



Speech by

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MEMBER FOR TABLELANDS

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AMENDMENTS TO BILLS

Ms LEE LONG (Tablelands—ONP) (6.28 p.m.): I rise to speak to the motion. The importance of the Scrutiny of Legislation Committee cannot be underestimated. It is the closest thing Queensland has to a Senate, and even though it does not have the same powers that a Senate has it still has a very important role to play. The committee performs a very valuable monitoring function, which includes monitoring generally the explanatory notes of the Legislative Standards Act 1992. Section 22 of the Legislative Standards Act states—

- (1) A Minister who presents a Government Bill to the Legislative Assembly must, before the resumption of the second reading debate, circulate to Members an explanatory note for the Bill.
- (2) When significant subordinate legislation is tabled in the Legislative Assembly, it must be accompanied by an explanatory note prepared under the authority of the responsible Minister.

Therefore, explanatory notes must be supplied for both bills and significant subordinate legislation. It is the role of the Scrutiny of Legislation Committee to then scrutinise the operation of these statutory provisions.

Things that the committee looks for are whether the explanatory notes comply with the content requirements necessary and whether explanatory notes have been produced for all subordinate legislation which is considered significant. It is at this point that it must be stated that any amendments to bills or significant subordinate legislation should also be made available to the committee to be scrutinised before going to parliament to be debated.

Explanatory notes are important documents which provide essential information about the background, content and operation of the proposed legislation. There are rules which must be followed which must address matters directly concerning the contents of the bill or subordinate legislation and also the background information. They should be informative and not argumentative and, if possible, be in non-technical language. Explanatory notes are of great assistance to members of parliament in enabling them to understand and comprehend legislation and it enhances the quality of parliamentary debate which follows. It also has the benefit of being an additional source of information to all users of the legislation after becoming an act or after significant subordinate legislation has been tabled in parliament. Also, in situations where legislation is ambiguous or obscure, reference can be made to the explanatory notes to make a correct interpretation.

Section 14B of the Acts Interpretation Act 1954 clearly establishes that explanatory notes and other 'extrinsic materials' can be referred to in specific circumstances and can be used in interpreting individual provisions as well as ascertaining the purpose of the legislation. In fulfilling its monitoring obligations, the committee examines all explanatory notes tabled with bills and subordinate legislation and assesses their compliance with the content requirements. It makes comment on specific aspects of some explanatory notes accompanying bills presented to parliament in its *Alert Digest* booklet. The committee has found that explanatory notes are often found to be wanting in their treatment of fundamental legislative principles, although the overall standard of this aspect has improved markedly since 1995 and the more obvious fundamental legislative principle issues are now more routinely identified. However, the committee nevertheless considers that there is still significant room for improvement in the quality of this aspect of many current explanatory notes.

Overall, the Scrutiny of Legislation Committee plays a vital role in digesting and scrutinising bills and significant subordinate legislation so that others in this House can play a more informed and active

role in the law making process of this parliament. In so doing, the committee requires that all amendments be placed before the committee so that they may also be scrutinised and commented on.
