



Queensland Parliamentary Service

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Ref: Submission – Review of the Committee System of the Queensland Parliament

25 May 2010

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

Dear Ms Spence

I would like to thank you for your invitation dated 8 April 2010 to make a submission on the review of the committee system of the Queensland Parliament.

At the outset I wish to acknowledge that this submission is the collective work of a group of Parliamentary Service staff who have met in workshops over a number of weeks. The collective years of experience of these staff in the work of committees of this House number well over 100 years. However, as the Clerk and Chief Executive Officer of the Parliamentary Service, I take full responsibility for this final submission.

My submission will deal with the following matters, in the following order:

- The importance of strong institutions
- The background to the current committee system
- The functions of Parliament
- Benchmarking the Queensland Parliament
- A critique of the current system
- Creating an effective and efficient process
- Other jurisdictions
- Proposed new committee system
- Implementation
- Resourcing

THE IMPORTANCE OF STRONG INSTITUTIONS

The success of any system of government is predicated on the requisite strength of its institutions and whether those institutions are able to fulfil all of their necessary functions. Institutional weakness, that is the inability to properly discharge an institution's functions, will inevitably adversely affect the entire system of government.

In a Westminster system of government, weaknesses in the institution of Parliament, will inevitably upset the proper balance between Parliament and government. If we are to learn anything from our 150 year history as a Colony and State, it is that an absence of scrutiny, accountability and transparency will lead, inevitably to an absence of proper administration.

THE BACKGROUND TO THE CURRENT COMMITTEE SYSTEM

In 1922 the Legislative Council was abolished, not by vote or mandate of the people, who had comprehensively rejected the Council's abolition by referendum in 1915, but by numerical manipulation by the then executive. There is no doubt that the obstructionism of a non-elected body, essentially only representing the wealth of the

State could not continue. But the failure to reform the Council and the alternative option of abolishing it, undoubtedly led to a weaker unicameral Parliament and a much stronger, less accountable executive arm of government.

Unicameralism, a single House of Parliament, coupled with single member seats, has led to the Parliament nearly always being dominated by the government of the day. From the abolition of the Legislative Council until the Fitzgerald Inquiry, there were few parliamentary committees established, and most were focused on internal matters. Following the Fitzgerald Inquiry and the reform era it ushered in, a more comprehensive committee system was established.

However, the committee system since the Fitzgerald Inquiry is not sufficient to meet the needs of a Unicameral Parliament. The committee system that was introduced in 1995, after years of review by the Electoral and Administrative Review Commission (EARC) and the Parliamentary Committee for Electoral and Administrative Review (PCEAR) and the then Goss Government, was a committee system that was already out of date by the time it was entrenched in legislation.¹ It essentially comprised committees created since the late 1980s: Public Works Committee (PWC), Public Accounts Committee (PAC) and Parliamentary Criminal Justice Committee (PCJC), adding the Scrutiny of Legislation Committee (SLC) and replacing PCEAR with the Legal, Constitutional and Administrative Review Committee (LCARC). I do not believe that it was the committee system the Fitzgerald envisaged.

A unicameral parliament should have a committee system that encompasses and scrutinises the array of functions/portfolios of government. Until recently, there were no committees with responsibility for health, economics and education.

The reform to the parliamentary committee system this Parliament, although no doubt well-intentioned and in the main positive, has serious flaws.² In particular, the system is still defective in terms of its ability to scrutinise government. The reforms have ensured that parliamentary committees are focussing on policy rather than the scrutiny of government action. Indeed, the terms of reference specifically preclude the new committees from investigating and reporting on events, incidents or operational matters. Furthermore, they have at best a marginal role in the Parliament's legislative program.

The Electoral and Administrative Review Commission (EARC) made comments about the importance of a committee system such as the following:

The chapter has noted that the absence of an upper house is one of the major reasons why parliamentary scrutiny of public administration has been said to be largely ineffective in this State. The Commission is very concerned about the public perception that the Legislative Assembly is largely irrelevant to the government of Queensland. The Commission has not taken a position on the question of the restoration of the Legislative Council and instead suggests, in agreement with Mr Fitzgerald QC and other commentators, that other mechanisms to restore the balance of power between the Executive and the Parliament itself should be explored.

One of the few mechanisms which could rehabilitate the House is the parliamentary committee system. In the Commission's view, if the committee system is properly resourced and supported and has the commitment of Members from both sides of the House serving on committees, it could and should carry out some of the functions traditionally undertaken by upper houses in those jurisdictions which still have them. The remainder of the Report examines the validity of this preliminary conclusion.³

However, EARC's recommendations were largely ignored, the executive obviously being unwilling to implement them.

¹ *Parliamentary Committees Act 2005*

² Parliament of Queensland Amendment Act 2009. The explanatory notes to the Bill for this Act explain the changes: <http://www.legislation.qld.gov.au/Bills/53PDF/2009/ParltQldAB09Exp.pdf>

³ Queensland Electoral and Administrative Review Commission. *Report on Review of Parliamentary Committees*, October 1992, 40

The absence in any growth of the number of Members of Parliament in the last 25 years, whilst the population of the State has increased by 70% in the same time, coupled with the growth of the executive arm through the office of Parliamentary Secretary, has also increased the strength of the executive and weakened the Parliament.

THE FUNCTIONS OF PARLIAMENT

A Parliament is not just a legislature and its functions go well beyond its law-making role. The functions of Parliament include:

- **Representation** - Parliaments should be representative of the people it serves.
- **Provision of government** – In a system of responsible government, Parliament must be able to provide a government that has the support and confidence of the Lower House.
- **Scrutiny** - It is an essential function to scrutinise the actions and policies of government and keep ministers and the government accountable (and perhaps as part of this function be able to provide an alternative government).
- **Law-making** - It must be able to make laws for the State.
- **Finance** - It must be able to provide the finances for government.
- **Grievance and debate** - It should provide a forum for grievance and debate.

Whilst there can always be criticisms at the margins, the Queensland Parliament does provide a forum for debate and grievance and performs as well as any other Parliament the law-making and financial role. Even when numbers in the House have been finely balanced, it has provided stable government since 1922. However, its ability to scrutinise the actions of government has been fundamentally flawed since 1922.

BENCHMARKING THE QUEENSLAND PARLIAMENT

Benchmarking is the process of comparing an organisation's structures, processes and performance to similar organisations and identifying 'best practice'. In recent years, there has been a body of work created on benchmarking Parliaments and democratic institutions, for example:

- The Commonwealth Parliamentary Association's work titled *Recommended Benchmarks for Democratic Legislatures*⁴
- The Inter-Parliamentary Union's work titled *Evaluating Parliament*⁵
- The Institute for Democracy and Electoral Assistance's work titled *Assessing the Quality of Democracy*⁶

Using the various benchmarks in these documents, it can be identified that the Queensland Parliament has a number of clear strengths, including:

- Universal suffrage, free and secret ballots for election with independent and transparent electoral processes.
- Regular elections, constitutionally at least every three years.
- Parliamentary privilege (rights and immunities) for individual members in the course of their duties.
- Non-partisan administration of parliamentary remuneration and allowances for Members.
- Regular sessions of Parliament (although only constitutionally required once every year).
- Sessional Orders enabling non-government members to initiate legislation or other matters for debate.
- Public procedures in the Assembly and a very accessible public record of debates and decisions.
- The right of members to join political parties or groupings and recognised status of such parties and groupings.
- Adequate, non-partisan professional parliamentary staff that are accessible to all members.
- Adequate access for members to information communication technology, research and library resources.

⁴http://www.cpahq.org/cpahq/Mem/Document%20Library/Benchmarks_for_Democratic_Legislatures/Recommended%20Benchmarks%20for%20Democratic%20Legislatures.aspx

⁵http://books.google.com.au/books?id=ertQcs9mV-4C&dq=Evaluating+Parliament&printsec=frontcover&source=bl&ots=_Oo2Y2T_hg&sig=AbSTo6LQVTvDaJPC89a8ZrWOPrl&hl=en&ei=jyJESrjhNYqUkAWD-dGkDw&sa=X&oi=book_result&ct=result&resnum=2

⁶<http://www.idea.int/publications/aqd/index.cfm>

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- Non-partisan chief executive officer for parliamentary services, protected from undue political pressure.
 - Mechanism for votes of no confidence in the government.
 - Media access to proceedings.
 - A code of conduct for members, including public disclosure of interests.
 - An independent auditor reporting to Parliament.

It is noted that a number of the above strengths (such as a code of conduct, declarations of interest, time to debate private members' bills etc.) have been implemented in the post-Fitzgerald era. However, using these documents, the Queensland Parliament has clear weaknesses, including:

- The composition of parliament does not represent the diversity of political opinion in the State
- The committee system is inadequate to provide oversight or scrutiny of government
- Parliament does not have effective scrutiny or oversight of appointments to executive posts and hold their occupants to account.

I urge the Committee to carefully consider Part 3 of the Commonwealth Parliamentary Association's work titled *Recommended Benchmarks for Democratic Legislatures*,⁷ paying particular attention to the portions highlighted below:

3. COMMITTEES

3.1 Organization

3.1.1 The Legislature shall have the right to form permanent and temporary committees.

3.1.2 The Legislature's assignment of committee Members on each committee shall include both majority and minority party Members and reflect the political composition of the Legislature.

3.1.3 The Legislature shall establish and follow a transparent method for selecting or electing the chairs of committees.

3.1.4 Committee hearings shall be in public. Any exceptions shall be clearly defined and provided for in the rules of procedure.

3.1.5 Votes of committee shall be in public. Any exceptions shall be clearly defined and provided for in the rules of procedure.

3.2 Powers

3.2.1 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.

3.2.2 Committees shall scrutinize legislation referred to them and have the power to recommend amendments or amend the legislation.

3.2.3 Committees shall have the right to consult and/or employ experts.

3.2.4 Committees shall have the power to summon persons, papers and records, and this power shall extend to witnesses and evidence from the executive branch, including officials.

3.2.5 Only legislators appointed to the committee, or authorized substitutes, shall have the right to vote in committee.

3.2.6 Legislation shall protect informants and witnesses presenting relevant information to commissions of inquiry about corruption or unlawful activity.

6.3 The Public and Legislation

6.3.1 Opportunities shall be given for public input into the legislative process.

6.3.2 Information shall be provided to the public in a timely manner regarding matters under consideration by the Legislature.

⁷[http://www.cpahq.org/cpahq/Mem/Document%20Library/Benchmarks for Democratic Legislatures/Recommended%20Benchmarks%20for%20Democratic%20Legislatures.aspx](http://www.cpahq.org/cpahq/Mem/Document%20Library/Benchmarks%20for%20Democratic%20Legislatures/Recommended%20Benchmarks%20for%20Democratic%20Legislatures.aspx)

7. OVERSIGHT FUNCTION

7.1 General

7.1.1 The Legislature shall have mechanisms to obtain information from the executive branch sufficient to exercise its oversight function in a meaningful way.

7.1.2 The oversight authority of the Legislature shall include meaningful oversight of the military security and intelligence services.

7.1.3 The oversight authority of the Legislature shall include meaningful oversight of state owned enterprises.

7.2 Financial and Budget Oversight

7.2.1 The Legislature shall have a reasonable period of time in which to review the proposed national budget.

7.2.2 Oversight committees shall provide meaningful opportunities for minority or opposition parties to engage in effective oversight of government expenditures. Typically, the Public Accounts Committee will be chaired by a Member of the opposition party.

7.2.3 Oversight committees shall have access to records of executive branch accounts and related documentation sufficient to be able to meaningfully review the accuracy of executive branch reporting on its revenues and expenditures.

7.2.4 There shall be an independent, non-partisan supreme or national audit office whose reports are tabled in the Legislature in a timely manner.

7.2.5 The supreme or national audit office shall be provided with adequate resources and legal authority to conduct audits in a timely manner.

A CRITIQUE OF THE CURRENT SYSTEM.

The committee system of the Queensland Parliament cannot be adequately examined without reference to the proceeding of the Legislative Assembly itself. The following critique is offered of the current business of the Legislative Assembly.

Sitting days and times

- A myth persists that in the past the Legislative Assembly sat regular very long days and late nights. The reality is that the Legislative Assembly did, on occasions sit very long days and late nights, but on average sat shorter days, often because of later sitting starts. Analysis demonstrates that the Legislative Assembly is sitting fewer days, on average, than in the past, although sitting longer on average each day.

*For example, in 2009 (an election year) the Legislative Assembly only sat 40 days, but sat a total of 492 hours or an average of 12 hours and 18 minutes a day, whereas in 1995 (another election year) it sat 45 days for a total 339 hours and 25 minutes or an average of 7 hours and 33 minutes. In 2008 (not an election year) it sat 43 days for a total 504 hours and 59 minutes or 11 hours and 44 minutes on average, whereas in 1994 (also not an election year) it sat 52 days for a total of 447 hours and 56 minutes or 8 hours and 18 minutes a day (see **Appendix 1**).*

- In 1999 the Legislative Assembly sat for more hours than any year since 1910. Furthermore, 1999 was the seventh all time highest in terms of numbers of hours sat by the House. However, the most disturbing point to note is that it was the year with the third longest hours per sitting day. For example, in 1889 (the year with the most hours of sitting) the House sat 857 hours and 8 minutes in 105 sitting days – 8.16 hours per day approx. Whereas in 1999 the house sat for 665 hours and 5 minutes in 56 days – 11.88 hours per day approximately. The situation is worse when it is remembered that prior to 1994 there was in excess of 80 hours spent on Budget examination each year that is now done by Estimates Committees and not included in the 1999 sitting hours calculation. However, the 1999 record length of sitting was equaled or surpassed in 2000, 2003, 2007 and 2009 and is also set to be surpassed in 2010.

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- The reduction in the number of sitting days and increasing sitting hours is inherently beneficial to government. Less sitting days means less opportunities for Question Time and overall less opportunity for scrutiny in Parliament.

Speaking times

- There has been exponential growth in Ministerial Statements from 1.9 on average in 1994 to 17.67 on average in 2010. In 2005 there were 19.4 Ministerial Statements per sitting day, or, put another way, almost 60 ministerial statements every sitting week. Currently, almost the entire first hour of each sitting day is currently Ministerial Statements – almost three hours per week to the 18 Members of the Ministry.
- This should be compared to time available to non-Ministerial Members (70 members, excluding Mr Speaker) in the Assembly. Currently, there are five opportunities available to members not bound to a topic, totaling three hours (three adjournment debates, one Matter of Public Interest and one Private Members Statement period) – less than three minutes per Member per sitting week.
- With so little unrestricted debating time available to Members to speak about matters in the Assembly, it is little wonder that Members often resort to second reading debates on Bills to talk about matters that are only peripherally relevant, and that lengthy speaking lists and second reading debates on Bills have become the norm. This, in turn, places considerable pressure on the Leader of the House to move to curtail debate so as to ensure the passage of Bills through the House. I fully support the use of allocation of time limits on debate of Bills ('the guillotine') as a means of achieving sensible working hours.
- In terms of quality of outcome, there is a real question mark as to how efficient and effective long and often tedious and repetitive second reading debates assists with the quality scrutiny of legislation. This is particularly in view of the fact that before the second reading debate members, from both sides of the House, are effectively 'locked in' to partisan positions based upon caucus/party room decisions.

Connection of committee work to the Legislative Assembly

As regards the role of parliamentary committees in the operation of the Legislative Assembly, the following matters are noted.

- Parliamentary committee involvement in the consideration of legislation is largely limited to the scrutiny of legislation against the fundamental legislative principles (FLPs) by the Scrutiny of Legislation Committee. Whilst this exercise is valuable and should not be diminished, there is a clear need for the wider scrutiny of the underlying policy, impact and proposed implementation of legislation. The current system certainly does not comply with recommended benchmarks noted above, namely:

3.2.1 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.

3.2.2 Committees shall scrutinize legislation referred to them and have the power to recommend amendments or amend the legislation.

3.2.3 Committees shall have the right to consult and/or employ experts.

- Indeed, currently there is very little nexus between the work of the Legislative Assembly and the work of its committees. In the period 2000 to 20 May 2010, a total of 502 committee reports have been tabled. The following is a breakdown by type of reports:

Type	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	Total
Inquiry related	25	16	20	22	9	20	15	21	24	12	7	191
Legislation alerts	16	9	12	13	9	14	10	12	13	12	6	126
Annual reports	8	7	7	7	7	7	7	7	7	8	-	72
Estimates committee reports	8	8	8	8	8	8	8	8	8	8		80
Miscellaneous ⁸	4	2	2	2	2	3	1	4	3	5	5	33
Total	61	42	49	52	35	52	41	52	55	45	18	502

- Since 2000, 15 inquiry reports have been tabled as a result of 20 referrals by the House. Two references lapsed on the dissolution of the parliament, (although one was subsequently referred again by the next parliament), and three (3) are current inquiries (this includes the Committee System Review reference). Of the matters referred, only four related to Bills before the Assembly. In summary, only 15 out of 191 reports tabled were about matters that the House deemed significant enough to warrant investigation and report by a committee.
- Furthermore, the Legislative Assembly's consideration of the reports of its own committees is nothing short of dismal. In the last decade a total of 45 minutes has been spent in the Legislative Assembly debating non-estimates committee reports. While it is noted that notice of motion was given on five occasions, only three motions were moved. (The notice of motion to debate the Review of the Organ and Tissue Donation Procedures Select Committee Report was not moved due to the dissolution of the Parliament.) Put another way, excluding estimates committees, of 191 'inquiry reports' only three (3) or less than 2% have been formally considered by the Legislative Assembly.
- **Appendix 4** (Sitting Times – House and Committees – 2009) which comprises the sitting times of other Houses and committees in Australia and New Zealand, demonstrates that Queensland has:
 - a comparatively low number of sitting days; and
 - a very low number of committee hearings and hours spent in hearings.

CREATING AN EFFECTIVE AND EFFICIENT PROCESS

It is submitted that a number of significant changes must be made to both the operation of the Legislative Assembly and the parliamentary committee system to ensure a better functioning Parliament – a Parliament that is able to adequately discharge all of its varied functions. The key points, which will be elaborated in this submission further below are:

- Fitzgerald's vision for a comprehensive system of parliamentary committees should be finally realised. A unicameral parliament should have a committee system that encompasses and scrutinises the array of functions/portfolios of government.
- There should be a presumption that Bills be considered by a relevant parliamentary committee, that is able to effectively liaise and consult with stakeholders, including via public hearings and examination of relevant Ministers and officers. Referral to such committees should take place early in the legislative process, immediately after each Bill's introduction.
- These 'portfolio' committees should also have a wide remit to investigate other matters of concern or issues arising within each area under its remit.

⁸ Miscellaneous comprises reports such as meetings with statutory officers, interim reports, study tour reports and reports on conferences.

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- There should be a compensating reduction in the amount of time spent in the Legislative Assembly on Bills and the overall daily sitting hours of the House. As members are able to participate in select committee consideration of bills, the time for individual members to speak on bills in the second reading should be reduced as should the overall time allotted for each bill.
 - A business committee should be established to aid and determine the amount of time spent on each bill and allotting in advance, at the commencement of the sitting week, the time for each bill.
 - Meetings of the House and its committees can and should be held largely in concert. For example, the House meeting as a plenary in the morning until the lunch break and then up to four committees meeting in the afternoon/evening. By dividing its work amongst committees, the Assembly will be much more effective and efficient.

OTHER JURISDICTIONS

This section of the submission highlights the successful operation of systems incorporating other types of committees than those currently employed in Queensland. In particular, this part focuses on other jurisdictions with unicameral parliaments, particularly New Zealand and Scotland as well as other Australian jurisdictions.

Portfolio based policy Scrutiny Committees

The absence of an upper house in Queensland is recognised as a factor that potentially reduces the ability of the parliament to effectively scrutinise and review the operations of government.⁹

The Electoral and Administrative Review Committee (EARC), in its 1992 report on parliamentary committees, suggested that a properly resourced and supported system of parliamentary committees ‘could and should carry out some of the functions traditionally undertaken by upper houses,’¹⁰ in particular to review the Government’s legislative activity and public administration.

EARC recommended that the Queensland Parliament establish five Standing committees, divided on the basis of policy areas, ‘with powers to inquire into and report on any aspect of public administration in Queensland.’¹¹ Their functions were to include the review of:¹²

- Proposals for new or amending legislation, including Bills and subordinate legislation;
- Budget estimates and financial administration generally; and
- Policy and administration in all areas of public policy.

This submission suggests that it is time to reconsider a broad ‘portfolio-based’ approach to parliamentary committees in Queensland that would allow committees to scrutinise all aspects of government administration including legislative proposals.

New Zealand

The New Zealand committee system consists of thirteen subject select committees set up under the standing orders.¹³ These committees consider and report to the House on bills, petitions, estimates, financial reviews, international treaties, reports of Officers of Parliament and any other matters initiated by the committees themselves or referred by the House.¹⁴

⁹ See for example: Queensland Electoral and Administrative Review Commission. *Report on Review of Parliamentary Committees*, October 1992, 40

¹⁰ Queensland Electoral and Administrative Review Commission. *Report on Review of Parliamentary Committees*, October 1992, 40

¹¹ Queensland Electoral and Administrative Review Commission. *Report on Review of Parliamentary Committees*, October 1992, para 5.85

¹² Queensland Electoral and Administrative Review Commission. *Report on Review of Parliamentary Committees*, October 1992, xiii-xiv

¹³ New Zealand. House of Representatives. *Standing Orders*, SO 180 and 184

¹⁴ New Zealand. House of Representatives. *Standing Orders*, SO 185

Examination of legislative proposals

A bill (other than an appropriation bill or imprest supply bill) stands referred to a select committee for consideration after its first reading unless the House has otherwise accorded urgency to it.¹⁵ After a bill's first reading the member in charge moves a motion nominating the committee to consider the bill.¹⁶ The committee examines the bill and determines whether to recommend that the bill be passed and may recommend amendments.¹⁷ A committee must report within six months of the bill being referred or another time fixed by the House.¹⁸

The committee presents a reprinted bill to the House showing the recommended amendments and a written report explaining its recommendations. The bill is then returned to the House for the second reading.

Estimates

After the Budget has been delivered, the estimates stand referred to the Finance and Expenditure Committee. The committee may examine a vote itself or refer it to any subject select committee for examination.¹⁹ Each select committee to whom a vote is referred determines whether to recommend that the appropriations be accepted and may recommend a change to the vote. Committees must report to the House within two months of the delivery of the Budget.²⁰

Select committees also conduct regular financial reviews of the performance and operations of every department and office of parliament allocated to them.²¹

Scotland

The Scottish committee system consists of seven mandatory committees that are required by standing orders²² and seven subject committees with remits that roughly correspond to the portfolio of a cabinet minister.²³ Ad hoc committees are established as required to consider particular issues including private bills.

Each committee can examine matters within its remit that it determines appropriate or that are referred by the Parliament or another committee, including:²⁴

- The policy and administration of the Scottish Administration;
- Any proposals for legislation;
- Any European Communities legislation or any international conventions or agreements;
- The need for reform of the law; and
- The financial proposals and financial administration of the Scottish administration.

Committees may also initiate bills.²⁵

Examination of legislative proposals

One of the key roles of Scottish parliamentary committees is to examine and consider proposed legislation that has been introduced into the parliament.

Once a bill has been printed it is referred to the committee within whose remit the subject matter of the bill falls.²⁶

¹⁵ New Zealand. House of Representatives. *Standing Orders*, SO 280

¹⁶ New Zealand. House of Representatives. *Standing Orders*, SO 281

¹⁷ New Zealand. House of Representatives. *Standing Orders*, SO 282 and 283

¹⁸ New Zealand. House of Representatives. *Standing Orders*, SO 286

¹⁹ New Zealand. House of Representatives. *Standing Orders*, SO 327

²⁰ New Zealand. House of Representatives. *Standing Orders*, SO 328

²¹ New Zealand. House of Representatives. *Standing Orders*, SO 335

²² Scottish Parliament. *Standing Orders of the Scottish Parliament*, 3rd ed., 2009, Rules 6.1, 6.4-6.11

²³ Scottish Parliament. *Standing Orders of the Scottish Parliament*, 3rd ed., 2009, Rule 6.1(4)

²⁴ Scottish Parliament. *Standing Orders of the Scottish Parliament*, 3rd ed., 2009, Rule 6.2

²⁵ Scottish Parliament. *Standing Orders of the Scottish Parliament*, 3rd ed., 2009, Rule 6.2(2)(e)

At this stage (stage 1) the committee considers and reports on the general principles of the bill, the bill's financial memorandum and policy memorandum.²⁷

If, after considering the committee's report, the parliament agrees to the general principles of the bill, the bill proceeds to stage 2 and goes back to the relevant committee for detailed consideration. The committee will consider amendments proposed by Members of the Scottish Parliament (including Members of the Scottish Parliament who are not members of the committee).²⁸

Stage 3 involves consideration of the bill as amended at stage 2 and any further amendments. The parliament will then decide whether to pass the bill.²⁹

Estimates

Subject committees scrutinise the areas of the budget relevant to the particular committee and report to the Finance Committee.³⁰

Statutory officers' oversight committees

New Zealand

In New Zealand, the Officers of Parliament Committee oversees the Parliamentary Commissioner for the Environment, the Office of Ombudsmen and the Auditor-General are Offices of Parliament.³¹ The committee considers and recommends to the House:³²

- In respect of each Office of Parliament, an estimate of appropriations for inclusion as a vote in an appropriation bill;
- An auditor to be appointed by the House to audit the financial statements of each Office of Parliament;
- Any proposal referred to it by a Minister for the creation of an Officer of Parliament; and
- The appointment of persons as Officers of Parliament.

Reports (other than annual reports) from the Controller and Auditor-General stand referred to the Finance and Expenditure Committee. Similarly reports from the Ombudsmen or an Ombudsman stand referred to the Government Administration Committee and reports from the Parliamentary Commissioner for the Environment stand referred to the Local Government and Environment Committee.³³

Scotland

The Scottish Parliamentary Corporate Body (SPCB) is a statutory body established under the *Scotland Act 1998* (UK).³⁴ It is made up of the Presiding Officer and four Members³⁵ and is responsible for ensuring that the Parliament has the staff, accommodation and services needed to function.

The SPCB also supports six bodies: Scottish Public Services Ombudsman; Scottish Information Commissioner; Commissioner for Children and Young People in Scotland; Commissioner for Public Appointments in Scotland; Scottish Commission for Human Rights; and the Scottish Parliamentary Standards Commissioner. In addition the SPCB determines the terms and conditions of the appointment of the Auditor General for Scotland (the Scottish Commission for Public Audit looks at the funding of the office).³⁶

²⁶ Scottish Parliament. *Standing Orders of the Scottish Parliament*, 3rd ed., 2009, Rule 9.6

²⁷ Scottish Parliament. *Standing Orders of the Scottish Parliament*, 3rd ed., 2009, Rule 9.6

²⁸ Scottish Parliament. *Standing Orders of the Scottish Parliament*, 3rd ed., 2009, Rule 9.7

²⁹ Scottish Parliament. *Standing Orders of the Scottish Parliament*, 3rd ed., 2009, Rule 9.8

³⁰ Scottish Parliament. *Standing Orders of the Scottish Parliament*, 3rd ed., 2009, Rules 6.2 and 6.6

³¹ *Public Finance Act 1989* (NZ) s 2

³² New Zealand. House of Representatives. *Standing Orders*, SO 386

³³ New Zealand. House of Representatives. *Standing Orders*, SO 387

³⁴ *Scotland Act 1998* (UK) s 21

³⁵ Scottish Parliament. *Standing Orders of the Scottish Parliament*, 3rd ed., 2009, Rule 3.6

³⁶ Scottish Parliamentary Corporate Body. *Annual Report 2009*, [1.6]

A recent review of SPCB supported bodies recommended that: ‘The Scottish Parliamentary Corporate Body supported bodies should be subject to committee monitoring and scrutiny on the exercise of their functions on at least an annual basis. The committee would expect the Scottish Public Services Ombudsman to be considered more frequently given one of the Scottish Public Services Ombudsman roles is to let Parliament know how public services are working. The committee recommends that committee scrutiny should be undertaken annually and asks the Standards, Procedures and Public Appointments Committee to consider any necessary change in the Standing Orders.’³⁷

Business Committees

New Zealand

In New Zealand the Standing Orders also provide for four other select committees, namely: the Officers of Parliament Committee; Privileges Committee; Regulations Review Committee; and Standing Orders Committee³⁸ as well as a business committee.³⁹ The House can establish other select committees.⁴⁰

The Business Committee is convened and chaired by the Speaker. Every party is entitled to be represented at each meeting of the committee by one member nominated by its leader.⁴¹

The Business Committee may determine:⁴²

- the order of business to be transacted in the House;
- when business will be transacted in the House;
- the time to be spent on an item of business;
- how time on an item of business is to be allocated among the parties represented in the House; and
- the speaking times of individual members on an item of business.

Commonwealth Senate

The Selection of Bills Committee comprises the Government Whip (and two government senators), the Opposition Whip (and two opposition senators) and the whips of any minority parties.⁴³ The Committee, which reports to the Senate each sitting week, may also refer bills to select committees.⁴⁴ This is the most common method by which bills are referred to committees. The Selection of Bills Committee meets weekly when the Senate is sitting.

The committee considers all bills introduced into the Senate or received from the House of Representatives, except bills which contain no provisions other than provisions appropriating revenue or money, and to report:⁴⁵

- a) in respect of each such bill, whether the bill should be referred to a legislative and general purpose standing committee; and
- b) in respect of each bill recommended for referral to a standing committee:
 - i. the standing committee to which the bill should be referred,
 - ii. the stage in the consideration of the bill at which it should be referred to the standing committee, and
 - iii. the day which should be fixed for the standing committee to report on the bill.

By referring bills to the appropriate committees, several bills can be considered in detail simultaneously, thus allowing more time to debate the major issues of the day in the principal forum, the Senate chamber.⁴⁶

³⁷ Scottish Parliament Review of SPCB Supported Bodies Committee. *First Report 2009: Review of SPCB Supported Bodies*, 2009, para 131

³⁸ New Zealand. House of Representatives. *Standing Orders*, SO 180(1)(b)

³⁹ New Zealand. House of Representatives. *Standing Orders*, SO 74

⁴⁰ New Zealand. House of Representatives. *Standing Orders*, SO180(2)

⁴¹ New Zealand. House of Representatives. *Standing Orders*, SO 74

⁴² New Zealand. House of Representatives. *Standing Orders*, SO 76

⁴³ Parliament of Australia. Senate. *Standing Orders*, SO 24A(2)

⁴⁴ Parliament of Australia. Senate. *Standing Orders*, SO 24A(1)

⁴⁵ Parliament of Australia. Senate. *Standing Orders*, SO 24A(1)

Victoria

In Victoria a Business Committee is comprised of the Leader of the House, the Deputy Leader of the Opposition and the Deputy Leader of the Third Party, or their nominees.

The committee meets before the House meets in any week to try to agree how the House will deal with government business that week. On the first day of the sitting week before government business is called on, the Leader of the House, or his or her nominee, may move, without leave, a motion setting times and dates (the completion time) by which consideration of specified items of government business and/or government bills must be completed in that sitting week. The debate is time limited to a maximum of 30 minutes or until six members have spoken, whichever is the shorter.

PROPOSED NEW COMMITTEE SYSTEM

The proposed committee system is outlined below. The current Queensland parliamentary committee system consists of nine committees with substantive ongoing references, including the Standing Orders committee. The proposed new Queensland parliamentary committee system also consists of nine committees.

In the proposed committee system there are four types of committees:

- Scrutiny of fundamental legislative principles (orange);
- Portfolio committees (yellow);
- Statutory oversight committee (blue); and
- House committees (purple).

The table below compares the existing and proposed systems.

Current committees	Proposed committees
Scrutiny of Legislation Committee	Scrutiny of Legislation Committee
Economic Development Committee	Economic Development Committee
Social Development Committee	Social Development Committee
Law, Justice and Safety Committee	Law, Justice and Safety Committee
Environment and Resources Committee	Environment and Resources Committee
Public Accounts and Public Works Committee	Policy, Fiscal and Government Services Committee
Parliamentary Crime and Misconduct Committee	Statutory Officers Oversight Committee
Integrity, Ethics and Parliamentary Privileges Committee	House Committee
Standing Orders Committee	
Estimates Committees	Business Committee

Role of the proposed committees

Scrutiny of fundamental legislative principles

The proposed Scrutiny of Legislation Committee would have the same role as the current Scrutiny of Legislation Committee which considers, by examining all bills and subordinate legislation:

- The application of fundamental legislative principles to particular bills and particular subordinate legislation;

⁴⁶ Australian Parliament. (2010). *Senate Committees*, Accessed 12 May 2010 from: <http://www.aph.gov.au/Senate/pubs/briefs/brief04.htm>.

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- The lawfulness of particular subordinate legislation; and
 - Monitor generally the operation of section 4 and part 4 of the Legislative Standards Act and section 9 and parts 5, 6, 7, 8 and 10 of the Statutory Instruments Act.

Portfolio committees

The portfolio committees would monitor and review the areas located within their area. These committees would be able to:

- Consider the policy impacts of significant legislation;
- Consider the reports of statutory officers tabled in the Parliament that impact upon their portfolio;
- Conduct the estimates examination for their areas;
- Consider any matters referred by the House;
- Monitor and review all issues within their portfolio; and
- Conduct inquiries as resolved by the committee itself.

The specific content areas of the committees would largely mirror the content areas of the government. At the current time, the proposed parliamentary committees would mirror the government's portfolio clusters with one committee for each of the following areas:

- Economic Development Committee (the areas of employment, infrastructure, transport, trade, industry development, agriculture and tourism);
- Environment and Resources Committee (the areas of environmental protection, climate change, land management, water security and energy);
- Law, Justice and Safety Committee (the areas of policing, public safety, emergency services, justice and industrial relations);
- Policy, Fiscal and Government Services Committee (the areas of policy, fiscal and government services including public works); and
- Social Development Committee (the areas of health, education and training, social welfare services, community development, housing, child safety and Aboriginal and Torres Strait Islander policy).

Statutory Officers Oversight Committee

The Statutory Officers Oversight Committee will monitor and report on issues relating to the statutory officers. This proposed committee will also take responsibility for other areas of responsibility provided to current parliamentary committees relating to commissions provided by statute (for example, participating in the selection of commissioners of the Crime and Misconduct Commission or appointment of Auditor-General). Although there are a range of statutory officers and commissions in Queensland, this committee will only provide oversight of statutory committees and commissions that are currently overseen by existing committees. These statutory officers and commissions are:

- Auditor-General;
- Commission for Children and Young People and Child Guardian;
- Crime and Misconduct Commission;
- Criminal Organisation Public Interest Monitor;
- Electoral Commission;
- Family Responsibilities Commission;
- Health Quality and Complaints Commission;
- Information Commissioner;
- Integrity Commissioner; and
- Queensland Ombudsman.

There is also a need to review the legislation regarding each of these officers, so as to ensure consistency in their oversight as at present there is inconsistency.

House Committee and Business Committee

The proposed House Committee would combine the functions of the current Standing Orders Committee and the Integrity, Ethics and Parliamentary Privileges Committee without the monitoring and reviewing of the Integrity Commissioner role. The House Committee would consider the ethical conduct of Members and related persons, consider complaints referred to the committee about the register, publish and review a code of conduct for Members and consider complaints of breaches of the code, reform of legislation relating to the ethical conduct of Members, parliamentary powers, rights and immunities (including allegations of contempt, individual requests from non-members for a right of reply) as well as the standing rules and orders about the conduct of the business by, and the practices and the procedures of, the Assembly and its committees.

The House Committee would have different memberships depending on whether it was meeting to discuss ethics issues or Standing Rules and Orders. When meeting to discuss Standing Rules and Orders the membership would widen to include Members such as the Leader of the Opposition and the Leader of the House that would not be included when the committee was sitting as an ethics committee.

The Business Committee would have two major functions. Firstly, to discuss the timetable for consideration of House business for that sitting week to inform a motion from the Leader of the House to set time limits for the completion of the consideration of business items. Secondly, the Business committee would meet to discuss whether Bills should be referred to the relevant committee for detailed scrutiny and the appropriate time limits for such a referral. This discussion will inform a motion by the Leader of the House referring the relevant bills and setting the date for the relevant committees to report back to the House.

Processes for consideration of significant legislation by portfolio committees

The proposed committee system creates a process where legislation, referred by the House, is considered by a portfolio committee. A flow chart illustrating a bill's process through the House and the proposed committee review is outlined in **Appendix 2**. Reference is also made to the information contained in **Appendix 5** to demonstrate the 'portfolio breakdown' of legislation and time taken to pass bills.

As shown, the Business Committee would have a role in guiding which bills should be referred to the relevant portfolio committee. When assessing whether to refer a bill, consideration could be given to whether the bill would implement significant policy changes or has significant revenue implications or the extent to which a bill is a non-controversial machinery of government type bill.

When referring an inquiry to a portfolio committee, the House will need to provide a reasonable deadline that considers the need to call for submissions, hold a public hearing and prepare a report that may contain suggested amendments. At a minimum, the House should provide six weeks for this process. It is noted that according to the information contained in **Appendix 5** the average number of days taken to pass bills is well in excess of this six week period (42 days).

The relevant committee will examine the bill in detail and recommend any relevant amendments. This process allows greater parliamentary oversight of government and creates a space for alternative policy development.

Under the proposed system, once a referral from the House has been received, it would be a matter for each committee to determine how it will carry out its functions, unless specified in the referral. However, it is envisaged that the process could include the following steps.

Submissions

The committee would need to advertise for submissions very quickly after receiving a referral from the House. The advertisement should include a summary of the bill's provisions to attract informed comment from interested people and organisations. This advertisement would need to appear the same week as the committee received the referral from the House. Calls for submissions would also appear on the committee's website and on the Get Involved website. Additionally, the committee would write directly to stakeholders seeking submissions. Where possible, this would occur by email. There should be a minimum three week submission period. The online submission process would also need to improve to allow individuals and organisations to quickly and easily post their views on bills.

Briefings

The current committee system engages with a variety of academic, industry and public service professionals in the course of their work. The proposed committee system would continue with these practices. The committee could seek briefings from experts in the field including specialists or public servants involved in developing the policy and overseeing the drafting of the bill.

Public hearings

Committees could use public hearings to seek the input of the relevant Minister, members, departmental officials, interested individuals and groups. In order to ensure that hearings occur in a timely manner, there may be a need to consider the increased use of technology (such as teleconferences or videoconferencing) to ensure participation from the regions.

Report

After the consultation period committees would prepare a report that may include alternate policy ideas or proposed amendments. The committee's report could contain proposed amendments. Any proposed amendments would take into account any issues flagged by the Scrutiny of Legislation Committee. The committee would need to work directly with the Office of Parliamentary Counsel to draft the amendments.

Implications for the House

It is expected that by referring significant bills to committees the House could effectively reduce the length of the second reading debate. This is because Members would have had the opportunity to examine the bill in detail as part of the committee process. As a result, there may be implications for sitting hours with more time allowed for committee processes and less time for second reading speeches. For example, the House may sit from 9.30 am to 2.30 pm followed by several hours of committee meetings and hearings.

Processes for consideration of matters other than significant legislation by portfolio committees

When considering other matters, the portfolio committees would largely follow existing processes. For instance, when examining estimates, the committees could follow the processes outlined in chapter 28 of the Standing Rules and Orders, Estimates Committees.

Other considerations

Number of members

The membership of committees depends on the number of members within the Parliament. Members that hold roles such as Premier, ministers, leader of the opposition or shadow ministries already have heavy workloads. Ideally, members of the executive (such as parliamentary secretaries) should not sit on scrutiny committees.

There are currently 89 members within the Queensland Legislative Assembly. There are 18 ministers, 18 shadow ministers, one Speaker and two whips. This leaves 50 members that are more likely to have capacity available for committee work. As there are eight proposed committees (plus the business committee), there should be six members on each committee. Committee Chairs would exercise a casting vote in the event of a deadlock.

The membership of the business committee should consist of four members including the Speaker, the Leader of the House and the Leader of Opposition Business and a representative of the independent members.

Government/non-government chair

Currently, all Queensland parliamentary committees are chaired by government members. Information was collected regarding the chairs of committees in selected other unicameral jurisdictions in Canada, New Zealand and Australia. As shown in the table below, non-government members do chair committees in other

jurisdictions. The most common committee that is chaired by a non-government member is the public accounts committee. It should be noted that the electoral systems and size of government majorities varies from jurisdiction to jurisdiction

Selected unicameral legislative assemblies and chairs of committees

Unicameral Legislative Assembly	Number of committees	Number of government chairs	Number of non-government chairs
British Columbia	9	8	1 (public accounts)
Saskatchewan	8	1	1 (public accounts)
Ontario	10	6	4 (estimates; public accounts; government agencies; regulations and private bills)
Quebec	11 standing	7	4 (planning and the public domain; transportation and the environment; institutions; public administration)
Nova Scotia	10	9	1 (public accounts)
Newfoundland and Labrador ⁴⁷	6	5	1 (public accounts)
Northwest Territories	7	No formal political parties	No formal political parties
New Zealand	19 (plus the Standing Orders committee)	15	4 (commerce, government administration, privileges, regulations review)
Northern Territory	9	8	1 (Council of Territory Cooperation – independent chair)
Australian Capital Territory ⁴⁸	7 standing and 2 select	1 standing (planning, public works, territory and municipal services)	4 standing and 2 select – crossbench chairs (administration and procedure; climate change, environment and water; education, training and youth affairs; public accounts; privileges; estimates) 2 standing – non government (health, community and social services; justice and community safety)

I do not necessarily advocate any change to the current system of government chairs, however, I note that this does occur more readily in other jurisdictions.

I also note that the Commonwealth Parliamentary Association recommended benchmarks include reference to some committees being Chaired by non-government members.

Involvement of non-committee members

Other members should be able to participate in the public hearings of the committee. It is recommended that Standing Order 207 be retained which currently allows members, although not a member of the committee, to participate in public meetings and question witnesses with the leave of the committee.

IMPLEMENTATION

To implement a committee system that encompasses and scrutinises the array of functions/portfolios of government and proposed legislation as detailed in the proposed model above will require changes to:

- Legislation;

⁴⁷ Of the 47 members of the Newfoundland and Labrador Legislative Assembly, 42 members belong to the government (Progressive Conservatives), 4 belong to the Opposition (Liberals) and 1 is an independent.

⁴⁸ Please note that there is a minority government in the Australian Capital Territory Legislative Assembly.

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- Parliamentary practice via Standing Orders; and
 - Practices of Executive Government in the development of legislative proposals.

Legislative change

Currently the majority of the committees of the Queensland Legislative Assembly are established by the *Parliament of Queensland Act 2001* (POQA) and in the case of the Parliamentary Crime and Misconduct Committee (PCMC) the *Crime and Misconduct Act 2001*. The select committees and estimates committees are established by resolution of the House.

It is recommended that an outline of the proposed system of Portfolio and House committees be enshrined in legislation (i.e. the POQA), however, the exact names and terms of reference of the committees be established via resolution of the House to allow more flexibility for the committees to adapt to the inevitable changes to government portfolios and the practices of the House that occur over the passage of time.

It is also recommended that the powers and responsibilities of committees which are necessary by operation of law whether they be general (e.g. the power to call for the production of documents or things) or specific (e.g. the provisions which allow the PCMC to access Crime and Misconduct Commission records) be codified within the POQA. Some of the current provisions which are necessary by operation of law which are specific to individual committees (e.g. s.101 of the POQA which prescribes how the Public Accounts and Public Works Committee should deal with commercially sensitive information in private session) should remain in the POQA but the principle be applied to all committees.

The legislation should also clarify the principle that while individual complaints about the operation of various government agencies might point to systemic issues that a committee will investigate in performing its scrutiny or oversight functions, committees do not have jurisdiction to hear and resolve individual complaints.

Procedural change

At the same time, it is recommended that all the procedural rules regarding the conduct of committee business (e.g. quorum and meeting procedures) be consolidated in the committees chapter of the Standing Orders for ease of reference and increased flexibility to adapt to emerging issues brought to the House by resolution.

Standing and Sessional Orders will also need to be amended to establish the Business Committee and to detail the performance of its two major functions:

1. To meet prior to the commencement of a sitting week to discuss the timetable for consideration of House business for that sitting week. This discussion will inform a motion from the Leader of the House to set time limits for the completion of the consideration of business items; and
2. To meet near the end of a sitting week to discuss whether Bills introduced in that week should be referred to the relevant committee for detailed scrutiny and the appropriate time limits for such a referral. This discussion will inform a motion by the Leader of the House referring the relevant bills and setting the date for the relevant committees to report back to the House.

It is recommended that Standing Orders also be amended to require the member introducing a Bill to identify in the explanatory notes the appropriate committee should the Bill be referred. In the event that the House does not make a decision to refer or not to refer a Bill, Standing Orders should provide a default position that the Bill is referred to the committee identified in the explanatory notes to report back to the House six months after the date of introduction.

Furthermore, in the situation where a Bill is not referred to a committee for scrutiny on the grounds of urgency, Standing Orders should stipulate that the relevant committee conduct a review of the legislation and its operation six months after the legislation is passed. Accordingly, genuinely urgent legislation will be able to pass in the knowledge that it will get the requisite scrutiny by the relevant committee retrospectively.

Draft Standing and Sessional Orders to bring about the procedural changes outlined above are at **Appendix 3**.

Executive Government practice and procedure for the development of legislative proposals

The proposed model to increase parliamentary committee scrutiny of legislation may result in changes to the processes for the development of legislative proposals prior to their introduction in the House.

Some of the preliminary work currently performed in consulting community and industry stakeholders on aspects of the legislative proposal may not be necessary so early in the process in the knowledge that those views will be sought as part of the examination of the Bill by the relevant committee.

Similarly, the implementation of the proposed model will no doubt have implications for the practices of drafting bills. At the very least practices will need to be adapted to accommodate the additional step of committees dealing directly with Parliamentary Counsel to develop any proposed amendments arising out of their examination of each bill.

RESOURCING

Sitting times of the House and its committees

Sessional Orders establish that the House will sit during sitting weeks on Tuesday, Wednesday and Thursday from 9.30 am until a set time on Tuesday and Wednesday (10.30 pm) or on other days, by its own resolution, the House adjourns.⁴⁹ In practice, the House generally sits on Tuesday and Wednesday from 9.30 am to approximately 10.30 pm, and on Thursday from 9.30 am to approximately 7.30 pm. In the budget sitting week, the House also sits on the Friday from 9.30 am to approximately 6.30 pm. Committees conduct hearings on Monday and Friday of sittings weeks. On occasions, committees may conduct short hearings prior to the House sitting or during meal adjournments of the House. Hearings are also conducted in non-sitting weeks. Seven days of estimates hearings are held in July each year, with each estimates committee hearings commencing at approximately 9.00 am and finishing at approximately 6.30 pm each day.

With the establishment of the proposed portfolio committees in Queensland, it is considered that the sitting times of the House would need to be altered to enable portfolio committees adequate time to meet to perform their expanded functions.

Information has been gathered from Australian parliamentary jurisdictions and the New Zealand Parliament on the sitting patterns and hours of their Houses and committees (**see Appendix 4**).

An examination of this information discloses that jurisdictions with an established portfolio parliamentary committee system (the Commonwealth and New Zealand) typically commence the proceedings of the House at 2.00 pm, enabling committees to meet in the morning before the House commences. An alternative sitting time may be to schedule the House to meet from 9.30 am through to 2.30 pm, enabling committees to meet after the House has adjourned.

The advantage of the House meeting in the afternoon and evening is that, should the House need to enter urgency in the evening to finish a particular item of business, the scheduled meetings of the committees in the morning would not be disrupted.

Resourcing of proposed parliamentary committee system

Two areas within the Parliamentary Service which provide services to committees would be profoundly affected by an expansion of the current system of committees. These are the Committee Office and the Parliamentary Reporting Service. The following sections discuss the roles of these work areas, the services they provide to committees and the resourcing implications of implementing a portfolio-based system as outlined above.

⁴⁹ Sessional Order 1(a), Sessional Orders 53rd Parliament (First Session)

The Committee Office

The changes to the committee system outlined in this submission would increase the workload of the Parliament's committee system. A closer integration of the functions of committees with the work of the House would also result in a substantial increase in the numbers of bills referred to committees for investigation and report, as well as tightening of committee inquiry and reporting timeframes.

An increase in referrals would, in turn, place greater demands on areas of the service that support committee activities, particularly the Committee Office. To meet these new challenges, it is clear that the Committee Office will require some additional resourcing. A more active committee system will also increase the responsibilities of, and demands placed on, committee members. These additional demands will be greatest for committee chairs.

Human resources

Each of the House's substantive committees has a secretariat of three staff comprising a research director (A08), a principal research officer (A06) and a full/part-time executive assistant (A03). These same staff work for estimates committees appointed each year to scrutinise the budget estimates, and support other select committees appointed by the House to examine and report on other specific topics. This level of staffing is consistent with committee staffing practices in other Australian jurisdictions.

I envisage that the existing, recently reviewed structure of the Committee Office would continue to meet the needs of the revised committee system outlined above under most circumstances. However, some additional research capacity will be needed to handle periods when multiple bills and or highly complex bills are before the House from individual portfolio clusters.

On a short-term basis, the need for additional research capacity may be met by temporarily reassigning staff of the Parliamentary Library who work on research briefs. A more sustainable scenario given the likely increase in referrals from the House, however, is to establish a small pool of research staff in the Committee Office that can be assigned to secretariats on a project by project basis, as required. This flexibility in staffing will be crucial to ensure that committees are able to complete their examination of bills to the standard required by the House within tight timeframes whilst ensuring the legislative work of the House is not unduly delayed. It will also allow committees flexibility to pursue other work that is not related to the scrutiny of bills before the House.

Technology

The Committee Office has a strong research, writing and community engagement focus. Its staff utilise telecommunications and computers extensively for word processing, publishing, filing, receiving and distributing information and accessing research databases. The role of technology in committee processes continues to evolve, in particular the use of the internet for information gathering and community engagement. For some time, committees have published inquiry submissions and reports, and taken submissions via the internet. A recent committee inquiry by the Law, Justice and Safety Committee highlighted the benefits of utilising social networking website to promote inquiries and engage more effectively with younger audiences. This helped to ensure that processes of that committee inquiry were both accessible and relevant to the affected segments of the community.

A more active committee system with a stronger focus on the scrutiny of bills before the House in very short timeframes will require new approaches to how committees conduct their business. In particular, it will be crucial for committees to expand the opportunities they provide for public input into their work. The quantity of material that committee members are required to deal with will also increase proportionately. Committees will need to streamline and improve their inquiry processes, and I believe telecommunications technology will provide the key.

Committees will need to make greater use of the internet and tele/video conferencing to increase committee productivity and maximise the public engagement opportunities they provide. Opportunities for committees to better utilise technologies to improve their work could potentially include:

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- Utilising video conferencing for committee meetings and expert briefings, and to take evidence from witnesses;
 - Developing software to streamline the processes for receiving and sorting submissions lodged electronically via committee inquiry pages on the Parliament of Queensland website;
 - Providing secure platforms for committee members to store and access inquiry information and retrieve it from multiple locations;
 - Hosting web surveys to gather detailed responses to issues under inquiry and to supplement the evidence provided in submissions;
 - Hosting web forums to explore issues under inquiry with stakeholders;
 - Broadcasting committee seminars and hearings via the web; and
 - Promoting committee inquiries, hearings and other events and generating genuine debate and understanding of the issues under inquiry via social networking websites.

Committees need to continue to explore all options to use telecommunications and other technology to improve their operations.

Accommodation

Ideally, all staff of the Committee Office should be brought together and housed in one office area within the precinct. In my view, this should be a priority for the Service and included in any future reconfiguration and accommodation planning within the parliamentary precinct.

For deliberative meetings and briefings committees utilise meeting rooms on levels 5 and 6 of the annexe. Hearings and other large gatherings are held in meeting rooms or the Dandiir and Undumbi rooms on level 5, the function rooms on level 4 or the Legislative Council Chamber in Parliament House. These are not dedicated committee facilities but utilised and booked for a variety of parliamentary, ministerial and private functions.

Facilities are often over-booked during sitting weeks with the current committee workload. An increase in the numbers of matters referred to committees will result in more frequent meetings and hearings and greater demand for venues in the Parliamentary Precinct. To accommodate the extra demand, it will be necessary to upgrade the facilities in some rooms to enable the reporting service to record proceedings. It will also be necessary to consider options to provide further venues that committees and other clients can use during sitting weeks.

Entitlements for Members serving on committees

Members serving on parliamentary committees may be eligible for additional remuneration pursuant to section 112 of the *Parliament of Queensland Act 2001*. The Member's Entitlements Handbook, sets out that a backbench Member receives an additional \$7,821 per annum for committee service. Committee chairs receive an additional \$15,270 in salary. Parliamentary secretaries, who receive \$23,388 and a vehicle on top of their backbencher salaries, do not receive additional remuneration for committee service.

As part of establishing a portfolio-based committee system, and better integrating committees into the legislative functions of the House, it is appropriate to review the remuneration received by committee chairs. In my proposal, committee chairs would have a much greater role in the legislative processes of the House with significantly increased responsibilities, accountabilities and workloads. I suggest this is a sound basis for upgrading the entitlements for committee chairs to a level comparable with the remuneration provided to parliamentary secretaries. (Of course, my view as regards the inappropriate growth of the executive via parliamentary secretaries has been well ventilated.)

Parliamentary Reporting Service

The Parliamentary Reporting Service (PRS) provides essential transcription services for committees. These services enable committees to take oral evidence at hearings and other forums, and to produce a permanent searchable record of that evidence. These transcripts are produced in electronic and hard-copy formats. By necessity when the House is sitting, preparation of the *Record of Proceedings* is accorded priority over the preparation of committee transcripts.

The following section discusses the human resources, technology and accommodation resources utilised by the Parliamentary Reporting Service to produce committee transcripts, and the implications of moving to a proposed new committee system.

Human resources

Reporters, editors and publishers are involved in the production of committee transcripts. Transcripts are produced on a daily or delayed basis. When possible (generally in non-sitting weeks), hearings are attended by reporters who immediately transcribe the proceedings. Editors proof-read the transcript before they are compiled by publishers and delivered to committee secretariats. Hearing transcripts are often provided on a same-day delivery basis to meet the work requirements of committees. Hearings held during sitting weeks are usually recorded and transcribed on a delayed basis, once again utilising reporters, editors and publishers. Delayed transcripts are delivered to committee secretariats by close of business on the Friday following a sitting week or as negotiated between the committee secretariat and the Chief Reporter.

Provided the sitting times of the House and its committees are rationalised, as recommended above, it is considered that the PRS has sufficient human resources and accommodation to adequately support the proposed parliamentary committee system. This, however, is dependent on the ability to record through the PRS digital recording system the hearings of all committees for delayed transcription by PRS staff after the proceedings of the House have been transcribed and published. If committee transcription were to be required with a similar turn around time as the House transcript then additional resources would be required.

Technology

In 2004 a four-channel digital audio recording system was installed that connects the Undumbi and Dandiir Rooms in the annexe and the Legislative Assembly chamber to the PRS offices. Digital recording technology converts audio from analogue (spoken) signals to a format that can be stored and manipulated in a computer database. This method of recording enables the audio files to be accessed as standard computer data, and transmitted like a standard MP3 audio file. The audio recorded from the House and the Dandiir and Undumbi rooms is stored in a secure parliamentary directory accessible only to PRS staff.

In addition to fixed audio recording equipment, the PRS has a portable digital recording system that can be utilised for committee hearing in other rooms in the parliamentary complex, or offsite.

The Undumbi Room and Dandiir Room have in-situ digital recording technology that is connected to the PRS digital recording system. To accommodate the expected increase in hearings arising from the establishment of portfolio committees, it is recommended that the Red Chamber, the Premiers Hall and the meeting rooms on level 5 be similarly fitted with digital recording infrastructure.

The PRS digital recording system would need to be expanded to up to eight channels to accommodate hearings conducted in the Red Chamber and the Premier's Hall. These rooms would also need to be equipped with additional microphones.

CONCLUSION

Conclusion

In conclusion, it is submitted that a number of significant changes must be made to both the operation of the Legislative Assembly and the Parliamentary Committee system to ensure a better functioning Parliament.

In particular it is submitted:

- A unicameral parliament should have a committee system that encompasses and scrutinises the array of functions/portfolio of government similar to the New Zealand Model;
- There should be a presumption that Bills be considered by a relevant Parliamentary committee, that is able to effectively liaise and consult with stakeholders, including via public hearings and examination of

relevant Ministers and officers. Referral to such Committees should take place early in the legislative process, immediately after each Bill's introduction;

- These 'portfolio' committee should also have a wide remit to investigate other matters of concern or issues arising within each area under its remit;
- In order to free the 'portfolio' committees to perform the scrutiny of legislation and government action functions the responsibility for oversight of independent statutory office holders should be placed in a single committee which could then promote consistency in oversight of such office holders/bodies;
- There should be a compensating reduction in the amount of time spent in the Legislative Assembly on Bills and the overall daily sitting hours of the House. As members are able to participate in select committee consideration of bills, the time for individual members to speak on bills in the second reading should be reduced as should the overall time allotted for each bill;
- A business committee should be established to aid determine the amount of time spent on each bill and allotting in advance the time for each bill; and
- Planning for such changes would need to take into account the implementation, procedural and resourcing implications as detailed in the submission above.

An opportunity exists for the committee to recommend changes that will result in a more effective and efficient Parliament, assisted by a modern parliamentary committee system. I feel that I do not exaggerate by stating that the members of the Committee System Review Committee have a unique opportunity to make recommendations that will result in a durable legacy for democracy in this State.

The abolition of the Legislative Council in 1922 took with it a vibrant, relevant committee system. The committee now has the choice of allowing the dead hand of the past to continue to guide our parliamentary system of government or adopt a more progressive living tree for the future.

Yours sincerely

Neil Laurie
The Clerk of the Parliament

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APPENDIX 1

Legislative Assembly Statistics 1994–2010

APPENDIX 2

Proposed Committee/Legislative Process Interaction

APPENDIX 3

Proposed Standing Order

58A. Business Committee

APPENDIX 4

Sitting Times - House And Committees – 2009

APPENDIX 5

Information On The Passage Of Bills In The Legislative Assembly Since 2005

LEGISLATIVE ASSEMBLY STATISTICS 1994–2010¹

	1994	1995*	1996	1997	1998*	1999	2000	2001*	2002	2003	2004*	2005	2006*	2007	2008	2009*	2010#
Sitting days	54	45	47	44	35	56	41	46	53	46	40	49	38	43	43	40	12
Total sitting hours:mins	447:56	339:25	497:11	486:41	362:09	665:06	486:54	471:51	590:56	566:14	416:49	558:30	438:04	509:49	504:59	492:00	144:15
Average hours:mins per sitting day	8:18	7:33	10:35	11:04	10:21	11:53	11:53	10:15	11:09	12:18	10:25	11:24	11:31	11:51	11:44	12:18	12:01
Total no. government bills passed	87	58	80	83	51	90	64	103	79	96	54	73	61	59	74	53	13
Average no. ministerial statements per sitting day	1.9	1.6	6.8	6.3	7.5	7.7	7.8	10.52	12.28	16.11	16.75	19.4	17.8	21.3	17.40	15.85	17.67
% of time allocated to government business	66%	N/C	N/C	N/C	60%	48%	49%	51%	55%	55%	54%	N/C	N/C	N/C	46%	47%	49%
Ministerial statements hrs:mins						27:24		29:27	36:53	34:36	29:10	36:12	27:59	36:23	36:29	32:20	10:46
Private members' statements hrs:mins						9:55		6:56	5:00	4:05	3:32	4:47	2:36	3:34	6:50	6:40	1:55
Government bills hrs:mins						293:27		210:28	286:48	276:18	197:34	250:33	196:26	217:53	229:47	227:25	70:34
Private members' bills hrs:mins						34:31		11:45	20:39	15:47	9:33	17:45	8:12	16:13	24:05	7:18	0:07

¹ * Election year

#To 31 March 2010

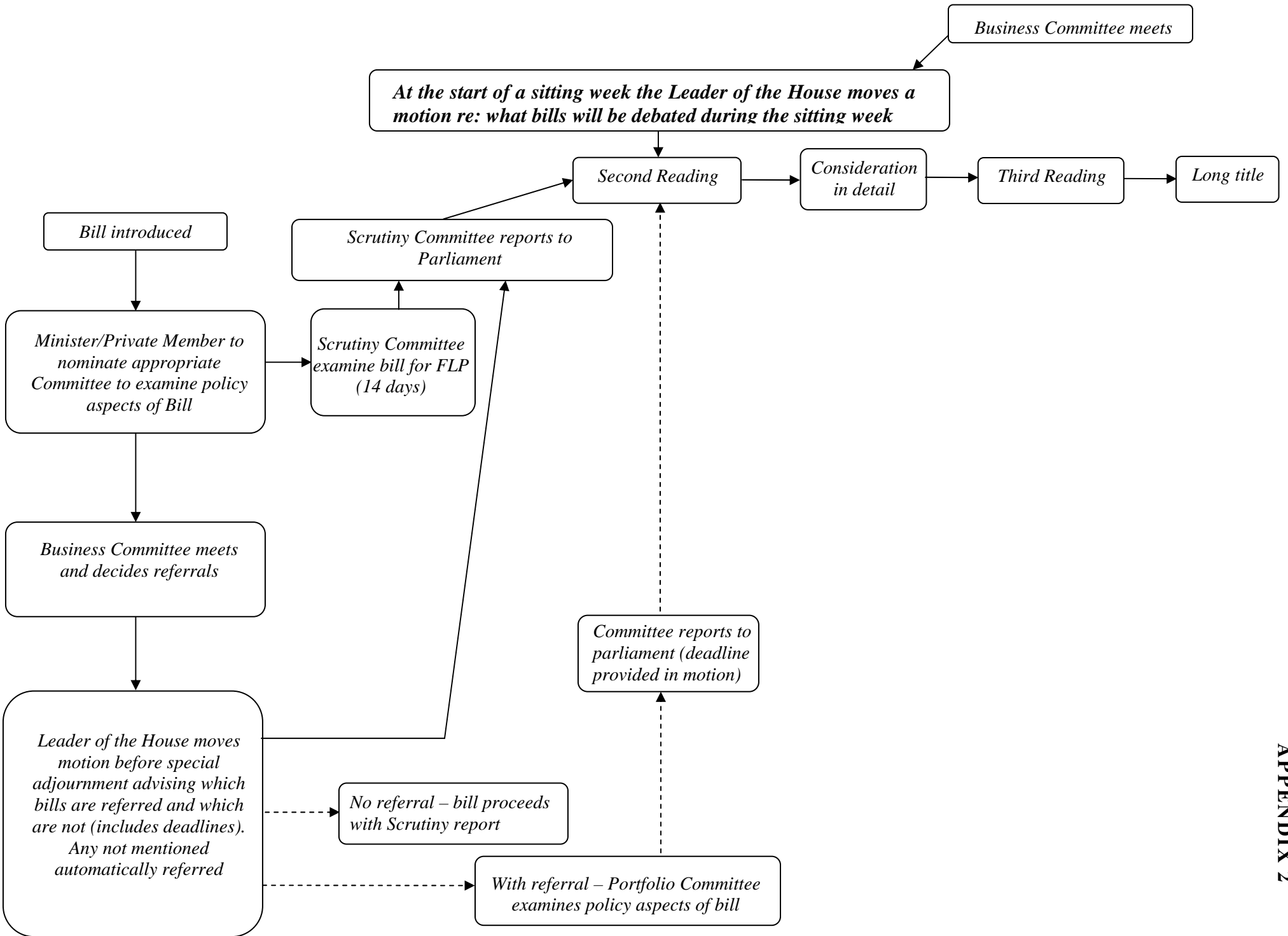
N/C Not compiled

Note the number of Bills passed will differ to the information set out in the Bill Information document as that document compiles information from when a bill is introduced.

LEGISLATIVE ASSEMBLY STATISTICS 1994–2010¹

Question time hrs:mins						56:00		42:17	50:50	45:31	37:30	45:19	36:02	42:06	42:24	38:05	12:08
Private members' motions						N/C		13:14	17:06	16:00	12:27	16:16	14:13	15:39	15:15	13:01	4:19
Other (Adjournment, grievances, condolences, address-in- reply, etc.) hrs:mins						122:00		74:49	64:30	69:52	70:42	81:09	66:34	84:54	53:38	68:19	17:26
Lunch/dinner breaks hrs:mins						45:00		82:55	109:10	104:05	56:21	106:30	85:19	92:59	96:31	98:52	27:00

PROPOSED COMMITTEE/LEGISLATIVE PROCESS INTERACTION



Proposed Standing Order**58A. Business Committee**

- (1) The House shall establish a Business Committee consisting of the following 4 members or their delegates-
- (a) the Speaker;
 - (b) the Leader of the House;
 - (c) the member recognised in the Legislative Assembly as the Leader of Opposition Business; and
 - (d) the member recognised in the Legislative Assembly as the representative of any independent members in the House.
- (2) The Business Committee is to meet prior to the commencement of each sitting week of the House to discuss the timetable for consideration of House business for that sitting week and to inform a motion to be made by the Leader of the House to set time limits for the completion of such consideration to be moved in accordance with Sessional Orders.
- (3) The Business Committee is to meet after 1pm on the last day of each sitting week and prior to the movement of the Special Adjournment of the House to discuss the Bills introduced into the House during that week. Specifically the Business Committee is to discuss whether each Bill introduced should be appropriately referred to a relevant Subject Committee and, if so, the appropriate time limits for such a referral. The committee's discussion will inform a motion to be made by the Leader of the House to refer certain bills to Subject Committees and the date for the relevant Committees to report back to the House on the Bill to be moved in accordance with Sessional Orders.

Sessional Orders

1(b)

After "Ministerial Statements"

Insert "Business Committee Motion – setting dates and times for completion of specified items of government business"

After "*2.30pm until adjournment moved (Thursday)*"

Government Business

"Business Committee Motion – Referral of Bills to Subject Committees"

Standing Orders

PART 5 BILLS

SO 128A Procedure for Referral of Bills to Committees

- (1) The explanatory information tabled by the Member (as per SO 128(7)) shall identify the relevant subject committee should the Bill be referred to a Committee for examination.
- (2) The Bill will stand referred to the nominated Committee subject to a decision of the House to the contrary.
- (3) If a Bill is not referred to a subject Committee on the grounds of urgency, the Bill shall be referred to the relevant Committee for review 6 months after the Bill is passed.

Sitting times - House and Committees - 2009

	ACT	CWLTH	NSW	VIC	SA	WA	TAS	NT	NZ	QLD
Number of parliament sitting days (including estimates) in typical sitting year	39	68	70	66	67	64	67	34	90	44
Break down of sitting days if parliament bicameral	N/A	Assembly 68 Senate 68	Assembly 54 Council 70	Assembly 51 Council 51	Assembly 67 Council 67	Assembly 61 Council 61	Assembly 56 Council 47	N/A	N/A	N/A
Typical sitting hours of the House/s	Tuesday Wed Thursday 9.30 am to 6.00 pm	Monday 2.00 pm to 11.00 pm Tuesday 2.00 pm to 11.00 pm Wed 9.30 am to 7.30 pm Thursday 9.30 am to 8.00 pm	Tuesday 2.30 pm to 5.30 pm Wed 11.00 am to 7.30 pm Thursday 11.00 am to 7.30 pm	Tuesday 2.00 pm to 10.30 pm Wed 9.30 am to 10.30 pm. Thursday 9.30am to 5.00 pm	Tuesday and Wed 2.00 pm to 10 pm Thursday 10.30 am to 5.00 pm	Tuesday 2.00 p.m. to 10.30 pm Wed 12.00 pm to 7.00 pm. Thursday 9.00am to 5.00 pm	Tuesday, Wed and Thursday 10 am to 6.00 pm	Tuesday Wed Thursday 10.00 am to 9.00 pm	Tuesday and Wed from 2 pm to 10 pm and Thursday from 2 pm to 6.30 pm	Tuesday and Wed 9.30 am to 10.30 pm and Thursday 9.30 am to 7.30 pm
Committee (apart from scrutiny committee) examination of bills	Only on referral by the House	Subject legislation committees examine bills referred by the House	Legislation committees established for examination of a particular bill	Only on referral by the House	Only on referral by the House	Only on referral by the House	Only on referral by the House	Only on referral by the House	Portfolio legislation committees examine all bills (unless exempted)	Only on referral by the House

	ACT	CWLTH	NSW	VIC	SA	WA	TAS	NT	NZ	QLD
When do committees meet	May meet when House is sitting or at any other time as agreed by ctee	Monday and Tuesday mornings or any other time upon leave of the House	May meet when House is sitting or at any other time as agreed by committee	May meet when House is sitting or at any other time as agreed by ctee	May meet when House is sitting or at any other time as agreed by ctee	May meet when House is sitting or at any other time as agreed by ctee	May meet when House is sitting or at any other time as agreed by ctee	May meet when House is sitting or at any other time as agreed by ctee	Wed and Thursday from 10am - 1pm. Or almost any time, except during QT or during an evening on a day in which there has been a sitting of the House. Committee may meet during a sitting of the House with leave of all committee members.	May meet when House is sitting or at any other time as agreed by ctee
Number of committee hearings (excluding estimates)	62	450	100	170	227	108	101	N/A	N/A	24
Number of committee hearing hours (excluding estimates)	156	1980	510	556	332	260	350	N/A	88	63

Information on the Passage of Bills in the Legislative Assembly Since 2005

Bills introduced since 2005 categorised under the current Queensland Government Clusters

Cluster	No. of Bills introduced						
	2005	2006	2007	2008	2009	2010	Total
Employment & Economic Development	19	25	18	31	15	12	120
Law, Justice & Safety	20	20	24	23	27	3	117
Social Development	18	16	7	16	9	5	71
Policy & Fiscal Coordination	14	14	11	10	16	2	67
Environment & Sustainable Resource Management	7	6	8	6	4	1	32
Government Services	0	0	1	1	0	1	3
Total	78	81	69	87	71	24	410

Note

- elections were held in 2006 and 2009
- 2010 is to the week ending 16 April 2010

The 410 Bills introduced since 2005 were dealt with as follows:

Cluster	Total introduced 2005 - 16 April 2010	Lapsed	Withdrawn dischargd	Failed	on Notice Paper at 16 April 2010	Passed
Employment & Economic Development	120	7	2	8	6	97
Law, Justice & Safety	117	9	3	17	5	83
Social Development	71	3	0	4	2	62
Policy & Fiscal Coordination	67	6	0	5	1	55
Environment & Sustainable Resource Management	32	1	1	1	2	27
Government Services	3	0	0	0	0	3
Total	410	26	6	35	16	327

Note

- Five private member bills lapsed
- One government bill was withdrawn (Environment & Sustainable cluster in 2007)
- All failed bills are private member bills – the majority being under the Law, Justice and Safety cluster
- As at the week ending 16 April there are 11 government and 5 private member bills on the notice paper.
- All bills passed are government bills except for one private members bill in 2008 (Social Development cluster)

Bills passed with amendments – introduced 2005 to 16 April 2010 by cluster

Cluster	Total		
	No Passed	No amended	% amended
Employment & Economic Development	97	46	47%
Law, Justice & Safety	83	30	36%
Social Development	62	27	44%
Policy & Fiscal Coordination	55	11	20%
Environment & Sustainable Resource Management	27	14	52%
Government Services	3	1	33%
Total	327	129	39%

Bills passed with amendments – introduced 2005 to 16 April 2010 by year

Year	No Passed	No amended	% amended
2005	70	19	27%
2006	66	30	45%
2007	54	20	37%
2008	71	32	45%
2009	54	23	43%
2010	12	5	42%
Total	327	129	39%

Number of Bills passed that represented new Acts as opposed to legislation amendment Bills

Cluster	Total Intro	Total Passed	New Acts passed	
			No.	% of total passed
Employment & Economic Development	120	97	24	25%
Law, Justice & Safety	117	83	16	19%
Social Development	71	62	21	34%
Policy & Fiscal Coordination	67	55	29	53%
Environment & Sustainable Resource Management	32	27	7	26%
Government Services	3	3	0	0%
Total	410	327	97	30%

Average number of days to pass Bills – introduced 2005 to 16 April 2010

Cluster	Average No. of Days to Pass	
	Calendar	Sitting
Employment & Economic Development	48	7
Law, Justice & Safety	70	9
Social Development	64	9
Policy & Fiscal Coordination	49	6
Environment & Sustainable Resource Management	48	8
Government Services	92	14

Average number of calendar days to pass Bills broken down by year introduced

Cluster	Average No. of calendar days to pass bill					
	2005	2006	2007	2008	2009	2010
Employment & Economic Development	41	55	65	42	45	28
Law, Justice & Safety	74	68	75	77	58	na
Social Development	68	64	70	55	89	17
Policy & Fiscal Coordination	54	50	72	43	28	18
Environment & Sustainable Resource Management	61	18	68	29	47	na
Government Services	0	0	147	63	0	65

Note

- The year represents the year the Bill was introduced. This means, that in 2010 the average days relate to Bills introduced in 2010 and passed in 2010. Therefore Bills introduced in 2009 and passed in 2010 are included in the 2009 calculation of average days to pass. Similarly, the table excludes those bills introduced prior to 2005 but passed in subsequent years 2005.

Average number of sitting days to pass Bills broken down by year introduced

Cluster	Average No. of sitting days to pass bill					
	2005	2006	2007	2008	2009	2010
Employment & Economic Development	8	7	8	5	7	7
Law, Justice & Safety	11	8	8	9	8	na
Social Development	10	9	9	8	13	3
Policy & Fiscal Coordination	9	6	8	6	3	4
Environment & Sustainable	9	3	10	6	8	na
Government Services	0	0	19	9	0	14

Note

- The year represents the year the Bill was introduced. This means, that in 2010 the average days relate to Bills introduced in 2010 and passed in 2010. Therefore Bills introduced in 2009 and passed in 2010 are included in the 2009 calculation of average days to pass. Similarly, the table excludes those bills introduced prior to 2005 but passed in subsequent years 2005.

Bills introduced since 2005 that relate to the implementation of COAG agreements, National Scheme legislation, SCAG agreements, uniform and model laws

Cluster	No of Bills						
	2005	2006	2007	2008	2009	2010	Total
Employment & Economic Development	3	2	3	5	4	1	18
Law, Justice & Safety	5	0	2	6	7	0	20
Social Development	2	3	2	2	2	1	12
Policy & Fiscal Coordination	1	1		2	1	1	6
Environment & Sustainable	2	0	1	1	1	0	5
Government Services	0	0	0	0	0	0	0
Total	13	6	8	16	15	3	61

Note

- This table represents only those Bills where either the primary objective is to implement the above mentioned schemes or where a significant part of the Bill is to implement the schemes.