

# **The Diversity of Queensland People — In and Out of the Parliament**

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A core element of our Australasian system of representative democracy is the right of people to participate in parliamentary processes. However, in practice, concerns arise about the degree of public participation necessary for a polity to be described as ‘democratic’ and how to strengthen public participation in law-making without eroding ‘representation’ by our Members of Parliament.

The Queensland Legislative Assembly comprises 89 members elected to single-member electorates representing a population of slightly more than 4 million people from a diversity of backgrounds, cultures and interests, living in cities, regional areas and remote communities. Accordingly, the Queensland situation throws into sharp relief difficulties in reconciling representative parliamentary democracy with active public participation in the legislative process.

Recent inquiries of the Queensland Parliament’s Legal, Constitutional and Administrative Review Committee have both innovatively approached participation in parliamentary processes by the diversity of Queensland people and led to recommendations directed to greater representation of that diversity in the Parliament itself. As vast distances — both literal and figurative — have separated the Parliament and the people whose voices should be heard during the inquiries, committees of successive Parliaments have experimented with new ways of engaging interest, facilitating discussion and involving the diversity of Queenslanders in committee decision-making.

## ***The Queensland Parliament as ‘a representative legislature’***

### **The historical perspective**

Fundamentally, the Queensland Parliament has always been ‘a representative legislature’.

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On 10 December 1859, separation was effected by the reading in the colony of a proclamation. Letters Patent had been issued by the Queen in Council under the New South Wales Constitution Statute of 1855 (Imp), for the establishment ‘in manner as nearly resembling the form of government and legislature established in New South Wales as the circumstances of the new colony would permit’.<sup>1</sup> An Imperial Order in Council accompanying the Letters Patent made provision for legislative power to be vested in Her Majesty, acting with the advice of a Legislative Assembly and Legislative Council, to make laws ‘for the peace, welfare and good government of the colony in all cases whatsoever’.<sup>2</sup>

Accordingly:

Queensland was the only colony to receive representative and responsible government at the same time as its establishment as a colony. There was no transition from a Governor acting alone or with the advice of a nominated legislative council, as occurred in the other five colonies. The bicameral legislature comprised a Legislative Council of nominated members summoned by the Governor with life tenure (except for the first members who were appointed by the New South Wales Governor with a five-year term), and a Legislative Assembly of elected members with a property qualification for a five-year term. Legislative power was vested in Her Majesty acting with the advice of both Houses to make laws for the peace, welfare and good government of the colony in all cases whatsoever.<sup>3</sup>

Nevertheless, during the nearly 150 years since separation, the ‘representative’ nature of the legislature in Queensland has undergone change — for example, from bicameral to unicameral, with 89 members now elected to single-member electorates by way of optional preferential voting by a universal adult franchise. Similarly, phenomenon such as the ascendancy of the executive and the dominance of major parties have affected Parliament’s capacity to determine the outcome of public policy — it has largely changed from coercive to persuasive in nature.

The voices and the needs of the people of Queensland however, have become an important element of Parliament’s capacity to persuade. Just as the authority of our system of government rests on Parliament’s capacity to make its voice heard, Parliament’s capacity to give voice to the needs and demands of citizens is an important element in our system of government.<sup>4</sup> Principles requiring public participation are now well-recognised by both the law and parliamentary and democratic study.

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<sup>1</sup> Section 7. From as early as 1842, the Imperial Parliament had made legislative provision for the establishment of a separate colony: see *Australian Constitutions Act (No 1)* of 1842, section 51. See also PJ Byrne, ‘The Constitution of Queensland’ (1992) 3 *Public Law Review* 58.

<sup>2</sup> Article 2.

<sup>3</sup> G Carney, *The Constitutional Systems of the Australian States and Territories*, Cambridge University Press, Melbourne, 2006, 56.

<sup>4</sup> P Norton, *Parliament in British Politics*, Palgrave Macmillan, Hampshire, 2005, 12.

Given the extent of change in parliament's representation of the people during the past 150 years, consideration whether further evolution is necessary in order to duly reflect law and democratic theory, and if so to what degree, requires examination of relevant legal principles and research regarding public participation in parliamentary democracies. In addition, of course, it requires consideration of what the people say.

### ***Public participation — legal principles***

In recent years, in its determination of a number of matters, the High Court has considered what is meant by 'representative government' and 'citizenship and membership of the Australian federal body politic'. Relevant decisions of the High Court have included:

*Langer v The Commonwealth* (1996) 186 CLR 302, upholding provisions in the *Electoral Act 1902* (Cth) prescribing a method of full preferential voting for elections for the House of Representatives;

*McGinty v Western Australia* (1996) 186 CLR 140, affirming that both the Commonwealth and Western Australian Constitutions contained no implication affecting disparities of voting power upon holders of the franchise for the election of members of a State legislature and, in that context, considering the constitutional term 'chosen by the people'; in relation to the Commonwealth Constitution, the Court followed an earlier decision in *Attorney-General (Cth) Ex rel McKinlay v The Commonwealth* (1975) CLR 1;

*Lange v Australian Broadcasting Corporation* (1997) 189 CLR 520, identifying the freedom of communication on matters of government and politics at any level of government as an 'indispensable incident' of the system of representative government established and maintained by the Australian Constitution; and

*Mulholland v Australian Electoral Commission* (2004) 220 CLR 181, upholding provisions of the *Electoral Act 1902* (Cth) regarding the registration of political parties and related requirements as they were found not to infringe Constitutional imperatives respecting representative government.

In 1007, in *Roach v Electoral Commissioner* [2007] HCA 43, the High Court determined the validity of amendments to the *Commonwealth Electoral Act 1918* (Cth) disqualifying all prisoners as electors. By majority of four to two, the High Court upheld the challenge. The majority judgments involved detailed consideration of the central conceptions of the system of representative democracy established by the Commonwealth Constitution, including 'the right to participate in the political life of the community'.<sup>5</sup> In finding that the franchise was central to the constitutional principles regarding representative government, the majority judgments contain discussion of the 'constitutional bedrock' of representative government.<sup>6</sup>

<sup>5</sup> At [9] per Gleeson CJ.

<sup>6</sup> It should be noted, however, that the two dissenting judgments of Hayne and Heydon JJ did not adopt such an approach. Hayne J, with whom Heydon J agreed, firmly rejected the approach that the content to be afforded to the expression 'directly chosen by the people' might be informed either by reference to 'common understanding' or 'generally accepted Australian standards': see [157] — [159].

The Chief Justice described representative government as an evolving concept, to be applied to different circumstances at different times. The judgment said that questions of degree may be involved. In reaching his decision, Gleeson CJ found that as the franchise:

... is critical to representative government, and lies at the centre of our concept of participation in the life of the community, and of citizenship, disenfranchisement of any group of adult citizens on a basis that does not constitute a substantial reason for exclusion from such participation would not be consistent with choice by the people.<sup>7</sup>

In their joint judgment, Justices Gummow, Kirby and Crennan referred to the decision of the Court in *McGinty* as authority that what is involved in the system of government for which the Australian Constitution provides is a category of indeterminate reference, where the scope for judgment may include matters of legislative and political choice. However, it was stated that such scope for judgment does not deny the existence of a constitutional bedrock when what is at stake is legislative disqualification of some citizens from exercise of the franchise:

In *McGinty* Brennan CJ considered the phrase ‘chosen by the people’ as admitting of a requirement ‘of a franchise that is held generally by all adults or all adult citizens unless there be substantial reasons for excluding them’. This proposition reflects the understanding that representative government as that notion is understood in the Australian constitutional context comprehends not only the bringing of concerns and grievances to the attention of legislators but also the presence of a voice in the selection of those legislators. Further, in the federal system established and maintained by the Constitution, the exercise of the franchise is the means by which those living under that system of government participate in the selection of both legislative chambers, as one of the people of the relevant State and as one of the people of the Commonwealth. In this way, the existence and exercise of the franchise reflects notions of citizenship and membership of the Australian federal body politic.<sup>8</sup>

Strikingly, the judgment of Justices Gummow, Kirby and Crennan states that prisoners who are citizens and members of the Australian community remain so. It refers to their participation in the body politic as an obligation:

Their interest in, and duty to, their society and its governance survives incarceration. Indeed, upon one view, the Constitution envisages their ongoing obligations to the body politic to which, in due course, the overwhelming majority of them will be returned following completion of their sentence.<sup>9</sup>

### ***Public participation — research regarding parliamentary democracies***

As part of the Democratic Audit of Australia, Professor John Uhr has suggested that, in respect of parliaments and democracy, the modern democratic ideal is based on a core value of political equality, with every person equal in dignity, carrying as many rights and so accorded as much political relevance as any other:

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<sup>7</sup> At [7].

<sup>8</sup> At [80] to [83].

<sup>9</sup> At [84].

When democracy is defined as equal respect and equal voice for all citizens and not simply 'majority rule', the foundation principle of equality operates to protect the rights of minorities, indeed the rights of each individual, to fair treatment while generally moderating the ruling rights of majorities.<sup>10</sup>

Consistent with the ideal of 'equal respect and equal voice for all citizens', the Democratic Audit of Australia adopts as one of its four performance standards 'structures for public deliberation'. In respect of parliamentary performance, this standard relates to 'parliament's ability to model (or at least set an example for) political deliberation and to strengthen wider public deliberation'.<sup>11</sup>

Accordingly, Professor Uhr indicates:

The core idea here is that parliaments are indeed talking shops and that they have responsibility for strengthening not simply their own institutional process but wider public processes of political deliberation. A nation's political culture cannot be governed and ruled solely from the parliamentary centre. But parliaments can do much to support, encourage and facilitate sources of public deliberation such as public broadcasters and other opinion-forming media. Parliament can itself model best practices of public deliberation, drawing non-state actors and groups into its participative processes so as to reframe government discourse into a more open and democratic shape.<sup>12</sup>

In recent years, the issue of public participation has received some consideration also by the ASPG, including in 2006 when Dr Lesley Clark MP, then the Member for Barron River in the Queensland Parliament, addressed the Queensland Chapter, stating:

... that a revitalisation of democracy, surely our most important task now, requires a change in emphasis on the part of the parliament with priority being given to engaging with the community in a way that enables it to have a real influence on government decisions.<sup>13</sup>

Ideals of public participation emerge also from other recent studies of parliamentary systems. In respect of the Australian Parliament, for example, Professor Ian Marsh has suggested that Parliament 'provides the only setting where the scope for political consensus can be explored' and, in order to bridge a widening representation gap between the formal political system and the Australian community, it must facilitate a 'contemplative phase' in public debate.<sup>14</sup>

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<sup>10</sup> J Uhr, *How democratic is parliament? A case study in auditing the performance of parliament*, 2005, 7, available at: [democratic.audit.edu.au](http://democratic.audit.edu.au)

<sup>11</sup> J Uhr, *How democratic is parliament? A case study in auditing the performance of parliament*, 2005, 30, available at: [democratic.audit.edu.au](http://democratic.audit.edu.au)

<sup>12</sup> J Uhr, *How democratic is parliament? A case study in auditing the performance of parliament*, 2005, 30, available at: [democratic.audit.edu.au](http://democratic.audit.edu.au)

<sup>13</sup> L Clark MP, *Parliamentary committees in Queensland: Retrospect and prospects 15 years on*, ASPG (Queensland Chapter), 2006, 5, available at: [www.parliament.qld.gov.au/aspg](http://www.parliament.qld.gov.au/aspg)

<sup>14</sup> I Marsh, *Australia's Representation Gap: A Role for Parliamentary Committees?*, Department of the Senate Occasional Lecture Series, November 2004, 5, available at: [www.aph.gov.au/Senate/pubs/pops/pop44/marsh.pdf](http://www.aph.gov.au/Senate/pubs/pops/pop44/marsh.pdf)

In this context, studies of parliamentary democracy find that parliaments must provide an opportunity for those affected by a decision to have a say.<sup>15</sup> As the public stage on which our deliberations about shared issues are acted out, Parliament should encourage individuals and groups opportunities to express their views, to influence the agenda and even change public policy. Parliament should provide a structured and public forum in which competing views can be pitted against each other. Each side may then be heard and assessed, by the Government and the media, as well as by the Members of Parliament. Viewed in this way, Parliament is critical to democracy because ‘it is the most fundamental of links between the people and government’.<sup>16</sup>

An illustration of the relevance and legitimacy of Parliament’s role in this regard is given by Lord Norton of Louth: mass protests are held outside Houses of Parliament. Such protests indicate that Parliament is viewed as a way of sending a message to the Government and to the wider public. People consider it legitimate to lobby Parliament to have their voices heard and to create change. Accordingly, by getting the processes right, Parliament can serve as the basic — and legitimate — link between a diversity of interests and government.<sup>17</sup>

### ***Public participation — what the people say***

During inquiries conducted by the Legal, Constitutional and Administrative Review Committees of the 50<sup>th</sup>, 51<sup>st</sup> and 52<sup>nd</sup> Queensland Parliaments, members of those committees have discussed with the people of Queensland their ideals of public participation in democracy.

#### **The committee**

The Legal and Constitutional Committee is a multi-party committee of the Queensland Parliament established under the *Parliament of Queensland Act 2001* (Qld).<sup>18</sup> It has seven members — four nominated by the Leader of the House and three nominated by the Leader of the Opposition.

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<sup>15</sup> G Stoker, *Why Politics Matters: Making Democracy Work*, Palgrave Macmillan, Hampshire, 2006, 206. See also, P Giddings (ed.), *The Future of Parliament: Issues for a New Century*, Palgrave MacMillan, Hampshire, 2007.

<sup>16</sup> J Uhr, ‘Reforming the Parliament’ in J Williams and C Macintyre (eds), *Peace, Order and Good Government: State Constitutional and Parliamentary Reform*, Wakefield Press, Adelaide, 2003, 234.

<sup>17</sup> P Norton, *Parliament in British Politics*, Palgrave Macmillan, Hampshire, 2005, 213–214.

<sup>18</sup> The main object of the provisions of the *Parliament of Queensland Act 2001* concerning parliamentary committees is to ‘enhance the accountability of public administration in Queensland’. The *Parliament of Queensland Act* also provides that the main role of a parliamentary committee is to deal with issues within the areas of responsibility of the committee and requires a committee to deal with an issue referred to it by the Legislative Assembly or under another Act, whether or not the issue is within the committee’s areas of responsibility.

The *Parliament of Queensland Act* provides the committee with the following areas of responsibility:

- administrative review reform, including considering legislation about access to information, review of administrative decisions, anti-discrimination 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; and
- 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.

The committee has other statutory responsibilities in relation to the Queensland Ombudsman, the Information Commissioner and senior officers of the Electoral Commission of Queensland.

### **What the committees heard during the *Hands on Parliament and Voices & Votes* inquiries**

The *Hands on Parliament* and *Voices & Votes* inquiries examined engagement by respectively, Aboriginal peoples and Torres Strait Islanders and young people, in representative democracy in Queensland. From the outset, each committee resolved to conduct its inquiry by way of experimenting with new methods of directly involving the people concerned in the inquiry process.

The terms of reference for the *Hands on Parliament* inquiry of the committee of the 50<sup>th</sup> Parliament were to examine barriers to participation in democratic processes, to identify strategies to overcome those barriers and, as a result, enhance participation. From the commencement of its inquiry, the committee recognised that inquiry issues would need to be considered in the broader context of long term aims of Aboriginal peoples and Torres Strait Islanders for formal recognition of their unique place as the first peoples of Queensland and Australia.

During the *Hands on Parliament* inquiry, the committee heard from the people of Queensland that five broad factors had limited the participation of Aboriginal peoples and Torres Strait Islanders in democracy in Queensland:

- historical factors, including past government policies, exclusion and the imposition of a Westminster system of government over existing governance structures;
- cultural factors, including the inappropriateness of a Westminster system of government and liberal democracy, different concepts of citizenship and the operation of traditional governance;
- insufficient understanding of political and government processes, including lack of civics and voter education and a lack of cross-cultural awareness;

apathy/disillusionment with the political process, including disillusionment with party and parliamentary processes, the adversarial nature of politics and apathy towards voting; and

other factors, including the impact of racism and other priorities such as health, housing, criminal justice and geographical remoteness.

In her foreword to the report, the then Chair of the committee, Ms Karen Struthers MP, stated:

One of the most significant messages from Aboriginal and Torres Strait Islander people put to the committee during this inquiry is that: 'We are not simply a minority group — we are the original inhabitants of this country'. As original inhabitants, Indigenous people established the first systems of government. Yet, in more than 130 years of Westminster-style government in Queensland, there has only been one Aboriginal elected representative in the Queensland State Parliament — Mr Eric Deeral. There has not yet been a Torres Strait Islander representative in State Parliament.

Many Aboriginal and Torres Strait Islander individuals and organisations are politically active and experienced in participating in decision-making and other democratic processes. Major advances in Indigenous rights and quality of life issues have been achieved through the tireless lobbying by Indigenous elders and activists. However, this activity has not translated into Indigenous people being elected to Parliament or local councils in sufficiently representative numbers.

Aboriginal and Torres Strait Islander peoples must be further involved in processes which result in policies and legislation of direct relevance to them, particularly regarding issues that affect their day to day lives, such as housing shortages, poor health, domestic violence, crime and unemployment.

For this to occur, Aboriginal and Torres Strait Islander peoples need to be actively engaged in all levels of government as a matter of priority. This includes support for Indigenous women. Indigenous women have played an important leadership role through efforts to for example, keep families and communities strong by curtailing violence and substance abuse. Yet, it was acknowledged that few women have sought, or gained roles as elected representatives<sup>19</sup>

During 2007, the committee of the 52<sup>nd</sup> Parliament conducted an interim evaluation of the implementation of the *Hands on Parliament* recommendations made by the committee of the 50<sup>th</sup> Parliament that had been supported by the Government. Throughout the interim evaluation process the committee of the 52<sup>nd</sup> Parliament also heard of the strong interest in and desire of Aboriginal people and Torres Strait Islanders to influence and be involved in matters regarding government.

In respect of the second inquiry, *Voices & Votes — A parliamentary committee inquiry into young people engaging in democracy*, the committee of the 51<sup>st</sup> Parliament resolved to examine young people's participation in democracy in Queensland so as to recommend practical ways to increase young people's interest

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<sup>19</sup> Legal, Constitutional and Administrative Review Committee, report no 42, *Hands on Parliament — A parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes*, September 2003, Chair's Foreword, available at: [www.parliament.qld.gov.au/LCARC](http://www.parliament.qld.gov.au/LCARC)



and meaningful engagement. Issues to be considered during the inquiry included young people's enrolment and voting patterns and whether the voting age should be lowered.

The inquiry process adopted by the committee and, in particular, the engagement strategies implemented, was designed to ensure that committee members heard from a diversity of young people, in their own spaces whenever possible, about their concerns and suggestions for reform. The committee ensured that it heard also from individuals and organisations working with young people and those with practical experience and relevant research interests in young people's participation in democracy.

During the *Voices & Votes* inquiry, the committee was told by young people aged 12 to 25 that they are diverse and wish to have their diversity acknowledged and respected. However, within that diversity, young Queenslanders have some experiences shared with others. Based on what the committee heard it found some views and concerns about engaging in democracy are held by many young Queenslanders. These views are set out below.<sup>20</sup>

Young people in Queensland are actively interested, often passionate, and engaged in action about a diversity of issues — not just 'young people's issues'; most want to have a say, but not through formal channels — they want to 'just do it'; feel excluded, patronised and/or turned off by formal democracy; feel powerless within the processes of formal democracy, including the electoral process — that they do not know enough about democracy, how to take action, and do not believe that taking action will make a difference; can feel they have even less power because of family, social or physical circumstances, where they live, or a lack of resources including lack of access to the internet; would welcome more opportunities to be actively engaged in democracy; feel that their elected representatives do not listen to them and, often, cannot be trusted; want to meet with MPs face to face, in their spaces, and want to be listened to; need factual, non-partisan information to help them understand our democracy and what action they can take; suggest that use should be made of technology to improve communication of information; want effective education about democracy to be given much more importance; want enrolment and voting to be made easier and more accessible to them; generally, do not feel they would know enough to cast an informed vote at 16; would like to be able to 'practice' voting before they turn 18; and have mostly negative views towards political parties, and are cynical about the activities of political parties.

When tabling the *Voices & Votes* report in the Parliament, the then Chair of the committee, Dr Lesley Clark MP thanked the young people who had participated in the committee inquiry and assured them that their voices had been heard:

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<sup>20</sup> Legal, Constitutional and Administrative Review Committee, report no 55, *Voices & Votes — A parliamentary committee inquiry into young people engaging in democracy*, August 2006, Part A, 24-25, available at: [www.parliament.qld.gov.au/LCARC](http://www.parliament.qld.gov.au/LCARC).

I thank the many young people who gave their time to meet with the committee for their openness in sharing their thoughts and ideas which are represented in this report. It was clear to us that young people are passionate about a wide range of issues and that they want their voices to be heard and acted on by government. But it was equally clear that they do not feel well equipped to achieve this or have confidence that the government will listen and respond to them.

The committee believes that our recommendations to Parliament reflect young people's voices, and the Ministerial responses to the recommendations, required within three months, will be a powerful demonstration that young people's voices are important to our system of representative democracy.

I urge the Government, Parliament and Electoral Commission to consider and act upon the views of young people contained in this Voices & Votes report, and to implement its recommendations. For the Government and Parliament, it will provide an opportunity to demonstrate respect for the role of young people in our democratic processes. Implementation of the recommendations will also demonstrate that young people's voices were heard and that they can make a difference which is the key to fostering the formal engagement of young people in our representative democracy.<sup>21</sup>

### **Hands on Parliament and Voices & Votes Recommendations**

The views heard by the committee of the 50<sup>th</sup> Parliament during the course of the *Hands on Parliament* inquiry formed the basis of the recommendations in the committee's report, *Hands on Parliament — A parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes*. The report was tabled in the Legislative Assembly on 11 September 2003.<sup>22</sup>

The committee's report advised there was a need for increased participation by Aboriginal peoples and Torres Strait Islanders in all levels of government as well as the various processes feeding into government. It contained a range of recommendations the committee believed would be achievable and workable. These strategies concerned: acknowledging Aboriginal peoples and Torres Strait Islanders as the first peoples of this country;<sup>23</sup> encouraging political parties to actively recruit, encourage and support Aboriginal peoples and Torres Strait Islanders in various

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<sup>21</sup> Dr Lesley Clark MP, Tabling Statement, *Queensland Parliamentary Debates (Hansard)*, 10 August 2006, 2818.

<sup>22</sup> Legal, Constitutional and Administrative Review Committee, report no 42, *Hands on Parliament — A parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes*, September 2003, available at: [www.parliament.qld.gov.au/LCARC](http://www.parliament.qld.gov.au/LCARC).

<sup>23</sup> The committee of the 51<sup>st</sup> Parliament subsequently conducted an inquiry into whether the Constitution of Queensland should contain a preamble, including whether such a preamble should recognise the unique place of Aboriginal peoples and Torres Strait Islanders, see: Legal, Constitutional and Administrative Review Committee, report no 46, *A preamble for the Queensland Constitution?*, November 2004, available at: [www.parliament.qld.gov.au/LCARC](http://www.parliament.qld.gov.au/LCARC).

aspects of party processes; enhancing civics and voter education; enhancing employment, training and leadership development opportunities and programs for Aboriginal peoples and Torres Strait Islanders in democratic institutions and processes; enhancing the participation of Aboriginal peoples and Torres Strait Islanders in local government; and enhancing the direct input into policy, legislative and consultative processes of Aboriginal peoples and Torres Strait Islanders.

The Queensland Government's response to the committee's recommendations, tabled in the Queensland Parliament on 21 April 2004, indicated support for, and a willingness to implement, most of the committee's recommendations.<sup>24</sup> The implementation was evaluated in an interim way in 2007 and the *Hands on Parliament* interim evaluation report of the committee found that 'Much has been done, but there is still more to do.'<sup>25</sup>

In August 2006, the committee of the 51<sup>st</sup> Parliament tabled the report of its *Voices & Votes* inquiry.<sup>26</sup> The committee said it aimed to recommend practical ways to increase young people's interest and meaningful engagement in representative democracy in Queensland. The recommendations fell into three broad areas: active learning for democratic engagement; electoral reform; and engagement of representative government with young people.

Key recommendations within the broad areas included:

- that all Queensland students be entitled to learn about and experience democracy by way of an Active Democracy program proposed to be mandatory for the middle and senior phases of learning;
- the creation of a Democracy Centre and the launch of a Democracy Bus to tour communities in rural, regional and remote Queensland to support school based education programs;
- the introduction of 'mock elections' to be conducted in schools for senior students at the same time as the general state election due in 2010;
- that the voting age remain at 18;

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<sup>24</sup> Available at: [www.parliament.qld.gov.au/LCARC](http://www.parliament.qld.gov.au/LCARC). Section 107 of the *Parliament of Queensland Act* requires that, if the committee recommends that the Government or a minister take action about an issue, the minister who is responsible for the issue must provide the Legislative Assembly with a response. This response must set out any recommendations to be adopted and the way and time within which they will be carried out, and any recommendations not to be adopted and the reasons for not adopting them.

The minister must table the response within three months of the committee's report being tabled. If the minister cannot comply with this requirement, the minister must table an interim response within three months including reasons for not complying with the time limit and, within six months, table a final response

<sup>25</sup> Legal, Constitutional and Administrative Review Committee, report no 61, *Hands on Parliament — Interim Evaluation*, November 2007, Chair's Foreword, available at: [www.parliament.qld.gov.au/LCARC](http://www.parliament.qld.gov.au/LCARC)

<sup>26</sup> Legal, Constitutional and Administrative Review Committee, report no 55, *Voices & Votes — A parliamentary committee inquiry into young people engaging in democracy*, August 2006, available at: [www.parliament.qld.gov.au/LCARC](http://www.parliament.qld.gov.au/LCARC)

introduction of direct, or automatic, enrolment;  
that unconditional pre-poll voting be available to all voters;  
use of innovative engagement methods by Queensland parliamentary committees;  
strengthening the observance of the Queensland Youth Charter and ensuring that  
young people have resources and opportunities to take action in their communities;  
and  
an annual assessment of democratic engagement in Queensland, and a longitudinal  
study of the effect of the introduction of the Active Democracy program.

The government response to the *Voices & Votes* report supported in principle most recommendations made by the committee.<sup>27</sup> In accordance with that response, the recommendations supported have been and are being implemented.

### ***Optimal performance by parliaments — modelling best practices of public deliberation***

It is clear then that legal and democratic principles, together with public expectations, require parliaments to provide procedures for participation in the deliberative life of the community by a diversity of people.

In response to needs for evolutionary change, the common response of parliaments has been to develop their internal structures.<sup>28</sup> To accommodate imperatives for greater public participation, existing parliamentary committee systems are increasingly seen to be the answer.

### **A role for parliamentary committees**

In a paper presented in the Department of the Senate Occasional Lecture Series, Professor Ian Marsh provided a detailed examination of the way in which parliamentary committees might breach the representation gap between the formal political system and a differentiated and pluralised community.<sup>29</sup> Professor Marsh said that the promise of parliamentary committees includes:<sup>30</sup> introducing new strategic issues to the political agenda; stimulating the formation of broader public opinion; engaging interest groups and the broader community in deliberation; providing a forum where ‘official, novel, sectional and deviant or marginal opinions

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<sup>27</sup> Available at: [www.parliament.qld.gov.au/LCARC](http://www.parliament.qld.gov.au/LCARC)

<sup>28</sup> J Halligan, R Miller and J Power, *Parliament in the Twenty-first Century: Institutional reform and Emerging Roles*, Melbourne University Press, Carlton, 2007, 4.

<sup>29</sup> I Marsh, *Australia's Representation Gap: A Role for Parliamentary Committees?*, Department of the Senate Occasional Lecture Series, November 2004, available at: [www.aph.gov.au/SEnate/pubs/pops/pop44/marsh.pdf](http://www.aph.gov.au/SEnate/pubs/pops/pop44/marsh.pdf)

<sup>30</sup> I Marsh, *Australia's Representation Gap: A Role for Parliamentary Committees?*, Department of the Senate Occasional Lecture Series, November 2004, 5, available at: [www.aph.gov.au/SEnate/pubs/pops/pop44/marsh.pdf](http://www.aph.gov.au/SEnate/pubs/pops/pop44/marsh.pdf)

can be voiced'; and allowing bureaucrats, ministers, community members, interest groups and independent experts to appear on an equal footing.<sup>31</sup>

Indeed the benefits to representative democracy of greater public participation in committee activities are increasingly being documented.<sup>32</sup> Four significant benefits identified are outlined below.

First, parliamentary committee are accessible to everyone.<sup>33</sup> They can provide people in marginalised groups and individuals who would not otherwise have an opportunity to be heard a chance to speak and gain attention. Indeed, contrary to perception, research conducted by Dr Anthony Marinac indicates that participants in the activities of parliamentary committee inquiries are not dominated by a small 'club'.<sup>34</sup>

In his tabling statement regarding a report of a Senate inquiry into child migrants and children in institutional care, former Senator Andrew Murray himself a child migrant, made reference to what it meant to participate in his committee's inquiry:

Whatever our starting point, what we learned and experienced as senators and as the committee secretariat has drawn us to common conclusions and unanimous recommendations. There is a difficult message right there: how are we going to persuade the politicians and bureaucrats who have not been through our experience of the absolute necessity of responding strongly and positively to our reports and recommendations? I do fear that only from confronting the humanity of individuals face to face, of hearing their stories and of being immersed and deeply involved in such inquiries can one really 'get it'.<sup>35</sup>

Second, committees have more time and flexibility than parliament as a whole. This provides an opportunity for committee members to travel, to meet with people in their own communities, acknowledge and affirm their customs and speak to them in a way that demonstrates the members are listening.<sup>36</sup> Government, the parliament and the community all gain from a slower and more deliberative process.<sup>37</sup>

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<sup>31</sup> Dr Lesley Clark MP, Tabling Statement, *Queensland Parliamentary Debates (Hansard)*, 10 August 2006, 2818.

<sup>32</sup> See, for example: K Dermody, I Holland and E Humphrey, 'Parliamentary Committees and Neglected Voices in Society', *The Table*, 2006, 54; R Webber, *Increasing Public Participation in the Work of Parliamentary Committees*, 2000, available at: [www.parliament.qld.gov.au/aspg/documents/aspg\\_01.pdf](http://www.parliament.qld.gov.au/aspg/documents/aspg_01.pdf);

<sup>33</sup> K Dermody, I Holland and E Humphrey, 'Parliamentary Committees and Neglected Voices in Society', *The Table*, 2006, 54

<sup>34</sup> A Marinac, 'The Usual Suspects: Civil Society and Senate Committees', *Papers on Parliament*, No 42, 2004, 129

<sup>35</sup> K Dermody, I Holland and E Humphrey, 'Parliamentary Committees and Neglected Voices in Society', *The Table*, 2006, 54

<sup>36</sup> K Dermody, I Holland and E Humphrey, 'Parliamentary Committees and Neglected Voices in Society', *The Table*, 2006, 54

<sup>37</sup> J Uhr, *How democratic is parliament? A case study in auditing the performance of parliament*, 2005, 9, available at: [democratic.audit.edu.au](http://democratic.audit.edu.au)

Additionally, parliamentary committees can experiment with new methods of directly involving people in their processes. Conversational democracy through ICT, for example, provides unprecedented opportunities for elected representatives to construct a conversation with the public, including previously unengaged groups.<sup>38</sup>

Third, when parliamentary committees explore ways of involving a diversity of people in their decision-making processes, they produce better outcomes.<sup>39</sup> Material and information supplied by individuals and organisations provides committees and members with information independent of government and political parties. This adds to members' critical capacity, ensures the effectiveness of Parliament and may supplement or challenge the information provided by ministers and public office holders.<sup>40</sup>

Finally, by listening to a diversity of people, parliamentary committees enhance their own legitimacy as the 'honest broker'. They serve as a focus for activity. Their relevance increases if they give previously unheard people a voice within the democratic process.<sup>41</sup>

### **Hands on Parliament and Voices & Votes inquiries**

In Queensland, in the addition to making recommendations directed to increasing public participation in democracy, the inquiries of the Legal and Constitutional committees of the 50<sup>th</sup>, 51<sup>st</sup> and 52<sup>nd</sup> Parliaments sought to model best practices of public deliberation.

During its *Hands on Parliament* inquiry, the committee of the 50<sup>th</sup> Parliament conducted an extensive program encompassing consultation and research. The program included: a round of initial meetings with a range of prominent people who identified as Aboriginal or Torres Strait Islander; the release of an issues paper and other publications to invite both public discussion and written submissions to the inquiry; and face-to-face consultation by way of meetings with key agencies and individuals and public meetings throughout Queensland.

In undertaking its *Hands on Parliament* interim evaluation, to facilitate public discussion and to encourage engagement in the inquiry process, the committee released a consultation paper. During April and May 2007, the committee held nine workshops around Queensland, including two in the Torres Strait. At each workshop, committee members heard the views of the people of Queensland. In particular, people who identified as Aboriginal or Torres Strait Islander were encouraged to engage with committee members about the issues under consideration.

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<sup>38</sup> G Stoker, *Why Politics Matters: Making Democracy Work*, Palgrave Macmillan, Hampshire, 2006, 172

<sup>39</sup> R Webber, *Increasing Public Participation in the Work of Parliamentary Committees*, 2000, available at: [www.parliament.qld.gov.au/aspg/documents/aspg\\_01.pdf](http://www.parliament.qld.gov.au/aspg/documents/aspg_01.pdf)

<sup>40</sup> P Norton, *Parliament in British Politics*, Palgrave Macmillan, Hampshire, 2005, 207

<sup>41</sup> P Norton, *Parliament in British Politics*, Palgrave Macmillan, Hampshire, 2005, 226

Prior to commencing their face-to-face workshops, the committees of the 50<sup>th</sup> and 52<sup>nd</sup> Parliaments received training in communicating with Aboriginal peoples and Torres Strait Islanders. In this respect, the committee of the 52<sup>nd</sup> Parliament was assisted also by the Queensland Government's Department of Communities publication, *Engaging Queenslanders: Introduction to working with Aboriginal and Torres Strait Islander communities*.<sup>42</sup>

Similarly, many of the engagement strategies adopted by the committee of the 51<sup>st</sup> Parliament for its *Voices & Votes* inquiry were innovative and provided opportunities for learning about engagement methods in use by parliamentary committees in Queensland. In particular, careful consideration was given to ways in which committees might effectively engage with young people. Prior to commencing its inquiry, the committee sought young people's views about these matters, for example, from members of the former Queensland Youth Advisory Council. Accordingly, engagement strategies included the publication of a discussion paper in multi-media CD-ROM format, linked to the committee's website; on-line polling; ten *Voices & Votes* workshops with young people, based on the World-café model, held in communities throughout Queensland; and a four-day youth jury held at Parliament House to consider the charge, *How can democracy better serve young people in Queensland?*

Therefore, opportunities for a diversity of people, inside and out of the Parliament, to engage in the inquiry processes were unprecedented. Generally speaking, the level of public participation in the inquiries was high. A representative group of twelve young people, for example, spent four days deliberating as part of the *Voices & Votes* youth jury. And the *Hands on Parliament* interim evaluation built upon interest and engagement developed during the original committee inquiry, leading, for example:

in the Parliament — to a Parliament House Reading Room full to capacity for a workshop with committee members; and  
out of the Parliament — to a community hall full of people in Yarrabah.

Importantly, many of those who engaged in the inquiry processes did not otherwise have a voice, particularly an 'organised' voice in matters of government and politics. From these participants, the committees were able to gather information and views not otherwise on the public record. In return, participants told committee members that they had learnt a great deal about how to engage with public deliberation.

The on-going *Hands on Parliament* process — a full evaluation is due after two more electoral cycles — provides an opportunity for a continued relationship with Aboriginal people and Torres Strait Islanders. After tabling the committee's interim evaluation report, for example, the Chair of the committee, Mrs Dianne Reilly MP,

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<sup>42</sup> Available at: [www.getinvolved.qld.gov.au](http://www.getinvolved.qld.gov.au).

hosted an afternoon tea at Parliament House. She thanked participants in the *Hands on Parliament* process and provided feedback on the interim evaluation.

Accordingly, independent of the adoption by the Government of committee recommendations, the legitimacy and relevance of the inquiry process derived from the acceptance by a diversity of participants and the wider community of the process as a genuine opportunity to effect change.<sup>43</sup>

### ***Conclusion***

Established as a representative legislature at separation, the Queensland Parliament became part of an Australian system of representative government at federation. In an increasingly complex and diverse community, the concept of representative government at a State level has developed and the Parliament has evolved also.

Over the past three Parliaments, during the *Hands on Parliament* and *Voices & Votes* inquiries, members of the Legal, Constitutional and Administrative Review Committees have heard from the people of Queensland that they want to have a say — to be able to influence decision-making — about issues important to them. The inquiries themselves modelled parliamentary best practice in public participation. However, their most valuable legacy may be that, in hearing the voices of those who previously had not had their evidence placed on the public record, they affirm participation by the diversity of Queensland people in our parliamentary processes.▲

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<sup>43</sup> P Norton, *Parliament in British Politics*, Palgrave Macmillan, Hampshire, 2005, 11