




Speech By
Hon. Anastacia Palaszczuk

MEMBER FOR INALA

Record of Proceedings, 21 April 2016

CONSTITUTION OF QUEENSLAND AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. A PALASZCZUK** (Inala—ALP) (Premier and Minister for the Arts) (11.39 am): I present a bill for an act to amend the Constitution of Queensland 2001 and the Parliament of Queensland Act 2001 for particular purposes. I table the bill and the explanatory notes. I nominate the Committee of the Legislative Assembly to consider the bill.

Tabled paper: Constitution of Queensland and Other Legislation Amendment Bill 2016 [567].

Tabled paper: Constitution of Queensland and Other Legislation Amendment Bill 2016, explanatory notes [568].

I am pleased to introduce the Constitution of Queensland and Other Legislation Amendment Bill 2016. The bill implements the government's response to report No. 17 of the Committee of the Legislative Assembly titled *Review of the parliamentary committee system*. The bill has two major purposes being to: statutorily recognise the core matters of the parliamentary committee system in the Constitution of Queensland 2001; and amend the Parliament of Queensland Act 2001 to provide the parliament's portfolio committees with the power to initiate inquiries within their area of responsibility on their own motion.

On 19 March 2016 Queenslanders voted in favour of fixed four-year terms for the Legislative Assembly. This is a historic result. Not only is it the first state referendum question to have been supported in Queensland since 1910; Queenslanders' support for the Constitution (Fixed Term Parliament) Amendment Bill 2015 represents a significant moment in the history of our parliamentary system. The issue of four-year parliamentary terms has long been debated in Queensland, and the introduction of fixed four-year terms will provide the certainty that Queenslanders and our economy needs. They will provide more certainty for government, business and community planning with a set date for elections, plus fewer elections will bring cost savings to the budget.

Queensland's parliamentary committee system has been an evolutionary process since the time of the Fitzgerald inquiry in the late 1980s. Indeed in his inquiry report Mr Fitzgerald outlined the need to consider introducing a comprehensive system of parliamentary committees in Queensland to enhance the ability of parliament to monitor the efficiency of the government. Mr Fitzgerald went on to say that 'the committees could examine the expenditure and administration of government departments and associated public bodies, as well as the policies they administer' and 'the useful roles they can play are varied and diverse'.

Queensland's parliamentary committee system has evolved significantly since the Fitzgerald report. This has been especially the case since the reforms initiated in 2011, which have seen the vast majority of bills, with some notable exceptions under the former government, referred to committees for inquiry. In giving their support for fixed four-year terms, Queenslanders, in my view, rightly expect that there should be more certainty around the continued existence of the parliament's powers, through its committee system, to scrutinise government activity and to hold the government of the day to account.

The existence and extent of the parliament's committee system was an issue raised last year during the Finance and Administration Committee's inquiry into four-year terms and the fixed term and referendum bills. Arising from the FAC's inquiry report, the parliament referred to the Committee of the Legislative Assembly an inquiry into the parliament's committee system and further considered the FAC's recommendation to entrench elements of the committee system. The CLA's report on this inquiry, tabled in February, contains a series of recommendations about the parliament's committee system which have been put forward in a bipartisan way by the government, opposition, Independent and crossbench members of the CLA.

Under the bill, the core matters of the parliamentary committee system are being included in the Constitution. The Constitution, as the foundation document upon which Queensland's system of parliamentary democracy and government is based, is the appropriate statute for these provisions.

The bill inserts a new section into the Constitution which provides that: the Legislative Assembly at the commencement of every session is required to establish a minimum of six portfolio committees, whose areas of responsibility will collectively cover all areas of government activity; every bill introduced into the Legislative Assembly must be referred to one of the portfolio committees or another committee for a review period of a minimum of six weeks from the date of referral; the Legislative Assembly may, under its standing rules and orders by ordinary majority, decide to declare a bill urgent and refer a bill to a committee for a review period of less than six weeks, discharge a bill from a committee or decide that a bill not be referred to a committee; and the annual appropriation bills must be referred to committees for examination in a public hearing—that is, our estimates process.

In essence, these provisions reflect how the portfolio committees and the parliament's legislative process is operating in the current parliament. However, the statutory recognition of these matters in the Constitution will emphasise their importance on an ongoing basis and, as the CLA has described it, will 'place a psychological political impediment on altering them without just cause'.

In relation to declaring bills urgent, while my government believes that bills should be subject to review by portfolio committees, we do believe, as recommended by the CLA, that there must be a mechanism available to the assembly to declare bills urgent by majority vote if that is the majority view of the assembly. The bill provides for this accordingly.

The CLA has also recommended that the Parliament of Queensland Act 2001 be amended to provide a general power for portfolio committees to initiate inquiries on their own motion on matters within their portfolio areas. The government supports this amendment and notes that this will allow the portfolio committees, if a majority on a committee desires, to inquire into issues such as petitions received by the parliament. The exercise of this power will be a matter for each committee to decide in balancing all of their other responsibilities, but, in the context of strengthening the committee system, the government believes that this is a power that the parliament should make available to the committees.

The CLA has also recommended that all future amendments to the Constitution should be required to be passed by an absolute majority of the Legislative Assembly. In this context, an absolute majority is defined as being equal to a majority of the number of seats in the assembly—that is, at least 45 votes for the ayes in the current 89 seat assembly. Such a proposal was mooted by the Legal, Constitutional and Administrative Review Committee in 2003, with a comment at the time that the requirement for an absolute majority would prevent any government of the day from taking advantage of a temporary absence of members of the Legislative Assembly to pass legislation to amend or repeal parts of the Constitution.

As I outlined earlier, the Constitution is the foundation document upon which Queensland's system of parliamentary democracy and government is based. Proposed amendments to the Constitution should be viewed by members with care. To this end, and as I flagged in the government's response to the CLA's report that I tabled on 19 April, the government was seeking appropriate advice to ensure the constitutional validity of any necessary amendment to implement the government's response.

Constitutional amendments of this nature proposed by the CLA are complex, and the government will give further consideration to this particular recommendation before reaching a final position on the question of requiring that future amendments to the Constitution require an absolute majority of the Legislative Assembly. Once this bill has been read for a first time it will be referred to the CLA for consideration. I advise the House that once the government has come to a decision on this matter I will advise the CLA accordingly.

The government respects the CLA's view that an absolute majority should be required on votes on bills proposing amendments to the Constitution, but, in my view, we as a parliament need to be cautious and ensure that any proposal has no unintended consequences. Importantly, the bill in its

current form still inserts the core matters of the parliamentary committee system into the Constitution. The statutory recognition of these matters in the Constitution will emphasise their importance on an ongoing basis and will, as the CLA has described it, 'place a psychological political impediment on altering them without just cause'. This will provide more certainty around the continued existence of the parliament's powers, through the committee system, to scrutinise government activity.

In closing, it gives me great pleasure to introduce a bill that strengthens the constitutional and parliamentary arrangements of Queensland's democratic system. This bill is very much in the spirit of the Fitzgerald inquiry reforms. I commend the bill to the House.

First Reading

Hon. A PALASZCZUK (Inala—ALP) (Premier and Minister for the Arts) (11.47 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Committee of the Legislative Assembly

Mr DEPUTY SPEAKER (Mr Crawford): Order! In accordance with standing order 131, the bill is now referred to the Committee of the Legislative Assembly.

Portfolio Committee, Reporting Date

Hon. A PALASZCZUK (Inala—ALP) (Premier and Minister for the Arts) (11.47 am), by leave, without notice: I move—

That under the provisions of standing order 136 the Committee of the Legislative Assembly report to the House on the Constitution of Queensland and Other Legislation Amendment Bill by 12 July 2016.

Question put—That the motion be agreed to.

Motion agreed to.