least to the 1960s. Moreover Ministers have come up through the system and their tactics for the passage of legislation incorporates this activist committee system. It is worth noting that the Government abolished the Legislative Council in 1951 but it is my contention that their committee system's operation is a far superior form of oversight and accountability than was the Council, appointed for life.

CONCLUSION

The revamping of the committee structure and functions in 2009 have the potential to realise the CSRC's brief referred to above but, it is suggested, only if some thing akin to the New Zealand practise is adopted. By winding the committees into the legislative process they necessarily become integral to the governance of the state, with a vested interest in best practise and best outcomes. No Parliament is an exact replica of any other, and there are necessarily differences between national Parliaments (NZ) and sub-national ones (Qld). However unicameral legislatures are obliged to rethink methods to achieve "oversight and accountability", it being the contention of this submission that the NZ model is worthy of serious consideration.

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