




Speech by

Andrew Powell

MEMBER FOR GLASS HOUSE

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COMMITTEE SYSTEM REVIEW COMMITTEE: REPORT, MOTION TO TAKE NOTE

 **Mr POWELL** (Glass House—LNP) (4.37 pm): I, too, rise to speak to this report on the Queensland parliamentary committee system. Whilst I am very cognisant that I remain one of the inexperienced, newer members of this chamber—particularly compared to many of my colleagues and certainly those who sat on this Committee System Review Committee—and that I am still learning about the operations of the parliament, I do know enough to know that what we are debating and discussing this afternoon is probably one of the most significant reforms in the Queensland parliament in recent decades, certainly in the post-Fitzgerald era.

New, as I am, I agree wholeheartedly with the Committee System Review Committee members and some of the comments just made by the member for Indooroopilly. Our present committee structure is certainly underresourced and does not have sufficient influence over the executive of the government, nor does it have sufficient attention within parliament itself. As the member for Indooroopilly just pointed out, the committee system probably remains all but an unknown to the majority of Queenslanders.

All of this is in the rather unique environment of being a unicameral parliament—that is, having only a lower house and not an upper house. I must support the comments made by a number of members whom I have heard speak in the House that this is probably a far more beneficial response than reinstating the upper house. It is certainly more cost-effective for Queenslanders and for the taxpayers.

Combined, these deficits have led to scepticism and cynicism by not only opposition parties but also certainly the broader community, particularly with respect to accountability, transparency and scrutiny of legislation, public policy and public administration. This cynicism is perhaps best exemplified through the farce that is the current budget estimates process.

In what I can only describe as a highly risk managed piece of theatre, shadow ministers ask a range of questions from the serious to the scuttlebutt while ministers dodge, weave, prevaricate, stall or simply blatantly refuse to answer them. The majority of questions asked relate to previous expenditure, not to examining the budget for the year to come. The time allocations—for example, two hours of questioning for a Health portfolio of some \$8 billion—mean that the real focus for both sides becomes nailing that seven-second grab for the media, not seriously questioning the operations and expenditure of the public administration.

Reform is needed. Change is needed. But change can be unnerving for many. Whilst I lean to the side that embraces change, I do not believe in change for change's sake, which is why I do cautiously study any elements of change. In studying the review of the Queensland parliamentary committee system I see much to be applauded and certainly a lot to adopt. At the outset I, too, commend the committee members who prepared this committee report for their bipartisanship and their openness. If that sentiment and the sentiment of this report is translated into practice, it certainly could herald in a new era of cross-party cooperation on ensuring the legislation passed in this House is of the highest quality.

Ms Grace interjected.

Mr POWELL: As I said, it is a possibility. It will be interesting to see if it translates into practice.

Mrs Pratt: Don't hold your breath.

Mr POWELL: I am certainly not holding my breath, member for Nanango. The establishment of statutory portfolio based committees will ensure greater parliamentary scrutiny of bills, subordinate legislation, regulations, public works and public accounts by those who understand these portfolios best. For instance, the opposition will now be able to place shadow ministers and shadow parliamentary secretaries on portfolio relevant committees.

I do at this point want to raise a word of caution and a word of warning. As a current member of the Scrutiny of Legislation Committee, I cannot stress enough the importance of examining legislative compliance with fundamental legislative principles—principles we all hold dear; principles such as natural justice, the rights and liberties of the individual, rights to privacy, the onus of proof, retrospective operation of legislation, Aboriginal tradition and Islander custom and the delegation of legislative power.

As the review committee identified, every jurisdiction they studied has some form of legislative scrutiny against fundamental principles and/or human rights. I understand that the review committee was impressed by the New Zealand model. I note that the member for Gaven went into some detail regarding that model. I also note that the review committee has not chosen to implement the complementary New Zealand bodies of the Legislation Advisory Committee nor the Regulations Review Committee. It has chosen to put the scrutiny under these portfolio based committees without establishing the necessary bodies to assist those committees in conducting that sort of scrutiny.

In New Zealand the Legislation Advisory Committee is not actually made up of parliamentarians at all. It includes law commissioners, academic public law specialists, senior private and public sector lawyers as well as senior policy advisers, parliamentary counsel and senior members of the judiciary. Although it is serviced by the Ministry of Justice and reports annually to the Attorney-General on its activities, its varied membership facilitates independence from the executive and another level of parliamentary and legislative scrutiny.

The Regulations Review Committee, on the other hand, is a specialist committee dedicated to the technical scrutiny of subordinate legislation using criteria set out in the standing orders. This scrutiny in New Zealand is not an add-on; it is an intrinsic part of ensuring the legislation they pass is of the highest quality possible. It should be the same for the Queensland parliament. Scrutiny of legislation against fundamental legislative principles should not be an add-on. It has to be an intrinsic part of ensuring that legislation that we pass is also of the highest quality possible.

These new portfolio based committees must ensure this scrutiny occurs, as directed by recommendations 6 and 7 of this report. I would ask that the committees ensure that scrutiny against fundamental legislative principles becomes a specific standing agenda item at all of their meetings and that committees report annually on their compliance with these recommendations and against those principles.

Returning to the other recommendations, I applaud the establishment of the Committee of the Legislative Assembly, the CLA, incorporating the most senior members of both the government and the opposition. I am also pleased to hear that the government potentially is flexed and is proposing, or at least talking about, including the Speaker as an ex officio member of this committee and that this committee, rather than the Department of Public Works, will oversee the construction and maintenance of the parliamentary buildings and electorate offices. These were certainly some concerns of mine from my initial reading of the report.

I am pleased to hear that the CLA will also determine the budget and the resources of committees and make submissions to government to ensure the committees of parliament are sufficiently resourced. There were some conversations occurring about this here earlier. If the government is intent on making these changes cost neutral then I have serious concerns. My hope is that as part of this reform we are actually going to resource the committees to the level that they actually require to do the job properly. That may not be cost neutral. Either way, it is certainly going to be far cheaper than reinstating an upper house, as the member for Toowoomba North highlighted earlier.

The proposal to allocate time within the parliamentary week for committees is eminently sensible and embeds the role of committees well and truly into the work of the parliament as a whole. The restructuring of standing orders and speaking times in particular also makes sense given the level of discussion and debate that will now occur through the portfolio based committees. The opening of committee proceedings to the public is also commendable. I hope that this will go a long way to addressing what both the member for Indooroopilly and I have previously stated—that is, people really do not know that committees exist let alone understand what they do.

The recommendations that budget estimates be considered by portfolio committees without restricted, structured time frames for questions and answers will go a long way to turning farce into functionality. By allowing the attendance of officials before committees, estimates will potentially become truly transparent and accountable, as they should be.

As I said earlier, reform is needed. Change is needed. Change can be challenging though. But in this instance change will deliver more transparent and accountable public administration, higher quality legislation and ultimately better outcomes for Queenslanders.