

The effectiveness of parliamentary committees in Queensland: 1996- 2001

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Abstract

This paper describes the effectiveness of the committee system in the Queensland Parliament, during 1996 to 2001. A total of 235 committee reports were consulted and interviews were conducted with parliamentarians. The present study confirms the re-invigoration of the committee system in the Queensland Parliament during the post-Fitzgerald era.¹ Bipartisan and constructive partnerships were seen among the committee members making it more productive and useful in serving the public interests rather than political interests. The majority of recommendations from the committees were either completely or partially accepted by the executive, and the executive addressed most concerns raised in the reports. The statutory requirement of the concerned ministry to respond to the committee reports within three months played an important role in making committees more effective.

Many structural gaps and weaknesses were observed in the committee structure such as the committees were dominated by the government members therefore it was futile to expect a committee to perform any real scrutiny of the executive. Furthermore, the committees did not probe any controversial issues that might have embarrassed the government of the day. As far as the acceptance of the committee recommendations by the executive was concerned many crucial recommendations were ignored.

Introduction

Onions (1944:350) defines committee as 'a body of persons appointed or elected for some special business or function'. The term 'committee' is generally used in the parliamentary context to describe a body that is smaller than the whole of the Chamber. A strong, active and comprehensive committee system is an asset to any functioning parliamentary democracy because committees provide greater accountability of governments to their parliaments (parliamentary committees' fact sheet 14, Queensland Government).

¹ The period after the Fitzgerald Commission of Inquiry (1989) in Queensland.

The scope of the work

Only those committees that play an important role in exercising a constant check over governmental expenditure, and performing scrutiny and lawmaking functions were selected for an in-depth examination in this study, such as, Public Accounts Committee, Public Works Committee, Estimates committees, Legal, Constitutional and Administrative Review Committee, Members' Ethics and Parliamentary Privileges Committee, Parliamentary Criminal Justice Committee, and Scrutiny of Legislation Committee.

The Public Accounts Committee

The Committee tabled 24 reports during 1996-2001. These reports indicate that the Committee seriously reviewed transparency in government expenditure and emphasised the accountability of the government to the Parliament. The Committee sought to ensure that any public money was used for a particular purpose and the guidelines were adhered to. The Committee also sought to ensure that no information was withheld on the grounds of commercial sensitivity. An integral part of the accountability process is the acceptance and implementation of the Committee's recommendations. Looking at the various reports and ministerial responses to Committee reports, it was found that 81% of the recommendations were fully accepted, 13 % partly accepted and 4% were not accepted by the executive during the study period. In this way, a large percentage of the recommendations made by the Committee was implemented fully or implemented with some modifications (Report 32, 1994-95:9; Report 35, 1995-96; Report 45, 1997-98; Report 52, 1998-99; Report 60, 2001-02). For example, the Committee investigated a matter where anomalies were found in travel and credit card expenditure by members of the Chiropractors and Osteopaths Board of Queensland and the Greyhound Racing Authority. In light of the Committee's concerns, the Premier advised that information on the use of the credit cards would be included in the next update of the government guide (Report 55, 1999-2000:4). In another instance, the Committee's recommendations changed government policy towards the employment conditions of civil servants (Report 55, 1999-2000:3).

From the above examples, it should not be construed that the success rate for the Committee was very high, as it was found that the recommendations which were of minor significance or would have impacted on routine administrative procedure were readily accepted; however, the recommendations which might have major ramifications on the policy, procedure and

accountability of the executive were either not accepted or partly accepted. On the difficult recommendations, often the concerned minister would submit only an interim-report at the end of three months and suggest that a consultation with all stake holders was needed before any firm decisions could be made. For instance, the government did not accept the recommendation no. 2 of the 42nd report (ministerial response to report 42)² where a ministerial level Grant Provider Forum was to be established to improve the financial reporting requirements for the Aboriginal Councils and Torres Strait Islander Councils. The government did not find any merit on the recommendations and clarified that existing mechanisms at departmental levels were sufficient. Similarly, while not accepting the recommendations of the 44th report which recommended increasing the scope of work of the Auditor General to conduct the performance Audits that examines economy, efficiency and effectiveness of the operations of public sector entities, the government argued that performance auditing should be used as an administrative tool rather than an accountability tool. Furthermore, the government cited the presence of the Freedom of Information laws, judicial review of administrative decisions, parliamentary committees, the Criminal Justice Commission and Ombudsman to ensure accountability. Clearly, the executive was least interested in increasing the powers of the Auditor General to further increase the scrutiny of its policies and actions.

The Public Works Committee

The Public Works Committee tabled 43 reports during 1996-2001. In conducting its inquiries, the Committee covered a range of public works projects across several portfolios and at varying costs. The Committee recommendations often resulted in improvements to the capital works planning process, as in the case of redevelopment of the Princess Alexandra Hospital, tilt train project between Brisbane to Rockhampton and the construction of the Queensland Cultural Centre.

It was observed that in the majority of cases, the recommendations of the Committee were incorporated by the government or there was an assurance that the recommendations would be considered by the respective departments (Annual Report 1998-99, 1999-2000, 2000-01). However, there were a few cases where the government did not implement a

² <http://www.parliament.qld.gov.au/view/committees/documents/PAC/responses/Report%2044.pdf>

recommendation. For example, when the Committee suggested that Queensland Transport make more effective use of the existing public transport system before spending money on new infrastructure development (South East Transit Project), the Minister responded that the Committee had inquired outside its terms of reference (Annual Report 1997-98:4). Similarly, the Committee recommended extra accommodation for male prisoners in north Queensland, but the required funding to implement this recommendation was not approved in the annual budget (Annual Report 1998-99:3).

It was observed from the ministerial responses to committee reports that those recommendations which sought to increase the accountability of the minister to the Parliament were not accepted. For example, when the Committee recommended a comprehensive evaluation of the south east transit project from an organisation independent of Queensland Transport and also that the Minister for Transport should table the report of the evaluation in the parliament within one year of the completion of the project. The Minister responded that no further evaluation was needed. Similarly when the committee recommended that the Minister for Transport should provide details of the Queensland Transport evaluation process and the evaluation time table for the south east transit project, the Minister refused this on the ground that it would only delay the project (Report 42, October 1997:4). This suggests that there is general resistance by the executive to any modification of committee practices which impinged upon the financial accountability of ministers.

The Estimates Committees

While examining the proposed expenditure of the departments the Committee asked for clarification wherever it came across a substantial increase or reduction in funding or the budget of a particular department. In most cases, ministers responded to queries and concerns raised by the Committees in relation to estimates; however there were instances when ministers declined to answer the questions (Estimates Committee A, 1998:5; B, 1998:11; 1999: 6; E, 1998:2; 1999:1-3). The Committee often reported cases of inadequate answers, contradictory information and misleading statements by ministers (Estimates Committee F, 1998:8; E, 1998:1-3, D, 1998:16). In one such case, the Committee was unable to properly scrutinise the appropriateness of funding to the Queensland Fire Service in the 1998-99 budget allocations because the concerned Minister refused to release the report necessary for

full consideration of the matter (Estimates Committee B, 1998:10). The Committee was disappointed with the slow response of the Treasury Department in providing the material in accordance with the department's numerous undertakings (Estimates Committee A, Report 2, 1998:13). The Minister for State Development and the Minister for Trade also did not provide timely responses to the questions asked by the Committee (Estimates Committee E, 2000: 5). The statement of reservation by non-government members in 2000 regretted the lack of accountability by the executive when the Minister for Primary Industries refused to provide details to the Committee regarding the performance bonus paid to senior public service executives (Estimates Committee A, 2000: 5).

It is clear from the above statements and committee reports that first, the non-disclosure of information by the executive on several occasions hampered the working of the committees. Second, the questioning process in the Estimates Committees tended to be along party lines and political in nature, very similar to Question Time in the Parliament. Due to the politicisation of the questioning process 'this examination is brief, fragmented and hardly probing' (Ransley 2008: 257). Third, government members asked Dorothy Dix questions and ministers answered from scripts; the Opposition questions lacked depth and preparation, as did the ministers' responses. Due to these factors, the whole estimates process was not very effective or fruitful. Although the statements of reservations were allowed and non-government members frequently expressed their disagreement with estimates, at the end of the day, the proposed expenditures were approved without any amendments.

The Legal, Constitutional and Administrative Review Committee

The Committee tabled a total of 32 reports during under the period of study. A key function performed by the Committee was an extensive review of the Constitution of Queensland. The Committee considered the provision for the Bill of Rights in the Constitution and reviewed issues relating to electoral reforms.

It was found in the study that the executive proposed new legislations or amended existing legislation on the recommendations of this Committee. For instance, the Committee considered the Transplantation and Anatomy Amendment Bill 1998, which proposed that the organ donor consent notation on drivers' licenses should be made legal. The purpose of the bill was to increase organ donors in Queensland. Despite the noble intention of the bill, the Committee recommended it not be passed by the Parliament due to some ethical concerns

(Report 16, 1999). Consequently, the Legislative Assembly did not pass the bill (QPD 18 August 1999, 351: 3263).³ In another example, the Referendum Bill was revised according to the recommendations from the Committee (Annual Report 1996-97:11). There were several important instances during the study period when Committee recommendations were not accepted by the executive, for example, a four-year term, instead of existing three years term, for the Queensland Parliament (Report 27, 2000).

The Committee's areas of responsibility are defined in a manner that enables it to review and advise on legislative and policy issues, however, as pointed out by Ransley (2008: 254), it lacks 'engagement with broader questions of executive power, such as the appointment processes for the Ombudsman and the Information Commissioner...'. There is no doubt that the Committee's analysis into these institutions has resulted in improving timeliness, reducing backlogs, developing and implementing new policies, and enhancing their overall competence, however their lack of engagement with broader issues of public policy has limited their effectiveness.

The Members' Ethics and Parliamentary Privileges Committee

The Committee tabled 48 reports between 1996 and 2001. The subject matters of their investigations mostly included breaches of parliamentary privileges and the citizen's right to reply. It conducted wide ranging inquiries into parliamentary privileges and the sub-judice system in Queensland. The Committee reminded members and ministers alike that they had an obligation to provide accurate information to the Parliament; however, some of its reports during the study were regarded as politically motivated and controversial. This may be due to the dominant role of the ruling party members in the Committee. The partisan role of the Committee was clearly visible in the matter of the Attorney-General and the Minister for Justice, Denver Beanland, who refused to resign after a defeat on a motion of no confidence in the Assembly. The Committee recommended no further action in this matter; however the minority members commented that the Minister had committed contempt of the Parliament by not resigning (Report 15, 1997:15). This was a blatant example of not following the

³ In January 2005, Health Ministers in Australian states agreed that individuals could record their consent regarding organ or tissue donations, on the Australian Organ Donor Register. Health Ministers also agreed that the Australian Organ Donor Register would be the only national register for organ and/or tissue donation. In the event of death, information about an individual's decision would be accessed from the Donor Register, and provided to the family.

Westminster conventions, where a member of the executive remains in power only while she/he enjoys the confidence of the House.

An examination of the government responses to committee reports indicates that a substantial number of recommendations were accepted (ministerial response to Report 2, 12 May 1998; Report 8, 1996-97:7; Report 45, 1999-00:3). Although, a high number of committee recommendations accepted does not necessarily guarantee that significant recommendations were adopted. It is more likely that the government accepted a large number of insignificant recommendations and ignored significant ones. Moreover, the high rate of acceptance of committee recommendations can also be attributed to the fact that the Committee investigated only those policy issues that did not involve any real scrutiny of the executive. This finding corroborates the observation of Ransley (2008: 255) regarding committees that, 'policy reports have focussed on issues to do with registration of members' pecuniary interests, and aspects of parliamentary privilege such as protecting disclosures made to members. The Committee performs no real scrutiny of government on issues such as appropriate standards of conduct for ministers'.

The Parliamentary Criminal Justice Committee

The Committee tabled a total of 25 reports between 1996 and 2001. The Committee is not strictly required to present an annual report by statute; however it does so as a matter of public interest. During the study, a mixed response to committee recommendations was observed. A substantial number of recommendations were endorsed by the executive. For example, in response to Report 30, the office of the Parliamentary Justice Commissioner was established and misconduct tribunals were removed from the jurisdiction of the Crime and Misconduct Commission. The government also amended legislation to adopt the recommendations of the Committee, for example, the Criminal Justice Legislation Act was amended in 1997 to give additional powers to the Committee.

At the same time, a large number of recommendations contained in committee reports were left unaddressed for long periods, and/or some were not addressed at all. The Committee tabled a report regarding the introduction of telecommunication interception powers in Queensland in 1999 (Report 50). The Committee was subsequently provided with at least two interim responses that the recommendations would be considered in the future. In October

2000, another interim response was provided, to the effect that no decision had been made and the matter was still under consideration. Finally, in 2009, the Telecommunications Interception Act was enacted by the Bligh government to give phone-tapping powers to law-enforcing agencies, however it is hard to judge if this was as a direct impact of the Committee's recommendation back in 1999. It was also observed from ministerial responses that the majority of the recommendations adopted were technical and administrative in nature, while more significant recommendations were neglected.

In summary, despite the negative response of the executive on several occasions, it can be stated that the Parliamentary Crime and Misconduct Committee helped to build a more accountable, efficient and effective Crime and Misconduct Commission by performing an extensive scrutiny of the activities of the executive.

The Scrutiny of Legislation Committee

The Scrutiny of Legislation Committee tabled 21 reports during 1996-2001, and in these reports the issues of the rights and liberties of individuals, the clear and precise drafting of bills, retrospective legislation, natural justice, powers of entry and the search and seizure of documents on personal properties were constantly raised. The Committee performed its work efficiently and was influential in achieving amendments to a number of bills and the redrafting of legislation to address their issues and concerns. For example, the Committee was supported by the executive in its opposition of the use of 'Henry VIII clauses'⁴ in Queensland legislation (QPD 28 November 2001, 362:3952) and, as a result, several executive departments avoided using them in new legislation (Report No. 4, 1997: 14). Similarly, the committee's recommendations were taken into account in the Health Practitioners (Special Events Exemption) Bill (QPD 12 November 1998, 348:3123).

One vital limitation to this Committee is that, unlike other committees, ministers are not required to respond to the committee's reports, according to the section 24 (1) of the Parliamentary Committees Act 1995.⁵ In addition to this, the Committee cannot directly oppose an objectionable provision in a bill. The Committee must appeal to the relevant minister or convince Members of Parliament that a change in the legislation is necessary. An

⁴ A 'Henry VIII clause' is one which permits an Act of Parliament to be amended by subordinate legislation. Hence, the removal of Henry VIII clauses gives more power to the Parliament.

⁵ The section 107 (1) of the Parliament of Queensland Act 2001.

analysis of the committee reports showed that ministers generally responded to the committee reports and endorsed its recommendations. However, in a few instances, the Committee observed that the recommendations accepted by the government were relatively minor, while some major recommendations were rejected (Report 25, 2001-02:2).

Tables below provide an overview of the government response rate to the committee reports regarding bills and subordinate legislation. It is evident that in the case of committee reports on bills the ministerial response either addressed the issue or overcame the concerns (Table 1.1). In the case of committee reports related to delegated legislation, however, a sizeable number of concerns in the reports were not addressed by the executive (Table 1.2).

Table 1.1: Ministerial responses to committee reports (1997-99) on bills

RESPONSE	NO. OF RESPONSES (%)		
	1997	1998	1999
Ministers provided information to address the issues	71	67	51
Ministers provided information which overcame concerns	8	17	10
Amendments were introduced to overcome concerns	11	11	10
The passage of the Bill prevented the need to respond to committee concerns	8	-	-
Committee did not require a response	-	-	9
Concerns not responded at all	2	5	19

Source: Figures have been collected from the reports of the Scrutiny of Legislation Committee. No statistics were available after this period as the reports only indicated that ministers invariably provided information where it was sought by the Committee.

Table 1.2: Governmental responses to the Scrutiny of Legislation Committee (with reference to delegated legislation) reports 1997-2001

RESPONSE	NO. OF RESPONSES (%)				
	1997	1998	1999	2000	2001
Minister explained why Committee's concern was unnecessary	49	33.5	32.6	32	21
Minister introduced amendments/undertaking to respond to committee's concern	45	6.6	32.6	26	24
Concern the subject of a report to parliament	2	13.4	4.3	5	-
Committee still awaiting response as end of financial year	2	13.4	23.9	20	16
Response unnecessary or Committee decided to take no further action	2	33.4	6.5	17	39

Source: Ransley (2008: 256).

In a nutshell, it can be concluded that despite periodic limitations in its scope and a generally apathy from the executive, the Committee scrutinised and exposed grave weaknesses in legislation. It can be argued that, 'It (the Scrutiny of Legislation Committee) is the closest thing Queensland has to a Senate, and even though it does not have the same powers that a Senate has it still has a very important role to play. The committee performs a very valuable

monitoring function' (statement made by MP, Ms Lee Long, QPD 7 November 2001, 361:3496).

Findings from the interviews

Semi-structured interviews were conducted with the parliamentarians and the staff in the Queensland Parliament. The main findings from the interviews regarding the effectiveness of the parliamentary committees have been further described in this section.

The majority of interviewees opined that in the post-Fitzgerald era the parliamentary scrutiny of the executive increased through the expanded committee system; despite their inefficiencies, it was better to have a committee system operating than not having one at all. However, the executive was willing to be scrutinised by committees only up to the point that the executive did not find itself in a politically inconvenient situation.

The effectiveness of the committees has been described on varying scales as the interviewees unanimously felt that Estimates Committees were the least effective and the Scrutiny of Legislation Committee was the most effective in performing their functions. Furthermore, almost all interviewees agreed that the working environment of the committees, with the exception of the Estimate Committees, was bipartisan and productive.

One of the biggest flaws in the committee system, as suggested by former members, is the domination of the ruling party members in the composition of the committees, where the majority of members, including the Chairman, are from the ruling party. As noted by a former Speaker in the Queensland Parliament:

We have a committee system where government members are in majority and only government members can chair the committees, whereas in the Westminster system, the Opposition members chair important committees. Our Parliament lacks that openness. It lacks bipartisanship.⁶

Such a composition is in contrast with the Westminster traditions; in Britain, the Chairman of Public Accounts Committee is drawn from the Opposition. Many interviewees felt that the dominance of ruling party members reduces the effectiveness of committee system, as it is unlikely that government members would embarrass their own government by exposing their

⁶ Interview with Mr Mike Reynolds on 19 October 2009.

wrongdoings. However, one former Minister did not agree with this: 'The basic thing is how the structure is used. After all, both major and dissenting reports are tabled together. At least it is better to have a committee system than not having one at all'.⁷

Perhaps, this low expectation on the effectiveness of committees was justified in the light of long term absence of a comprehensive committee system in the Queensland Parliament, which had given rise to corrupt practices in the past.

Another problem with the government majority in committees is the 'control of agenda and everything' by the executive⁸; hence, they cannot be a fully independent body. As Mr Fouras confirmed, controversial matters are not included in the agenda for investigation because 'government has got control of the committees through structure'. The executive control over the agenda of the committees was evident during the analysis of the committee work in the study period. It was found that committees did not investigate any controversial matters where the government might face a difficult situation should a thorough investigation be done. A senior official in the Queensland Parliament pointed out:

They [PAC and PWC] did not look at the biggest issues of the day. Anything that was politically controversial, they avoided. PWC did not look at the Lang Park or the Suncorp Stadium. This is largely due to the government majority at the committees.⁹

He further stated that: 'In Queensland, the committees are dominated by government members and they never really ask for controversial documents'.

The ability of committees to perform effective scrutiny of the executive does not hold true as evident in another comment by a former Speaker: 'The committee system is a farce. It does not stop the executive from doing what it wants to do'.¹⁰

Although the executive has the prerogative to accept or reject the recommendation of the parliamentary committees, much depends on individual personalities. A Member of Parliament and also a Minister, Mrs Judy Spence, confirmed her attitude towards the committee recommendations:

⁷ Interview with Mr David Hamill on 27 August 2009.

⁸ Interview with Mr Jim Fouras on 9 September 2009.

⁹ Interview with the Clerk of the Queensland Parliament Mr Neil Laurie 21 October 2009.

¹⁰ Interview with Mr Neil Turner on 2 September 2009.

As a minister I do not remember instances of agreeing to the recommendations of the committees. I never amended any legislation out of the recommendation of the Scrutiny of Legislation Committee or any other committee. On many occasions it was due to technical reasons. But there were other factors involved.¹¹

However, another former Minister was more respectful of the committee reports:

When I was a Minister, during that time ministerial responses to committee reports were on time. The government did not dare to do it late.¹²

The attitude of the executive also depends upon individuals and their perceptions about parliamentary system of governance and, likewise, the effectiveness of a committee also depends upon the support of the bureaucracy. A former Deputy Speaker recalled his days as a committee member when the direct questioning of public officials by the committee was prevented and, often, the required 'information was not produced due to confidentiality'.¹³ This would have significantly hampered the effectiveness of committees.

The apathetic attitude of the Parliament towards the committee reports has also reduced the effectiveness of committees in Queensland. A former Speaker lamented that:

The committees report back to the Parliament. But the Parliament does not pay any attention to those reports. The Parliament should debate committee reports. It will give them a real status.¹⁴

One conclusion gleaned from the interviews was the general disenchantment of MPs with the effectiveness of the Estimate Committees. Despite the fact that the 'Estimates Committees have the potential and capacity to make the government accountable',¹⁵ almost all interviewees agreed that these were being used more for seeking a specific political purpose rather than for the scrutiny of finances. The interviewees were of the opinion that:

¹¹ Interview with Mrs Judy Spence on 7 October 2009.

¹² Interview with Mr David Hamill on 27 August 2009.

¹³ Interview with Mr Clem Campbell on 26 August 2009.

¹⁴ Interview with Mr Jim Fouras on 9 September 2009.

¹⁵ Interview with Mrs Liz Cunningham on 16 September 2009.

The questioning by the Opposition is poor. They don't know what to ask. Bureaucracy prepares Dorothy Dix questions to be asked by government members. It is more like Question Time in the Parliament.¹⁶

Unfortunately, Estimates Committees operate along party lines; they have great potential to work effectively but the process is one of mere politics.¹⁷

The Estimates Committees do not work as it should. It limits the capacity of members to question the departmental bureaucrats. Questioning in Estimates Committees is a waste of opportunity.¹⁸

Despite certain drawbacks and limitations on the committee system, the interviewees regard the functioning of the Standing Committees in Queensland as effective and useful, compared to their absence in the pre-Fitzgerald era. Almost all interviewees confirmed that committees provide a much more collaborative and productive working environment than the partisan atmosphere during plenary session debates in the Parliament:

The atmosphere in the committees is much more collaborative. The committees are smaller groups, people listen to each other. It is not an arena, it is collaborative. It is more productive. Committee system is the jewel of the Parliament.¹⁹

Another former Minister explained that:

The Queensland Parliament is potentially much more effective institution with a comprehensive committee system now than before 1989.²⁰

Similar positive sentiments about the working of committee were echoed by another interviewee:

My experience in the Public Works Committee was rewarding as a member. The atmosphere was not adversarial as it was in the Chamber. It was harmonious. The Opposition members got the opportunity to attach dissent reports. The Public Works Committee examines the projects. It is critical of the method of procedures and sees whether the service was adequate, efficient and timely. Generally, it does not criticise individuals. Minister will take action on the report of the committee and talk to the

¹⁶ Interview with Mr Jim Fouras on 9 September 2009.

¹⁷ Interview with Mrs Liz Cunningham on 16 September 2009.

¹⁸ Interview with the Deputy Leader of the Opposition Mr Lawrence Springborg on 22 October 2009.

¹⁹ Interview with the Clerk of the Parliament Mr Neil Laurie on 21 October 2009.

²⁰ Interview with Mr David Hamill on 27 August 2009.

Director General of the concerned department/s if there is any concern. In my time, the response from Ministers was reasonably satisfactory.²¹

It was also revealed during the interviews that some ministers used this occasion to pressure the bureaucracy to execute government policy more rigorously:

One of the interesting dynamics of the Estimates Committees is that ministers have to be more informed about their departments. A minister has to be ready for answers. In some respects it makes the departments more accountable to ministers. They cannot afford to allow their minister to be embarrassed during the questioning process in committees. Some ministers are clever. They can use the committees as a means of getting public servants to implement government policy.²²

The interviewees pointed out some of the limitations of the Estimates Committees in the following statements: 'Certainly, the Estimates Committees have the potential and capacity to make the government accountable. But the line of questioning is better in other committees as compared to the Estimates Committees. The Estimates Committees are more political'.²³

'The Estimates Committees could have been more effective for the scrutiny of the executive but minister's advisors frame questions to be asked during hearings. Therefore the genuine accountability is missing'.²⁴

'The process of Estimates Committees is boring. No rigorous questioning and answering takes place'.²⁵

'Currently we have an Estimates Committee system which is very limited'.²⁶

Overall findings on the effectiveness of committees

Coaldrake (1989:61) envisioned that the creation of permanent parliamentary committees in Queensland would assist the rejuvenation of the Parliament's authority by holding governments accountable. The present study confirms the re-invigoration of the committee system in the Queensland Parliament during the post-Fitzgerald era and Alvey (2008:68) observes 'a marked increase in legislative review of the executive' during this period. However, a close analysis indicates that, although legislative review of the executive has

²¹Interview with Mr Bruce Laming on 9 September 2009.

²²Interview with Mr David Hamill on 27 August 2009.

²³Interview with Mr Mike Reynolds on 15 October 2009.

²⁴Interview with Mrs Liz Cunningham on 16 September 2009.

²⁵Interview with Mrs Judy Spence on 7 October 2009.

²⁶Interview with the Clerk of the Parliament Mr Neil Laurie on 21 October 2009.

increased, it is still short of the Fitzgerald's vision of the Parliament conducting an inquest into government administration. This finding was also confirmed from a statement made recently by the Clerk of the Queensland Parliament, Mr Neil Laurie, who stated that the committee system was still inadequate for proper scrutiny of the executive in Queensland.²⁷

From the workings of seven committees during the study period (1996-2001), the following conclusions emerge. Firstly, the committee structure in Queensland is dominated by the executive therefore it is futile to expect a committee to perform any real scrutiny of the executive when the Chairman and majority members are from the ruling party. It is unlikely that the government would allow the committees to investigate any truly controversial matters. This statement from the Leader of the Opposition indicates this problem: 'Quorum is four members and it may constitute four government members only, with a Chairperson from the government with a deliberative as well as a casting vote. The government's directions or aspirations will win every time; with no input or challenge from an opposition member... This makes a mockery of accountability and the honourable intentions of the parliamentary system' (QPD 1 May 2001, 359:485).

This is perhaps the reason that committees probed only minor technical, legal and administrative issues, which did not have the potential to embarrass the government of the day.²⁸ This structural weakness is a major limitation in making committees an effective parliamentary device. Scholars (O'Keefe 1992; Evans 2005) have pointed out the danger of

²⁷ Submission by the Clerk of the Parliament to the Committee System Review Committee 2010 can be found at: http://www.parliament.qld.gov.au/view/committees/CSRC.asp?SubArea=inquiries_submission

²⁸ A Member of Parliament, Mr Kevin Lingard, who also served as a non-government member in the Public Works Committee, criticised the government on this issue saying that committees investigated only those projects that the government wanted them to investigate and that were not controversial. He stated in the Parliament: 'For the committees to be effective, there needs to be a method for the opposition to have the ability to initiate inquiries into all aspects of government policy... Those members who know a little bit about some of these committees would know that public works committees in other states have to investigate all aspects of funding. Those committees do not have the choices that we have in Queensland, where the committee sits down and works out what it wants to look at.... This state's Public Works Committee has looked at some marvellous things. We looked at the Normanton Bridge after it was built to see how effective it was. That was great! Were we going to criticise the government after the thing has built and named in very controversial circumstances? The Public Works Committee has also looked at all the road systems of Queensland and the barges on the Brisbane River. They were all great things, but the committee has never had a look at Lang Park. That would be too controversial. The Public Works Committee did not really want to get involved in the report on the water backflow. That was pretty controversial... Why not a chairman of the committees from the opposition? Why not have parliamentary committees that investigate everything done by this government, not just the things that it wants them to investigate? That way, we then might have something that is fair and something that monitors the government...' (QPD 1 May 2001, 359:491-492).

a completely tame committee system if government majority continues to stay in committees for a long period.

Secondly, the bipartisan and constructive partnerships were seen among the committee members as making it more productive and useful in serving the public interests rather than political interests. The exception to this was the Estimates Committees, where deliberations were conducted along party lines, thus making it the least effective committee in Queensland. In this context, the Scrutiny of Legislation Committee was the most effective in fulfilling its functions.

Thirdly, the majority of recommendations from other Standing Committees were either completely or partially accepted by the executive, and the executive addressed most concerns raised in the reports. In this respect, committees can be termed as an effective device as they fulfilled the criterion of effectiveness suggested by Aldons (2001) in terms of implementation of committee recommendations. However, it was also noticed that the committees pre-selected only non-controversial cases to investigate and made recommendations that were not challenging or encroaching on executive power. Thus, parliamentary committees are an effective forum to narrowly scrutinise administrative, legal and technical matters but not to examine matters of any significant importance such as appropriate standards of conduct for ministers by the Members' Ethics and Parliamentary Privileges Committee; appointment process of the Ombudsman and the Information Commissioner by the Legal, Constitutional and Administrative Review Committee; misconduct investigations into the police and other agencies by the Parliamentary Criminal Justice Committee; and audit of commercial-in confidence by the Public Accounts Committee as pointed out by Ransley (2008:254-55).

Fourthly, the statutory requirement of the concerned ministry to respond to the committee reports within three months plays an important role in making committees more effective. The requirement to give a response within a specified timeframe encouraged the concerned ministries to be seen to be taking the necessary action on committee recommendations. There were some cases where ministerial responses were mere formality and hardly any significant action was taken, but in the majority of cases the responses were satisfactory.

Finally, barring a few exceptions during the study period, committee access to information and resources was reasonable and they had their own budgets and staff. In most cases, the

required information was provided to the committees by the executive, with the exception of the Scrutiny of Legislation Committee, where a large number of departments did not supply the additional information in case of delegated legislation.

According to Wheare (1955: 10), an effective committee is independent, suitable for the task and able to provide recommendations to the parental body. On this scale, committees in Queensland cannot be categorised as fully independent bodies as they are dominated by government members. Secondly, their suitability is affected by the limited pool of members in the Queensland Parliament; members may not have specialist qualifications to become expert members of a committee. On the third criterion committees can be termed effective as they submit reports and recommendations to the Parliament. However, this effectiveness is often jeopardised by the Parliament in not discussing the committee reports and, therefore, based on this criterion suggested by O'Keefe (1992:274) the Queensland committees are ineffective. In a submission to the Committee System Review Committee in June 2010, the Speaker of the Queensland Parliament, Hon. John Mickel, highlighted this problem. He emphasised that there should be a relationship between the work of the Assembly and the work of its committees, and committee reports should be regularly debated by the House once the government's response is received.²⁹

According to Marsh (1986: 44-46), the effectiveness of committees should be judged by the selection, scope and significance of the topics of inquiry. Based on this criterion, the committee work in Queensland cannot be termed effective as committees rarely probed any controversial issues. As far as the attitude of the executive towards committees is concerned, it was more or less cooperative. The required information was provided to the committees during most of inquiries and a good number of committee recommendations were also implemented. Therefore, on this criterion (Aldons 2000), the committee work can be termed satisfactory.

Despite many gaps and structural weaknesses, the post-Fitzgerald Queensland Parliament has a permanent committee structure and its functioning is reviewed periodically to make it a

²⁹ Submission by the Speaker Hon. John Mickel can be found at http://www.parliament.qld.gov.au/view/committees/CSRC.asp?SubArea=inquiries_submission

more effective parliamentary device.³⁰ Therefore, within those constraints and limitations that parliamentary committees generally have in the Westminster system, the Queensland committee system can be said to be partly effective.

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³⁰A Select Committee for the review of the parliamentary committee system was established in the Queensland Parliament on 25 February 2010.

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S.N.	The name of interviewee	Party Affiliation	Date of interview
1	Mr Clem Campbell	Australian Labor Party (ALP)	26 August 2009
2	Mr David Hamill	ALP	27 August 2009
3	Mr Neil Turner	National Party	2 September 2009
4	Mr Bruce Laming	Liberal Party	9 September 2009
5	Mr Jim Fouras	ALP	9 September 2009
6	Mr Denver Beanland	Liberal Party	10 September 2009
7	Mrs Liz Cunningham	Independent	16 September 2009
8	Mrs Judy Spence	ALP	7 October 2009
9	Mr Bill Hewitt	Liberal Party	7 October 2009
10	Mr Wayne Goss	ALP	9 October 2009
11	Mr Matt Foley	ALP	15 October 2009
12	Mr Mike Reynolds	ALP	19 October 2009
13	Mr Neil Laurie		21 October 2009

14	Mr Jim Elder	ALP	21 October 2009
15	Mr Lawrence Springborg	Liberal National Party	22 October 2009
16	Mr Dean Wells	ALP	27 October 2009
17	Mr Bob Quinn	Liberal Party	29 October 2009

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