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5 October 2015

Research Director  
Finance and Administration Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Dear Madam

**Re Inquiries into possible changes to duration of terms for the Queensland Parliament – supplementary submission**

I would like to thank the Committee for the opportunity to present at the public forum that was held in Brisbane on 1 October 2015. I would also like to thank Committee members for the questions they asked me following my presentation. As a result of further reflecting on these questions and the replies I gave, I would like to provide the following additional comments and observations for the Committee's consideration.

In my first submission to the Committee (27 September 2015) and in my presentation I noted that one of the arguments made in support of longer parliamentary terms is that they are said to facilitate greater certainty for business in making investment decisions. However, as I pointed out, it is yet to be definitively established that longer terms will of necessity guarantee such an outcome.

During the public forum a presentation was also heard from the Director (Advocacy) of the Chamber of Commerce and Industry Queensland (CCIQ). The Director indicated that the CCIQ intended to provide the Committee with the results of a survey of its membership on whether the current maximum three-year parliamentary term should be extended to a fixed four-year period. The Director advised that the majority of survey respondents to date had supported such a proposal and that there had also been a strong preference for any quadrennial State elections to be held in the month of March. Subsequently, the Director indicated that the preference for quadrennial State elections to be held in March was likely due to the current arrangements for quadrennial local government elections also being held in March and that the preference of respondents for both elections to be held at the same time was probably to minimise any negative impacts on business.

Following my presentation, and my observation about the lack of empirical evidence for the claimed for benefits of longer parliamentary terms, I was asked by a Committee member whether I thought the results of the CCIQ membership survey could be regarded as evidence of the need for Queensland to adopt a longer (fixed) term.

In reply to this question, I suggested that while the CCIQ membership survey results would provide an important piece of evidence on one level – that is, they would constitute evidence of the number of respondent CCIQ members whose preference was for four-year parliamentary terms – they could not be taken as evidence of a definitive causal link between longer parliamentary terms and the improved decision-making environment for business that longer terms are claimed to bring. Furthermore, as I also indicated in reply to this question, Queensland is a very broad community with the business sector being only one group, albeit a very organised and vocal group, within the wider society. Therefore, the CCIQ membership survey results would need to be taken as only one of

a range of different pieces of evidence that the Committee would need to consider as to whether or not the proposal for longer parliamentary terms should proceed.

I would also like to make the following additional points. If longer terms should be adopted because they are good for business, which effectively is the CCIQ's position,<sup>1</sup> then why stop at just four-year terms? Why could the same logic not be used to justify a future move to extend the parliamentary term to five years, seven years or even longer?<sup>2</sup> Indeed, it would be an interesting proposition to explore with the business sector as to how many of them would actually prefer the parliamentary term to be of an even longer duration than the four years now being mooted. Not only that, but it would be interesting to explore with the business sector whether the issues now raised by them about Queensland's current maximum three-year parliamentary terms could be similarly raised about four-year terms. For instance, would business still be reluctant to employ and invest when the time actually came around for an election under a fixed four-year term as much as they say occurs now under the maximum three-year term arrangement? And if Queensland already had fixed four-year parliamentary terms and the debate now was about whether or not the length of the term should be extended for a longer period (say, a fixed five-year term), would the same or similar objections now made by business about maximum three-year terms be heard with respect to four-year terms in order to advocate for the longer term?

However, all such questions ultimately give rise to the following important question: how far and at what point would the line need to be drawn on extending the length of the parliamentary term in order to avoid fundamental democratic principles and considerations such as accountability and responsivity being put at risk? While the business sector may argue that longer terms should be adopted because longer terms would better serve their own particular sectoral interests, as an argument for changing the current arrangements it is not entirely compelling since from a wider community perspective longer terms may not necessarily enhance the best interests of society as a whole, particularly if there was a risk to generally-accepted and valued democratic principles and considerations.

Another question I was asked by a Committee member was around the type of evidence that might be needed in order to substantiate any link between longer terms and their claimed for benefits particularly for business. In my first submission and in my presentation I referred to a statement in a Parliament of Australia Library Research Paper that "*... as far as can be ascertained there is no methodologically sound study that establishes, without doubt, that economic performance has been materially affected by a legislative term.*"<sup>3</sup> However, to put the matter beyond doubt the Committee could consider undertaking an examination of key economic indicators and relevant contemporary and historical data relating to business performance to ascertain:

(1) whether the claimed adverse impact of Queensland's current maximum three-year parliamentary terms on business confidence and investment<sup>4</sup> can be empirically substantiated; and

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<sup>1</sup> The CCIQ's stated view is that "*Longer parliamentary terms have the potential to enhance business confidence and business investment by eliminating uncertainties created by frequent elections and subsequent shifts in government policy*" (<https://www.cciq.com.au/news/cciq-welcomes-extending-queenslands-parliamentary-term/>).

<sup>2</sup> And as I pointed out in my first submission and presentation, if the Opposition's recent Private Member's Bills on this issue were ever to be successful the executive-dominated Parliament would be able to make such an extension simply by means of an ordinary enactment since the current referendum requirement for any proposal to alter the parliamentary term would have been removed (see *Constitution (Fixed Term Parliament) Amendment Bill 2015*, cl. 10).

<sup>3</sup> "Should the three-year maximum term be retained?", Parliament of Australia Library Research Paper 2 2003-04, Four-year Terms for the House of Representatives? (September 2003)

([http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp0304/04rp02](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp0304/04rp02))

<sup>4</sup> The CCIQ has argued that the current maximum three-year term in Queensland "*... often created uncertainty and did not promote business confidence and investment*" (<https://www.cciq.com.au/news/cciq-welcomes-extending-queenslands-parliamentary-term/>).

(2) whether the claimed adverse impact on business confidence and investment may be a feature uniquely associated with election times in Queensland or if a slow-down in terms of business confidence and investment can be discerned at election times across all Australian jurisdictions irrespective of the length of the parliamentary term under which the elections are conducted.

Such an examination could involve, for example, comparing the economic impacts on business of election times in Queensland with what occurs in other Australian jurisdictions where longer parliamentary terms operate. An examination of this type could reveal whether or not a slow-down in business confidence and investment does indeed occur at election times and if so, whether it occurs regardless of the length of the parliamentary term of the State or Territory in question. If it was found that a slow-down in business confidence and investment was a feature at election times across all jurisdictions in Australia, then this would be a strong indication that the length of the parliamentary term is not the issue it is claimed to be, as the Parliament of Australia Library Research Paper cited above has in fact suggested.

One final point I would like to make concerns the comment made at the public forum on 1 October 2015 that since 2011, the parliamentary committee system in Queensland has been changed to be more effective in its scrutinising role. While any improvements in this respect would always be welcome, the fact remains that Parliamentary committees are still effectively subject to the government of the day given its control over the Legislative Assembly. As an example, I noted in my first submission how in 2013 the then government used its numbers in the Assembly to remove the members of the then Parliamentary Crime and Misconduct Committee. This example highlights that when there is a strong enough point of disagreement between the executive-dominated Legislative Assembly and a parliamentary committee, the committee may not always be allowed to discharge its check and balance function. This example also raises the question as to whether parliamentary committees are indeed strong enough to act as an effective safeguard in an executive-dominated unicameral Parliament under a maximum three-year term arrangement let alone in an executive-dominated unicameral Parliament operating under any longer (and potentially fixed) term. I suspect that many voters would be concerned about the absence of stronger and more effective accountability mechanisms suitable for Queensland's unicameral Parliament and that changing to a longer parliamentary term would involve surrendering the ultimate, constitutionally-entrenched accountability mechanism currently in place under which Parliaments (and governments) must face the people at an election no more than every three years.

I trust the above additional comments and observations will assist the Committee during its deliberations on this issue.

Yours faithfully

Don Willis