



Speech by

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MEMBER FOR SURFERS PARADISE

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CONSTITUTION (FIXED-TERM PARLIAMENT) AMENDMENT BILL

Mr LANGBROEK (Surfers Paradise—LNP) (Leader of the Opposition) (7.46 pm): It is my pleasure to rise to speak to the Constitution (Fixed-Term Parliament) Amendment Bill 2009, introduced into this place by the member for Nicklin. The bill purports to provide for fixed three-year terms except in exceptional circumstances. I note the Deputy Premier's contribution. Responsible government was established in Queensland on 6 June 1859. We were governed by an interim executive council from December 1859 to April 1860 and electoral roles were prepared. From 1860 to 1893 parliamentary terms were for a maximum of five years. The present maximum three-year parliamentary term was prescribed by section 2 of the Constitution Act Amendment Act 1890, effective from the 1893 general election. That period cannot be changed without the approval of the electorate by referendum, which is what the Deputy Premier mentioned in his speech.

An information brief prepared by the Queensland Parliamentary Library for the honourable member for Lockyer discusses the length of parliamentary terms since 1922. I note that basically we have had consistent three-year terms through the 1970s and 1980s. It was only after Labor came to power in 1989 that the terms changed. We had elections in December 1974, November 1977, November 1980, October 1983, November 1986 and December 1989. We seem to have had no problems with three-year terms. The exception was in 1974 when we had a two year and seven month term when Joh was challenged to call an election, which he did, and we all know the result of that.

My point is that in the past we have had no problems. If the Premier of the day wishes to call an election after three years, there is no problem with doing that. When the honourable Rob Borbidge, the former member for Surfers Paradise, was Premier following the coalition's rise to power, that term went from July 1995 to 13 June 1998. Premier Peter Beattie went to an early election on two occasions. He called an election in February 2001, having been elected in June 1998. Labor won 66 seats at the 2001 election and Beattie went full term to February 2004, but of course then went to an early election in September 2006. I have been here for two two-and-a-half year terms. Of course, after two and a half years this Premier also called an early election in March 2009. I think it is up to the Premier of the day to make those decisions based on the good of the state rather than for specious reasons, as we have attested happened earlier this year.

I have seen a number of research reports: *Triennial elections in Queensland*, a research report done by the Parliamentary Library; referendum on four-year terms for the Queensland Legislative Assembly; the *Review of the Queensland Constitutional Review Commission's recommendation for four-year parliamentary terms*, done by the Legal, Constitutional and Administrative Review Committee in July 2000 and there are background papers as well; and the Australia Capital Territory Standing Committee on Legal Affairs report on *Changing the term of Assembly members from three years to four years*. There has been a lot of research done about it.

The LNP is not opposed in principle to the concept of fixed terms for the Queensland parliament. I note the Premier referred to this today when commenting on my views on four-year terms, which is something the Premier raised with me at one of our first meetings after I became the Leader of the

Opposition. I believe there are more important issues for the people of Queensland than politicians talking about fixed terms of either three years or four years.

The LNP at our recent convention, following strong representation by members such as Frank Klan of the Peak Crossing-Harrisville branch, did support the principle of fixed three-year terms subject to certain conditions. I have concerns with the conditions that are implicit in this bill. As I note from the bill itself, the election would have to be on a March date, which seems to be an arbitrary selection based on the fact that the last election was on 21 March. I note that proposed new section 16A 'Normal term of Legislative Assembly' states—

A general election ... must be held on the second Saturday in March in the third calendar year after the calendar year in which the last general election was held ...

Obviously that would make it 2012. I note that there are practical concerns about that sort of implementation as there are council elections due in March 2012. I also note that we have not had a March election, apart from the one we had in 2009, since 1953. So there is no particular magic about March. As I say, apart from the election in 2009, we have not had an election in March since 1953.

I know that the average term of the Queensland parliament since 1920 has been 2.7 years. We know that the previous Bligh government went to the polls in only two years and five months. We believe that the reason for that was that the Premier wanted to go to the electorate early because she did not want to share with Queensland her plans for the future, the things we have discussed already this evening in the 5.30 motion—that is, the privatisation of assets, a fuel tax, the general state of the economy and unemployment. They were things that the Premier did not want people to know about.

We will not be supporting the current bill before the House for a number of reasons. Fixed-term parliaments for a single-chamber parliament pose particular challenges in view of the tendency for executive government in such parliaments to dominate the proceedings in the absence of a house of review capable of excising oversight of the actions of a government with control on the floor of the lower house. The opposition can and will only support consideration of proposals for fixed terms, whether they be three years or four years, when it is satisfied that the following issues have been properly addressed in Queensland. These are an extension and a continuation of some of the views of the former Leader of the Opposition, the member for Southern Downs.

I will enumerate them: (1) effective estimates committees to continually oversee expenditure within government departments over the budget cycle; (2) effective controls on government expenditure on advertising for purely political purposes; (3) effective parliamentary committees operating on a bipartisan basis; (4) effective right to information legislation, enhancing the rights of citizens to gain knowledge of government decisions impacting upon them and limiting the capacity of government to use cabinet confidentiality and commercial-in-confidence and similar ruses to avoid proper scrutiny of contentious decisions; and, in line with my blueprint proposal released yesterday—a submission to the government's integrity review—(5) implementation of proposals contained in the issues paper on integrity and accountability in Queensland.

These proposals include: (a) repealing the laws allowing government ministers to lie to parliament; (b) holding a royal commission into this government's culture of corruption, cronyism and deceit; (c) subjecting government owned corporations to effective public integrity oversight; (d) ensuring that senior public sector appointments are made in accordance with the principles originally recommended by Tony Fitzgerald QC; (e) ensuring judicial appointments are similarly made in accordance with the processes recommended by Tony Fitzgerald QC; (f) ensuring that Queensland has a fair electoral system, guaranteeing that the party grouping winning majority of support in the community forms government; (g) ensuring that electoral funding is structured to avoid bias towards incumbent governments from external organisations; (h) banning the payment of success or similar fees for gaining government contracts; (i) enhancing the personal integrity of all ministerial staff and similar senior public sector appointees; and (j) reforming the procedures of parliament to require ministers to properly answer questions addressed to them.

Addressing these issues will require complex and detailed negotiations between the government and opposition and a policy of fully consulting the community about the proposals being advanced on all of these areas before they are implemented by legislation. No such consultation process has taken place, nor is such a process proposed due to the failure of the Bligh government to be willing to enter into dialogue with the opposition on these extremely important issues.

The problems with the introduction of fixed terms are illustrated by New South Wales, which is in an even worse state of mismanagement and corruption than here in Queensland but which is able to ignore its own internal failures and hatreds because fixed terms guarantee its continued survival. The Labor Party there continues to hang together to enjoy the perks of ministerial leather, notwithstanding its total abuse of the public's trust.

I am also concerned about the explanatory notes. Numerous members of the opposition have raised concerns with me about the explanatory notes. The member for Nicklin seems to suggest that currently the

decision to dissolve parliament is entirely one for the Premier to make. It ignores the vital role Her Excellency the Governor plays in the government of Queensland. There are occasions where, quite properly, the Governor does not act as a cipher but rather exercises her reserve constitutional powers, including those to consult, warn and advise, in order to prevent abuse of the power by the Premier and government of the day.

Recent Australian history, as demonstrated by Sir Philip Game and Sir Walter Campbell, points out what a vital role the Governor can and does play in ensuring that the principles of democratic legitimacy are applied in practice. This extremely important role played by governors in ensuring the maintenance of parliamentary democracy in both Queensland and Australia is not given proper acknowledgement in the explanatory notes and is yet another reason why the opposition will not support a bill that denigrates the vital role of Her Excellency in our parliamentary democracy.

(Time expired)