



Speech by

Mr L. SPRINGBORG

MEMBER FOR WARWICK

Hansard 19 August 1999

COMMISSIONS OF INQUIRY (QUEENSLAND CONSTITUTIONAL REVIEW COMMISSION) REGULATION

Mr SPRINGBORG (Warwick—NPA) (Deputy Leader of the Opposition) (11.32 a.m.): I move—

"That the Commissions of Inquiry (Queensland Constitutional Review Commission) Regulation 1999 (Subordinate Legislation No. 85 of 1999) tabled in the House on 25 May 1999, be disallowed."

The Opposition has very carefully considered this issue and we are moving this disallowance motion as a way of expressing our concern over the way in which the Government has conducted itself in its establishment of this constitutional review committee. The first issue that I wish to mention is that there are two statutory orders—

Mr Foley: You've woken up now, have you?

Mr SPRINGBORG: No, we have always known about this. There are two statutory documents. One is a statutory order which went through Governor in Council on 13 May 1999. It was published in the Gazette on 14 May and it was not required to be laid before the Legislative Assembly. The Opposition said all along that it had concerns with regard to the establishment of this commission. However, because of the way in which the Government had used that section, it was able to establish this commission of inquiry and provide it with an operational charter. As an Opposition, we had little, if any, way to express our concerns and to move to disallow this action on the part of the Government.

However, what we are able to do is to move to disallow the Commissions of Inquiry (Queensland Constitutional Review Commission) Regulation 1999 (Subordinate Legislation No. 85 of 1999), which relates specifically to the way in which meetings must be conducted by this review commission. It states that a quorum of the commission established under the Commissions of Inquiry Order No. 1 of 1999 may be constituted only by its chairperson sitting with two or more of its other commissioners. Clearly, if this Parliament passes this disallowance motion, that would make it difficult, if not impossible, for this commission to be able to meet.

I am not attacking the integrity or qualifications of the people appointed to the review commission. Colin Hughes, Manfred Cross, whom I have met from time to time and found to be a person of great integrity, Jacki Huggins, Virginia Hall and Sir James Killen have outstanding qualifications. Our concern is with the way in which the Government has gone about this. The Premier and the Attorney-General have trumpeted this around the State as some sort of wonderful manifestation that was absolutely necessary to ensure that we had a consolidated and up-to-date Queensland Constitution.

In a press release dated 16 May 1999, the Premier made much of the fact that the State Government gave an election commitment to consolidate and review the Queensland Constitution regardless of the outcome of the November Federal referendum. As the Attorney-General and Premier are well aware, the consolidation of the Queensland Constitution is something that started happening in this State as early as 1993. It was reported on by the Legal, Constitutional and Administrative Review Committee and also its predecessor committee. That excellent committee provided a great report to this Parliament on the consolidation of the Queensland Constitution and also provided draft legislation for consideration by this Parliament. I believe that was the correct and appropriate way of doing this.

I found it strange that the Premier and the Attorney-General have made much of this consolidation of the Queensland Constitution. They have led the people of Queensland to believe that this is something new; that it is a wonderful innovation of this Government. This is something that was started as early as 1993 and it required no more than the passage of legislation through this Parliament. We should have no more nonsense and a bit more intellectual honesty from the Premier and the Attorney-General in relation to this issue.

Mr Fenlon: Why haven't you told us yet why with respect to this quorum you are making the commission impossible to meet? Why is that?

Mr SPRINGBORG: As I indicated a moment ago, it would make it difficult, if not impossible. For the benefit of the honourable member for Greenslopes, I point out that this is the only way in which we are able to stand in here and express our concerns about the establishment of this commission and the terms of reference that have been given to it. I do not have a problem with having a relevant Queensland Constitution which is consolidated and looks at the contemporary issues that concern the people of this State. That is something most people would probably consider to be relevant. However, as I said a moment ago, the consolidation of the Queensland Constitution is something that has been undertaken largely by the Legal, Constitutional and Administrative Review Committee and also its predecessor committee. This is something which has been considered in this State largely over the past six years. This issue has bobbed up as a matter for consideration for the commissioners who have been appointed by this Government.

There are a number of issues about which this Parliament needs to be concerned about, including the fact that it presumes the outcome of the republican referendum to be held in this country on 6 November 1999. None of us know what is going to happen then. I suppose a number of us have our own personal viewpoints, but when we deal with controversial referendums it is very difficult to know what will actually happen. So it does presuppose the outcome of that.

It is largely a duplication of the work, as I have indicated, that has been undertaken in this State by previous committees of this Parliament over a period of six years dating back to 1993. I would also say to this Parliament that, if we want to make sure that we have a relevant constitution in this State and we want to go about that, then we should have a system which includes all members of this Parliament—a system that ensures that the process which has been established by LCARC, which is a bipartisan committee which does a very, very good job, can also be carried on into the broader areas of looking at and recommending changes to the Queensland Constitution. It is a committee which has been established with the express responsibility for looking after these sorts of issues.

One thing, of course, which concerns us is that there has been no bipartisan approach or Government offer of bipartisanship to the Opposition to ensure that legitimate concerns of the Opposition could have been taken into consideration as the Government went about establishing this particular committee to review and to look at the consolidation of the Queensland Constitution and also to make it more contemporary or more relevant. I believe that it would have been far more appropriate to do this by way of referring the issue to that committee when the time came around, preferably after 6 November this year depending upon the outcome of the Commonwealth referendum on whether Australia should become a republic, to ensure that that particular bipartisan committee, which has worked very, very well traditionally, would be able to consider those issues in light of the outcome of that referendum.

Also, of a more general nature, in relation to things that may not have necessarily been affected by the outcome of the constitutional referendum on 6 November this year, it would have also been very appropriate to provide those issues where the Constitution required a contemporary update because we have a committee resource that continues to operate within this Parliament. We have a committee which has an excellent secretariat; we have a committee which is capable of undertaking its own research; we have a bipartisan committee, as I indicated, which of course has the ability to take submissions from the public and, in doing so, that would ensure that, when it came to legislation or debating a new Constitution for Queensland, this Parliament could be assured that all of the provisions that were included in that Constitution, whether it is what has been recommended with regards to the consolidation or any new sections of the Constitution which are updated or modernised, had the support of all of the members of that committee and, therefore, had bipartisan support, which is very, very important when we are dealing with the review or updating of the Constitution.

As we look around Australia at the moment with regard to the constitutional referendum to be held on 6 November this year on the republican question, we can see and we can understand the sorts of concerns that people generally have. If we do not have the support of the people, it makes it difficult to be able to get a united constitutional change. The Government could have ensured that we had that bipartisan approach, that we used the Legal, Constitutional and Administrative Review Committee, which as I said is already resourced and in a position to undertake these sorts of references when need be, that is, when the Government felt—preferably, as I said, after 6 November this year, depending on the outcome of that referendum.

What has happened here is that we have seen a situation in which the Government has lost the opportunity to ensure the bipartisan support of the Opposition in this process, notwithstanding the very eminent qualifications of the commissioners on the commission. I would like to see an outline from the Attorney-General when he responds to my concerns as to why he felt that this was necessary, why he or the Premier felt that there should not be consultation with the Opposition when dealing with such a potentially sensitive issue as the updating or changing of the Queensland Constitution, whether that be the entrenched provisions or a whole range of other things.

In conclusion, I would like to say that the Parliament should be supporting this disallowance motion. This is something which is presumptuous, it largely duplicates work which has already been done and it should have been left till after the November referendum and to a time when we felt the need to go about updating the Constitution even further. We should have made those particular references to a bipartisan parliamentary committee, one which we already have.
