

The Hon. Judy Spence MP is Leader of the House, Queensland Parliament

## **A new era of parliamentary reform**

### **Judy Spence**

The Queensland Parliament has been unique in Australian terms for some time. In 2011, it once again reasserted its uniqueness by introducing a new era of parliamentary reform. The reforms adopted represent the most significant change to the way the Queensland Parliament operates since it abolished its upper house 89 years ago.

The Premier established an all-party parliamentary committee in February 2010 to look at parliamentary reform, particularly committee reform. Nine members of parliament — four of whom had been ministers, many with over 20 years of experience including senior people from the opposition — worked fourteen months to produce a report which made the recommendations for reform. The committee gained valuable insight from visiting the New Zealand Parliament. The Deputy Leader of the opposition and I visited many of the Canadian parliaments. I was also fortunate enough to visit the Scottish and Irish parliaments to talk about these issues. It is easy to become comfortable and assume that other Westminster parliaments operate in the same way as our own and it was useful to examine how other parliaments operate. We were mindful, however, that our recommendations had to be crafted to fit our own unique parliamentary circumstances, our geography, our history and our priorities. As MPs, we understood what was workable and achievable. The fact that we delivered a unanimous report was significant on many levels. We all became enthused by the prospect that it was time for change and that indeed there was sufficient maturity and goodwill to negotiate compromise. There has probably not been many other times in our state's history when such unanimity for major parliamentary reform could have been achieved.

During the ten months that we turned our attention to the way our parliament operated, we examined the history of our parliamentary committees. During its first 60 years, the Queensland Parliament had a very vibrant committee system where all party committees looked at how to get more settlers to Queensland; how to establish a judiciary and a police force; and the establishment of an overland telegraphic line from Rockhampton to the head of The Gulf. In those days, parliamentary committees investigated matters that today would be left to the executive. The strong initial phase of parliamentary committees was to decline in the early part of the twentieth century. Between 1922 when the upper house was abolished and the late 1980s, we saw a second phase of parliamentary committees where almost

nothing was considered unless it related to housekeeping such as printing, refreshment rooms, standing orders and parliamentary buildings. Queensland did not get committees such as the Public Accounts or the Public Works Committee until the late 1980s after the Fitzgerald Commission of Inquiry had begun and a government which had steadfastly resisted reform of the parliament for 30 years was finally exposed.

The third phase of committee reform began with the establishment of these committees and the election of the Goss Government saw the establishment of a vibrant committee system. The committees produced reports and made recommendations which the government of the day and indeed the media and academia were interested in. I think it is fair to say that over the last decade our committees have been producing many valuable reports but much of their influence, independence and status has been eroded and there has been little attention given to their work. The government has routinely rejected committee recommendations and neither the media nor the general public have paid much attention to their reports. We were also forced to acknowledge that the Queensland Parliament was lagging behind many other parliaments with respect to its committee facilities. Many committees in other parliaments have gone paperless, some broadcast all committee proceedings, they have dedicated committee rooms and they have excellent video conference facilities, unfortunately the Queensland Parliament has none of these. We acknowledged that after 20 years of a modern committee system, little attention had been given to providing our committees with modern facilities. Our parliament has often been criticised for not having a house of review as in other states. We agreed that a strong independent committee system was vital to ensuring parliamentary scrutiny of the executive but we had not been paying much attention to whether the committees were successfully fulfilling that function.

Another of our challenges is that in the 25 years since the last increase in the size of the Queensland Legislative Assembly to 89 members, Queensland's population has increased by 30 per cent. There is an understandable reluctance by any political party to increase the number of political representatives by way of creating an upper house or by increasing the number of lower house members. Thus, when we were fashioning the blueprint for the new committee system, we had to be very cognizant of the workloads of MPs, the size of their electorates and their capacity to give more time to their parliamentary obligations.

During the course of our inquiry it was put to us that the modern MP sees his or her role primarily as their community's ombudsman and that their role as legislator is regarded as a secondary one. We all agreed that this has become the case in Queensland and our recommendation that all legislation go to a committee for consideration and public hearing was designed to elevate a member's role as a legislator. From the 1 August 2011, every piece of legislation has been referred to a portfolio committee. The portfolio committees are standing policy, legislative, scrutiny and estimates committees and are responsible for the public accounts and public works functions for their portfolios. They have also assumed the functions of

the scrutiny of legislation committee. For example, the members of the Transport and Infrastructure Committee will be the same group of people who will hear public accounts matters and public works matters and scrutinise legislation and sit as the estimates committee. Those committee members will be able to use the knowledge they have accumulated at each stage of the parliamentary process to better scrutinise the raising, allocation and spending of funds as well as any legislation presented to the House. Parliamentary committees enhance the skills of backbenchers of all parties and increase their experience in and familiarity with public administration, as well as reinforcing their sense of purpose and appreciation of their independent parliamentary role and responsibility. The portfolio committee system will significantly assist MPs in their understanding of public administration through this integrated process. Our portfolio committees will report to the House with recommendations about legislation but, unlike the New Zealand model, they will not change legislation in committee. We believe that this was the province of the House and, at the end of the day if a minister wanted to disregard the recommendations of a committee, then they could argue their case in the House and indeed to the public at large.

In the past, we have had no parliamentary time to debate committee reports. The new system not only gives time to debate these reports when legislation is being debated but we have set aside parliamentary time to discuss committee reports of a non-legislative nature. We have changed our parliamentary sitting times so that Wednesday mornings are now devoted to committee work and committees are also being encouraged to undertake committee inquiries outside parliamentary sitting weeks. As Leader of the House, I consult with our Business Committee and determine which day the bills should come back to the House. As a fallback position, committees have a period of six months to report. We have retained the Ethics Committee and our Parliamentary Crime and Misconduct Committee. We have established a House committee called the Committee of the Legislative Assembly. This committee — which has the function of a business committee, a standing orders committee and a parliamentary services committee — comprises three senior members of the government and three senior members of the opposition and there is no casting vote. So, it is a committee of six equal members overseeing the running of the parliament, and the work of the committee system.

There has been no tradition in Queensland for bipartisan negotiation concerning the running of the House so this is quite a change for us. The contention around the establishment of this committee has revolved around the fact that we do not have the Speaker on the committee unless it is debating matters concerning standing orders and that the committee comprises the Premier and Deputy Premier or their nominee and the Leader of the Opposition and the Deputy Leader of the Opposition or their nominee. The other two members are the Leader of the House and the Shadow Leader of the House. It is not expected that the two leaders of either the government or the opposition will necessarily attend any meetings of the committee of the Legislative Assembly, however, we wanted to give them the opportunity of doing so should they feel the need. Instead, they have appointed permanent alternates.

There has been some criticism that the membership of this committee represents the executive taking over the parliament. We reject that criticism. We wanted to make this committee high powered in order that the government of the day could not ignore its recommendations. For too long the governments of Queensland of either political persuasion have under-spent on work that should have been done in the parliamentary precinct. This is understandable given the propensity of opposition, media and the general public to criticise any spending on the parliament but the reality is that our parliamentary building is the most significant heritage building in Queensland and the work that is undertaken there by committees or MPs needs to be financed adequately. A bipartisan committee of senior MPs is more likely to make strong recommendations which the government of the day can confidently implement knowing that it will carry the support of all members. A committee of backbenchers simply would not have the same influence. We did not include the Speaker because we wanted to redefine the role as the person who chairs the parliament rather than the person who make all the decisions about the precinct.

Members strongly believed that, for far too long, all decision making had been invested in one person and they wanted to be involved in actively setting the rules and the policies about how our parliament conducts its affairs and how the precinct is run. Some outside commentators have even gone so far as to suggest our reforms have represented a breach of the doctrines of the separation of powers. Our Solicitor-General strongly refutes that suggestion. Under the new committee system we have an opposition chair of a committee for the first time in Queensland. We have encouraged our committees to be open to the public so that when public servants come and brief the committee about legislation or any other matter, the hearings are open, recorded and broadcast. We have invigorated our estimates process by removing the timeframes that we had previously adopted for questions and answers and by giving MPs the power to directly question CEOs and extending the time of the estimates debate. Last year a newspaper columnist described these changes as ‘a canny plan that would result in the most Opposition friendly parliament we have ever known’. This system does provide MPs, and indeed members of the public, unprecedented opportunities to inquire into and comment on government legislation before it is debated and voted on. It also gives the new committees the ability to report on all the aspects of government activity including investigating and reporting on events and operational matters of the government.

The system is unique and bold but it is not revolutionary. We have taken elements from other systems and adopted them to our Queensland Parliament. I am pleased to report that the first two months of the new system has been very successful and both government, opposition and independent MPs are feeling fulfilled by their new roles. We believe we have begun to transform the way the Queensland Parliament operates by giving members greater responsibility for the scrutiny of the executive; by using the parliament to enliven the executive to their constituents concerns; by ensuring that every Queenslanders has the opportunity to have a say on laws that may affect them; and by giving the parliament a committee system that is strong and dedicated to the purpose of scrutiny, review and deliberation. ▲