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Parliamentary Committees Queensland Parliament



PARLIAMENTARY COMMITTEES

INTRODUCTION

Parliament, defined in its simplest of terms, is the forum where the elected representatives of the people meet, plan, deliberate upon and review the government of the State and make laws for the effective and efficient conduct of the State.

Over time, the task of government has become more complex. As populations grew, many Parliaments were unable to deal effectively with the number and complexity of issues coming before them. This situation was further exacerbated by the development of strong political party systems.

To enable Parliaments to operate more effectively and give them access to more detailed information and the capacity to develop expertise on specific matters, small, special committees were established to investigate specific issues and report back to the larger forum.

It is common practice in Westminster style parliaments to form committees to deal with particular issues which concern the Parliament. For example, there are committees to deal with the internal business of administering parliamentary process, such as Integrity, Ethics and Parliamentary Privileges Committee and the Standing Orders Committee. There are also committees which deal with the Parliament's tasks of review of legislation and scrutiny of Government activities such as the Public Accounts Committee, the Public Works Committee, and the Scrutiny of Legislation Committee.

HISTORY OF THE COMMITTEES OF THE PARLIAMENT OF QUEENSLAND

Last century, the Queensland Houses of Parliament used committees extensively to resolve many particular issues which came before them. Matters such as legislation, land transactions, sale of Government assets and policy proposals were subject to scrutiny by committees appointed by the Legislative Assembly. Frequently, Legislative Assembly Members worked jointly with Legislative Council Members to deliberate on issues of concern.

The Queensland Parliament, like all Westminster parliaments, has grappled with problems created by the expanding role of the Government and the complex and involved nature of public administration. In many parliaments, committees were established to look at specific matters in detail and to investigate issues of concern to the community.

In Queensland, legislation was enacted in 1988 to establish the Parliamentary Committee of Public Accounts. Since then, the parliamentary committee system has grown in the Queensland Parliament. Other committees were subsequently established by legislation or appointed by resolution of the House to scrutinise various aspects of Government policy and administration.

In 1989, the Fitzgerald Report (Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct) looked at systems in place in the Federal Parliament of Australia and the House of Commons in the UK and recommended that Queensland introduce "a comprehensive system of Parliamentary Committees to enhance the ability of Parliament to monitor the efficiency of Government". By the end of 1990, in addition to the



Parliamentary Committee of Public Accounts, there were the following committees in the Queensland Legislative Assembly:

- Subordinate Legislation Committee
- Parliamentary Criminal Justice Committee
- Parliamentary Committee for Electoral and Administrative Review
- Travelsafe Committee

In 1992 the Electoral and Administrative Review Commission (EARC) published its report on a Review of Parliamentary Committees in which it recommended a new system of parliamentary committees.

Ultimately, this resulted in the passing of the *Parliamentary Committees Act* on 15 September 1995. This Act provided for the establishment of six permanent statutory committees.

In addition, other Committees can be established by:

- Resolution of the Legislative Assembly
- Acts of Parliament

An example of a committee set up by resolution is the Travelsafe Committee. Estimates Committees are also set up by resolution. An example of a committee being established by an Act is the Parliamentary Crime and Misconduct Committee (PCMC), which is a committee set up pursuant to the *Crime and Misconduct Act 2001*.

Members of committees are appointed by the Legislative Assembly at the commencement of each Parliament and any changes to the membership are recorded in the *Votes and Proceedings of the Legislative Assembly*. At present each committee is made up of four Government and three non-Government members. The Chairman of the Committee is a Government Member and has a casting vote.

Just as Parliament is open to the public, so also (with a few exceptions) are parliamentary committee proceedings. When committees conduct inquiries and call for public submissions, notices of inquiry and times and dates of hearings appear in the local press.

Public servants are frequently called to appear before parliamentary committees. This allows open review of the Government decision-making process and provides Departmental officers with an opportunity to explain activities and programs. This process gives the committee valuable information in response to their questioning.

Committee staff are available to assist witnesses, clarify issues of concern and assist with any inquiries regarding the work of a committee. The telephone number for each committee is listed under "Parliament House" in the *Telstra White Pages* and in the *Queensland Government Directory*.

A BRIEF INTRODUCTION TO THE CURRENT COMMITTEES OF THE QUEENSLAND PARLIAMENT

There are currently eight permanent committees:

- Legal, Constitutional and Administrative Review Committee



- Scrutiny of Legislation Committee
- Public Works Committee
- Public Accounts Committee
- Ethics and Parliamentary Privileges Committee
- Standing Orders Committee
- Travelsafe Committee
- Parliamentary Crime and Misconduct Committee (PCMC).

A brief description of each permanent committee is provided below.

Legal, Constitutional and Administrative Review Committee

The Legal, Constitutional and Administrative Review Committee (LCARC) largely encompasses the function of the former Parliamentary Committee for Electoral and Administrative Review (PCEAR).

The primary role of the former PCEAR was to monitor and review the work of EARC. The legislation establishing EARC contained a list of matters to be addressed by the Commission. Upon EARC completing reports on those matters and those reports being subsequently reviewed by PCEAR, both bodies were wound up. Many areas that the Commission reported on, are now the responsibility of the LCARC.

LCARC's functions can be summarised as follows:

- administrative review reform including legislation concerning:
 - ◇ access to information
 - ◇ review of administrative decisions
 - ◇ anti-discrimination
 - ◇ equal employment opportunity
- constitutional reform;
- electoral reform (that is, monitoring generally the conduct of elections and the capacity of the Electoral Commission to conduct elections); and
- legal reform including recognition of Aboriginal tradition and Island custom under Queensland law and proposed National Scheme Legislation when it is referred to the Committee by the Legislative Assembly.

In addition, the Act provides that the LCARC may deal with outstanding reports of the Electoral and Administrative Review Commission in place of the Parliamentary Committee of Electoral and Administrative Review.

Scrutiny of Legislation Committee

The Scrutiny of Legislation Committee replaces the Subordinate Legislation Committee which was established in 1975. The prior committee was responsible for scrutinising all subordinate legislation: that is, regulations, Orders-in-Council etc made pursuant to an Act by the Executive.

The 1995 Act has considerably widened the Scrutiny of Legislation Committee's area of responsibility so that it must also consider Bills.



The Committee is primarily concerned with the application of Fundamental Legislative Principles (FLP's) to Bills and subordinate legislation. These principles require that legislation is to have sufficient regard to:

- the rights and liberties of individuals; and
- the institution of Parliament.

Also, under new legislation all Government regulations that impose a significant economic, social or environmental cost must be accompanied by a regulatory impact statement (RIS). This statement must clearly identify the costs and benefits of the proposed regulation and demonstrate how the regulation achieves its objectives.

The Committee will also examine whether regulatory impact statement requirements are being complied with by Departments. If the Committee considers that a particular decision-making process was deficient, it can draw this to the attention of the Minister or report its concern to the House.

Public Accounts Committee

The Public Accounts Committee's area of responsibility is to assess the integrity, economy, efficiency and effectiveness of Government financial management by:

- examining Government financial documents; and
- considering the annual and other reports of the Auditor-General.

The Committee's mission is to scrutinise and provoke reform of, the financial administration of the public sector and to ensure that executive government is accountable to Parliament.

In pursuit of this mission, the Committee has adopted the following strategies and performance measures:

- scrutinise public sector financial administration and accountability issues of significance;
- utilise both established and innovative methods to provoke reform and enhanced accountability;
- lead by example in conducting all its own activities to exemplary standards of financial accountability, openness, and best practices in public sector administration; and
- establish the Committee's relevance, credibility and respect as a committee of the Parliament with MP's, the public sector, and the public.

Public Works Committee

The Public Works Committee's areas of responsibility are:

- public works undertaken by an entity that is a constructing authority for the work if the committee decides to consider the work; and
- major GOC works referred to the committee by the Legislative Assembly.

In deciding whether to consider a public work, the committee may have regard to matters such as:

- the purpose and suitability of the work
- the necessity and advisability of the work



- value for money achieved by the work
- revenue and costs for the work
- public value of the work
- procurement methods for the work
- environmental impact

Integrity, Ethics and Parliamentary Privileges Committee

This committee has the following areas of responsibility:

- Ethical conduct.
 - Publishing and reviewing a code of ethical conduct for members, the procedures for dealing with complaints about a member not complying with the code; the reform of legislation and standing rules and orders about the ethical conduct of members; and considering complaints against particular members for failing to comply with the code.
 - Examining arrangements relating to the Register of Members' Interests and the Register of Related Persons' Interests; considering proposals about the form and content of the registers and related documents; and considering complaints about the failure to register particular interests.
- Parliamentary privilege.
 - the privileges (or the powers, rights and immunities) of the Legislative Assembly, its committees and members, including freedom of speech in Parliament enabling members of the Legislative Assembly to speak in the Assembly under the protection of parliamentary privilege, and pursue inquiries, without fear of their statements being the subject of any legal proceedings.
- Right of reply for citizens.
 - Advising the Assembly about individual requests from citizens for a right of reply where, by resolution of the Legislative Assembly adopted on 18 October 1995, persons or corporations may seek a right of reply where they are the subject of adverse comment made by a member under parliamentary privilege which affects their reputations, enabling the aggrieved person to put their side of the story on the official parliamentary record.

Standing Orders Committee

Standing Orders govern the conduct of business of the Legislative Assembly and its committees.

The Standing Orders Committee is responsible for all matters concerning the Standing Orders including any additions or alterations in relation to the practice and procedures of the House.

Travelsafe Committee

The Travelsafe Committee is a Select committee established by resolution of the House. The committee examines all aspects of road safety and in particular has the responsibility to monitor, investigate and report on:

- issues affecting road safety including the causes of road crashes and measures aimed at reducing deaths, injuries and economic costs to the community;



- the safety of passenger transport services and measures aimed at reducing the incidence of related deaths and injuries; and
- measures for the enhancement of public transport in Queensland and reducing dependence on private motor vehicles as the predominant mode of transport.

The Travelsafe Committee has conducted numerous inquiries into matters of road safety.

Parliamentary Crime and Misconduct Committee

The Parliamentary Crime and Misconduct Committee is established under the *Crime and Misconduct Act 2001*.

Under the Act, the principal functions of the Committee are to monitor and review the performance of the Crime and Misconduct Commission and to report to Parliament on reports of the Commission and the Commission's performance.

The principal functions of the Crime and Misconduct Commission (CMC) are to prevent major crime and misconduct, investigate major crime that has been referred to it and to raise the standards of integrity and conduct in units of public administration. It combines under the one umbrella activities as diverse as intelligence gathering and analysis, undertaking research to support the proper performance of its functions and into the incidence and prevention of criminal activity, official misconduct and organised crime investigations, monitoring police misconduct investigations, complaint resolution, corruption prevention and witness protection.

A number of procedures are carried out by the PCMC to facilitate its effective monitoring of the CMC's activities. In summary, the Committee holds regular meetings with the Commission, both in public so that the public can see the process and subject matter of review, and in private, so that the Committee can closely scrutinise the CMC's confidential activities.

The Committee also:

- receives and considers complaints against the CMC;
- issues guidelines to the Commission about the conduct and activities of the Commission;
- participates in the selection of commissioners and the removal from office of a commissioner as provided under the *Crime and Misconduct Act 2001*; and
- deals with ad hoc issues concerning the CMC as they arise.

The second main function of the Committee is to report to Parliament on the operations and activities of the CMC so that is accountable to the Parliament and the people of Queensland.

The Committee's general function is to comment and report on the full range of the Commission's operations at the Committee's discretion. In addition it has some specific responsibilities including the responsibility to report on any matter referred to it by the Parliament and to report near the expiry of its three-year term on the activities of the Commission during such three years.

Estimates Committees

In 1994, six Estimates Committees were established under Sessional Orders to provide a better means for parliamentary scrutiny of the Government's expenditure proposals for each Department.

On Budget day, the Treasurer tables the Budget documents. The *Appropriation Bill* is introduced and the Treasurer's Second Reading speech (also known as the Budget Speech) is made outlining the Government's policy, proposals and estimated receipts and expenditures for the forthcoming financial year.



The debate is then adjourned for a period of time to allow Government members, the Opposition and the public to consider the Bill and the accompanying Budget documents in detail.

On resumption of the Second Reading debate, the Leader of the Opposition replies to the Treasurer's Budget Speech and for the next two days, the debate on the Bill ranges between Government and Opposition members.

After the Second Reading debate concludes, the Bill is referred to the Estimates Committees. Currently there are seven Estimates Committees (though this number may vary), titled from A to G etc, each comprising seven Members (four nominated by the Leader of Government Business and three by the Leader of the Opposition). Hearings are held over the required days and each Government Department, together with the Office of the Governor, the Legislative Assembly and other statutory agencies are questioned on their expenditures.

Ministers, supported by senior Departmental staff, are required to answer Committee questions regarding their portfolio's proposed expenditures. Other Members, with the leave of the Committee, are also allowed to seek information. Time limits are imposed on both questions and answers. However, written answers can be provided for questions taken on notice.

When the Committee's hearings is completed, the Members meet, discuss the information gained and compile a final report. Any Committee member can incorporate either a Statement of Reservations or a Dissenting Report to the majority Committee report. The final reports are tabled in Parliament and each one is debated by the House during the Consideration in Detail stage prior to being adopted.

After passing the Third reading, the *Appropriation Bill* receives the Royal Assent and then becomes the Government's Budget for the next financial year. There are guidelines available for public servants appearing before Estimates Committees.

The Future Benefits of Committees

A strong, active committee system is an asset in any functioning parliamentary democracy. A comprehensive system of parliamentary committees provides greater accountability by making the policy and administrative functions of Government more open and accountable, giving the people improved access to parliamentary processes and ensuring Members of Parliament have more involvement and oversight of decision-making. Committees provide a forum for investigation into matters of public importance and give parliamentarians the opportunity to enhance their knowledge of such issues.

In short, they allow the Parliament to ensure that the right decisions are being made at the right time and for the right reasons. At the same time they effectively enhance the democratic process by taking the Parliament to the people and giving them a role in its operations. Since 1989, the introduction of committees to the Queensland Parliament has had a distinct and beneficial impact on the Parliament and on the process of Government.

The *Parliamentary Committees Act 1995* and the *Parliamentary Committees Legislation Amendment Act 1996* expanded upon this infant system by providing for a substantial restructuring of the committee system. In particular the Acts sought to:

- expand the areas of scrutiny undertaken by committees;
- rationalise their functions; and



- clarify their powers and operating principles.

The new legislation has provided a comprehensive system of committees which will facilitate better Government through improved scrutiny of the Executive by the Parliament.