



RECEIVED

08 JUN 2010

Committee System Review
Committee

Sub #28

3 June 2010

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

Dear Ms Spence

Thank you for your invitation to make a submission to the review of the Committee of the Queensland Parliament. I apologise for the late reply but would like to submit the following suggestions for consideration by the Committee.

Expanded Functions for Estimates Committees

Given the background material supplied and the committees section of the Queensland Parliament website, your committee may wish to consider using the existing base of Estimates Committees and broadening their terms of reference. The Committees would retain their reference to examine "the expenditures in the Appropriation Bill and Appropriation (Parliament) Bill, including unauthorised expenditures from previous years". The committees could be given expanded roles as ongoing "departmental" based standing committees and as legislation committees with, if you like, triple barrelled terms of reference.

Standing Committee Function

The respective Estimates Committee "X" could be renamed as the Standing Committee on the names of the portfolios under Estimates Committee "X". For example, your current Estimates Committee C would become the Standing Committee on Natural Resources, Mines and Energy, Trade and Transport. Using this example, like the House of Representatives standing committee system, the generic terms of reference for "departmental" based standing committees would be:

"The Standing Committee on Natural Resources, Mines and Energy, Trade and Transport is to carry out inquiries into matters referred to it by the House or a Minister. The Committee can also inquire into matters raised in annual reports of the respective Government departments and organisational units within the portfolios or in reports by the Queensland Auditor-General."

Consideration could also be given to addressing the issue of giving these standing committees self referencing provisions. In the Legislative Assembly of NSW, most standing committees (not departmental based) have self referencing powers. In a House with a culture of executive dominance these committees by and large resolve to undertake inquiries on a quite consensual basis.

Legislation Committee Function

These standing committees could be given the additional function, to be used whenever required, to examine legislation. This provision would complement the unicameral nature of the Queensland Parliament. As you would be aware, in the unicameral Assemblies of the Canadian provinces, bills are referred to committees. There it is a regular occurrence for committees to take submissions from the public on legislation and then evidence. Thus replicating the review function of an absent upper house. An issue associated with this is getting the balance right in terms of timeliness in opportunities for committees to consider legislation and the inevitable exigencies of the government to get legislation passed.

I have attached S.O. 323 of the Legislative Assembly of NSW in relation to Legislation Committees for your reference and consideration. While the NSW Legislative Assembly has not used this provision for some time, it was a more robust examination of a bill than the consideration in detail (or "committee of the whole") stage. You will note that a bill would not get referred to a legislation (or "departmental") committee until after it is agreed to in principle (or the second reading) hence the committee examination is limited specifically to the clauses and schedules of the bill.

Your committee may wish to recommend the circumstances upon which legislation would be referred to a committee.

The Legislative Assembly of NSW provision is that when the committee reports on legislation, consideration of the committee report is set down as an order of the day in conjunction with the consideration in detail (or "committee of the whole") stage of the bill. The committee has six months to report back on legislation. Your committee may wish to consider what might be an appropriate reporting time to meet your definition of timeliness.

Committee Membership

I would imagine that in Queensland the serving of committees is constrained, similarly to the Legislative Assembly of NSW, with insufficient numbers of backbenchers to serve on additional committees.

Therefore, your committee may also wish to consider the question of committee membership. I note Estimates Committees have a membership of 7 (4 Government; 3 Non-Government). I also note that the estimates committees have a short period of activity (July-August). A "departmental" type standing committee system would require members to devote more time to ongoing tasks. Hence, consideration could be given to a standing committee having a membership of 5 (3 Government; 2 Non-Government) but then appointing the additional two members for the Estimates function.

Ad Hoc and Select Committees

I also note that there have also been a number of ad hoc or select committees. If a committee system as outlined above were in existence then the House, rather than appoint a select committee, could simply make a reference to the appropriate standing committee for inquiry and report.

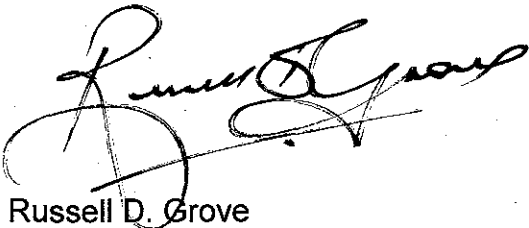
Conclusion

By suggesting these expanded functions for existing committees to include ongoing "departmental" scrutiny and consideration of bills, I believe you would be able to enhance committee capacity by building on an existing committee structure.

I have not addressed the issue of staffing capacity to service the proposed additional functions but, by building on the existing frameworks, it may be more cost effective for the Parliament of Queensland.

If I may be of further assistance, do not hesitate to contact me. Alternatively, the committee secretariat may contact Leslie Gonye, the Clerk-Assistant (Committees), on telephone 9230.2224 (email: les.gonye@parliament.nsw.gov.au) for any particular detail.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Russell D. Grove', written in a cursive style.

Russell D. Grove
Clerk of the Legislative Assembly

Enc.

S.O.323 Committees - legislation committees**Legislation Committees****323.**

1. Immediately after a motion for a bill to be agreed to in principle has been agreed to, any Member may move without notice "That the (name of the bill) be referred to a legislation committee for consideration and report".
2. A legislation committee shall consider and report to the House on amendments to the clauses and schedules of the bill which it considers could be proposed for consideration in detail, together with a schedule of amendments which should be proposed.
3. A committee shall have a maximum of six Members – three shall be Members representing the Government and three shall be non-Government Members.
4. The Chair and Deputy Chair shall be elected by the committee and shall be Government Members.
5. A quorum shall be four Members.
6. The Chair shall exercise a deliberative vote and, in the event of an equality of votes, a casting vote.
7. A committee may meet during the sittings or any adjournment of the House and shall have power to take evidence and call for persons, papers, exhibits and things and to report from time to time.
8. In all other respects a committee shall be conducted in accordance with the General Provisions relating to Committees.
9. A committee shall not travel.
10. The Minister having portfolio responsibility for the bill shall provide the committee with such drafting and support services as requested by the committee.
11. A committee shall table its final report no later than 6 months from the date of the committee's establishment.
12. When the Chair tables the final report of a committee the Speaker shall set down its consideration in detail as an Order of the Day with the bill.
13. If the House is not sitting at the time of report the chair shall forward such report to the Clerk for report at the next sitting of the House.