



Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

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PARLIAMENT OF QUEENSLAND AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—LNP) (3.54 pm): I rise to make a contribution to the debate on the Parliament of Queensland Amendment Bill. The bill amends the Parliament of Queensland Act 2001 to provide for the Law, Justice and Safety Committee in place of the Legal, Constitutional and Administrative Review Committee—it is proposed that this committee will retain the existing functions of the Legal, Constitutional and Administrative Review Committee with the addition of a new area of responsibility which covers an area of law, justice or safety that is referred to it by the Legislative Assembly—and combines the Public Accounts Committee and the Public Works Committee and their functions to form the Public Accounts and Public Works Committee.

These amendments to the bill accompany a proposed wider restructure of the parliamentary committee system by the state government. The explanatory notes accompanying the bill state that the proposed structure is designed to create a committee system more focused on developing best practice policy and legislative solutions to issues facing Queenslanders while maintaining the necessary oversight role parliamentary committees provide.

The successful passage of this bill will result in the Queensland parliament having six statutory committees: the Law, Justice and Safety Committee in place of the Legal, Constitutional and Administrative Review Committee; the Public Accounts and Public Works Committee in place of the Public Accounts Committee and the Public Works Committee; the Members' Ethics and Parliamentary Privileges Committee; the Scrutiny of Legislation Committee; the Standing Orders Committee; and the Parliamentary Crime and Misconduct Committee.

The Law, Justice and Safety Committee will be a statutory committee as it will also absorb the legislative functions of the Legal, Constitutional and Administrative Review Committee. Additional policy functions, similar to those being bestowed on a number of other new committees being established for the first time during the term of the 53rd Parliament, will be conferred on the committee by resolution. The policy functions will supposedly cover an area regarding law, justice and safety and these will be referred to the committee by the Legislative Assembly. It is proposed to establish three new parliamentary committees to consider policy issues relevant to the portfolio areas of Economic Development, Environment and Resources, and Social Development.

A strong, active committee system is undoubtedly an asset in any properly functioning parliamentary democracy. A comprehensive system of parliamentary committees can provide for greater accountability of executive government by making the policy and administrative functions of the incumbent administration more open and accountable. Committees can also provide a forum for investigation into matters of public importance and give members the opportunity to enhance their knowledge of such issues.

I am not completely convinced that the bill before the House will enhance Queensland's parliamentary democracy by providing greater accountability or result in a more transparent parliament, notwithstanding the insistence of the explanatory notes accompanying the bill that this will be the case.

In the first instance I might say something about the establishment of these policy development committees designed to have a role in the development of policy initiatives: the Economic Development Committee, the Environment and Resources Committee and the Social Development Committee as they are referred to in the explanatory notes. The proposed terms of reference for the committees are so extensive, broad and vague that there is a risk that the government of the day may simply use the new committees as a political clearing laundromat where it can refer contentious matters for a supposedly independent inquiry. This has been remarked upon as a favourite tactic of the former Premier, Peter Beattie. While the inquiry is underway, ministers may be tempted just to bat away criticisms about an issue by responding that the matter is the subject of an inquiry and that they are awaiting the committee's report. When the committee has reported, the government may seek to fortify its position by saying that it is based on the considered recommendations of a majority of an independent parliamentary committee, notwithstanding that there will inevitably be a majority of government MPs on the committee.

Other jurisdictions have put in place parliamentary committee systems that scrutinise legislation and examine contentious issues but do not require a government to enjoy a majority on the committee. That is one way of ensuring that the committee system is not captured by the vested interests of the government of the day. But it is not the only way. The scope of matters that a parliament or, effectively, a government allows a committee to pursue unhindered and with what powers and resources it does so can go some way to achieving this goal. If this does not occur, the state government may find that it is going to create a culture of perpetual dissenting reports from non-government members of these policy development committees. It is creating a situation in which a government majority on the policy committee will be able to deliver, if it is so inclined, a government view on each and every occasion which will be, by implication if not reality, presented to the parliament and thus the people of Queensland as the view of an independent all-party committee, notwithstanding that the view has been determined more by politics than a robust consideration of the issue at hand.

The government has ministerial legislative committees of its own backbench and what it would have us believe to be a seemingly endless public consultation process on its policy initiatives. My question is: why would the state government propose this particular structure of parliamentary committee with a continuation of government majorities on the committee if, as was canvassed in the Premier's second reading speech, the stated intention is really to refresh the Queensland parliamentary committee system? It is not a renewal at all—in actual fact, it is more a perpetuation of the current system—but a widening of the scope of the committee process to include public policy issues related to ministerial portfolios.

According to the Premier's second reading speech, the proposed new structure of the Queensland parliamentary committee system is designed to create a committee system more focused on developing best practice policy and legislative solutions to issues facing Queenslanders, while maintaining the necessary oversight role parliamentary committees provide. Having canvassed matters relating to the former, I will turn to matters relating to the oversight role that parliamentary committees are charged with by the parliament and the implications of this bill on the effectiveness of those committees in discharging those responsibilities. I consider that the implications are substantial.

Long-term observers of politics and government in the state of Queensland would be forgiven for being somewhat surprised by the decision of the state government to amalgamate the Public Works Committee and the Public Accounts Committee. If there was a charter that one would think the state government would not complicate or burden with additional responsibilities or confuse with other charters, it would be the charter of the Public Accounts Committee. It would appear this sacred cow is no longer sacred. During previous parliaments many of the most heated political debates in this place were debates on the question of whether to establish an independent Public Accounts Committee. The role of the Public Accounts Committee is to assess the integrity, economy, efficiency and effectiveness of government financial management. It achieves this by examining government financial documents and considering the reports of the Auditor-General. The Public Works Committee's areas of responsibility are public works undertaken by an entity that is a constructing authority for the work if the committee decides to consider the work and any major government owned corporation work if the committee decides to consider the work.

The charters of both committees are important and substantial. The scrutiny roles that both committees undertake on the integrity of the public finances of the state and the prudent expenditure of those public finances on capital works projects respectively are pillars of the current Queensland parliamentary committee process which, in a unicameral parliamentary system and in a parliament where almost one-third of the members of the Legislative Assembly sit inside the executive, are vital to the integrity of our democracy and public confidence in it. Amalgamating these two committees removes one of those pillars.

The important and substantial matters contained in the two charters of the Public Works Committee and the Public Accounts Committee will need to be discharged by a single committee. That is a very significant burden to be discharged if it is to be done as effectively, diligently and robustly as it was previously done or attempted to be done by two separate and distinct committees. I think the effectiveness

of the new Public Accounts and Public Works Committee will be curtailed in comparison with its two predecessors. The capacity of the committee to uphold both charters simultaneously does not appear, from the provisions of the bill introduced by the government, to be enhanced by additional members of the committee being appointed, by additional resources being allocated to it or by bestowing on the committee additional powers in undertaking its functions and inquiries. Today is a step backwards as far as accountability in Queensland is concerned. It is a retrograde step and I am genuinely surprised that the government considers it appropriate to move in this direction. In doing so it is seeking to reduce scrutiny on the actions of executive government in Queensland.

Lastly, I canvass the impact of the bill on the committee that I am a member of in this 53rd Parliament and was a member of in the 52nd Parliament, the Legal, Constitutional and Administrative Review Committee. The Parliament of Queensland Act provides that the Legal, Constitutional and Administrative Review Committee has the capacity to pursue inquiries in the following areas: administrative review reform, including considering legislation about access to information; review of administrative decisions; antidiscrimination and equal opportunity employment; constitutional reform, including any bill expressly or impliedly repealing any law relevant to Queensland's Constitution; electoral reform, including monitoring generally the conduct of elections under the Electoral Act 1992 and the capacity of the Electoral Commission to conduct elections; legal reform, including recognition of Aboriginal tradition and Island custom under Queensland law; and proposed national scheme legislation referred to the committee by the Legislative Assembly.

Further and importantly, the Legal, Constitutional and Administrative Review Committee has a number of other statutory responsibilities in relation to the Queensland Ombudsman, the Information Commissioner and senior officers of the Electoral Commission of Queensland. In addition, the committee must deal with issues that are referred to the committee by the Legislative Assembly. Indeed, as we speak the committee is undertaking an inquiry of this nature in respect of the proposal to develop a preamble for insertion into the Queensland Constitution and the question of whether the oath or affirmation of allegiance taken by members of the Queensland Legislative Assembly needs to be modernised. In respect of its statutory responsibilities in relation to the Queensland Ombudsman, the Information Commissioner and the Electoral Commission, these responsibilities are important and considerable. Any member of this parliament who has served on the Legal, Constitutional and Administrative Review Committee will acknowledge that if these responsibilities are to be discharged properly there will not be many opportunities to pursue the policy development agenda that this bill seeks to bestow on it.

Of course the history of the Legal, Constitutional and Administrative Review Committee is that it is a successor to the Electoral and Administrative Review Committee that was established as a result of a recommendation from the report that came from the Fitzgerald inquiry, which was a seminal, even watershed, experience in politics in Queensland. Again, I express my surprise that the government considers it appropriate that the integrity of the charter of the committee that is the successor to the Electoral and Administrative Review Committee, and still holds those responsibilities, would be complicated by, blurred by or frustrated by the requirement to undertake simultaneously broad, generalised and largely unrelated policy development responsibilities that are destined to be incorporated into the legislative agenda of the government of the day. My view is that the government has deemed that another sacred cow is no longer sacred, and that is regrettable.

The so-called Law, Justice and Safety Committee will be required to discharge simultaneously both the policy development agenda and the previous statutory responsibilities of the Legal, Constitutional and Administrative Review Committee, without any increase in the membership of the committee, the resources allocated to the committee, or the powers bestowed on the committee to conduct its inquiries.

I endorse the view of the Leader of the Opposition that the LNP will lend cautious support to this bill and that we reserve the right to move a motion in 12 months time to review the effectiveness of the state government's supposed refreshment of the committee system in the parliament of Queensland. We shall see.