




Speech By
Hon. Anastacia Palaszczuk

MEMBER FOR INALA

Record of Proceedings, 13 September 2016

CONSTITUTION OF QUEENSLAND AND OTHER LEGISLATION AMENDMENT BILL

Second Reading

 **Hon. A PALASZCZUK** (Inala—ALP) (Premier and Minister for the Arts) (3.37 pm): I move—

That the bill be now read a second time.

At the outset I thank the Committee of the Legislative Assembly for its consideration and report on the bill which it tabled on 15 August 2016. I note that in its report the CLA has recommended that the bill be passed and that the amendment proposed by the government relating to future amendments of the Constitution of Queensland 2001 also be accepted by the House. The government supports these recommendations. I table the government's response to the report.

Tabled paper: Committee of the Legislative Assembly: Report No. 18—Constitution of Queensland and Other Legislation Amendment Bill 2016, government response [\[1498\]](#).

As I said when I introduced the bill in April, it gives me great pleasure to introduce a bill into the parliament that strengthens the constitutional and parliamentary arrangements of Queensland's democratic system. It similarly gives me great pleasure today to lead the debate as the House considers and passes these reforms into law.

The history of the bill goes back to the Finance and Administration committee's inquiries into possible changes to Queensland's parliamentary terms. In its report, the FAC made certain recommendations relating to entrenchment of the committee system and also for an investigation into the way the portfolio committee system operates in Queensland. Given the significance of those matters, they were referred to the CLA for its consideration as the CLA is the committee that best reflects the make-up of the parliament, being chaired by the independent Speaker and also represented by a member of the crossbench. As part of its investigation into the way the committee system operates, the CLA was asked to consider how the current parliamentary committee system could be strengthened to increase accountability by examining the role of parliamentary committees in other jurisdictions with unicameral parliaments, including the functions and powers of those committees and how they are exercised, to see if the functions and powers of Queensland parliamentary committees can be further strengthened; and reviewing the Parliament of Queensland Act 2001 and the standing and sessional orders of the Legislative Assembly pertaining to parliamentary committee functions, powers and procedures to ensure these functions, powers and procedures are operating as effectively as possible as an accountability mechanism.

Further, as part of this review the committee was also asked to consider the implications and method of entrenching matters as outlined in the report and consider alternative accountability mechanisms in lieu of entrenchment. The CLA conducted a thorough and comprehensive review of these matters and I thank the members of the committee, as well as the committee secretariat, for the report that they tabled in the House. It has been of enormous assistance in addressing these matters.

In its report, the CLA made a number of recommendations, including that: the Legislative Assembly must, at the commencement of every session, establish a minimum of six committees of the Legislative Assembly with responsibility that collectively covers all areas of government activity; every bill introduced into the Legislative Assembly must be referred to a committee of the Legislative Assembly for a review period; and the annual appropriation bills—the budget—must be accompanied by the estimates of expenditure and be referred to committees of the Legislative Assembly for examination in a public hearing. The committee went on to recommend that the appropriate statute for those provisions is the Constitution of Queensland Act 2001. The committee felt that the location of the provision in the Constitution of Queensland Act 2001 will not only emphasise its importance but also place a psychological political impediment to its alteration without just cause.

The committee also considered the issue of entrenchment. The CLA does not support entrenchment of the committee system by any special mechanism at this time. Because the new portfolio committee system is still in its infancy, the CLA was loath to entrench a system that may still evolve. The CLA recommended, at least initially, that the provisions should explicitly enable the Legislative Assembly, by ordinary majority, to declare bills urgent. However, the committee considered that part of the 2003 recommendation of the former Legal, Constitutional and Administrative Review Committee regarding the Constitution of Queensland Act 2001 should now be addressed in that an amendment to the Constitution must be passed by a majority of the Legislative Assembly, equal to a majority of the number of seats in the Assembly, that is, an absolute majority of the Legislative Assembly.

Consideration of an amendment to give effect to that recommendation was delayed and was not included in the bill as introduced. However, I later wrote to the committee and asked that it include the amendment in its consideration of the bill, as there was an intention to introduce it as an amendment during consideration in detail. The committee recommended that the House support that amendment.

Before I address the issues around that amendment, I will provide a short summary of the objectives of the bill as introduced. The objectives of the bill are to: statutorily recognise the core matters of the parliamentary committee system in the Constitution 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. This is achieved in the bill by amending the Constitution to provide that.

To further strengthen the parliamentary committee system, the bill also amends the Parliament of Queensland Act 2001 to enable the portfolio committees to initiate inquiries on their own motions on matters within their respective portfolio areas. Previously the committee could only consider matters referred to them by this House. These additional powers will provide the greater flexibility and investigative powers that the CLA felt would enhance the role of the committees. These objectives were those recommended to the parliament by the CLA in its report No. 17, titled *Review of the parliamentary committee system*. The CLA has now further reviewed these objectives as part of their review of the bill and has again confirmed their support for them in their report on the bill.

I turn now to the proposed amendment to be introduced during consideration in detail. In its report No. 17, the CLA also recommended that all future amendments to the Constitution should be required to be passed by an absolute majority of the Legislative Assembly. This applies to all amendments to the Constitution, whether direct or implied. 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.

When I introduced the bill, I informed the House that the government would seek appropriate advice to ensure the constitutional validity of any necessary amendment to implement this recommendation and that the government would advise the CLA accordingly. As I said at the time, with the Constitution being the foundation document upon which Queensland's system of parliamentary democracy and government is based, we as members should view any proposed amendments with care. To this end, on 16 June I provided a draft amendment about the absolute majority proposal to the CLA for it to consider as part of its review of the bill. The government is pleased that the CLA has recommended that the amendment be accepted by the House.

In short, the amendment that I will formally move during consideration in detail will provide that a bill for an act to amend the Constitution respecting the Constitution, powers or procedures of the parliament must not be presented to the Governor for assent unless the bill has been passed by an absolute majority. The provision will apply only to amendments that respect the Constitution, powers or procedures of the parliament. It means that, in a parliament that is hung or has a slim majority, if there is a vacancy due to the death, disqualification or resignation of a member or a member has a pair or is absent due to ill health, unless they have an approved proxy those votes will not be taken into account.

The absolute majority requirement, together with the insertion of the core matters of the parliamentary committee system into the Constitution, will provide more certainty around the continued existence of the parliament's powers through the committee system to scrutinise government activity. As the CLA has generally described it, these amendments will place a psychological impediment on a future parliament from altering these provisions in the Constitution without just cause. These are important amendments that add to the accountability measures that I have already introduced in this state.

Some concerns were expressed about four-year terms of parliament at the time the referendum bill passed, because Queensland is a unicameral system of government and does not have an upper house to provide scrutiny of legislation. That is why a robust committee system is so important to Queensland and why I am pleased to be able to put this bill before the House for its consideration. These are very important reforms and I commend the bill to the House.