

Submission No 60
Spec 281



SUBMISSION BY
CITY COUNTRY ALLIANCE QUEENSLAND

IN RESPONSE TO

LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

ON

FOUR YEAR PARLIAMENTARY TERMS

This submission is made by the City Country Alliance Queensland ("CCAQ") in response to the Legal, Constitutional and Administrative Review Committee's ("QCRC") call for public submissions regarding its recommendation relating to four year parliamentary terms.

CCAQ in making this submission, does not necessarily accept nor reject each or any of the arguments and bases presented by QCRC in its recommendation, or in its background paper (April 2000). CCAQ in making this submission is mindful of the duty it sees not only to the Legislative Assembly of Queensland and to the members of its Party, but equally as importantly, to all Queenslanders and Queensland generally.

Without the necessity of dealing with each of the arguments and bases raised by the QCRC in formulating its recommendation, and without the necessity of outlining CCAQ's own reasons and rationale in reaching its position as outlined in this submission-

CCAQ supports that part of the recommendation which extends the maximum term of the Legislative Assembly of Queensland to the period of four (4) years. That support is conditional upon the proposal being put to the people by referendum, as required by the constitution.

CCAQ however maintains government must remain accountable and credible to the people of Queensland. The arguments that a longer term allows a government further time to address issues and to implement policy are not without merit, and it is for this reason CCAQ supports the extended term.

However to allow a government a fixed minimum term before an election can be called, is to introduce entrenchment when any thought of that notion is not desirable and particularly in a minority government, not effective.

The introduction of any longer term must be tempered with similarly introduced protective measures for Queenslanders.

This view is not without precedent as this has been the view taken by successive governments not only in Queensland but Australia overall. By this we mean the public have been given protection by all manner of statute and regulation (which is generally referred to as 'protectionist legislation') against what has been perceived (rightly or wrongly) as unscrupulous industries or bodies. The list is extensive, but for example the building industry is now so regulated as to provide the end-consumer with significant and in some cases, excessive protection.

Clearly what the government asks of an industry should similarly apply to government. In other words, the so called 'protectionist legislation' should be introduced to ensure the rights of Queenslanders (or for the want of a better description, the end-consumers) are fully protected.

Accordingly with longer terms must come additional methods whereby Queenslanders if they are faced with an unfavourable government or a minority government which has given rise to ineffective and poor government, can by appropriate means end the term of that government, and call for an election.

The protection as included in the QCRC's recommendation, namely (a) a vote of no confidence is carried or a vote of confidence fails to be carried, or (b) an appropriation Bill is defeated or fails to pass, should be included. But in addition there should be procedures allowing the people of Queensland, by initially obtaining the support of a specified number or percentage of registered voters recording their disapproval of the government in a manner to be determined by an appropriate body, to call for a referendum to be convened at short notice whereby the people of Queensland can determine whether they wish to allow the government to continue to govern or to call an election.

The criteria for calling a referendum may also be triggered by some other method such as expanding the reserve powers of the Governor where the government acts unconstitutionally or without mandate. Similarly, a constitutional Court comprising eminent members of the judiciary may be created, where the Court may be petitioned by concerned Queenslanders, and has the power to order a referendum (or maybe even an election in certain circumstances) where it finds the government has acted unconstitutionally, or is without mandate.

The purpose of the submission is not to set out or suggest in detail the criteria for calling a referendum or whether a new constitutional court should be created, but to raise for further comment the fact that any extended term must be counter-balanced with safeguards and must return to the people of Queensland, a greater say in the way the state of Queensland should be governed.

It is the view of the CCAQ that in keeping with the recommendation of the QCRC, the parliamentary term be extended subject to implementing and addressing measures for keeping in check any government with an extended term.

Most Queenslanders accept the fact that short terms do not allow a government to operate efficiently and most Queenslanders accept that after two years, they may expect an election to be called at short notice.

Perhaps ultimately, it may be a situation that an extended term may be granted with a minimum term imposed against a government so that government itself cannot call an election within that minimum term (possibly three (3) years), but leaving it open to external measures whereby an earlier election can be called, even within that minimum period.

To conclude, under the CCAQ submission, a government could have an extended term, with a minimum term before a government can call an election of possibly three (3) years, yet with the accountability provided by the fact that, if a government has lost a vote of no confidence or supply, or a referendum is called by the people of Queensland, or an external authority such as the Governor or a constitutional Court finds a government has not acted properly in accordance with strict criteria, then an election can be called within the term, which includes the minimum term.

This will in our opinion make a government more accountable to the people it serves and despite whatever Party holds government at the time, will help to instill credibility and the confidence of the people of Queensland in that government.

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