

# Legal, Constitutional and Administrative Review Committee

## ANNUAL REPORT 2004-2005

### REPORT NO. 51, SEPTEMBER 2005

#### 1. INTRODUCTION

The Legal, Constitutional and Administrative Review Committee ('the committee' or 'LCARC') is a statutory committee of the Queensland Parliament established under s 80 of the *Parliament of Queensland Act 2001* (Qld). The committee's responsibilities (described in section 2 of this report) are set out in the *Parliament of Queensland Act* and other legislation.

The *Parliament of Queensland Act* requires the committee to table in the Legislative Assembly, within four months and fourteen days after the end of each financial year, a report about the committee's activities during the year.<sup>1</sup>

The Act further requires this report to include:

- a list of committee 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 8; 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 these requirements.

#### 2. COMMITTEE RESPONSIBILITIES

##### 2.1 Law reform responsibilities

The *Parliament of Queensland Act* provides that the committee has the following four areas of responsibility.<sup>2</sup>

- 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; reviewing a decision to (or not to) investigate a particular complaint or decision; or reviewing reports, findings, recommendations or decisions in relation to a particular investigation, complaint or decision, or particular conduct the subject of a report by the Queensland Ombudsman.

- Constitutional reform which includes any bill expressly or impliedly repealing any law relevant to Queensland'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 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 *Parliament of Queensland 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.<sup>3</sup>

Committee activities regarding these respective areas of responsibility are set out in sections 3 and 4.

<sup>1</sup> *Parliament of Queensland Act 2001* (Qld), s 108.

<sup>2</sup> *Parliament of Queensland Act 2001* (Qld), ss 85-89.

<sup>3</sup> *Parliament of Queensland Act 2001* (Qld), s 84(2).

### 2.1.1 Administrative review reform

In November 2004, the committee resolved to conduct a review of the accessibility of administrative justice mechanisms provided for in the *Freedom of Information Act 1992* (Qld) and the *Judicial Review Act 1991* (Qld): this inquiry is discussed further in section 4.3.

### 2.1.2 Constitutional reform

With the completion of its inquiry, *A preamble for the Queensland Constitution?*, the committee completed a broad constitutional reform project undertaken by successive LCARCs: see section 3 which discusses inquiries completed during the reporting period.

### 2.1.3 Electoral reform

In November 2004, the committee resolved to examine the engagement of young people in democracy in Queensland. Recommendations regarding electoral reform may be an outcome of this inquiry: see section 4.2.

The committee considered the evaluation report of the Electoral Commission Queensland on operational aspects of the conduct of the 7 February 2004 state election.

In May 2005, following an e-petition to the Queensland Parliament which requested that the committee consider the introduction of electronic voting in Queensland, the committee resolved that in 2006 it would commence an inquiry which would encompass consideration of electronic voting: see section 4.4.

### 2.1.4 Legal reform

During the reporting period, the committee considered a number of issues regarding recognition of Aboriginal tradition and Island custom under Queensland law, such as the availability of accredited interpreters in Aboriginal and Torres Strait Islander languages in court proceedings.

## 2.2 Other responsibilities

In addition to the committee's 'law reform' responsibilities, other legislation confers on the committee specific statutory responsibilities in relation to the Ombudsman, the Information Commissioner and the Electoral Commission Queensland. During

the year, various committee activities related to these additional responsibilities: see also sections 3 and 4.

### 2.2.1 Office of the Ombudsman

Section 89 of *Ombudsman Act 2001* (Qld) provides that the committee's functions under the Act include to:

- monitor and review the performance by the Ombudsman of the Ombudsman's functions under the Act;
- report to the Assembly on any matter concerning the Ombudsman, the Ombudsman's functions or the performance of the Ombudsman's functions that the committee considers should be drawn to the Assembly's attention;
- examine each annual report tabled in the Assembly under the Act and, if appropriate, to comment on any aspect of the report; and
- report to the Assembly any changes to the functions, structures and procedures of the office of the Ombudsman the committee considers desirable for the more effective operation of the Act.

#### *Biannual meetings with the Ombudsman*

In order to perform these functions, in February 2002, the LCARC of the 50<sup>th</sup> Parliament established the following process:

- to aim to hold two general meetings with the Ombudsman each year;
- to time the meetings so that one follows the tabling of the Ombudsman's annual report and the other precedes the estimates process;
- to provide the Ombudsman with written questions on notice on a variety of issues and require written answers to those questions before each meeting;
- to meet with the Ombudsman and ask follow-up questions without notice; and
- to report to Parliament on these proceedings and include in the report the written questions on notice, answers to those questions and a transcript of the meeting.

The present committee has adopted this process and, accordingly, met with the Ombudsman on two occasions in the reporting period: 23 November 2004

and 24 May 2005. These meetings are discussed in sections 3.2 and 3.4 respectively.

### *Funding of the Ombudsman*

Section 88(3) of the *Ombudsman Act* requires the Treasurer to 'consult' with the committee in developing the proposed budget of the Ombudsman for each financial year.

A consultative process has been agreed between the Treasurer and the committee for developing the Ombudsman's budget. In accordance with this process, the committee:

- gave consideration to the short-form budget proposal for the Office of the Ombudsman and the Information Commissioner for the 2005-2006 financial year (in accordance with arrangements which existed prior to the separation of the two offices). That proposal included a bid for additional funding to implement a training initiative to discharge the Ombudsman's statutory responsibility to take action 'to improve the quality of decision-making and administrative practice in agencies' and to develop and refine the case and records management system used by both offices;
- advised the Premier in a letter dated 15 December 2004 that, having discussed certain budgetary matters with the Ombudsman, the committee was in a position to endorse his funding proposal; and
- was informed by the Premier, in a letter dated 10 February 2005, that the Ombudsman's proposal had been unsuccessful.

At the 24 May 2005 meeting, the committee discussed with the Ombudsman the impact of that unsuccessful bid: see section 3.4.

### *Strategic review of the Office of the Ombudsman*

Section 83 of the *Ombudsman Act* requires a review of the Ombudsman's functions, and of the Ombudsman's performance of those functions, at least every five years. The Governor in Council appoints an appropriately qualified person to undertake such a review, and decides the terms of reference for the review. The Premier must first consult with the committee and the Ombudsman about such appointment and terms of reference. Section 85 of the *Ombudsman Act* requires that the review report be referred to the committee in accordance with s84(2) of the *Parliament of*

*Queensland Act* which requires that the committee consider the review report and report on it to the Assembly.

The 2005 strategic review will commence in the 2005-2006 reporting period. During the 2004-2005 reporting period, the Premier consulted with the committee about the terms of reference for the strategic review.

### *2.2.2 Office of the Information Commissioner*

#### *Statutory responsibilities prior to 31 May 2005*

Until amendment of the *Freedom of Information Act* on 31 May 2005, the committee's statutory responsibilities regarding the Office of the Information Commissioner were piecemeal. They included:

- s85 of the *Parliament of Queensland Act* which states that the committee has responsibility regarding 'administrative review reform' and 'legal reform', and s86 of the *Parliament of Queensland Act* which provides that the committee's area of responsibility for administrative review reform includes considering legislation or provisions of legislation about 'access to information';
- a role, under the then s67 of the *Freedom of Information Act*, in the suspension and removal of the Information Commissioner;
- power, under s101 of the *Freedom of Information Act*, to request a report from the Information Commissioner – a provision that had never been utilised; and
- a role, under ss108A-108AB of the *Freedom of Information Act*, in relation to strategic reviews of the Office (which mirrors the committee's role regarding strategic reviews of the Office of the Ombudsman).

#### *Changes to statutory responsibilities*

In a letter to the Premier dated 22 March 2005, a copy of which was forwarded to the then Attorney-General, the committee advised that it was highly desirable that the committee's role regarding the Information Commissioner be clarified.

In May 2005, a bill to amend the *Freedom of Information Act* was introduced into the Parliament by the then Attorney-General and Minister for Justice. That bill was subsequently enacted as the *Freedom*

*of Information and Other Legislation Amendment Act 2005* (Qld), and was assented to on 31 May 2005.

The amended *Freedom of Information Act* contains a new s108C which provides the committee with functions, in respect of the Information Commissioner, equivalent to those set out in s89 of the *Ombudsman Act*.<sup>4</sup>

The committee met with the Information Commissioner on 24 May 2005. At the time of that meeting, the amendments to the *Freedom of Information Act* had not commenced. One matter discussed at that meeting, however, was the likely adoption of a process of biannual meetings with the Information Commissioner to ensure the committee fulfils statutory responsibilities as set out in s108C of the *Freedom of Information Act*.

#### *Funding of the Information Commissioner*

Prior to its separation from the Office of the Ombudsman, the Office of the Information Commissioner shared the allocated funding of the Office of the Ombudsman. Accordingly, the committee's role regarding funding of the Office of the Ombudsman also related to the proposed budget for the Information Commissioner: see section 2.2.1.

However, as the amended *Freedom of Information Act* does not contain an equivalent of s88(3) of the *Ombudsman Act*, the committee does not have a specific statutory role regarding the budget of the Office of the Information Commissioner.

#### *Strategic review of the Office of the Information Commissioner*

Sections 108A-108AB of the *Freedom of Information Act* mirror s83 of the *Ombudsman Act*, and require a strategic review of the Information Commissioner's functions, and of the Information Commissioner's performance of those functions, at least every five years. These provisions require the appointment of an appropriately qualified reviewer and determination of the terms of reference by the Governor in Council, following consultation with the committee and the Information Commissioner by the Attorney-General. The provisions also require that the review report be referred to the committee in accordance with s84(2) of the *Parliament of Queensland Act*, which requires

the committee to consider the review report and report on it to the Assembly.

The 2005 strategic review will commence in the 2005-2006 reporting period. In a letter received by the committee on 27 April 2005, the then Attorney-General consulted with the committee about the terms of reference for the strategic review of the Office of the Information Commissioner.

#### *Other activities relevant to the Office of the Information Commissioner*

Other activities undertaken by the committee during the reporting period which were relevant to the Office of the Information Commissioner include:

- the Chair of the committee taking part in the selection process for the appointment of an Information Commissioner, by invitation of the Premier;
- the committee meeting with the Premier and the then Attorney-General on 22 February 2005 regarding the then proposed appointment of Ms Cathi Taylor as Information Commissioner – see also section 3.3; and
- at that meeting, the Deputy Chair requesting that the Premier give consideration to the drafting of an appropriate protocol regarding potential conflicts of interest where a family member of a statutory office holder is also a senior public servant.

### **3. COMPLETED COMMITTEE INQUIRIES AND MINISTERIAL RESPONSES TO COMMITTEE RECOMMENDATIONS**

Section 107 of the *Parliament of Queensland Act* requires that, if the committee recommends that the Government or a minister take action about an issue, the minister who is responsible for the issue must provide the Legislative Assembly with a response. This response must set out any recommendations to be adopted and the way and time within which they will be carried out, and any recommendations not to be adopted and the reasons for not adopting them.

The minister must table the response within three months of the committee's report being tabled. If the minister cannot comply with this requirement, the minister must table an interim response within three months including reasons for not complying with the

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<sup>4</sup> These are outlined in section 2.2.1.

time limit and, within six months, table a final response.<sup>5</sup>

In this section the committee summarises:

- significant issues considered by the committee during 2004-2005;
- the essence of committee recommendations made in relation to issues considered; and
- where applicable, ministerial responses to the committee's recommendations.

### 3.1 A preamble for the Queensland Constitution? (report no. 46)

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*,<sup>6</sup> was tabled by the Premier in the Legislative Assembly on 29 February 2000 for 'consideration and reporting' by the committee.<sup>7</sup>

LCARCs progressively reviewed the recommendations made by the Queensland Constitutional Review Commission,<sup>8</sup> and the present committee completed that incremental, broad constitutional project with an inquiry into the issue of a preamble for the *Constitution of Queensland 2001*.

The committee's inquiry related also to a recommendation of the LCARC of the 50<sup>th</sup> Parliament in its *Hands on Parliament* report that, as a step towards constitutional recognition of Aboriginal and Torres Strait Islander peoples, the LCARC should consider the issue of a preamble for the Queensland Constitution and, in particular, inclusion in the preamble of due recognition of Aboriginal and Torres Strait Islander peoples.<sup>9</sup>

On 17 June 2004, the current committee released an issues paper inviting public submissions. The

committee received 133 submissions by the closing date of 27 August 2004.

On 17 August 2004, the Queensland Chapter of the Australian Association of Constitutional Lawyers and the committee jointly hosted a round-table discussion at which matters raised in the issues paper and other relevant issues were discussed.

On 30 November 2004, the committee tabled report no. 46 in which it recommended that the *Constitution of Queensland 2001* should not contain a preamble at that stage. Reasons for that conclusion included: insufficient public support and consensus; concerns about the legal effect of a preamble; concern whether the extensive consultation required to develop the form and text of a preamble would be an effective use of resources; and the likelihood of having to revisit any preamble if there were a change to a republican system of government.

Although the committee's recommendation meant that recognition would not be given to Aboriginal peoples and Torres Strait Islanders in a preamble, the committee noted the significant support for constitutional recognition of Aboriginal peoples and Torres Strait Islanders in the submissions received. The committee further noted an amendment to Victoria's Constitution which provided recognition of the Aboriginal people of Victoria. The committee suggested that the Queensland Government might consider a similar amendment to Queensland's Constitution.

#### Ministerial response

A final ministerial response was tabled on 19 May 2005. The Government's response supported the committee's recommendation.

It was stated that, given the apparent lack of public support for a preamble, concerns as to how a preamble should or might be used to interpret the Constitution, and other concerns raised by the Committee, there was insufficient justification for the Government to seek to include a preamble in Queensland's Constitution. In addition, the Government's response referred to continuing debate in the community regarding a republican system of government in Australia and stated that it would be appropriate to delay the question of a preamble until that issue has again been put to the people.

### 3.2 Meeting with the Queensland Ombudsman -

<sup>5</sup> Ministerial responses to the committee's recommendations are available at: [www.parliament.qld.gov.au/LCARC](http://www.parliament.qld.gov.au/LCARC).

<sup>6</sup> Goprint, Brisbane, February 2000.

<sup>7</sup> Hon P D Beattie MP, Queensland, Legislative Assembly, *Parliamentary Debates (Hansard)*, 29 February 2000 at 45-46.

<sup>8</sup> The relevant reports of LCARCs are identified in LCARC, *Constitutional and Other Legislation Amendment Bill 2005 (Old)*, report no. 50, Goprint, Brisbane, September 2005.

<sup>9</sup> LCARC, *Hands on Parliament: A parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes*, report no. 42, Goprint, Brisbane, September 2003.

### 23 November 2004 (report no. 47)

In accordance with the process outlined in section 2.2.1, the committee held its sixth general meeting with the Ombudsman on 23 November 2004.

Key issues the committee raised with the Ombudsman included:

- complaint statistics for the 2003-2004 financial year and the period between the end of that financial year and the meeting;
- a reduction in the number of outstanding complaints more than 12 months old;
- improved analysis and reporting on complaints data;
- social research about complainants, including a survey of complainants;
- a multicultural communication strategy being developed in conjunction with other independent complaint agencies;
- the Good Decisions Training program and the Corrections program;
- assistance given to agencies to improve complaint handling procedures;
- information provided to complainants once a complaint is finalised;
- the power conferred on the Ombudsman by the *Ombudsman Act* to dismiss complaints which are vexatious or frivolous;
- the nature of formal and informal investigations;
- recommendations made to agencies to improve practices and procedures, including formal recommendations under s50 of the *Ombudsman Act*;
- budgetary issues for the Office, including an anticipated request for additional on-going funding to support training for agencies and continued development of the office's case management computer system, *Catalyst*;
- administrative arrangements regarding interaction between the Office of the Ombudsman and the Office of the Information Commissioner; and
- a statement by the Premier made in the Legislative Assembly concerning the

appointment of a separate Information Commissioner.

#### Ministerial response

No ministerial response required.

### 3.3 Publication of committee proceedings (report no. 48)

On 10 March 2005, the committee tabled in the Parliament its report, *Publication of Committee Proceedings*.<sup>10</sup> That report related to an apparent unauthorised disclosure of committee proceedings; namely, proceedings of a meeting on 22 February 2005 of the committee with the Premier and the then Attorney-General regarding the proposed appointment of Ms Cathi Taylor as Information Commissioner.

On 7 March 2005, an article appeared in the *Courier-Mail* entitled 'Beattie stands firm on FOI decision'. The article referred to that meeting on 22 February 2005 and, in an apparent contravention of a Standing Order of the Parliament regarding committee confidentiality, stated that the committee '*had been briefed on Ms Taylor's appointment before it was announced "and no-one objected about the person appointed"*'.

Report no. 48 stated that, for some members of the committee, that apparent disclosure of the committee's proceedings also raised the question of the accuracy of the report of the proceedings. A particular problem identified was the inability of individual committee members to respond to the media account of the committee's proceedings without themselves breaching the Standing Order.

The committee concluded that, having considered all circumstances surrounding the media article, including the recommended procedure following an alleged unauthorised disclosure, the range of possible interpretations of the article, and a response that had been provided by the Premier, the most appropriate course of action was to:

- authorise the publication of the minutes of the committee's meeting on 22 February 2005 concerning the appointment of the Information Commissioner;

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<sup>10</sup> Report no. 48, Goprint, Brisbane, March 2005.

- release all participants from the confidentiality of that proceeding; and
- report on the matter to the Legislative Assembly.

The non-government members of the committee provided a statement of reservation to report no. 48. The statement of reservation set out concerns about possible interpretations of the *Courier-Mail* article and the response provided by the Premier.

#### Ministerial response

No ministerial response required.

### **3.4 Meeting with the Queensland Ombudsman – 24 May 2005; meeting with the Queensland Information Commissioner – 24 May 2005; and report on matters raised in a Ministerial Statement by the Premier and Minister for Trade (report no. 49)**

#### Meeting with the Ombudsman

In accordance with the process outlined in section 2.2.1, the committee held its seventh general meeting with the Ombudsman on 24 May 2005.

Key issues the committee raised with the Ombudsman throughout this process included:

- complaint statistics for the period 1 July 2004 to 13 May 2005;
- possible reasons for variations in complaint resolution;
- the effect on complaint resolution of operational challenges experienced by the Office including:
  - a high staff turnover rate due to staff of the Office possessing skills which are valued highly by government agencies; and
  - following an unsuccessful submission by the Ombudsman in the 2004-2005 round of budget negotiations for additional funding, a movement of resources from the complaints resolution program to the administrative improvement program;
- reasons for the high staff turnover rate, and strategies being implemented to address the issue;
- reasons for an apparent disproportion of complaints being received from regional and rural Queensland;

- matters relating to local governments, including trends in the number of complaints received about local governments, initiatives being implemented by the Office in conjunction with local governments, and assistance to local governments to meet a new requirement under the *Local Government Legislation Amendment Act 2005* (Qld) for a general complaints process;
- initiatives aimed at informing people from non-English speaking backgrounds about the functions of the Office;
- general budgetary matters, including the Ombudsman's intention to seek an increase in funding through the mid-year budget review process and to deliver the Good Decisions Training Program on a cost-recovery basis;
- the forthcoming strategic review of the Office of the Ombudsman, including the role of the Premier;
- the Ombudsman's jurisdiction regarding universities, and comparisons with recent increases in complaints about universities in other jurisdictions; and
- developments in significant activities undertaken by the Office during the reporting period, including the Complaints Management Project, the Good Decisions Training Program, the Regional Program, the Better Decisions Project, client satisfaction surveys and *Catalyst*.

#### Meeting with the Information Commissioner

The committee met with the Information Commissioner on 24 May 2005. This was the first meeting of the committee and the Information Commissioner since separation of the Offices of the Ombudsman and Information Commissioner.

Key matters discussed with the Information Commissioner included:

- complaint resolution for the 2004-2005 year;
- four formal decisions delivered since Ms Taylor's appointment;
- unresolved complaints greater than 12 months old;

- the informal and flexible resolution of disputes;
- new resources available on the Office's website;
- FOI training provided to some local governments;
- the Office's collaboration with the FOI and Privacy unit in the Department of Justice and Attorney-General to ensure complementary activities;
- client surveys conducted by the Office;
- the FOI Annual Report;
- the involvement of the Information Commissioner in consultation about the draft Freedom of Information and Other Legislation Amendment Bill 2005 (Qld);
- the effect of some of the amendments in that bill; and
- the forthcoming strategic review of the Office of the Information Commissioner.

#### Ministerial Statement of 23 March 2005

During the meetings on 24 May 2005, the committee discussed with the Ombudsman and the Information Commissioner respectively matters raised by the Premier and Minister for Trade in a Ministerial Statement of 23 March 2005 regarding the possible unauthorised disclosure of information and/or political activity by staff of the Office of the Ombudsman and/or Office of the Information Commissioner.

In report no. 49, the committee stated that it was satisfied that the Ombudsman and Information Commissioner had considered these matters seriously, with some deliberation, and in accordance with requirements of the *Crime and Misconduct Act*.

The committee's report said that investigations undertaken in both Offices had been comprehensive and, on the advice of both the Ombudsman and Information Commissioner, had satisfied the Crime and Misconduct Commission that all reasonable efforts had been made to identify possible unauthorised disclosure of information and/or political activity by staff of the Office of the Ombudsman and/or Office of the Information Commissioner. Those investigations had not identified any indication of possible unauthorised disclosure of information and/or political activity by a public officer of either Office.

The committee was satisfied that the matter had been given full and appropriate consideration by the Ombudsman and Information Commissioner.

#### Ministerial response

No ministerial response required.

### **3.5 Four year parliamentary terms**

On 18 March 2004, the Premier wrote to the committee requesting that the committee undertake a new examination of the issues surrounding four year parliamentary terms for Queensland.<sup>11</sup>

In light of a report on this matter by a former committee in 2000, the present committee undertook a limited further examination of the issue. As part of its consideration, the committee sought the view of each political party represented in the Queensland Parliament and each Independent member of the Queensland Parliament on the question of four year parliamentary terms.

The committee advised the Premier there were varying degrees of support for four year fixed parliamentary terms from independent members and all political parties except for the One Nation Party.

The committee further advised the Premier that, while the Australian Labor Party and Liberal Party members of the committee were prepared to endorse fixed four year terms as the most appropriate model if the length of Parliamentary terms was to be changed, those members were of the view that the committee was not the appropriate forum for the resolution of the differences between political parties on the question of preconditions for a referendum on four year Parliamentary terms.

In addition, the National Party and Liberal Party members also considered that any extension of the parliamentary term should be tied to additional accountability mechanisms. Unlike the Liberal Party which has indicated support for four year parliamentary terms with a fixed election date, the

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<sup>11</sup> Previous consideration of the matter included:

- a 1991 referendum which was narrowly defeated;
- the February 2000 report of the Queensland Constitutional Review Commission;
- report no. 24 of the LCARC of the 49th Parliament; and
- the Government's response to that report.



National Party members of the committee did not endorse any particular model for four year terms.

#### **4. CURRENT COMMITTEE ACTIVITIES**

##### **4.1 Monitoring of *Hands on Parliament* recommendations**

The *Hands on Parliament* inquiry of the committee of the 50<sup>th</sup> Parliament examined Aboriginal and Torres Strait Islander people's participation in Queensland's democratic processes. In its response to the former committee's report of that inquiry, the Government indicated support for, and a willingness to implement, most of the committee's recommendations. The Government noted the committee's recommendation regarding a proposed evaluation of the strategies recommended in the report and stated that it would request of the committee an interim evaluation after the first full electoral cycle, and a full evaluation after three electoral cycles (or nine years).

In accordance with that recommendation, in August 2004 and February 2005 the current committee followed up each action identified in the Government's response to the *Hands on Parliament* report by writing to the Ministers responsible seeking their advice as to progress in implementing relevant recommendations.

##### **4.2 *Voices and Votes* – an inquiry into young people engaging in democracy in Queensland**

In November 2004, the committee resolved to examine young people's participation in democracy in Queensland so as to recommend practical ways to increase young people's interest and meaningful engagement in democracy in Queensland. Particular issues to be considered included young people's enrolment and voting patterns and whether the voting age should be lowered.

During the reporting period, the committee prepared a discussion paper, response form and multi-media CD Rom and conducted some preliminary discussions to determine effective ways to consult with young people. The inquiry commenced in July 2005.

##### **4.3 The accessibility of administrative justice**

In November 2004, the committee resolved to conduct a review of the accessibility of administrative justice mechanisms provided for in the *Freedom of Information Act* and *Judicial Review Act 1991* (Qld).

That review will be undertaken in 2005-2006 and, during the reporting period, the committee commenced the preparation of a discussion paper, planned for release in the forthcoming reporting period.

The terms of reference for the review include a review of fees and charges imposed under the *Freedom of Information Act*.

##### **4.4 Certain electoral matters**

An e-petition to the Queensland Parliament sponsored by the Member for Cook requested that the committee be asked to consider ways in which the people of Queensland might be able to vote electronically. The e-petition stated that this would improve access to democracy for rural and regional Queenslanders and people with disabilities. In the ministerial response to the e-petition, the then Attorney-General and Minister for Justice stated that he had no objection to the committee considering the matter.

In May 2005, the committee resolved to inquire into electronic voting, and certain other electoral matters, and to undertake that inquiry in 2006.

## 5. MEETINGS AND OTHER COMMITTEE ACTIVITIES FOR 2004-2005

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

Description	Total
Committee meetings	23
Public meetings (see below)	1
In-camera hearings	0
Inspections, attendance at conferences, study tours etc	3
Committee publications	5
Ministerial responses to committee reports	2
Ministerial responses to committee reports outstanding as at 30 June 2005	0
Consultants engaged	3 <sup>12</sup>

During the reporting period, the committee met with key statutory office holders relevant to the committee's jurisdiction, namely, the:

- Ombudsman, Mr David Bevan;
- Information Commissioner, Ms Cathi Taylor;
- Electoral Commissioner, Mr Bob Longland; and
- Anti-Discrimination Commissioner, Ms Susan Booth.

During its inquiry regarding a preamble to the Queensland Constitution, the committee jointly hosted, with the Queensland Chapter of the Australian Association of Constitutional Lawyers, a roundtable discussion. The purpose of the roundtable, held on 17 August 2004 at Parliament House, was to facilitate discussion of issues raised in the committee's issues paper and other relevant issues.

## 6. STAFF

The committee's secretariat is staffed by a Research Director, Principal Research Officer and Executive Assistant.

In April 2005, Research Director, Ms Kerryn Newton was seconded to the position of Research Director, Palm Island Select Committee. Also in April, Ms Julie Copley was appointed Principal Research Officer and commenced to act as Research Director. Ms Renee Giskes was seconded from Parliamentary Library and Education Services in May 2005 to act in the position of Principal Research Officer.

In February 2005, Executive Assistant, Ms Tania Jackman was appointed Editorial Coordinator, Parliamentary Reporting Services. In June 2005, Ms Jaana Hokkanen was contracted to act as Executive Assistant.

## 7. TRAVEL

On 28 and 29 April 2005, six members of the committee undertook a study tour in Sydney. The committee held seven separate meetings and one committee meeting during the tour. Two members of the secretariat also attended.

Dr Lesley Clark MP, accompanied by the committee's Acting Research Director, attended the 2005 National Civics and Citizenship Forum in Canberra on 26-27 May 2005. The Acting Research Director presented a paper and conducted a workshop at that forum.

Dr Clark then attended the Innovation in Community Engagement Conference in Perth on 30-31 May 2005.

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<sup>12</sup> In relation to its youth participation inquiry, the committee engaged: Dr Lyn Carson to assess the committee's proposal for a youth jury and to advise the committee accordingly; SPEAK OUT Ltd, a young people's graphic design company, to provide graphic design services and development of an appropriate logo; and Brisbane band, Pelusafunk, for use of their track *Freedum* on the inquiry's CDROM: see section 4.2.

## 8. COMMITTEE EXPENDITURE AND REVENUE

### 8.1 Expenditure

Staff salaries and other employee-related expenses (excl taxes and superannuation) <sup>13</sup>	\$142,312.81
Salary related taxes etc <sup>14</sup>	\$8,886.25
Superannuation	\$15,402.34
Staff – Temporary	\$14,048.36
Travel <sup>15</sup>	\$11,426.57
Consultants	\$3,363.64
Meeting expenses	\$2,534.69
Telecommunication costs	\$2,340.43
Reference books, publications, subs etc	\$1,478.11
Printing of publications	\$9,334.75
Advertising	\$159.74
Miscellaneous expenses including equipment hire, maintenance of equipment, stationery and consumables	\$738.14
<b>TOTAL EXPENDITURE</b>	<b>\$212,025.83</b>

### 8.2 Revenue

The committee had no revenue for the period.

### 8.3 Total operating position

The committee's total operating position was \$75,796.17 less than that budgeted. More than half of the amount underspent was due to the committee's secretariat operating with reduced staffing levels during the reporting period.

**Dr Lesley Clark MP**  
**Chair**

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<sup>13</sup> Includes recruitment, overtime, long service leave levy and other allowances.

<sup>14</sup> Includes fringe benefits tax, payroll tax and work cover.

<sup>15</sup> Includes travel and travel-related expenses relating to: regional committee members' attendance at committee meetings, hearings etc. and staff travel with, or for, the committee.

## APPENDIX A: LCARC MEETING ATTENDANCE RECORD 2004 – 2005

### LCARC (51<sup>st</sup> Parliament)

DATE OF MEETING	LESLEY CLARK	FIONA SIMPSON	ANDREW FRASER	RONAN LEE	MARK McARDLE	ANDREW McNAMARA	IAN RICKUSS
17 August 2004	✓	✓	✓	✓	✓	✓	
19 August 2004	✓	✓	✓	✓	✓	✓	✓
31 August 2004	✓	✓	✓	✓	✓	✓	
27 September 2004	✓	✓	✓		✓	✓	✓
5 October 2004	✓	✓	✓	✓	✓	✓	✓
21 October 2004	✓	✓	✓	✓	✓	✓	✓
9 November 2004	✓	✓	✓	✓		✓	✓
23 November 2004	✓		✓		✓	✓	✓
25 November 2004	✓	✓	✓		✓	✓	✓
15 December 2004	✓	✓	✓	✓	✓	✓	✓
10 February 2005	✓		✓	✓		✓	✓
22 February 2005	✓	✓	✓	✓	✓	✓	✓
22 February 2005	✓	✓	✓	✓	✓	✓	✓
8 March 2005	✓	✓	✓	✓	✓	✓	✓
9 March 2005	✓	✓	✓	✓	✓	✓	✓
9 March 2005	✓	✓	✓	✓	✓	✓	✓
22 March 2005	✓	✓	✓	✓	✓	✓	✓
19 April 2005	✓	✓	✓	✓	✓	✓	✓
28 April 2005	✓		✓	✓	✓	✓	✓
10 May 2005	✓	✓	✓		✓	✓	
11 May 2005	✓	✓	✓		✓	✓	✓
24 May 2005	✓	✓	✓	✓	✓	✓	✓
7 June 2005	✓	✓	✓	✓		✓	✓

### LCARC MEMBERSHIP – 51<sup>ST</sup> PARLIAMENT

CHAIR:	Dr Lesley Clark MP, Member for Barron River
DEPUTY CHAIR:	Miss Fiona Simpson MP, Member for Maroochydore
MEMBERS:	Mr Andrew Fraser MP, Member for Mount Coot-tha (until 12 August 2005) Mr Paul Hoolihan, Member for Keppel (from 12 August 2005) Mr Ronan Lee MP, Member for Indooroopilly Mr Mark McArdle MP, Member for Caloundra Mr Andrew McNamara MP, Member for Hervey Bay Mr Ian Rickuss MP, Member for Lockyer

### SECRETARIAT

MS KERRY NEWTON	Research Director (until 25/04/05)
MS JULIE COPLEY	Acting Principal Research Officer (until 25/04/05) and Acting Research Director (from 25/04/05)
MS RENEE GISKES	Acting Principal Research Officer (from 9/05/05)
MS TANIA JACKMAN	Executive Assistant (until 17/02/05)
MS LESLEY NOAH	Temporary Executive Assistant (from 4/10/04 until 31/01/05)
MS JODIE MARTIN	Casual Executive Assistant (from 22/02/05 until 25/04/05)
MS JAANA HOKKANEN	Acting Executive Assistant (from 23/05/05)

### CONTACTING THE COMMITTEE

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

The committee's contact details are:

Legal, Constitutional & Administrative Review Committee  
Parliament House  
George Street, Brisbane, Qld, 4000

Telephone: (07) 3406 7307  
Fax: (07) 3406 7070  
Email: [lcarc@parliament.qld.gov.au](mailto:lcarc@parliament.qld.gov.au)

## LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

### REPORTS

REPORTS		DATE TABLED
1.	Annual report 1995-96	8 August 1996
2.	Matters pertaining to the Electoral Commission of Queensland	8 August 1996
3.	Review of the Referendums Bill 1996	14 November 1996
4.	Truth in political advertising	3 December 1996
5.	The Electoral Amendment Bill 1996	20 March 1997
6.	Report on a study tour relating to the preservation and enhancement of individuals' rights and freedoms and to privacy (31 March 1997—14 April 1997)	1 October 1997
7.	Annual report 1996-97	30 October 1997
8.	The Criminal Law (Sex Offenders Reporting) Bill 1997	25 February 1998
9.	Privacy in Queensland	9 April 1998
10.	Consolidation of the Queensland Constitution – Interim report	19 May 1998
11.	Annual report 1997-98	26 August 1998
12.	The preservation and enhancement of individuals' rights and freedoms in Queensland: Should Queensland adopt a bill of rights?	18 November 1998
13.	Consolidation of the Queensland Constitution: Final Report	28 April 1999
14.	Review of the <i>Report of the Strategic Review of the Queensland Ombudsman</i> (Parliamentary Commissioner for Administrative Investigations)	15 July 1999
15.	Report on a study tour of New Zealand regarding freedom of information and other matters: From 31 May to 4 June 1999	20 July 1999
16.	Review of the Transplantation and Anatomy Amendment Bill 1998	29 July 1999
17.	Annual report 1998-99	26 August 1999
18.	Issues of electoral reform raised in the Mansfield decision: Regulating how-to-vote cards and providing for appeals from the Court of Disputed Returns	17 September 1999
19.	Implications of the new Commonwealth enrolment requirements	2 March 2000
20.	The Electoral Amendment Bill 1999	11 April 2000
21.	Meeting with the Queensland Ombudsman (Parliamentary Commissioner for Administrative Investigations) regarding the Ombudsman's <i>Annual Report to Parliament 1998 – 1999</i>	19 April 2000
22.	The role of the Queensland Parliament in treaty making	19 April 2000
23.	Issues of Queensland electoral reform arising from the 1998 State election and amendments to the <i>Commonwealth Electoral Act 1918</i>	31 May 2000
24.	Review of the Queensland Constitutional Review Commission's recommendations relating to a consolidation of the Queensland Constitution	18 July 2000
25.	Annual report 1999-00	19 July 2000
26.	The <i>Report of the strategic management review of the Offices of the Queensland Ombudsman and the Information Commissioner</i>	19 July 2000

27.	Review of the Queensland Constitutional Review Commission's recommendation for four year parliamentary terms	28 July 2000
28.	The prevention of electoral fraud: Interim report	14 November 2000
29.	Annual report 2000-01	2 August 2001
30.	Progress report on implementation of recommendations made in the <i>Report of the strategic management review of the Offices of the Queensland Ombudsman and the Information Commissioner</i>	8 August 2001
31.	Review of the Members' oath or affirmation of allegiance	25 October 2001
32.	Freedom of Information in Queensland	20 December 2001
33.	The Electoral (Fraudulent Actions) Amendment Bill 2001	27 March 2002
34.	Meeting with the Queensland Ombudsman – 12 April 2002	14 May 2002
35.	Annual report 2001-02	23 August 2002
36.	The Queensland Constitution: Specific content issues	27 August 2002
37.	Meeting with the Queensland Ombudsman – 26 November 2002	12 December 2002
38.	Meeting with the Queensland Ombudsman – 29 April 2003	6 June 2003
39.	The role of the Queensland Parliament in treaty making – Review of tabling procedure	17 July 2003
40.	Annual report 2002-03	21 August 2003
41.	Review of the Queensland Constitutional Review Commission's recommendations regarding entrenchment of the Queensland Constitution	27 August 2003
42.	Hands on Parliament – A parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes	11 September 2003
43.	Meeting with the Queensland Ombudsman (25 November 2003) and final report on implementation of recommendations made in the <i>Report of the Strategic Management Review of the Offices of the Queensland Ombudsman and the Information Commissioner</i>	17 December 2003
44.	Meeting with the Queensland Ombudsman - 11 May 2004	17 June 2004
45.	Annual Report 2003/2004	19 August 2004
46.	A preamble for the Queensland Constitution?	30 November 2004
47.	Meeting with the Queensland Ombudsman – 23 November 2004	21 December 2004
48.	Publication of Committee Proceedings – 22 February 2005	10 March 2005
49.	Meeting with the Queensland Ombudsman (24 May 2005); meeting with the Queensland Information Commissioner (24 May 2005); and report on matters raised in a Ministerial Statement by the Premier and Minister for Trade on 23 March 2005	9 June 2005
50.	Constitution and Other Legislation Amendment Bill 2005 (Qld)	28 September 2005

## PAPERS

PAPERS	DATE TABLED
Truth in political advertising (Issues paper)	11 July 1996
Privacy in Queensland (Issues paper)	4 June 1997
The preservation and enhancement of individuals' rights and freedoms: Should Queensland adopt a bill of rights? (Issues paper)	1 October 1997
Upper Houses (Information paper)	27 November 1997
Inquiry into issues of Queensland electoral reform (Background paper)	25 November 1999
The role of the Queensland Parliament in treaty making (Position paper)	25 November 1999
Freedom of Information in Queensland (Discussion paper)	8 February 2000
Four year parliamentary terms (Background paper)	11 April 2000
Review of the Queensland Constitutional Review Commission's recommendations relating to a consolidation of the Queensland Constitution (Position paper)	27 April 2000
Inquiry into the prevention of electoral fraud (Issues paper)	8 September 2000
The Queensland Constitution: Specific content issues (Issues paper)	18 April 2002
The Queensland Constitution: Entrenchment (Proposals for Comment)	27 August 2002
Hands on Parliament - A parliamentary committee Inquiry into Aboriginal and Torres Strait Islander Peoples' Participation in Queensland's Democratic Process (Issues paper)	12 December 2002
A preamble for the Queensland Constitution?	17 June 2004
Voices and Votes – a Parliamentary Committee inquiry into young people's engagement in democracy in Queensland	8 July 2005