




Speech By  
**Patrick Weir**

**MEMBER FOR CONDAMINE**

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Record of Proceedings, 4 December 2015

**CONSTITUTION (FIXED TERM PARLIAMENT) AMENDMENT BILL;  
CONSTITUTION (FIXED TERM PARLIAMENT) REFERENDUM BILL**

 **Mr WEIR** (Condamine—LNP) (11.43 am): As a member of the Finance and Administration Committee, I rise to make a contribution to the debate on the inquiry into the introduction of four-year terms for the Queensland parliament. On 15 September 2015, the government instigated an inquiry into four-year terms of parliament. On 17 September 2015, Ian Walker MP, the member for Mansfield and shadow Attorney-General and shadow minister for justice and industrial relations and the arts introduced two private members bills to the House: the Constitution (Fixed Term Parliament) Amendment Bill and the Constitution (Fixed Term Parliament) Referendum Bill 2015.

The committee consulted widely in its examination of the bills. Public forums were held in Brisbane, Toowoomba, the Gold Coast, the Sunshine Coast, Mount Isa, Cairns, Townsville, Mackay, Rockhampton, Emerald and Maryborough. Public hearings and briefings were held with key stakeholders, constitutional academics and professionals and the Electoral Commission of Queensland. After hearing all of the submissions, the committee made 12 recommendations in its report.

In 1999, the various local government acts were amended to extend the terms of local government authorities from three-year to four-year terms. This commenced in 2000, with local government elections being held on the last Saturday in March every fourth year. It should be noted that the Local Government Association of Queensland is supportive of four-year terms, both for local government and state government, stating that it gives stability of governance and a longer time frame to implement planning and policies as well as a reduction in the cost of elections.

The Chamber of Commerce and Industry Queensland supports the move to four-year terms, stating—

CCIQ believes that a three year term is not a sufficient time to allow the State Government to facilitate good economic planning for both the private and public sectors; undertake effective planning of the parliamentary timetable; or to concentrate on policy and program delivery without the distraction of imminent elections.

The CCIQ added that over the past five state elections the average term of parliament has been only two years and nine months. The CCIQ said further that, in its view—

... longer parliamentary terms have the potential to enhance business confidence and business investment, by eliminating uncertainties created by frequent elections and subsequent shifts in government policy or attitudes to towards certain projects.

Many in the business community held similar views, indicating that in election periods many put their business planning and strategy or major purchases on hold.

The cost of elections and the cost savings achieved by having fewer elections were another two issues that were raised. The Electoral Commission of Queensland reported that the last state election cost approximately \$24 million. It noted that there would be significant cost savings delivered in the long

run, simply because the elections would be further apart. Although many submitters noted that Queensland remains the only state or territory to have three-year elected terms, it was remarked upon consistently by many that there is no upper house or house of review in Queensland.

The Clerk of the Parliament, Neil Laurie, stated at a public hearing—

... I am a slow convert to four-year terms ... Being a unicameral parliament without an upper house I felt that four-year terms was a bridge too far.

I am a convert to four-year terms, however. After being here for over 20 years I can see that three years is insufficient time for governments to come into power, plan, implement policies et cetera.

Mr Laurie stated further—

However ... if we are going to go to four-year terms we do need to enhance our safeguards and enhance our accountability.

Although Mr Laurie acknowledged that the parliament had made changes to improve accountability through the committee system and the estimates process, these processes can be disposed of by a simple change to legislation or a resolution of the House. It is possible for an incoming government at some time in the future to abolish the committee system by an act of parliament in its first sitting week. Mr Laurie suggested that there were two options to safeguard the committee process: one being constitutional entrenchment, which would require a provision being included in the bill that is to be placed before the people for referendum; or, secondly, a statutory requirement to enhance the current provisions relating to portfolio committees contained in the Parliament of Queensland Act 2001. Professor of Law at the University of Queensland, Professor Graeme Orr, affirmed that mechanisms are needed to check the great licence of the executive in this state.

These options were discussed at length by the committee and are included in recommendations 9 and 10 of the report. The committee's view is that the committee system should be the subject of a full review during the term of the 55th Parliament in order to ensure that Queensland has the strongest and most appropriate committee system in place to accompany the extension of parliamentary terms.

By far the main concern expressed by members of the public with the proposal to extend the four-year term was the fact that Queensland does not have an upper house to review legislation. The Motor Trades Association of Queensland summed up the position of the majority of submitters regarding fixed terms, stating—

Four year fixed terms would have the advantage of mitigating the uncertainty about the election date, allow stakeholders to 'wrap-up' policy and regulatory requirements with Departments or Agencies; allow business to better prepare for the election hiatus and provide policy certainty for a longer timeframe.

Many of the advocates of four-year terms note that any extension would be a futile exercise without providing for a fixed term as politics would still remain in the equation and the premier of the day would be free to call an election at any time.

The date set for a general election was an important matter and the committee considered substantial evidence and advice. The local government elections are held on the last Saturday in March so the committee were mindful not to clash with this date. The committee received very strong feedback from stakeholders attending forums in North Queensland that March be excluded from consideration due to the high risk of rain, flooding and cyclones. A number of submitters suggested that it may be more practical to hold elections in the latter half of the year after the state budget. The committee agreed with this sentiment and after taking into account school holidays it was recommended that a general election be held on the last Saturday in October every fourth year.

Some submitters expressed concern as to whether there was any provision to dismiss a dysfunctional, corrupt government mid term. In exceptional circumstances, such as the arising of a constitutional crisis, where the premier has lost the confidence of the party or where there has been a serious breach of constitutional convention or where the Governor has formed the opinion that the government or its ministers have acted illegally, the Governor may exercise their discretionary powers and dissolve the parliament. Should such a circumstance occur it would cause a disruption to the four-year fixed term as an event of that nature could happen at any time throughout the calendar year. In the event of an irregular election being held, the committee suggests that the term following the irregular election be a shorter term—that is, a term of three years and however many months needed to restore the following election to the fixed date, being the last Saturday in October.

Whilst the committee has not suggested the actual wording of a question, the committee is of the view that the question should be simple and uncomplicated and only deal with the extension to four-year fixed terms. The committee took considerable advice on when a referendum should be held, whether in conjunction with the upcoming local government elections or a stand-alone date. The committee was advised that under the Commonwealth Electoral Act no state referendum or vote could be held on the same day as a Senate or House of Representatives election, therefore the federal election is not an option.

The committee considers that amendments to the Referendums Act 1997 should be initiated as the voting public expects to be able to pre-poll and postal vote and both of these options are becoming more popular with every election. As members can see, the more the committee investigated the change to four-year terms the more of these compatibility issues we uncovered. Some of these issues were outside the scope and the authority of the committee but are issues that the House will need to address if this referendum is to be put to the people. Some of these amendments will need to be implemented before the referendum and some can be completed afterwards.

I would like to take the opportunity to thank all members of the Finance and Administration Committee. The task of assessing four-year fixed parliamentary terms was a large and onerous one and without the bipartisan support and collaborative work done by the committee this would not have been achieved.