

LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

ANNUAL REPORT 1999/2000

REPORT NO. 25, JULY 2000

1. INTRODUCTION

The Legal, Constitutional and Administrative Review Committee ('the committee' or 'LCARC') is a statutory committee of the Queensland Parliament established under s 4 of the *Parliamentary Committees Act 1995* (Qld). The committee's responsibilities (described in section 2 below) are set out in the *Parliamentary Committees Act* and other legislation.

The *Parliamentary Committees Act* (s 33) requires the committee to table in the Legislative Assembly, as soon as practicable after the end of each financial year, a report about the committee's activities during the year.

The Act further requires this report to include:

- a list of meetings and the names of members attending or absent from each meeting (see Appendix A);
- a summary of issues considered by the committee, including a description of the more significant issues arising from the considerations (see section 3);
- a statement of the committee's revenue and spending for the year (see section 6); and
- a brief description of responses by ministers to committee recommendations (see section 3).

The committee has prepared and tabled this report in accordance with this requirement.

2. THE COMMITTEE'S AREAS OF RESPONSIBILITY

The *Parliamentary Committees Act* provides that the committee has four areas of responsibility, namely:¹

- Administrative review reform which includes considering legislation, or provisions of legislation, about—
 - (a) access to information;
 - (b) review of administrative decisions;
 - (c) anti-discrimination; or
 - (d) equal employment opportunity.

However, the committee's jurisdiction does not extend to investigating particular conduct, or reviewing a decision to (or not to) investigate a particular complaint or decision, or reviewing findings, recommendations or decisions in certain reports of the Parliamentary Commissioner for Administrative Investigations ('the Ombudsman').

- Constitutional reform which includes any bill expressly or impliedly repealing any law relevant to the State's Constitution.
- Electoral reform which includes monitoring generally the conduct of elections under the *Electoral Act 1992* (Qld) and the capacity of the Electoral Commission of Queensland to conduct elections.
- Legal reform which includes—
 - (a) recognition of Aboriginal tradition and Island custom under Queensland law; and
 - (b) proposed national scheme legislation referred to the committee by the Legislative Assembly.

The *Parliamentary Committees Act* also requires the committee to deal with an issue referred to it by the Legislative Assembly or under another Act, whether or not the issue is within the committee's areas of responsibility.²

¹ *Parliamentary Committees Act 1995* (Qld), ss 9-13.

² *Parliamentary Committees Act 1995* (Qld), s 8(2).

In addition to the LCARC's 'reform' responsibilities, other legislation confers on the committee specific statutory responsibilities in relation to the Ombudsman, the Information Commissioner and the Electoral Commission of Queensland. During the year, various committee activities related to these additional responsibilities.

Funding of the Ombudsman

Section 31(3) of the *Parliamentary Commissioner Act 1974* (Qld) requires the Treasurer to 'consult' with the LCARC in developing the proposed budget of the Ombudsman.

In August 1999, the committee settled with the Treasurer a standing 'consultation' arrangement regarding the budget for the Ombudsman.

The committee subsequently entered into correspondence with the Treasurer regarding the Ombudsman's proposed budget for 2000/01 in accordance with this new arrangement.

Funding of the Information Commissioner

The Office of the Information Commissioner, established under the *Freedom of Information Act 1992* (Qld), shares its allocated funding with the Office of the Ombudsman. Accordingly, the requirement on the Treasurer to consult with the LCARC in developing the budget for the Ombudsman also applies to the development of the budget for the Information Commissioner.

Strategic management review of the Offices of the Ombudsman and the Information Commissioner

Section 32 of the *Parliamentary Commissioner Act* provides that 'strategic reviews' of the Ombudsman are to be conducted at least every five years and that the Premier (as the responsible minister) is to consult with the committee about the appointment of the person to conduct the review and the review terms of reference.

Professor Kenneth Wiltshire AO conducted the inaugural strategic review of the Queensland Ombudsman during the 1997/98 financial year. The reviewer's report was tabled in May 1998.

The current committee subsequently reviewed Professor Wiltshire's report and reported on that

review in July 1999. (The committee's review is described further in section 3.1 below.)

In its July 1999 report, the committee recommended that the Premier commission an external management review of the Ombudsman's Office. This external management review, which was subsequently expanded to include the Office of the Information Commissioner, was conducted during the 1999/2000 financial year. The committee's involvement in this review is described more fully in section 3.10 below.

3. INQUIRIES AND ISSUES CONSIDERED BY THE COMMITTEE AND MINISTERIAL RESPONSES TO COMMITTEE RECOMMENDATIONS

In this section the committee summarises:

- issues considered by the committee during 1999/2000 (including the more significant issues arising from the considerations);
- the thrust of committee recommendations made in relation to issues considered; and
- where applicable, ministerial responses to the committee's recommendations.³

(Ministerial responses are required by s 24 of the *Parliamentary Committees Act* which provides that, if a parliamentary committee recommends that the Government or a minister take action on an issue, the minister who is responsible for the issue must provide the Legislative Assembly with a response. The minister must table the response within three months of the report being tabled. If the minister cannot comply with this requirement, the minister must table an interim response and within six months table a final response.)

3.1 Review of the Report of the Strategic Review of the Queensland Ombudsman (report no 14)

In May 1998, the Premier tabled Professor Wiltshire's report on the inaugural strategic review of the Queensland Ombudsman. The

³ The committee received one further ministerial response during the financial year (on 7 July 1999) which is not canvassed in this report. This response concerned the committee's report no 13 *Consolidation of the Queensland Constitution: Final Report* and was reported on in the committee's 1998/99 annual report.

current committee subsequently resolved to review that report and, as part of its review:

- called for public submissions by advertising in *The Courier-Mail* on 12 August 1998 and by directly writing to potentially interested organisations and persons;
- met with the Ombudsman and Professor Wiltshire on a number of occasions; and
- during its New Zealand study tour in June 1999, discussed issues relevant to the strategic review with the New Zealand Chief Ombudsman and others.⁴

The committee's report to Parliament on the strategic review (tabled 15 July 1999) essentially canvassed three broad areas.

First, the committee agreed with the reviewer that a number of specific measures should be undertaken to enhance administrative review in Queensland.

Secondly, the committee noted that, while the reviewer made a number of recommendations concerning the operation and management of the Ombudsman's Office, the review was not a management review *per se*. Therefore, the committee recommended that the Premier, as the minister responsible for the *Parliamentary Commissioner Act*, commission an external management review of the office.

Thirdly, the committee agreed with the reviewer's overall sentiment that, given the Ombudsman is an officer of Parliament, Parliament's ties with the Ombudsman be strengthened via the LCARC.

Ministerial response

On 26 August 1999, the Premier informed the Legislative Assembly that he endorsed the committee's recommendation regarding a management review of the Ombudsman's Office (in effect, an interim response to that recommendation).

On 14 October 1999, the Acting Premier tabled a response to the remainder of the committee's recommendations. The Acting Premier's response

⁴ The committee reported on its New Zealand study tour in its 1998/99 annual report. See also LCARC report no 15 *Report on a study tour of New Zealand regarding freedom of information and other matters: From 31 May to 4 June 1999*, GoPrint, Brisbane, July 1999.

largely accepted the committee's recommendations for legislative reform, most of which related to bringing the Ombudsman closer to the Parliament.

3.2 The Transplantation and Anatomy Amendment Bill 1998 (report no 16)

On 10 November 1998, Mr Ken Turner MLA (Member for Thuringowa) introduced into the Legislative Assembly a private member's bill, the Transplantation and Anatomy Amendment Bill 1998.

The objective of the bill was to increase the number of organ donors in Queensland by giving full 'legal' effect to the donor consent notation on Queensland drivers' licences. The bill attempted to make the donor consent notation on a driver's licence paramount so that hospital staff need not consult with a potential donor's family before donation goes ahead.

On 28 April 1999, the Assembly resolved that the bill be referred to the committee for consideration and report back to the House by 1 August 1999.

On 5 May 1999, the committee called for public submissions on the bill in *The Courier-Mail*. In addition, the committee directly wrote to approximately 290 persons and organisations that it identified as having an interest in the bill. The committee received 53 submissions to its inquiry.

The committee's public consultation revealed that how the bill sought to achieve its objective was not in accordance with standard (and accepted) medical practice. In its report tabled on 29 July 1999, the committee recommended that Parliament not support the bill in its current form, despite the bill's laudable objective. However, the committee made a number of recommendations aimed at enhancing organ donation rates.

The Legislative Assembly did not pass the bill.

Ministerial response

On 26 October 1999, the Attorney-General and the ministers responsible for health and transport tabled a joint response to the committee's various recommendations aimed at enhancing organ donation rates.

While the ministers did not support the committee's recommendations for certain legislative reform regarding organ donation and transplantation, the ministers did advise that, in accordance with committee recommendations, consultation between Queensland Health and Queensland Transport is ongoing regarding:

- the provision of suitable information to potential organ donors at the time of drivers' licence application or renewal; and
- the removal of restrictions which currently prevent access to donor information on the Queensland drivers' licence database by those involved in organ donation.

3.3 Issues of electoral reform raised in the Mansfield decision (report no 18)

On 21 September 1998, the Honourable Mr Justice Mackenzie of the Supreme Court of Queensland—sitting as the Court of Disputed Returns—handed down his decision in relation to Mr Frank Carroll's petition disputing the 1998 State election result for the electorate of Mansfield [*re Carroll v Electoral Commission of Qld & Reeves* [1998] QSC 190 (the 'Mansfield decision')].

On 30 September 1998, after receiving correspondence from the Attorney-General, the committee resolved to conduct an inquiry and report to Parliament on the comments made by Justice Mackenzie in his judgment:

- at paragraphs 153 and 154 regarding how-to-vote card specification requirements, as currently set out in section 161 of the *Electoral Act 1992* (Qld); and
- at paragraph 155 regarding the possibility of appeals to the Court of Appeal from decisions of the Court of Disputed Returns.

The committee called for public submissions by advertising in *The Courier-Mail* on 3 October 1998 and by direct correspondence with identified stakeholders. The committee received 40 submissions to its inquiry.

In its report on this inquiry (tabled on 17 September 1999), the committee recommended that:

- how-to-vote cards should be required to bear, in sufficiently sized print, the name of the party (or independent candidate) on whose behalf they are distributed; and
- there should be a right of appeal from decisions of the Queensland Court of Disputed Returns on questions of law to a new 'Appeals Division' of that Court.

Ministerial response

On 29 February 2000, the Attorney-General and minister responsible for local government tabled a joint ministerial response to this report stating that legislation will be introduced regulating how-to-vote cards along the lines suggested by the committee and enabling appeals from the Court of Disputed Returns to the Court of Appeal.

3.4 Issues of Queensland electoral reform (report nos 19 and 23)

On 28 October 1999, the committee resolved to undertake an inquiry into certain issues of electoral reform. Most of the issues emanated from a memorandum from the Queensland Electoral Commissioner ('the commissioner') to the Queensland Attorney-General following the 1998 State election. (The memorandum was later reproduced in a letter from the commissioner to the committee dated 25 October 1999.)

Broadly, the 11 issues the commissioner raised related to amendments to the *Electoral Act*:

- proposed by the commissioner as a result of the conduct of the 1998 State election;
- arising out of amendments to the *Commonwealth Electoral Act 1918*—by the *Electoral and Referendum Amendment Act (No 1) 1999*—concerning:
 - electoral enrolment requirements;
 - enhancement of the accuracy of the electoral roll; and
 - election funding and financial disclosure.

In November 1999, the committee prepared and released a background paper *Inquiry into issues of Queensland electoral reform* to accompany the commissioner's letter, and called for public submissions to its inquiry by advertising in *The*

Courier-Mail and writing to identified stakeholders.

By the time of conclusion of this inquiry the committee had received 25 submissions in response to its call for public input regarding these issues.

Implications of the new Commonwealth enrolment requirements (report no 19)

The committee considered that one of the issues raised by the commissioner was sufficiently pressing to warrant Parliament's immediate attention. This issue concerned the new Commonwealth enrolment requirements which will require persons seeking to enrol for the first time to produce proof of identity and citizenship and upgrade witness requirements for claims for enrolment. (The Commonwealth amendments directly concern Queensland because essentially a person is entitled to be enrolled for Queensland elections if they are entitled to be enrolled under the *Commonwealth Electoral Act*.)

In its report on this issue (tabled 2 March 2000), the committee concluded, among other matters, that:

- the new Commonwealth enrolment requirements have the potential to effectively disenfranchise a significant number of eligible voters (through inconvenience and potential cost);
- this result would make it essential for Queensland to retain its enrolment criteria as they stood prior to the amendments (which are yet to commence); and
- in practical terms, this would also mean that Queensland should (re)establish its own separate electoral roll.

The committee therefore recommended that the Queensland Attorney-General, as the minister responsible for the *Electoral Act*, facilitate a meeting with the federal minister responsible for electoral matters in order to:

- alert the federal minister to the committee's conclusions; and
- foreshadow the possibility that, if the enfranchisement of Queenslanders is threatened, Queensland will consider:

amending the *Electoral Act* to ensure enrolment criteria as they stood prior to the Commonwealth amendments are retained for state elections; and (re)establishing its own electoral roll.

Ministerial response

On 1 June 2000, the Attorney-General tabled a response to the committee's report advising that the committee's recommendation has been adopted and implemented.

Issues of Queensland electoral reform arising from the 1998 State election and amendments to the Commonwealth Electoral Act 1918 (report no 23)

In the committee's report no 23 *Issues of Queensland electoral reform arising from the 1998 State election and amendments to the Commonwealth Electoral Act 1918*, tabled on 31 May 2000, the committee made recommendations relating to the remaining issues raised by the commissioner in his October 1999 letter. These issues concern matters including: the return of deposits to accompany nominations; the distribution of how-to-vote material in declared institutions; the Electoral Commission of Queensland's authority to re-schedule mobile polling; registration criteria for 'special postal voters'; certain aspects of the election funding and financial disclosure provisions; and maintenance of electoral rolls.

The issues raised by the commissioner, and the committee's subsequent recommendations, are generally aimed at improving the conduct and administration of elections.

(A ministerial response to this report is not due until 31 August 2000.)

3.5 The Electoral Amendment Bill 1999 (report no 20)

On 1 December 1999, the Queensland Parliament referred the Electoral Amendment Bill 1999 (a private member's bill) to the committee for 'consideration and report'. The stated objective of the bill was to amend Queensland's *Electoral Act 1992* 'to provide truth in political advertising by preventing, as far as possible, the production and

distribution of false or misleading political advertising material’.

The committee has previously reported on many of the matters canvassed in the bill in its reports on truth in political advertising (report no 4) and the Mansfield decision (report no 18).

In its report on the bill (tabled 11 April 2000), the committee reported to Parliament on relevant proposals, arguments, conclusions and recommendations previously presented in LCARC reports and outlined differences that existed between the bill and proposals previously put forward by the LCARC.

In this context, the committee stated that while it supported the principle of truth in political advertising, the committee observed from its previous work that, in practice, formulating a general provision that effectively and appropriately ensures truth in political advertising appears difficult.

While the committee recommended that the Parliament not adopt a number of the bill’s proposals, the committee ultimately left the issue of a truth in political advertising provision as a matter for Parliament.

The committee further commended to Parliament the recommendation in its Mansfield report designed to reduce the incidence of misleading how-to-vote cards.

The Legislative Assembly did not pass the bill.

(As the committee’s recommendations were directed to Parliament, there were no recommendations requiring a ministerial response.)

3.6 Meeting with the Queensland Ombudsman regarding the Ombudsman’s Annual Report to Parliament 1998 – 1999 (report no 21)

In his May 1998 report on the inaugural strategic review of the Queensland Ombudsman (referred to in sections 2 and 3.1 above), Professor Wiltshire recommended that LCARC should engage in more substantial scrutiny of the Ombudsman’s annual and other reports,

particularly regarding the quality of public administration in the State and any major systemic issues which are raised.

In its July 1999 report regarding Professor Wiltshire’s review, the committee stated that it proposed to examine each annual and other report made by the Ombudsman and presented to Parliament and, if the committee sees fit, to report to Parliament on any matter appearing in, or arising out of, those reports.

In accordance with this statement, the committee considered the Ombudsman’s annual report to Parliament for 1998/99. On 17 March 2000, the committee met with the Ombudsman and senior officers of the Ombudsman’s Office to discuss issues arising out of that report.

The key issues the committee discussed with the Ombudsman and the senior officers included:

- Office resources, staffing and case load including age of complaints and progress in reducing the backlog of cases;
- Office goals and performance indicators;
- the Office’s complaints database;
- the implementation of various strategies to enhance the Office’s profile;
- proposed review of/reform to the *Parliamentary Commissioner Act 1974*;
- the Office’s liaison with various agencies regarding jurisdictional overlap;
- action taken by the Office with respect to a number of matters specifically mentioned in the report; and
- future directions of the Office.

The committee reported to Parliament on this meeting (on 19 April 2000) by presenting to Parliament the transcript of the meeting. Additional information regarding the Ombudsman’s annual report, which was not canvassed in detail in the meeting, was also included in the committee’s report at the request of the Ombudsman.

(As this report did not contain any recommendations, a ministerial response is not required.)

3.7 The role of the Queensland Parliament in treaty making (report no 22)

On 31 August 1999, the Hon Andrew Thomson MP, Chair of the Commonwealth Parliament's Joint Standing Committee on Treaties (JSCOT) wrote to the Speaker of the Queensland Parliament, the Hon Ray Hollis MP, urging the Queensland Parliament to consider implementing three proposals developed at a June 1999 seminar on the role of parliaments in treaty making. This seminar was convened by the JSCOT in association with the Australasian Study of Parliament Group.

The objective of these proposals was to improve parliamentary awareness of, and involvement in, treaty making and to make the treaty making process more publicly open.

On 28 October 1999, the committee resolved to inquire into these proposals. In November 1999, the committee released a position paper outlining its preliminary position on the three seminar proposals, and called for public comment on its preliminary positions by advertising in *The Courier-Mail* and writing to identified stakeholders. The committee received 21 submissions to its inquiry.

After reviewing submissions and other relevant material, the committee tabled its report *The role of the Queensland Parliament in treaty making* on 19 April 2000. The committee did not recommend implementation of all proposals arising from the treaties seminar. However, as a result of its consideration of the proposals the committee recommended that:

- the Premier be required (initially by sessional order) to table in the Queensland Parliament, as and when they are received, advices from JSCOT concerning proposed treaty actions under negotiation and tabled in both Houses of the Commonwealth Parliament together with the National Interest Analyses which relate to each of the proposed treaty actions under review; and
- the Premier be required, at any time but at least annually, to report to the Queensland Parliament on: any substantive issues for Queensland arising out of particular treaties

during the reporting period; and the adequacy of the treaty making and consultation process from Queensland's perspective.

(A ministerial response to this report is not due until 19 July 2000.)

3.8 Review of the Freedom of Information Act 1992 (Qld) (current inquiry)

On 11 March 1999, the Queensland Parliament referred a wide range of matters regarding the *Freedom of Information Act 1992* ('the FOI Act') to the committee for inquiry and report. The terms of reference for the inquiry essentially require a comprehensive review of the Act.

The committee called for public submissions on the terms of reference in March 1999 by advertising in *The Courier-Mail* and regional newspapers throughout Queensland, and by writing to some 700 identified stakeholders. The committee received 110 submissions from that initial call for public input.

On 8 February 2000, the committee released a discussion paper *Freedom of information in Queensland* to stimulate a second round of public input. This paper:

- summarised the broad positions taken in the submissions that the committee had received so far; and
- invited further submissions on select discussion points which had emerged and were, in the committee's view, worthy of further, specific public comment. The points were generally in the nature of broad policy or FOI 'design principles' rather than technical matters.

(The committee prepared the paper following consideration of public submissions received to that date, and research material gathered during its June 1999 study tour to New Zealand⁵ and otherwise.)

The committee placed an advertisement calling for public submissions on the discussion paper in

⁵ The committee reported on its New Zealand study tour in its 1998/99 annual report. See also LCARC report no 15 *Report on a study tour of New Zealand regarding freedom of information and other matters: From 31 May to 4 June 1999*, GoPrint, Brisbane, July 1999.

The Courier-Mail on 8 February 2000 and distributed over 600 copies of the paper to interested persons, organisations and agencies. As at 30 June 2000, the committee had received a further 62 submissions in response to the discussion paper.

In addition to the release of the discussion paper, the committee:

- conducted an informal meeting with approximately 50 state and local government FOI coordinators on 17 March 2000;
- visited the FOI units of the Queensland Police Service, Brisbane City Council and Queensland Health on 11 May 2000; and
- convened a public hearing at Parliament House on 11 and 12 May 2000, at which the committee heard from a variety of stakeholders including the Deputy Information Commissioner, Queensland government departments, individuals and organisations who have used the freedom of information process, and academics specialising in freedom of information.

The Chair, accompanied by the committee's research staff, also attended a conference *Freedom of information and the right to know* in Melbourne on 19 and 20 August 1999.

The committee is currently considering each issue under inquiry in light of background research conducted by the secretariat and public submissions received.

The committee anticipates that it will finalise its report on its review of the Act in the 2000 calendar year.

3.9 Review of the Queensland Constitutional Review Commission's report (current inquiry)

On 29 February 2000, the Premier tabled in the Queensland Parliament the Queensland Constitutional Review Commission's *Report on the possible reform of and changes to the Acts and laws that relate to the Queensland Constitution*.

The QCRC's report not only incorporates this committee's previous work on consolidating the

Queensland Constitution (see LCARC reports 10 and 13) but also makes recommendations about substantial issues of constitutional reform.

In a ministerial statement to the Legislative Assembly on 29 February 2000, the Premier stated that he tabled the QCRC's report for this committee's 'consideration and reporting'. The Premier also indicated that while the committee is considering the report, the Government will consider the QCRC's recommendations and, in particular, Cabinet will examine options for the possible introduction of four year terms as recommended by the QCRC. The Premier further indicated that Cabinet might make a decision on the four year term issue before the committee brings down its report.

Given the Premier's statement and the committee's area of responsibility about constitutional reform, the committee resolved to review and report to Parliament on the QCRC's report in two stages, namely:

- to review and report on QCRC recommendation 5.2 that the maximum term of the Legislative Assembly be extended to four years (stage 1, part A);
- to (separately) review and report to Parliament on those QCRC recommendations which the committee considers as consolidatory and/or relatively non-controversial in nature (that is, capable of achieving bipartisan political support and likely widespread community support) and which the committee thinks it desirable to implement (stage 1, part B); and
- at some time after the tabling of the stage 1 reports, review and report to Parliament on the remainder of the QCRC's recommendations as the committee sees appropriate at that point in time (stage 2).

The committee further resolved to engage Associate Professor Gerard Carney of Bond University to provide advice and assistance regarding stage 1 of its inquiry.

On 11 April 2000, the committee tabled a background paper, *Four year parliamentary terms*, and called for submissions on this issue by advertising in *The Courier-Mail* and writing to identified stakeholders. Submissions closed on 12

May 2000. As at 30 June 2000, the committee had received 65 submissions regarding this issue.

On 27 April 2000, the committee tabled a position paper, *Review of the Queensland Constitutional Review Commission's recommendations relating to a consolidation of the Queensland Constitution*, and called for submissions on this issue by advertising in *The Courier-Mail* and writing to identified stakeholders. Submissions closed on 26 May 2000. As at 30 June 2000, the committee had received 15 submissions regarding this issue.

The committee expects to table reports on both parts of stage 1 of its review early in the 2000/2001 financial year.

The committee is yet to commence stage 2 of its review.

3.10 The Report of the strategic management review of the Offices of the Queensland Ombudsman and the Information Commissioner (current inquiry)

As noted in section 3.1 above, one of the committee's recommendations emanating from its review of Professor Wiltshire's strategic review report was that the Premier conduct an external management review of the Ombudsman's Office.

On 15 September 1999, the Legislative Assembly carried a resolution calling on the Premier to conduct such a review.

On 23 November 1999, the Premier introduced into the Assembly the Parliamentary Commissioner and Freedom of Information Amendment Bill 1999 ('the bill'). The purpose of the bill, as outlined in the explanatory notes, was largely to:

- amend s 32 of the *Parliamentary Commissioner Act* to:
 - put it beyond doubt that a strategic review can be a management review and involve an assessment of the efficiency, economy and effectiveness of the Ombudsman's Office;
 - require the reviewer to give the Minister and the Ombudsman a draft of the reviewer's report and to provide the opportunity for the

Ombudsman to respond to any matters contained in the report; and

- refer strategic review reports to the LCARC;
- insert a provision equivalent to s 32 (as amended by the bill) into the FOI Act to provide for the conduct of strategic reviews of the Office of the Information Commissioner at least every five years; and
- enable combined reviews of the Offices of the Ombudsman and Information Commissioner where the same person holds both offices and the ministers responsible for the administration of both Acts agree to a combined review.

The preparation of the bill followed agreement by the Premier, the Attorney-General and the committee that it was prudent and cost effective to expand the then planned management review to encompass the Office of the Information Commissioner. Both offices are managed by the same accountable officer, are combined for budgetary purposes and are supported by a single Corporate and Research Division.

Further, as noted in section 3.8 above, in March 1999 the Queensland Parliament referred the FOI Act to the committee for review. The committee considered that a management review of the Office of the Information Commissioner would be timely as it would enable the committee to consider the review outcomes before handing down its report on its review of the Act.

The Legislative Assembly passed the bill on 8 December 1999. The bill was assented to on 14 December 1999.

The (amended) sections of the *Parliamentary Commissioner Act* and FOI Act relating to the conduct of strategic reviews make it clear that the responsible ministers must consult with the committee and the Ombudsman/Information Commissioner about the appointment of the person to conduct the review and the review terms of reference. (The Premier is the minister responsible for the *Parliamentary Commissioner Act*. The Attorney-General is the minister responsible for the FOI Act.)

A Consultative Reference Group was established comprising representatives of the Premier, the Attorney-General, the committee and the

Ombudsman (in both his capacity as Ombudsman and Information Commissioner) to act as a forum for consultation for the duration of the review. This group was chaired by the Chair of the LCARC.

On 16 December 1999, following consultation within this forum, the Governor in Council appointed The Consultancy Bureau Pty Ltd to conduct the combined review and approved the terms of reference for the review.

The Premier tabled the reviewer's comprehensive management review report on 21 June 2000. Both the *Parliamentary Commissioner Act* and the FOI Act provide that this report is referred to the LCARC.

Section 8 of the *Parliamentary Committees Act* provides that a parliamentary committee is to deal with an issue referred to it under an Act (whether or not the issue is within its area of responsibility), and that a committee may deal with an issue by considering it and reporting on it, and making recommendations about it, to the Legislative Assembly.

The committee is currently considering the management review report and will report to Parliament on its consideration early in the 2000/01 financial year.

3.11 Administrative review reform, constitutional reform, electoral reform and legal reform generally

The committee has an on-going role regarding its four key 'reform' areas of responsibility. Accordingly, and as in previous years, the committee's activities during 1999/00 included:

- monitoring the status and operation of key legislation relating to these areas;
- considering issues raised in the most recent annual reports of bodies relevant to the committee's jurisdiction; and
- meeting with statutory officers relevant to the committee's jurisdiction (namely, the Ombudsman, Information Commissioner, Anti-Discrimination Commissioner and Electoral Commissioner) to discuss issues concerning those offices and their relevant legislation.

4. MEETINGS AND OTHER COMMITTEE ACTIVITIES FOR 1999/2000

Below is a summary of committee meetings and other activities for the financial year.

As this table reveals, the committee held 37 meetings during the year. A committee meeting attendance schedule appears as *Appendix A* to this report.

The committee (sometimes represented by the Chair and Deputy Chair) also held 19 informal meetings with various persons and organisations. A number of these informal committee meetings related to the management review of the Offices of the Ombudsman and Information Commissioner: see section 3.10 of this report.

Description	Total
Committee meetings	37
Public hearings ⁶	1
In camera hearings ⁷	1
Informal meetings	19
Committee publications tabled during the year ⁸	15
Ministerial responses to committee reports tabled during the year	5
Responses to committee's reports outstanding as at 30 June 2000	2
Inspections, visits, attendance at conferences etc.	6
Papers presented ⁹	4
Consultants engaged ¹⁰	1

⁶ This hearing related to the committee's review of the FOI Act: see section 3.8.

⁷ This hearing was held in conjunction with a committee meeting.

⁸ This includes reports, discussion papers, background papers, position papers etc.

⁹ The Chair presented four papers on behalf of the committee. Two papers related to the committee's review of the FOI Act, one to its review of the QCRC's report and one regarding the committee's general role.

¹⁰ A consultant was engaged in relation to the committee's review of the QCRC's report: see section 3.9.

5. TRAVEL

The Chair, accompanied by the committee's research staff, attended a conference *Freedom of information and the right to know* in Melbourne on 19 and 20 August 1999.

Apart from this, the committee undertook no travel during the reporting period.

6. BUDGET AND EXPENDITURE

Staff salaries and other employee-related expenses ¹¹	\$155,963.20
Salary related taxes etc ¹²	\$9,062.11
Superannuation	\$20,949.16
Travel and hearing expenses ¹³	\$10,221.14
Consultants	\$4,600.00
Stores, stationery, consumables, postage and freight ¹⁴	\$35.85
Meeting expenses	\$2,701.25
Telecommunication costs	\$3,992.51
Reference books, publications, subscriptions etc	\$1,383.67
Printing of publications	\$18,500.90
Advertising	\$6,731.04
TOTAL	\$234,140.83

This expenditure was \$12,468.39 less than that budgeted.

Gary Fenlon MLA **Chair**

¹¹ Includes contracted staff expenses, overtime, meal allowances, long service leave levy and other allowances.

¹² Includes fringe benefits tax, payroll tax and work cover.

¹³ Includes travel and travel-related expenses relating to: regional committee members attendance at committee meetings, hearings etc; attendance by the Chair at the Melbourne FOI conference; and staff travel with, or for, the committee. Also includes witness expenses incurred in bringing a witness from Tasmania to appear before the committee at its FOI public hearing.

¹⁴ The majority of expenses relating to these items are met by the Committee Office as opposed to the LCARC's budget.

LCARC MEMBERSHIP – 49TH PARLIAMENT

Mr Gary Fenlon MLA (Chair)
Mrs Judy Gamin MLA (Deputy Chair)
Mr Denver Beanland MLA
Ms Desley Boyle MLA
Mr Warren Pitt MLA[#]
Dr Peter Prenzler MLA*

[#] Mr Warren Pitt MLA was appointed to the committee by resolution of the Legislative Assembly of 29 February 2000 replacing Mr Geoff Wilson MLA.

* Dr Prenzler was appointed to the committee on 11 November 1998, replacing Mr Charles Rappolt whose resignation from Parliament was received by the Speaker on 4 November 1998.

STAFF

Ms Kerryn Newton (Research Director)
Mr David Thannhauser (Principal Research Officer, July 1999-March 2000)
Ms Veronica Rogers (Principal Research Officer, March 2000-June 2000)¹⁵
Ms Tania Jackman (Executive Assistant)

CONTACTING THE COMMITTEE

Copies of this report and other LCARC publications are available on the Internet via the Queensland Parliament's home page at: <http://www.parliament.qld.gov.au/committees/legalrev.htm>.

The committee's contact details are:

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¹⁵ During the period March to June 2000 an exchange occurred between the Principal Research Officers of the LCARC and the Scrutiny of Legislation Committee.

APPENDIX A: LCARC MEETING ATTENDANCE RECORD 1999 - 2000

	GARY FENLON	JUDY GAMIN	DENVER BEANLAND	DESLEY BOYLE	PETER PRENZLER	GEOFF WILSON
12 JULY 1999	✓	✓	✓	✓	✓	✓
22 JULY 1999	✓	✓	✓	✓	✓	✓
26 JULY 1999	✓	✓	✓		✓	✓
18 AUGUST 1999	✓	✓	✓	✓	✓	✓
26 AUGUST 1999	✓	✓	✓	✓	✓	✓
6 SEPTEMBER 1999	✓	✓	✓	✓	✓	
13 SEPTEMBER 1999	✓	✓	✓		✓	✓
16 SEPTEMBER 1999	✓	✓	✓	✓	✓	✓
22 SEPTEMBER 1999	✓	✓	✓	✓	✓	✓
28 OCTOBER 1999	✓	✓	✓	✓	✓	
11 NOVEMBER 1999	✓	✓	✓	✓	✓	✓
25 NOVEMBER 1999	✓	✓	✓	✓	✓	✓
2 DECEMBER 1999	✓	✓	✓	✓	✓	
9 DECEMBER 1999	✓	✓	✓	✓	✓	✓
22 DECEMBER 1999	✓	✓	✓	✓		✓
27 JANUARY 2000	✓	✓	✓	✓	✓	✓
15 FEBRUARY 2000	✓	✓			✓	✓
24 FEBRUARY 2000	✓	✓	✓	✓	✓	
28 FEBRUARY 2000	✓	✓	✓		✓	✓

NOTE: Mr Warren Pitt MLA was appointed to the committee by resolution of the Legislative Assembly of 29 February 2000 replacing Mr Geoff Wilson MLA who was subsequently appointed to the Parliamentary Criminal Justice Committee.

	GARY FENLON	JUDY GAMIN	DENVER BEANLAND	DESLEY BOYLE	WARREN PITT	PETER PRENZLER
2 MARCH 2000	✓	✓	✓	✓	✓	✓
13 MARCH 2000	✓	✓		✓	✓	✓
15 MARCH 2000	✓	✓	✓	✓	✓	✓
17 MARCH 2000	✓	✓	✓	✓	✓	✓
29 MARCH 2000	✓	✓	✓	✓	✓	✓
6 APRIL 2000	✓	✓	✓	✓	✓	✓
13 APRIL 2000	✓	✓	✓	✓	✓	✓
20 APRIL 2000	✓	✓	✓		✓	✓
4 MAY 2000	✓	✓		✓	✓	✓
11 MAY 2000	✓	✓	✓	✓		✓
12 MAY 2000 (12.10 pm)	✓	✓	✓	✓	✓	✓
12 MAY 2000 (3.00 pm)	✓	✓	✓	✓	✓	✓
15 MAY 2000	✓	✓		✓		✓
17 MAY 2000	✓	✓	✓	✓	✓	✓
24 MAY 2000	✓	✓	✓		✓	
29 MAY 2000	✓	✓	✓			✓
1 JUNE 2000	✓	✓	✓	✓	✓	✓
21 JUNE 2000	✓	✓	✓	✓	✓	✓