

REVIEW OF 2011 COMMITTEE SYSTEM REFORMS

Report No. 13

Committee of the Legislative Assembly

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COMMITTEE OF THE LEGISLATIVE ASSEMBLY

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1 Introduction

This report provides a brief history of the committee system in the Queensland Parliament, a summary of the objectives of reforms to the committee system (introduced in August 2011) and outlines how those objectives have been met.

2 Brief history of the committee system in Queensland

In the 19th century, Queensland had a strong parliamentary committee system, which fell into decline for almost the whole of the 20th century. Following the reforms of the Fitzgerald era, a modern committee system was established.

It is widely recognised that a strong, active committee system is an asset in any functioning parliamentary democracy. A comprehensive system of parliamentary committees provides greater accountability by making the policy and administrative functions of Government more open and accountable. Committees provide a forum for investigation into matters of public importance and give Members of Parliament the opportunity to enhance their knowledge of such issues.

Despite the post-Fitzgerald reforms, Queensland's former parliamentary committee system failed to meet international benchmarks. In particular, committees did not regularly consider bills introduced into the Assembly. In the decade prior to the committee system reforms in 2011 (i.e. between 2000 and 2010), there was little connection between the House and committees:

- 502 committee reports were considered on the floor of the House;
- there were 20 referrals by the House to committees;
- only four Bills were scrutinised by committees beyond "technical scrutiny" by Scrutiny of Legislation Committee in relation to the Fundamental Legislative Principles in the *Legislative Standards Act 1992*; and
- there was only 45 minutes of formal consideration by the House of three of 191 "inquiry reports" (less than 2%).

In February 2010, the Legislative Assembly established the Committee System Review Committee to conduct an inquiry and report on how the parliamentary oversight of legislation could be enhanced and how the existing parliamentary committee system could be strengthened to enhance accountability.

The Committee System Review Committee tabled its report on 15 December 2010. The report contained 55 recommendations, including the establishment of a system of portfolio committees which mirrored the various portfolio areas of government.

The Government supported the majority of the committee recommendations and there was general bi-partisan support for reform. In February 2011, the Legislative Assembly established a select committee, the Committee of the Legislative Assembly (CLA), to consider the details of the new committee system.

The *Parliament of Queensland (Reform and Modernisation) Amendment Act 2011*, which amended the *Parliament of Queensland Act 2001* (the POQA), received Royal Assent on 19 May 2011. The amendments implemented key reforms to the committee system including the establishment of a number of portfolio committees, under Standing Orders, to cover all areas of government activity, examine Appropriation Bills, other legislation and public accounts and public works.

The POQA was also amended to provide for the establishment of:

- the CLA with areas of responsibility that include the conduct of business by the Legislative Assembly and the ethical conduct of members; and
- the Ethics Committee with areas of responsibility that include dealing with complaints about the ethical conduct of members and alleged breaches of parliamentary privilege.

A further committee, the Parliamentary Crime and Misconduct Committee, now the Parliamentary Crime and Corruption Committee, was established under the *Crime and Misconduct Act 2001*, now the *Crime and Corruption Act 2001*.

3 Roles and responsibilities of portfolio committees

Section 88 of the POQA provides for the establishment of portfolio committees in the Standing Rules and Orders of the Legislative Assembly (the Standing Orders). The portfolio committees are bi-partisan and their membership reflects the political composition of the Legislative Assembly (see section 89 to 91C of the POQA).

Section 92 of the POQA outlines the main responsibilities of a portfolio committee in relation to its portfolio area. The main responsibilities are to:

- consider Appropriation Bills within their portfolio areas (budget estimates committees);
- consider other legislation and proposed legislation, including subordinate legislation;
- perform its role in relation to public accounts and public works; and
- deal with an issue referred to the committee by the Assembly, or under another Act.

Section 94 of the POQA provides that portfolio committees may assess the public accounts of each department in their portfolios and consider such departments' public works. Portfolio committees must also consider reports of the Auditor-General within their portfolios, once they are tabled in the Legislative Assembly and referred by the CLA.¹

Schedule 6 of the Standing Orders provides that portfolio committees are responsible for monitoring and reviewing the performance of statutory authorities within their portfolio area. Other statutory authorities within committee's portfolio areas are set out at Schedule 7 of the Standing Orders.

Parliamentary committees in Queensland have the power to:

- call for persons, documents and other things;
- hold public and private hearings;
- appoint sub-committees; and
- publish evidence and documents.

4 Aims and objectives of the 2011 committee system reforms

The objectives of the portfolio committee system established in August 2011 were to:

- establish a more vigorous legislative process to scrutinise legislation and achieve better legislative outcomes;
- create a better informed Parliament and individual Members of Parliament and develop best practice policy;
- improve engagement with the community and stakeholders in a formal process; and
- enhance parliamentary oversight of the expenditure and activities of the Government.

¹ Standing Rules and Orders of the Legislative Assembly, SO 194B

5 How effective have the 2011 committee system reforms been?

This section measures the work of portfolio committees in the 53rd and 54th Parliaments against the original objectives of the portfolio committee system when it was introduced in 2011.

5.1 More vigorous legislative process to scrutinise legislation and achieve better legislative outcomes

Section 93 of the POQA provides that a portfolio committee is responsible for examining each Bill and item of subordinate legislation in its portfolio area to consider:

- the policy to be given effect by the legislation;
- the application of fundamental legislative principles² to the legislation; and
- for subordinate legislation – its lawfulness.

A portfolio committee's responsibilities in relation to legislation include monitoring the compliance of explanatory notes (tabled with legislation) with the *Legislative Standards Act 1992*.

During the 53rd Parliament (from August 2011 to February 2012), portfolio committees considered 34 Bills, of which 22 were considered by the Legislative Assembly. The table below outlines the number of Bills examined by committees and debated in the House. It also outlines the recommendations made by committees and the number accepted by the Government in the 53rd Parliament:

Bills examined and debated 22 ³	Legislative amendments recommended 24	Legislative amendments accepted 17	Percentage accepted 71
	Other recommendations 8	Accepted recommendations 8	Percentage accepted 100

During the 54th Parliament (May 2012 to January 2015), portfolio committees reported on 161 Bills, of which 157 were debated in the House, and 704 pieces of subordinate legislation.

The table below outlines the number of Bills examined by committees and debated in the House. It also outlines recommendations made by committees and the number of recommendations accepted by the Government:

Bills examined and debated 157 ⁴	Legislative amendments recommended 308	Legislative amendments accepted 162	Percentage accepted 53
	Other recommendations 242	Accepted recommendations	Percentage accepted 83

² *Legislative Standards Act 1992*, section 4(1)

³ Total number of Bills reported on and debated in the House during the 53rd Parliament

⁴ Total number of Bills reported on and debated in the House during the 54th Parliament

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The average duration of committee inquiries in the 53rd Parliament was:

Total completed inquiries 31 ⁵	Government Bills	Private Members Bills	Other Inquiries
	Average duration 10.6 weeks	Average duration 8 weeks	Average duration N/A (no completed inquiries)

The average duration of committee inquiries in the 54th Parliament was:

Total completed inquiries 150 ⁶	Government Bills	Private Members Bills	Other Inquiries
	Average duration 8.5 weeks	Average duration 25.4 weeks	Average duration 32.4 weeks

5.2 Better informed Parliament and individual Members and develop best practice policy

The portfolio committees in the 53rd Parliament did not complete any 'Other Inquiries' (i.e. inquiries referred by the House that did not relate to Bills). The portfolio committees completed thirteen 'Other Inquiries' during the 54th Parliament. These inquiries covered a wide variety of topics and policy areas, including inquiries about:

- Queensland Agriculture and Resource Industries;
- the assessment of senior maths, chemistry and physics in Queensland schools;
- palliative care services and home and community care services;
- sexually explicit outdoor advertising;
- the future and continued relevance of Government land tenure across Queensland;
- cycling issues; and
- strategies to prevent and reduce criminal activity in Queensland.

The table below outlines the number of 'Other Inquiry' reports tabled in the House in the 54th Parliament to which the Government provided a response (11 reports). The table also outlines

⁵ Total number of inquiries reported on by portfolio committees in the 53rd Parliament. Note – a number of inquiries reported on more than one Bill and a Government response was not received to certain inquiries in the 53rd Parliament

⁶ Total number of inquiries reported on by portfolio committees in the 54th Parliament. Note – a number of inquiries reported on more than one Bill and a Government response was not received to certain inquiries in the 54th Parliament

the number of recommendations made by committees and the number of amendments accepted by the Government:

Total completed inquiries 11	Legislative amendments recommended 72	Legislative amendments accepted 41	Percentage accepted 57
	Other recommendations 275	Accepted recommendations 215	Percentage accepted 78

5.3 Improve engagement with the community and stakeholders in a formal process

The introduction of the portfolio committee system has seen a significant increase in the activity of parliamentary committees, in particular the number of public briefings and hearings. The introduction of the portfolio committee system has also seen a significant increase in community and stakeholder participation in parliamentary activities.

The table below sets out the number of public briefings, public hearings and private hearings of committees during the 53rd Parliament (note: activity under the portfolio committee system did not commence until August 2011):

2009-10	2010-11	2011-12 ⁷
42	44	121

The table below sets out the number of public briefings, public hearings and private hearings of committees during the 54th Parliament:

2012-13	2013-14	2014-15 ⁸
195	212	129

During the 54th Parliament, a total of 3,324 people appeared at portfolio committee hearings:

- 1,727 public servants;
- 661 representatives of peak organisations;
- 580 members of other groups; and
- 356 individual members of the public.

5.4 Enhance parliamentary oversight of the expenditure and activities of Government

The portfolio committees also serve as the budget estimates committees and examine in detail the budgets of the departments within their portfolio at a public hearing.

Following the introduction of the portfolio committee system, estimates hearings no longer have structured times for each question and answer and allow for a more free-flowing examination with direct questioning of both Ministers and senior public servants.

As a result of these reforms, the budget accounts, capital works and legislation for portfolio areas are examined by the one committee.

⁷ This period included the dissolution period for a general election

⁸ *Ibid*

Furthermore, section 88 of the POQA provides that activities of each Government department must be covered by a portfolio committee. Portfolio committees are responsible for:

- the assessment of the integrity, economy, efficiency and effectiveness of government financial management by examining government financial documents and considering the annual and other reports of the Auditor-General;
- public works undertaken by construction authorities (the State, department or Government Owned Corporation (GOC)); and
- any major GOC works.

During the 53rd Parliament, portfolio committees completed two public accounts and public works inquiries. Portfolio committees in the 54th Parliament completed six public accounts and public works inquiries.

The early focus of portfolio committees has been legislation and referrals from the House; however, it is envisaged that public accounts and public works inquiries will be an area of future growth for portfolio committees.