



# Law, Justice and Safety Committee

LAW, JUSTICE AND SAFETY  
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Your Ref:

Our Ref:

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11.1

Hon Judy Spence MP  
Chair  
Committee System Review Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Ms Spence

## **Review of the Committee System of the Queensland Parliament call for submissions**

Thank you for your letter of 8 April 2010, inviting submissions to the above inquiry. The Law, Justice and Safety Committee (LJSC) has considered the terms of reference for your inquiry and notes that, as part of your review, the CSRC will be examining ways in which the existing Parliamentary Committee system could be strengthened to enhance accountability.

Further to that examination, the LJSC wishes to bring to your Committee's attention some concerns that we have that arise from our own recent experience with our Alcohol Related Violence inquiry. In the course of that inquiry, an interest group that had made a submission to the inquiry subsequently released to the media details of the issues and proposals that it had raised with the Committee in its submission.

The LJSC had not, at that time, authorised publication of that submission. Aside from this unauthorised disclosure of Committee documents being a breach of Standing Order 209, the Committee was concerned that this unauthorised disclosure to the media and, as a consequence, the public at large, served to inappropriately shift some community focus from the terms of reference of the inquiry, to instead refocus on debating the merits of the proposals put forward by that group.

The LJSC submits that there are several negative consequences for the parliamentary committee inquiry process that could potentially stem from such unauthorised disclosures.

Firstly, as outlined above, there is potential for the focus of community debate to shift away from a Committee's terms of reference towards debate on specific proposals put forward by one community group, effectively a "high-jacking" of the Committee's own agenda by one interest group.

Secondly, there is a risk that the media attention given to one group's proposal may, especially where that group is known to be a prominent stakeholder for the issue, lead to an incorrect community perception that the group's proposal has already been accepted by the Committee and will form part of the Committee's recommendations. This could lead other potential submitters to feel that the issue is settled, the outcome a *fait accompli*, and that there is no point in raising or debating alternative views.

Thirdly, should the community be incorrectly left with the impression that a particular interest group's view has already been accepted as the 'correct way forward' by the Committee, should the Committee ultimately choose to follow a different path to that which has become the focus of community attention, it might be perceived (undeservedly) that the Committee has executed a volte-face and/or is unable to commit to one course of action.

Lastly, by releasing its submission to the media and essentially 'piggy-backing' onto the publicity and credibility attaching to a committee inquiry, an interest group may be able to attract attention and legitimacy for its own particular agenda, issues or viewpoint that might otherwise be undeserved. This 'linking' in the public's perception of a particular group's agenda with a parliamentary committee inquiry may serve to both inappropriately legitimise that group's agenda and tarnish the image of the Committee (and, by extension, the Parliament) in the eyes of the community if the group's image or agenda is in conflict with, or offensive to, community standards or expectations. Even if the group's agenda reflects widely held community values, in publicly releasing its submission to a committee inquiry, it may, as discussed above, bring disproportionate public focus to narrow issues and away from the broader issues the inquiry is seeking to address.

The Chair and Deputy-Chair of the LJSC have met with the Clerk of the Parliament to discuss the Committee's concerns in respect of unauthorised disclosures of committee documents, and have written to the Speaker on same. From its consideration of this issue, the LJSC appreciates the difficulties inherent in addressing the problem of unauthorised disclosure of submissions, especially where this is done by members of the public who may be unaware that they are breaching Standing Orders, and, in respect of whom, enforcement of the Parliament's powers with respect to contempts may be considered to be draconian.

The recent expansion of the parliamentary committee system has seen more committees undertaking major inquiries into often controversial and community-driven issues, with a resultant greater community interest, involvement and input. This phenomenon, combined with ever evolving technologies facilitating mass communications at the touch of a button, means the likelihood that submitters may release their submissions to the media or the world at large via the internet, email, facebook, twitter or similar means is ever increasing.

The Committee accepts that well-intentioned submitters may genuinely believe they are assisting public debate on key issues by republishing their submission through other mediums and may be unaware that their actions can compromise the integrity of the inquiry process. Conversely we also recognise that there will be persons and groups who will, in full knowledge that they are breaching Standing Orders, deliberately release their submissions in pursuit of publicity for their own agendas, paying little heed as to whether their actions are detrimental to the process or in contempt of the Parliament.

How best to dissuade these disparate audiences from disclosing their submissions is a question that has concerned the LJSC for some time. Obviously the Committee does not wish to discourage members of the public and community groups from making submissions to committee inquiries. Nor however do we consider that flagrant abuse of parliamentary procedures should go unchallenged.

Accordingly, we respectfully ask the CSRC to consider, perhaps with reference to best practice in other Parliaments, ways in which benign (unauthorised) disclosures might be discouraged or avoided through better education of submitters, and how Committees should respond to deliberate interference with the integrity of its processes by interest groups and others in the community.

We appreciate your attention to this important matter.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Barbara Stone'.

Ms Barbara Stone MP  
**Chair**