




Speech By
Hon. Yvette D'Ath

MEMBER FOR REDCLIFFE

Record of Proceedings, 4 December 2015

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

 **Hon. YM D'ATH** (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (10.47 am): I rise to support this legislation. The government has taken a bipartisan approach to this issue, seeking to work constructively to ensure the best outcome for the future of Queensland's system of government. Early this week the House agreed to divide the Constitution (Fixed Term Parliament) Amendment Bill 2015 into two bills. This was in response to a recommendation of the Finance and Administration Committee in its report on its inquiry into the introduction of four-year terms for the Queensland parliament including consideration of the Constitution (Fixed Term Parliament) Amendment Bill 2015 and the Constitution (Fixed Term Parliament) Referendum Bill 2015. I thank the committee for tabling its report on 9 November 2015 and for its prompt consideration of these matters. I also thank the committee and its staff for their considerable efforts to seek the views of many during its inquiry and those parties who made written submissions, who completed the survey or who appeared at the public forums or at the public hearing.

The Constitution (Fixed Term Parliament) Amendment Bill 2015 provides a model for fixed four-year terms for the Legislative Assembly of Queensland. The second bill considered by the committee, the Constitution (Fixed Term Parliament) Referendum Bill 2015, provides for a referendum to be held on the amendment bill if the bill is passed. The committee made the unanimous recommendation that these bills be passed with amendments as detailed in the committee's recommendations. I now table a copy of the government's response to the committee's report.

Tabled paper: Finance and Administration Committee: Report No. 16, 55th Parliament—Inquiry into the introduction of four year terms for the Queensland Parliament, including consideration of Constitution (Fixed Term Parliament) Amendment Bill 2015 and Constitution (Fixed Term Parliament) Referendum Bill 2015, government response [[1865](#)].

While most of the recommendations in the report are not directed to the government, given the significance of this matter and the need for members to have a clear understanding of the amendments to be moved to the bills, the government determined in this instance to respond to all of the recommendations contained in the report. These bills propose significant constitutional reform for this state and a significant change to Queensland's parliamentary landscape. It is therefore a very important cognate debate that we will be having on these bills today.

Maximum three-year terms have been in place for the Legislative Assembly of Queensland since the 1890s. It has been almost 25 years since the Queensland electors were asked to vote on a bill to extend the maximum term of the Legislative Assembly from three to four years. This proposal was narrowly defeated, with just over 51 per cent of electors voting against the bill. The arguments in favour of longer parliamentary terms are well documented in the committee report. These include the capacity for governments to take a long-term view in developing and implementing policies and projects which enhance the quality of government decision-making. Longer terms also give greater certainty to the private sector in forward planning, resulting in greater business confidence and flow-on benefits to the state in investment and employment opportunities.

The government has formed the view that the introduction of fixed four-year terms will create more stable and effective government for Queensland. Significantly, this is a change that largely has bipartisan support—from the unanimous agreement by the Finance and Administration Committee members on the committee's recommendations to the government's support today for these bills subject to amendments. Mostly, these amendments arise from the committee's recommendations.

I will deal first with the Constitution (Fixed Term Parliament) Amendment Bill 2015. This is the bill that, if passed, will be submitted to the voters of Queensland for approval. The committee made several recommendations about this bill. Firstly, the committee recommended the drafting of the provisions be consistent with the simple style of drafting in the Constitution of Queensland 2001 and focus on the requirement for the bill to be approved by voters at a referendum. It is imperative that the style be easy to read and be understandable. The committee also recommended that cross-referencing in the entrenched acts to non-entrenched acts should not occur. The amendments proposed to be moved today will simplify the drafting of the bill and also remove references to non-entrenched legislation in the provisions that are intended to be entrenched.

The committee also recommended that the bill, if passed by the parliament and by the Queensland voters, commence on a fixed date or the day the Legislative Assembly of the current parliament is dissolved for a general election. The government considers it is more suitable for the bill to commence on the date of the instrument by which the Governor summons the Legislative Assembly after the next general election. This commencement is proposed to avoid any potential issues arising if the provisions were to commence prior to or during the next general election process. It also minimises the transitional provisions required. Perhaps most significantly, the committee made recommendations to amend the provisions related to the extraordinary dissolution and extraordinary election of the Legislative Assembly and to the provisions related to ordinary and postponed general elections.

With the introduction of a fixed-term parliament, it is appropriate for provisions to be made to regulate the exercise of early dissolution powers. It is also critical that the reserve powers of the Governor are preserved. The bill currently provides that the Governor must dissolve the Legislative Assembly early in specified circumstances where the government loses the confidence of the Assembly or the government is unable to secure supply through an annual appropriation act. The committee has recommended this provision prescribe the wording required in the motions of confidence or no confidence. The committee also recommended a provision to the effect that nothing in the provisions affect the Governor exercising reserve powers in accordance with established constitutional convention.

The government supports the intent of these recommendations. However, the government considers a further small but significant change is necessary to provide that the Governor 'may' exercise the early dissolution powers rather than provide that the Governor 'must' exercise these powers. This will ensure that the Governor still has the discretion to act in accordance with constitutional convention. This change is also consistent with similar provisions in other jurisdictions. The government also supports the committee's recommendation that the normal polling day be on the last Saturday in October, given the feedback received by the committee and the committee's rationale for this date.

The government also supports that a general election following an extraordinary general election is to be held in the third calendar year after the extraordinary election, as this will ensure the parliamentary terms do not go beyond four years. The government also agrees with the time frames recommended for the normal dissolution and the postponement of the polling day. The amendments to be moved by me today will reflect this. The amendments will also retain provisions for the Governor to postpone the dissolution of the Legislative Assembly in the event the Governor has postponed the polling day. This is considered necessary given the time between the dissolution of parliament and the postponed polling day could be unnecessarily long without it. The government also supports the retention of provisions requiring the Premier to obtain the agreement of the Leader of the Opposition to request the Governor postpone the dissolution day and/or polling day.

The committee recommended that the next general election be treated as an extraordinary election such that the following general election needs to be held on the last Saturday in October in the third calendar year after the year in which the previous general election was held. This is supported, as it will ensure the term of the 56th Legislative Assembly does not exceed four years. It is also an effective way to transition to the fixed four-year term.

In its report, the committee noted that the likelihood of a referendum succeeding on fixed four-year terms is improved if parliament can demonstrate a commitment to greater accountability and transparency. The committee made a recommendation about entrenching the basic requirements of the parliamentary committee system and also recommended a review to ensure the efficacy of the committee system be undertaken during the current term of parliament.

The committee agrees that the parliament needs to be committed to greater accountability and transparency. Given the significance and implications of entrenching Queensland's parliamentary committee system, this is a matter that warrants full consideration. On 3 December, the House agreed to a motion that the Committee of the Legislative Assembly inquire into and report to the Legislative Assembly by 25 February 2016 on issues raised in the committee's recommendations regarding entrenchment and a review of the parliamentary committee system.

I turn now to the Constitution (Fixed Term Parliament) Referendum Bill 2015. The committee has made two recommendations relating to the Referendums Act 1997. The first was for amendments to enable prepolling and postal voting at any referendum on this issue. The second was that, in the event the bills are passed, the parliament should agree to the words of both the arguments for and against to be published by the Electoral Commission of Queensland. The committee has noted that, in the event a referendum bill or question has the unanimous support of the parliament, there is currently no mechanism to allow the authorisation of an against argument to be published. The government agrees that it is in the interests of public transparency and accountability that a mechanism exists for the authorisation of both for and against arguments for such a bill or question to be published, including where the bill or question has the unanimous support of the parliament.

I will be moving amendments during consideration in detail to the Constitution (Fixed Term Parliament) Referendum Bill to address this gap in the legislation. In addition, I will be moving amendments to implement committee recommendation 11 and other amendments to the Referendums Act which have been proposed by the Electoral Commission of Queensland to facilitate the conduct of referendums in Queensland. These include specific amendments to facilitate the conduct of a referendum in conjunction with a local government election. All the amendments that I will be proposing have been settled by the Solicitor-General and crown law. I urge the support of the House.