




Speech By  
**Hon. Stirling Hinchliffe**

**MEMBER FOR SANDGATE**

---

Record of Proceedings, 13 September 2016

## **CONSTITUTION OF QUEENSLAND AND OTHER LEGISLATION AMENDMENT BILL**

 **Hon. SJ HINCHLIFFE** (Sandgate—ALP) (Minister for Transport and the Commonwealth Games) (3.53 pm): I take pleasure in rising to support the Constitution of Queensland and Other Legislation Amendment Bill. As we heard from the Premier and the Leader of the Opposition, this bill arises from a range of issues that have been swirling around this parliament over a long period. In essence, they relate to the events of the early 1920s when we saw the changes that resulted in the abolition of the Legislative Council in 1922 and as a consequence the transformation of this parliament from a bicameral parliament, in the purest of Westminster traditions, to a unicameral parliament.

**Mr McArdle** interjected.

**Mr HINCHLIFFE:** I note the interjections. The history around the way in which this parliament changed from being a bicameral parliament to a unicameral parliament is unique. It is a ripping yarn; it is a great story.

**Mr McArdle** interjected.

**Mr HINCHLIFFE:** I hear that the member for Caloundra is really keen to learn more about that. A situation that many people do not appreciate and do not reflect on is that the former Legislative Council was not an elected chamber: It was an appointed chamber. It was a chamber that was, in effect, in place to represent the interests of British capital and not the interests of Queenslanders.

Through the early part of Queensland's history it reined in democratic outcomes and democratic decision-making in this parliament. From the outset of Labor's time as a role player in this parliament, from the early 1890s it had as a position and policy the abolition of the Legislative Council. As a consequence of some opportunities, that occurred in 1922.

**An opposition member:** Opportunities?

**Mr HINCHLIFFE:** Yes, opportunities, when the governor of the day goes on leave and certain people are appointed lieutenant governor. It was organised to make sure that the numbers were there to ensure the abolition of the Legislative Council.

**Mr DEPUTY SPEAKER** (Mr Elmes): Order! We might come back to the essence of bill, Minister, if you do not mind.

**Mr HINCHLIFFE:** Quite right. We are dealing with the Constitution of Queensland and Other Legislation Amendment Bill. One of the concerns at the time of the debate around the change from three-year terms to fixed four-year terms for this parliament was that we are a unicameral parliament and there is no Legislative Council, no upper house, to check on the power of governments derived in the Legislative Assembly.

The key thing that is the bulwark against that—and should be the bulwark against that and that this legislation enshrines—is the role of a vibrant and capable committee system. The importance of this bill in protecting the people of Queensland and protecting good governance in Queensland by establishing and reinforcing that committee system has evolved over time.

I reflect on the contributions made in the debate so far by the Premier and the Leader of the Opposition. We have seen, even in relatively recent times, a significant evolution of our committee system here in the Queensland parliament. That is something that I had the opportunity to see with the introduction of portfolio committees during my time in this place in the 53rd Parliament. I missed out on being in the 54th Parliament and seeing some of the ways those things were abused and some of the ways they were used.

This government understands that it is very important to many Queenslanders that the committee system be enshrined, be valued, be managed and we have provisions in this bill to require bills, unless they are dually and appropriately declared urgent, to be referred to committees for a period of six weeks to ensure that the committee system can do its work and that it can fully and properly engage the broader community on issues that are important to this parliament, important to this state and important to people right across the length and breadth of this state.

It is important that the community have an opportunity to be engaged, to be involved and to have their views heard and considered by appropriately elected members of this parliament who can then refer and deliver a report and advice to the whole of the parliament for consideration and deliberation in the fullness of time when it comes to second reading debates like this one, considering that all of the issues have had a chance to be ventilated and heard. We know that that has not always been the way in which legislation has been dealt with in this House in its history, particularly, many people might say, since about 1922. There have been a number of instances of dark days where governments have used their massive and overwhelming power in this chamber to not listen to the community and to go against the community's wishes without any check or trammel on that.

This legislation enshrines that opportunity for the community to have their say, for the community to be heard, for the community to have a role in the lawmaking of this parliament. It should not be misunderstood as a role that surpasses and is above the decision-making of the parliament, which comprises the elected representatives of the people of Queensland. It is ultimately this parliament's place to make its decisions and determinations. In turn, ultimately the people of Queensland can pass judgement on the decisions that the members of this parliament make at any given time and on any given debate on matters. That is what will occur, as we move into the longer term future, on the last Saturday in October when the quadrennial election cycle kicks in as a consequence of the legislation that was the progenitor to this review and this look at the Constitution and the issue of how we should properly enshrine the committee system and its role in our parliament and in our Constitution.

As a member of the Committee of the Legislative Assembly, it was my great honour to have an opportunity to be part of that more fulsome committee experience, to hear from the members of the community who made submissions to the CLA in relation to the Constitution of Queensland and Other Legislation Amendment Bill. We wanted to ensure that we heard from them on the issues that were important to them and that we reflected upon them in how we framed this legislation and reacted to the issues that were raised by the move to fixed four-year terms. There was very strong and engaged input from those submitters who contributed to the committee's process. I want to thank them all and I want to thank my colleagues on the Committee of the Legislative Assembly for the commitment that they made to the process and to listening and engaging with the community in relation to the matters that were before it as part of the bill.

In particular, the issues that make a significant difference are obviously the enshrining of the committees, as I have mentioned, but also the additional power of the committees to allow for self-referral. If there is agreement across the committee to take a reference on a matter and to conduct an inquiry into a matter that is of significant importance to the committee, then the committee, with the expertise and level of engagement they develop in being connected with their portfolio areas, can do that. If it can add to the public and policy debate within the state then that is a very good thing. Equally, it is important that it be understood that the committee needs to agree to do that. It is not just a referral where anyone can come up with any idea and it goes forward. The committee itself needs to agree and determine that it is something worthwhile pursuing. The committees, in the way that they are framed and made up, have some level of representation of the whole of the parliament as a consequence. It is very important that that is part of the decision-making role that they play.

Further, I want to acknowledge and note the amendment that the Premier will be moving which was considered and recommended by the committee in order to raise the bar in relation to constitutional change in this state. For too long the concern has been that we have had a very low bar and a very

high bar of constitutional change. The only two ways in which you can seek constitutional change in the state is by the passage of a bill by a simple majority in this parliament or, alternatively, by a full referendum vote of all of the people of Queensland. There is a big wide gap—a yawning gap people might say—between those two ways in which to engage with and deliver constitutional change in this state.

As a consequence, the proposal from the Premier around the use of the absolute majority is a great step forward that requires, designates and shows that changes to the Constitution cannot just be done ad hoc but that they must be significantly considered and have a special place and a special role—not a special majority, as was recommended by some people who submitted to the Committee of the Legislative Assembly. A special majority—some hyper majority or some super number such as 75 per cent of members—would not necessarily bring with it the protections that I think people would be looking for. Also, it would not necessarily ensure that we reflect the democratic will of the people of Queensland.

The parliament is here, with its 89 members at this point in time, to represent all of the people of Queensland. By voting on the legislative requirements that we have across-the-board in the series of policy and political matters that come to our attention, we speak for and on behalf of the people of Queensland right across its length and breadth. It is appropriate that a majority of this House should carry the day in relation to those matters. Requiring an absolute majority in relation to a change to what should be one of our core pieces of legislation, the Constitution of Queensland Act, is a sensible and appropriate provision to protect the good governance and good management of the state going forward.

I want to again reiterate my appreciation to the members of the Committee of the Legislative Assembly for their diligence and commitment to the consideration of this bill. I acknowledge the Clerk and his staff—they are the secretariat to the Committee of the Legislative Assembly. One of the ways in which that team have contributed to and supported the work of the Committee of the Legislative Assembly in relation to the consideration of this bill is part of that evolution of the committee system that we have seen since Deputy Speaker Elmes and I were here in the 52nd and 53rd parliaments.

**Mr Minnikin:** You couldn't join us for the 54th Parliament?

**Mr HINCHLIFFE:** No, I missed out on that. I did mention it earlier. We will have a chance to reflect on that when those of us from both sides of the House who will be celebrating the 10th anniversary of our election in 2006 will have a chat about that and share some of our experiences.

Certainly the evolution of the committee system has played a significant role in the way in which this parliament has evolved and, as a consequence, I commend the Constitution of Queensland and Other Legislation Amendment Bill to the House. It will further contribute to the development of our committee system and our parliamentary system.