



Speech by

**Mrs J. SHELDON**

**MEMBER FOR CALOUNDRA**

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Hansard 27 November 2001

### **CONSTITUTION OF QUEENSLAND; PARLIAMENT OF QUEENSLAND BILL**

**Mrs SHELDON** (Caloundra—Lib) (3.37 p.m.): The Constitution of Queensland 2001 and the Parliament of Queensland Bill 2001 revise, of course, the Queensland Constitution. The Queensland Constitution is spread throughout the statute books, and many of the state's constitutional provisions are not drafted in accordance with modern drafting practice and are expressed in antiquated language.

The Constitution of Queensland 2001 and the Parliament of Queensland Bill 2001 largely consolidate the unentrenched constitutional provisions and redraft them in modern, clear language. The two bills also add worthwhile matters. They clarify the rules relating to the qualification and disqualification of members of parliament. They clarify the powers, privileges and immunities of the parliament, particularly its power to punish for contempt, which I will speak about in more detail later. They provide statutory recognition for the first time of cabinet, and they express statutory recognition for the first time and explain the role of ministers of the state. The main things I wish to address are the matters within the Parliament of Queensland Bill that affect the powers, privileges and immunities of the parliament and reflect many of the recommendations of the last two Members' Ethics and Parliamentary Privileges Committees, of which I have been and am a member.

Firstly, I would like to speak about removing the link to the UK. Under the existing law, the Queensland parliament's privileges are linked to the Westminster system. A UK parliamentary committee, the House of Lords and House of Commons Joint Committee on Parliamentary Privilege, made recommendations last year which, if the House of Commons adopts them, will alter the powers, rights and immunities of the House of Commons. This would create uncertainty for the Queensland Legislative Assembly because section 40A of the Queensland Constitution Act links the powers, rights and immunities of this Assembly to those that apply for the time being in the House of Commons. In other words, the powers, rights and immunities of the Legislative Assembly are directly linked to the House of Commons. Any changes to its powers, rights and immunities which are made by the House of Commons may immediately and automatically apply to the Legislative Assembly without any detailed consideration of such changes by the Assembly, which, of course, is our parliament.

The Members' Ethics and Parliamentary Privileges Committee recommended that it is not appropriate that the Legislative Assembly's powers, rights and immunities be able to be substantially changed without any detailed discussion or consideration by the Assembly itself. The committee, therefore, recommended in its report No. 26 that section 40A be amended to provide that the powers, rights and immunities of the Queensland Legislative Assembly, its members and committees are those that applied in the House of Commons as at the date of Federation, 1 January 1901. In its report No. 34, the committee recommended that the amendment to section 40A of Queensland's Constitution Act be expedited; if necessary, separate from the wider constitutional review which was being conducted at that time by the Queensland Constitutional Review Commission. A bill was introduced that lapsed with the last parliament.

The committee welcomes the government's acceptance of the committee's recommendations as contained in the Parliament of Queensland Bill. This bill provides that the powers, rights and immunities of the Queensland Legislative Assembly, its members and committees are those that applied to the House of Commons as at the date of Federation, 1 January 1901. This ensures that the powers, rights and immunities of the Legislative Assembly are not altered without reference to the Assembly.

I will now say a few words regarding contempt. The Members' Ethics and Parliamentary Privileges Committee in its report No. 26—the first report on the powers, rights and immunities of the Assembly, its committees and members—tabled in January 1999, made a number of recommendations which have been incorporated into the bills before the House. The most important is clarifying the meaning of 'contempt' and the assembly's powers to deal with contempt, including by fine.

These bills are largely the result of the work of two parliamentary committees, LCARC and, as regards privileges issues, the Members' Ethics and Parliamentary Privileges Committee. I congratulate the members and staff of both those committees. I think they should be recognised for the work they have done and for the way both committees have worked well together. Mention also needs to be made of both the LCARC and Members' Ethics and Parliamentary Privileges Committee staff because without their guidance and expertise we could not have come to the definitive decisions we have made. The parliamentary staff of LCARC include Neil Laurie, David Thannhauser and Kerry Newton, and the parliamentary staff of the Members' Ethics and Parliamentary Privileges Committee include, again, Neil Laurie—who has played a fundamental role in both of those committees—Meg Hoban and Sandy Musch.

I commend the bill and say that, as members of a parliamentary committee, we are very pleased that the government has sought to take notice of our input—as, indeed, we hope governments will. I see that the member for Mansfield agrees with me. I certainly support the bill.

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