

Parliamentary Committees in Queensland

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I was fortunate enough to be Premier of Queensland from 1989 until 1996 — a period of important reform for the state.

After the way in which one of my predecessors, Sir Joh Bjelke Petersen, chose to run the Government and the Parliament, and the Fitzgerald Inquiry which exposed a lot of these methods as outdated, excessively secretive or problematic in other ways, my Government was able to look critically at the Queensland political landscape and implement a reform agenda. One important part of these reforms was the attention we paid to parliamentary committees.

But let me make clear that I am not claiming the credit for the introduction of committees to the Queensland Parliament, for they sort of existed before 1989 and produced some valuable reports. Rather, I want to outline my Government's involvement in the reform of the committee systems, look critically on the system of parliamentary committees in Queensland and try to provide a few views on their strengths and weaknesses, and draw some conclusions on their future importance.

To do this, I want to comment on the committee structure before my time as Premier and, in the process, make reference to the involvement of Mike Ahern, Premier from 1987 to 1989.

Then I want to take you through my thoughts on the committees arising out of the Fitzgerald Inquiry — namely the Parliamentary Criminal Justice Committee, the PCJC, and the Parliamentary Committee for Electoral and Administrative Review, or PCEAR, and the changes the Labor Government made to the committee process and relevant legislation.

I would also like to offer my views on the role of estimates committees in the Queensland Parliament, and then comment on the committee system today and where I see it going in subsequent years.

^{*} Premier of Queensland, 1989 to 1996. Edited text of address to 'Parliament 2000 — Towards a Modern Committee System', Annual Conference, Australasian Study of Parliament Group, Brisbane, Queensland, 14–16 July 2000.

Parliamentary committees pre-1989

As you are aware, parliamentary committees are a common feature of the Westminster system. Until 1922 Queensland used parliamentary committees extensively in areas such as legislation, land transactions, sale of government assets and policy proposals with members of both the Legislative Assembly and the Legislative Council often working together on issues of concern.

With the abolition of the Legislative Council in March 1922 by a bold and visionary Labor Government came the demise of a comprehensive parliamentary committee system. Between 1922 and 1987, parliamentary committees in Queensland tended to concern fairly mundane matters such as the Library, refreshment rooms, parliamentary building and printing and standing orders committees. However, occasionally there were others, such as the select committee on education in the 1970s.

Mike Ahern chaired this committee, which, unusually for the National Party of the 1970s, recommended some progressive reforms for education in the state, including evaluation guidelines and a reorganisation of the bureaucratic structures that deliver the school system. The committee also addressed some quite controversial topics dealing with human relationships. This attracted some criticism in the Legislative Assembly, not least of which came from Charles Porter, a member of Ahern's coalition partner, the Liberal Party.

Speaking specifically about sex education in schools, Porter, amidst mischievous interjections from Bob Gibbs, said:

I cannot comprehend why sex education, whatever variant of it may be proposed, should be advocated here. (*Hansard*, 18 March 1980)

Citing divorce, STD and other statistics from the USA, where sex education was already instituted, he gave the conservative view that such things did not belong in schools.

The education committee was able to push the boundaries a little, even party political boundaries, and deliver a well informed and challenging report.

In 1988, under then Premier Ahern, the parliamentary Committee of Public Accounts became the first committee to be established by legislation in Queensland. A Public Works Committee followed shortly thereafter. All other states already had established similar watchdog committees based on the lead of the Commonwealth Parliament in 1951.

Formation of the PAC came about as the result of increased demand, during the 1980s, with backbenchers on both sides of the house advocating the committee as a necessary watchdog on government expenditure. Indeed, resistance from the Premier in 1983 to Liberal Party backbench demands for a PAC contributed to the collapse of the 26 year old National/Liberal Coalition.

While the committee was an important starting point, it had some significant limitations, not least of which was the power available to ministers to deny the committee access to certain documents or information if access was deemed to be against the public interest.

My view is that a watchdog committee that is subject to a ministerial veto simply cannot perform its role effectively — it is a watchdog without any teeth. We reformed this aspect of the Public Accounts Committee and Public Works Committee.

So Parliamentary Committees led a somewhat chequered existence until the end of the 1980s in Queensland. But there were significant improvements to be made. On our election, Labor policy offered the opportunity to expand and improve the workings of parliamentary committees in Queensland.

The Fitzgerald Report also recognised a need —

to consider introducing a comprehensive system of parliamentary committees to enhance the ability of Parliament to monitor the efficiency of Government.

The Fitzgerald Inquiry further recommended that parliamentary committees should have

the power to conduct public hearings, as well as the power to investigate and obtain information and documents and, where appropriate, accept and report on petitions and complaints. The legislative process should allow sufficient time for the involvement of parliamentary committees, having regard particularly to members' general parliamentary duties, including attending to their constituencies. (p. 125)

Fitzgerald recommended the establishment of two new bodies — the Electoral and Administrative Review Commission and the Criminal Justice Commission — with each body required to report directly to a standing parliamentary committee, the Parliamentary Committee for Electoral and Administrative Review and the Parliamentary Criminal Justice Committee.

Parliamentary Committee for Electoral and Administrative Reform

The Electoral and Administrative Reform Commission (EARC) carried out its responsibilities in a professional and timely way under its two chairs, Tom Sherman and David Soloman. EARC's brief was to recommend ways to improve the operation of Parliament and promote honesty, impartiality and efficiency in elections, public administration and the administration of local authorities.

Review of EARC was left to the committee and the implementation of these recommendations was left to the Government.

Importantly, in my view, the committee undertook widespread public consultation on what was a very controversial area involving, for example, Queensland's electoral boundaries. Prior to the 1989 election, a very significant issue was electoral reform. The Labor and Liberal parties had a one vote, one value policy. The National Party supported a continuation of the zonal system — otherwise known as the gerrymander — which had been introduced by the Labor Party originally but turned into an art form by Sir Joh Bjelke Petersen. While Labor had one vote, one value as its policy, in the campaign I gave a commitment to abide by the recommendation of the independent umpire.

The independent umpire came down with a recommendation for electoral reform which was almost but not entirely one vote, one value in the sense that for very large electorates, of which there were five, there was a weighting allowed in terms of enrolments. This led to the dilemma as to whether or not the original policy of the party should be pursued or the campaign promise implemented. The parliamentary committee had an important role to play here with its review and widespread consultation and it ultimately recommended support for the EARC Reform Model which was something to which I was certainly committed.

EARC was wrapped up at the end of 1993 at the conclusion of the review process. I think this was a good example of the important role that committees can play in the parliamentary process.

Parliamentary Criminal Justice Committee (PCJC)

The PCJC has a particularly important role because the Criminal Justice Commission (CJC) is a standing commission with a formidable array of powers and a very substantial budget. The PCJC therefore was intended, and should be, a safeguard of the public interest when it comes to the operation of the CJC. It is said that the committee should be independent of the Government, as distinct from the Parliament of which it is an agent, and that is a fair assertion. However, it should also be independent of the CJC.

This PCJC has been subject to various political agendas, pressures, real or perceived clashes with the executive and real or perceived clashes with the CJC itself. Sometimes the perception was that the PCJC acted more as a cheer squad for the CJC than a watchdog and in its second term when offended, as an attack dog rather than a watchdog. Sometimes the perception was that the CJC did not believe that some members of the PCJC were as supportive of the Commission as it would have liked and it restricted information to the committee. The bottom line to be remembered is that the primary role of the parliamentary committee is to safeguard the public interest.

A sunset clause?

In 1989 the Queensland Law Society argued for a five year sunset clause for the CJC because there was no fail-safe mechanism to ensure a permanent commission did not fall victim to the ills that were identified in other agencies by the Fitzgerald Inquiry.

This submission was taken by the Liberal leader Angus Innes. National Party Premier Russell Cooper did not accept the amendment and Labor did not support it. The political mood at the time meant a time limitation would have been regarded as a less than total commitment. With the benefit of experience it would, however, have been prudent to establish some circuit breaker which would have resulted in an independent and non-politically tainted review on the future of the CJC with a commitment to carrying on the core function, namely the detection and deterrence of corruption. Other functions would not have been guaranteed and may or may not have continued. We could argue the merits or particular divisions but the core corruption function is the only one that warrants a guarantee of survival whether in its original or some other form.

Contrast the experience with EARC where this commission set out on an equally important task of reviewing the processes of government but with the intention that it would do itself out of a job. This produces a higher level of independence in that such a commission is not liable to fall into the inevitable trap of wanting to protect its own bureaucracy. This is not a criticism of the CJC; it is simply inevitable that any large institution will seek to preserve and perpetuate not just its primary role but the whole of its bureaucracy.

Further development of the Queensland parliamentary committee system

As another part of EARC's brief, in 1992 an enquiry was conducted into the institution of a system of committees in the Legislative Assembly. After a recommendation from PCEAR and further consideration by the Government, we enacted the *Parliamentary Committees Act* in 1995, which was subsequently amended by the *Parliamentary Committees Amendment Act* 1996. The Act provided for the establishment of six permanent statutory committees including the Legal, Constitutional and Administrative Review Committee; the Members' Ethics and Parliamentary Privileges Committee; the Public Accounts Committee; the Public Works Committee; the Scrutiny of Legislation Committee; and the Standing Orders Committee. Further committees can also be formed by legislation or a resolution of the Parliament. Right now there are an additional two committees — the Travelsafe and PCJC Committees — in operation.

A scan of media coverage indicates that, in recent times, committees have advanced the debate on important issues such as, for example, four year parliamentary terms.

They have also created some problems for governments. Take, for example, the *Courier Mail*'s week-long coverage of the awarding of government contracts to the Consultancy Bureau early in 2000. In these reports — one headline read 'Scrutiny Vital for Honest Politics' — the media was able continually to quote from the findings of an all party committee that advised against actions that were subsequently taken.

So, while there are times where the committee process, and the coverage it receives, have been problematic for governments, it is clear that Parliament's committees now occupy a significant place in the Queensland political landscape.

Estimates committees

Another way that committees can scrutinise the executive is through the estimates process. When I came into Parliament in 1983, I was amazed to see that the Estimates committee process consisted of a very general debate in the parliamentary chamber on only five or six portfolios and, needless to say, those portfolios where there might have been some potential for embarrassment were not on the list that would be debated that particular year. The debate tended to be characterised by broad ranging speeches that had a comfortable familiar feel about them.

When we came to government the Estimates covered every portfolio and in 1994, six separate Estimates committees were at last established under sessional orders to assist in parliamentary scrutiny of the Government's expenditure proposals for every department.

In 1996 the Estimates committees process was reviewed by the Procedural Review Committee which recommended each committee consist of six members rather than seven; committees should be able to request the attendance of and directly question public service officials; government owned corporations should be included in the process; committees able to ask questions on notice prior to hearings; and an additional committee to take the total to seven, with a full day of public hearings each.

Fact finding versus policy development

Commissions of inquiry are most effective when it comes to fact-finding and less successful when it comes to policy (particularly social policy), for which they are poorly equipped. Commissions of inquiry are valuable as a bolt of lightning when the traditional institutions have failed to operate effectively. Once having cleaned out the pipes, however, the responsibility passes to Government and the community to ensure that our traditional institutions again work. I doubt that long queues of cross-examining QCs are the right route to the best policy.

This is an area, however, where I think parliamentary committees can play an effective role, to the extent that they can do this on a bipartisan basis and engage the

views and opinions of professionals. They have a greater capacity than lawyers to generate good policy.

The media

The media has a positive and constructive role to play in the exposure of wrongdoing. It has an equally important role in the promotion of the informed public debate. The media in Queensland in the 1980s was used to a rich diet of policy corruption, political misconduct, sex, drugs, and rock and roll; the need for a regular fix of scandal, corruption and conflict was irresistible.

Unfortunately the media is under increasing commercial pressure to perform in ratings and circulation. Editors, chiefs of staff and working journalists struggle to balance the role of journalist against commercial interest, because they seem to coincide less and less. We see an increasing trend to entertainment rather than news and current affairs analysis. A former press secretary once described this as 'the Orchestra Pit Theory' whereby, if there were two politicians on the stage and one outlined a comprehensive solution for the Health Care System while the other one fell into the orchestra pit, there was no prize for guessing that the latter would be on the 6 o'clock news.

Parliamentary committees can play a valuable role in investigating issues of public importance, researching areas of policy development while appropriate media coverage of this work would lead to a more informed public debate and, dare I say it, perhaps even a little bit of increased respect for the work of parliamentarians.

Conclusions

In the last ten years, the Queensland parliamentary committee system has been fundamentally transformed. I think the point needs to be made that the parliamentary committee system develops and matures over time. What will be important, however, in Queensland and anywhere else, is that there is a bipartisan commitment to the committee system and that there is support for it in a practical way from commentators and other institutions.

Queensland's parliamentary committees have now moved from responsibility for pretty mundane issues to overseeing the work of the standing commission of inquiry called the Criminal Justice Commission, public spending, the delivery of the public works and a range of other important issues.

Queensland beautiful one day, accountable the next!

