



Speech by

BONNY BARRY

MEMBER FOR ASPLEY

Hansard 8 May 2002

SCRUTINY OF LEGISLATION COMMITTEE

Ms BARRY (Aspley—ALP) (6.25 p.m.): I rise to support the amendment moved by the Leader of the House and seconded by the member for Mulgrave. In doing so, I advise the House that I support in principle the motion moved by the member for Nicklin but acknowledge that I believe that many considerations need to be explored before the House should support its detail. Subordinate legislation has a significant impact on the community as a whole. It is the means by which parliament delegates authority for creating the implementation strategy of a given piece of legislation. In other words, the detail that is necessary to make a piece of legislation work in practice is often delegated to regulations. Since 1975 the Queensland parliament has created committees to carry out the task of scrutinising subordinate legislation and, as many speakers have said, since 1995 the Scrutiny of Legislation Committee has been charged with this role.

In my short time as a member of the Scrutiny of Legislation Committee for the 50th Queensland parliament I have achieved a significant appreciation of the role that the committee has in ensuring subordinate legislation is subjected to the terms of meeting fundamental legislative principles. Requiring subordinate legislation to pass through the rigours of the Scrutiny of Legislation Committee is a means by which we as legislators can be assured that matters contained within the regulations meet the same standards of fundamental legislative principles expected from bills before the House. In assessing whether subordinate legislation has sufficient regard to the institution of parliament, the Scrutiny of Legislation Committee must consider whether the legislation is within the power that, under an act or subordinate legislation, allows for the subordinate legislation to be made; is consistent with the policy objectives of the authorising law; contains only matters appropriate to subordinate legislation; amends statutory instruments only; and allows the subdelegation of a power delegated by an act only, firstly, in appropriate cases and to appropriate persons and, secondly, if it is authorised by an act.

These are considerable terms of scrutiny already in place in dealing with subordinate legislation. In addition to these scrutiny terms, the Scrutiny of Legislation Committee examines and oversees these processes. The committee in my experience takes its role very seriously. The committee is a bipartisan group. It strives for decisions by consensus. Communications with ministers about subordinate legislation are open and direct between the relevant minister and the committee. Transparency and accountability are goals that the committee strives for. However, I have also noted the rapid turnover of work required by the committee. I have noted the voluminous nature of the current *Alert Digest* and the time lines that need to be met to ensure efficient production responses to legislation and subordinate legislation before the House.

I am therefore concerned about the impact that the motion moved by the member for Nicklin will have upon the work of the committee, its staff and indeed its efficiency and its effectiveness. Given the inordinate volume and timing of subordinate legislation creation, I believe that it is possible that a disproportionate amount of the committee's and the parliament's time could be spent on preparing parliamentary reports. However, it is in the interests of continuously improving accountability that the member for Nicklin's proposal is worth consideration. With this in mind, I do give support in principle to the motion but support the amendment and recommend the parliament refers the motion to the Scrutiny of Legislation Committee. It is important to know what impact the action would have on the current workings of the committee and to consider whether any tangible value to the scrutiny and parliamentary process is achieved by recommending such an action.

When I requested a position on the Scrutiny of Legislation Committee as a new member of parliament, I knew that I was in for a great deal of hard work but that I would be a better legislator for having had the experience of being a committee member. That has certainly been a very successful outcome for me. I take this opportunity to thank the committee staff, Mr Chris Garvey and Ms Anita Sweet, for their tireless effort and professionalism. It is outstanding to watch them and to acknowledge the amount of work they do and the manner in which they do it. I particularly want to thank the chair, the member for Mulgrave, and the deputy chair, the member for Nicklin, for their leadership and their preparedness to help those of us new members of the committee in what is this important parliamentary work. In closing, I support the amendment and recommend its referral to the Scrutiny of Legislation Committee for further consideration.