




Speech by

Hon. Andrew Cripps

MEMBER FOR HINCHINBROOK

Hansard Thursday, 17 May 2012

PARLIAMENT OF QUEENSLAND AND OTHER ACTS AMENDMENT BILL

 **Hon. AP CRIPPS** (Hinchinbrook—LNP) (Minister for Natural Resources and Mines) (9.34 pm):
When the report of the review of the parliamentary committee system was debated in this House early last year, I said that it represented a fundamental shift in the way the parliament of Queensland could operate. I observed at the time that, since the Theodore Labor government abolished the Legislative Council in 1922, the Queensland parliament had suffered from a structural weakness that had resulted in a lack of accountability that limited the ability of the parliament to scrutinise the executive. I said that one of the cornerstones of the great system of representative and responsible democracy that Queensland had inherited from the Westminster parliament was bicameralism. That system included an upper house that reviewed legislation passed by the lower house as a check and balance on executive power.

At various times other parliaments founded on the Westminster tradition have discontinued the use of their second chamber for a variety of reasons. However, that move had usually been associated with the establishment of a vigorous committee system so that the accountability and scrutiny function of the remaining chamber was enhanced to compensate for the loss of the upper house. That had not occurred in Queensland until last year. The recommendations proposed by that committee, which were implemented last year, were the most significant steps towards enhancing the accountability and scrutiny mechanisms of the Queensland parliament since these were substantially diluted by the abolition of the Legislative Council in 1922 by the party represented by those opposite.

Last year I canvassed how the new committee system would operate and how the work of the committees would inform the work of this House. I noted in many respects, in terms of the legislative process, that the work of the new committees would be at the centre of the work of this House. I am sure that members of this House who served in the last parliament would agree that this has proven to be the case and that the new committee system served the last parliament well. I am confident that the committee system will serve this parliament well following the passage of this bill.

As I have said before in this House, a strong, active committee system is an asset to any properly functioning parliamentary democracy. A comprehensive system of parliamentary committees provides for greater accountability of the executive by making the policy and administrative decisions of the government open to scrutiny. Committees also provide a forum for investigation into matters of public importance and give members the opportunity to enhance their knowledge of such issues.

I supported the committee reforms last year for two reasons. Firstly, I am a strong supporter of the Westminster system and the concept of parliamentary sovereignty in that system. An enhanced role for parliamentarians in the proceedings of the Legislative Assembly, including the proceedings of committees, is a positive thing for accountability and scrutiny. Secondly, last year's reforms brought to an end the parliamentary committee system that had been in place since the passage of the Bligh Labor government's Parliament of Queensland Amendment Bill 2009, which in my opinion ushered in some unfortunate changes to the parliamentary committee system that reduced accountability and scrutiny in our unicameral

parliament. For example, the 2009 bill amalgamated the former public accounts and public works committees without increasing the resources available to the committee or the number of members on the committee. That amalgamation effectively doubled the responsibilities of that committee while halving the resources available to it and the number of members dedicated to the scrutiny of the executive in relation to public accounts and public works.

Earlier this evening I heard the Deputy Leader of the Opposition, the member for Mackay, throwing around the ghosts of the Fitzgerald inquiry. He mentioned the important role that EARC played as a result of the Fitzgerald inquiry. When I first came into this parliament in 2006 I was a member of the Legal, Constitutional and Administrative Review Committee. That committee was a direct descendant of EARC. Do members know what the Labor Party opposition did in 2009 when it was in government? It scrapped the Legal, Constitutional and Administrative Review Committee—the direct descendant of EARC, which was recommended to be established by the Fitzgerald inquiry report. You ought to hang your heads in shame tonight for trying to raise the ghosts of the Fitzgerald inquiry, because you knocked on the head one of the fundamental cornerstones of the result of the Fitzgerald inquiry.

Mr DEPUTY SPEAKER (Dr Robinson): Order! It would help the order in the House if the minister were to direct his comments through the chair and in the third person. Thank you.

Mr CRIPPS: The 2011 reforms, in contrast, significantly enhanced the resources available to parliamentary committees, dedicated time during the course of the parliamentary sitting week for committee work and enhanced the role of the portfolio committees by having them double as estimates committees. The amendments in this bill maintain this critical role for the committee system established by last year's reforms. The only changes pertaining to the committees in this bill relate to practical amendments made necessary as a result of the outcome of the recent state election to ensure the committees can continue to function properly. Indeed, the amendments propose to establish a formula rather than simply amend clauses determining committee membership to appropriately reflect the composition of the House, which should go some way to avoiding the need for future amendments following future elections, and should be supported by all members on that basis. They are fair and they are reasonable amendments made necessary by the composition of the House which was determined by the people of Queensland.

Last year I also expressed my concern that the Speaker was not originally to be a member of the Committee of the Legislative Assembly when that committee met to consider matters that were formerly the responsibility of the Standing Orders Committee. That concern was recognised when the bill came before the House and the Speaker was made a member of the CLA when it met to consider issues pertaining to the standing orders. Furthermore, as the Deputy Premier has already mentioned this evening, the LNP in opposition moved an amendment to install the Speaker as the chair of the CLA, but that was opposed by the Bligh Labor government at the time.

The bill before the House today amends the act further to provide for the Speaker not only to be a member of the CLA but also to be a member of the CLA at all times and to chair the CLA at all times. The amendment provides for the Speaker to have a deliberative vote when the CLA is meeting to consider issues relating to the standing orders, to capital expenditure inside the chamber and to the resources available to the Office of the Speaker. The amendment does not propose for the Speaker to have a vote when the CLA is considering matters that do not pertain to the standing orders, directly affect the chamber or the Office of the Speaker. There are perfectly justifiable and sensible reasons this should be the case. When the CLA sits as the Standing Orders Committee it is dealing with matters that directly pertain to the conduct of this chamber where the role of Speaker is central to the fair, accountable and transparent process of debate, inquiry and explanation. As I said last year, the Speaker ought to have a say in those matters, and that was eventually acknowledged when the bill was passed last year.

When the CLA sits to determine matters about the parliament in general, it does so on behalf of all members. The membership is made up of the recognised statutory positions of the parliament in equal numbers from both the government and the opposition in relation to matters affecting all of us as members of this House. Should the CLA in those circumstances be unable to reach a conclusion, the legislation provides that the question returns to the House to be resolved, ensuring that in matters that pertain to the parliament affecting all members the House is the master of its own destiny.

Some people in this place and outside it have suggested that this proposition is somehow a betrayal of the traditions of the Westminster system. That is utter nonsense. If it were true, the Queensland parliament has been offending this notion since it was established. For example, Speakers have never resigned from their chosen political party upon their election as Speaker as they have done and continue to do in the mother parliament at Westminster. There are innumerable incremental changes to the way that the Queensland parliament has operated that puts it at variance with the Westminster tradition we inherited in 1859 as our chamber has faced new and unique circumstances and questions. The Commons and Lords themselves have also evolved over time.

Some critics of the reforms last year claimed it was an unacceptable assault on the position of Speaker that a committee of the House would take responsibility for the internal administration of the parliamentary precinct and that Queensland was entering into some sort of uncharted territory. Again that is nonsense. Part 1, chapter 6 of the 24th edition of Erskine May, the recognised authority on parliamentary practice drawn from the experiences of the houses of Lords and Commons, details the formation of the House of Commons Commission and the House of Lords Committee. Erskine May states that each house has full responsibility for managing its own internal administration, including financial administration and, indeed, that the clerks of both the Commons and the Lords are the corporate officers for their respective houses. Indeed, as the member for Bundamba mentioned this evening, the Speaker in the Westminster parliament is the chair of the House of Commons Commission because the House of Commons says so in the statute that it has passed, not because of some ancient right conferred upon the office of Speaker.

And yet with these incremental changes in both the palace of Westminster and the Queensland parliament the sky has not fallen in. Parliamentary democracy has not shrivelled up in the palace of Westminster and it has not shrivelled up here in the Queensland parliament. How can this be so if all the fearmongers and the conspiracy theorists are to be believed? It is because of that fundamental concept of parliamentary sovereignty and the well-established principle that houses of parliament within the Westminster tradition are the masters of their own destiny. It is the same reason the House of Commons and the Senate in Canada, the House of Representatives in New Zealand, another unicameral parliament, and, of course, the House of Representatives and the Senate in Canberra are each individually masters of their own destinies which have evolved over time. The members of each parliament have the capacity to resolve how each house will conduct its own business.

Therefore, new members of this parliament can support the amendments in this bill with confidence, knowing that they are supporting amendments which rightly and properly place the Speaker in the position of chair of the CLA and that the Speaker will have a vote on matters pertaining to the conduct of the business of this chamber, which is the Speaker's concern and responsibility.

The Speaker drew to the attention of the House a letter from the Scrutiny of Legislation Committee to the former chair of the CLA enclosing a copy of an opinion from Professor Gerard Carney, a well-respected constitutional lawyer. In that opinion Professor Carney states quite clearly that last year's bill made it clear that the authority of the Speaker to control behaviour within the parliamentary precinct is retained, as are the powers of the Speaker under the Parliament of Queensland Act 2001, such as the powers in chapter 3 in relation to the production of documents and contempt. The two major concerns expressed by Professor Carney in that opinion were that the Speaker was to be relegated to a part-time member of the CLA and participate in its deliberations only when the committee was dealing with a matter relating to the standing orders and that the CLA was to deal with ethical issues and parliamentary privilege without the presence of the Speaker. The amendments in this bill propose not only to make the Speaker a permanent member of the CLA but also to make the Speaker the permanent chair of the CLA. As such, the proposed amendments in this bill should go a long way to addressing the concerns of Professor Carney.

In any event, members of this House should appreciate, especially the new members, that whatever imaginative arguments may be put forward suggesting that some sort of sacred tradition is being abandoned by the amendments proposed in this bill, that in exercising its right to determine its own destiny this House is asserting a right that is just as old, just as sacred and just as central to a responsible and representative democracy.

I have listened with some interest to the born-again democrats opposite. I have not been in this House for as long as some members, but I have been here long enough to see plenty of bills rammed through this House unceremoniously, including so-called budget bills, so-called local government reform bills, so-called Great Barrier Reef protection bills, so-called vegetation management bills—the list indeed goes on and on. So I just say to all the new members present in this House: do not believe them; take the vitriol, the inane ramblings, with a grain of salt. The bluster from those opposite is just that. It is without substance, it is without accuracy and it is without credibility.