



***AUSTRALASIAN STUDY OF
PARLIAMENT GROUP
(Queensland Chapter)***

**WHETHER OR NOT PARLIAMENTARY COMMITTEES
ARE ALIVE OR DEAD AFTER THE LANDSLIDE**

TRANSCRIPT OF PROCEEDINGS

SATURDAY, 11 AUGUST 2012

Brisbane

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Ms MALONE: The topic that we are to address today—whether or not parliamentary committees are alive or dead after the landslide—promises to be an interesting one. You will see we have a good range of speakers here. We have the players and we have the observers. The players are parliamentarians and a member of a peak body who seems to have to attend the odd parliamentary committee hearing. The observers are journalists, academics and the honourable Dr Ken Coghill, who is very difficult to define as he crosses many genres as an academic, a former parliamentarian and a member of an organisation called the Accountability Round Table.

We are coming to the topic from many approaches. I thought it would be nice to set the scene with a quick romp through the history of the Queensland parliament. It was established in 1860 after separation from New South Wales. From 1860 to 1920 there were committees in the parliament and they were mostly to promote agriculture and development of the state. They were joint House committees. With the abolition of the parliament in 1922, there seemed to be an abolition of committees until the 1970s. So there were almost no committees between the twenties and the seventies. The first committee that was established in the seventies was a privileges committee established by Bjelke-Petersen, but it was really only when Mike Ahern assented to the Premiership that a committee system was developed and started to thrive. That committee system really survived until 2010 but it was augmented in the 1990s by estimates committees.

In 2010 there was a committee to review parliamentary committees. Most of you will be familiar with that. Then in 2011 the current system of committees was established. It introduced policy committees in broad portfolio groupings and also introduced a Committee of the Legislative Assembly which was fairly controversial. In March 2012 we had a state election and a change of government which resulted in 78 government members in the current parliament of 89 members, hence a landslide. Fifty of those 89 members are new members of parliament, not experienced. So there is the background.

It is now to our speakers to fill out the details. Our first speaker will be Mr David Gibson MP, the Liberal National Party member for Gympie since 2006. David is currently a member of the Agriculture, Resources and Environment Committee. In his six years of parliamentary service he has been Minister for Police and Community Safety and he has held a lot of shadow ministries in the areas of local government, sport, sustainable environment, climate change, clean energy strategies, sustainability, climate change and innovation, infrastructure and planning, state development, employment and industrial relations. When he was in opposition he experienced, though probably not to the same degree, the kind of overload that I think the current opposition must be experiencing. His committee experience over that period includes transport, local government and infrastructure, various estimates committees, a Speaker's Advisory Committee and Public Accounts Committee. In a past life David was general manager of the *Gympie Times* and an army officer.

Mr GIBSON: This is a good opportunity to really talk about this topic. I am a huge fan of the reforms that occurred in the previous parliament, directed in large part by the previous government, and I think that needs to be recognised. From someone who has experienced parliament under the old system and the new system, those reforms really brought about a lot of benefit in how the parliament's committee system can hold the executive to account. I think that is the real role of the committees. It is about robust analysis, looking into legislation, but also questioning the executive and making sure they are aware of the concerns that are being raised.

Often people will say, 'Queensland is terrible. You have a unicameral system. You have bastardised the Westminster system. It is a winner take all,' and it is. We appreciate it is an elected dictatorship in this state, but the committee system has really brought about a lot of changes. But even under the old committee system—I use this as an example because I think it is really important—it was one question off the cuff followed up by another question from Stuart Copeland that brought about the exposure of what Gordon Nuttall was doing. People often forget that, but it was an estimates committee hearing that triggered the whole series of events that flowed through. I think that in itself highlights the real value of the committee process and being able to question and ask.

I want to touch on how it operated in the past parliament from an opposition's perspective. Jo-Ann Miller and I were on the same committee last year and we spoke about what we would cover today so whilst I do not pretend to speak for Jo-Ann I might share some of the experiences we had together, how we operated when she was chair and I was deputy chair of the Transport and Local Government Committee. In that role in that parliament, committee membership was about 50-50. In fact, it was 50-50. The chair had both the deliberative and casting vote but there was an opportunity for the opposition to have three members and the government also had three members, which meant that the workload was shared when in opposition to ensure that you had different areas covered. Shadow ministers were on committees. I was on the Transport and Local Government Committee as the shadow minister for local government, and that meant that as the committee was looking at legislation, as the committee did public hearings, I had that expertise developing within myself but was also able to draw widely on local government issues. I believe that meant in opposition you got a better understanding of what was required and how you can delve into the legislation to get a better outcome on that legislation.

It did not mean that we did not have problems. One of the problems we had in the previous parliament on my committee was when Jo-Ann Miller was overseas and it was during estimates and we had another government MP come in as the chair and decided to do things differently. I remember the estimates day very well because we had a telephone hook-up the week before and there was some discussion as to whether—it was a trivial thing—the minister should be given a five-minute opening statement at estimates. We discussed it and we said we really do not need to. The budget papers provide an overview. We do not need to hear another five-minute overview. Let's get straight into it. As it happened on that telephone hook-up the opposition had the numbers so we said no and that was agreed. On the day of estimates with the new chair, he decided to have a meeting before the meeting and tried to change that and the opposition members got up and walked out. They suddenly did not have a quorum and could not change it and we just walked into the red chamber, sat down and said, 'We're ready to start. We'll just wait on the government members.' There was some to-ing and fro-ing and we sorted something out.

I use that example because for committees to have a quorum it is not just about numbers; it is about having a member of the opposition there as well. In the last sitting week I bumped into Jo-Ann in the lift. Wednesday mornings are when we do committee business. She had a huge smile on her face and I said, 'Jo-Ann, you are up to something. What is happening?' She said, 'I just walked out of my committee meeting. They haven't got a quorum,' so it can work both ways. That robustness still exists and it is important, I think, that committees are able to reflect and ensure the opposition has an opportunity to examine legislation and to be involved.

In the new parliament and after the landslide when we were discussing as a parliament previously how the committee structure should be established, I do not think anybody expected that after the election we would have the challenges on the committees with such a majority. There are some things that we did expect and we always knew would be a problem, and that is when a new parliament starts with legislation now going to committee you need to feed the sausage-making machine. There was always going to be that challenge after the election and there will continue to be. When new governments come in, legislation lapses. New legislation is brought in and you have a challenge. Do you refer that to a committee, which takes time and then you have a parliament either not sitting because committees are taking time to examine legislation, or do you reduce the time that the committees have to examine the legislation? That is the approach that the government has taken this time round and there has been some controversy about that. As a committee member I know the pressure we have had on us to manage our time to be able to analyse some complex legislation in fairly brief reporting periods. The ideal is that the bill is referred and there is up to six months before it comes back to the House. Importantly, the time frame is determined by the Committee of the Legislative Assembly and that does have equal representation of both three government and three non-government members. If the Committee of the Legislative Assembly cannot agree, it will come back to the parliament. So even though there have been reduced reporting times it has been done with the CLA's agreement as to what that time frame should be.

The interesting point committees face now is really a lack of experience. We see that with my new colleagues very clearly. With the greatest of respect to them, they come with a broad range of life experience but they do not come with committee experience and that in itself is important. In the first few committee hearings into particular pieces of legislation, we have relied extensively on our committee secretariat because the new members just have not had the experience and the understanding to really drill into that legislation. I remember a particular bill that we were dealing with fairly quickly and we were circulating via e-mail wording that we could use in the report, and in all honesty it was two members of the committee who were doing that. The rest were really struggling just to get their head around it. That will take time but I do believe the structure is right. That is always a situation in any new parliament. We just have a unique situation now with 50 new members and their being what the government draws on particularly for committee membership really struggling to cover that area.

The opposition still has great influence in the committee process. I think this is a real strength of how it was designed. If I am honest, my assessment is that I think the previous government, in coming to the table and having that discussion, did so with a hint of maybe they would be in opposition and were willing to structure things a little bit more robustly for them as an opposition to come into place. That has bode well for oppositions into the future, because it means that they have a significant amount of power in that committee. First and foremost, they hold the ability for a quorum and without a quorum the committee does not operate. So that in itself is pretty powerful. Secondly, they are free to ask questions. On any public hearing that we are having, on any departmental briefing that is occurring, it is the opposition members who have the greatest freedom. The government members, just by the very nature of being in government, will be a little bit more reserved in their line of questioning. They will perhaps keep in the back of their minds that this is a government bill and, whilst we are looking at how we can improve it, we will not pursue the policy angle of it. We will allow that to occur and we will just look at the detail of it in how it will impact upon people. In that sense, from my view, I think it works particularly well, although under the current arrangements it does have some unique challenges. In trying to address those challenges, I think it is a matter of time and experience, not the committee structure that we have, that will help it go forward.

I also want to touch on one element of the committee system and that is there is still the very powerful ability for opposition members—and for government members, if they are particularly brave—to submit a dissenting report. That in itself carries a lot of weight, because that is an ability for the parliament and the broader public to see a separate view that is not contained within the report. I know that, from the

media's perspective, if a dissenting report is tabled they are certainly interested to see what the concerns are. That again highlights, I think, the robustness of the way in which the committee system was established. It can be improved. There is no doubt about that. I think we need to look at a process with regard to the new parliament and that three-, four-month period that occurs where committees are reporting on legislation in a very condensed time frame, because the parliament needs legislation to be able to have a look at. So there are areas for it to improve and I think there is a general willingness on the part of all the MPs to see that constant improvement. I would like to think that we do not have to wait another 70 years before we review and reform our committee process. I hope that it is something that we do ongoing and that we are able to continually pick up.

An example of that that occurred at the beginning of this parliament were minor reforms to the CLA, but I think very important reforms, where the Speaker was brought back on to the Committee of the Legislative Assembly. There will be arguments about whether the Speaker has enough power on the Committee of the Legislative Assembly—and that is something that I think all can look at—but, symbolically, certainly as a starting point, it was good to see that that role was restored and the Speaker is chairing that. That in itself shows that the committee process that we have will continually improve. Thank you very much.

Ms MALONE: Thank you very much, David. The format for today is for us to just go through the speakers—the players—in order and then have a very short question time before afternoon tea and a much longer question time at the end of the program. Our next paper is written by Peter Wellington, MP, the Independent member for Nicklin, but is going to be delivered by Dr Mary Crawford. I think his apologies are written into the paper. Mr Wellington has been the member for Nicklin since 1998—14 years. He is a very experienced member of the current parliament. In that 14 years, he has served on many committees. Currently, he is a member of three: the Legal Affairs and Community Safety Committee, the Ethics Committee and the Parliamentary Crime and Misconduct Committee. His past committee experience covers Ethics, the Scrutiny of Legislation Committee—he has been both a member and a deputy chair of that committee—estimates and three different select committees: review of organ and tissue donation procedures, consequences of changing political status and parliamentary entitlements committees. Before Peter Wellington's parliamentary service, he was a councillor for the Maroochy shire, the chair of the finance department of the Maroochy council for one year and he has also been a solicitor and a farmer.

To deliver his paper is Dr Mary Crawford, who is a former federal member of parliament for Forde and who is now a visiting fellow at the QUT Business School, and who has been a very faithful member of the Australasian Study of Parliament Group executive for some years. Please welcome Dr Mary Crawford.

Dr CRAWFORD: Thank you very much, Nonie. I have to say to you that this is the first time I have words coming out of my mouth for which I can take no ownership whatsoever and nor the views necessarily. These are actually just direct from Peter Wellington. I have a small piece on the Parliamentary Committee System: Dead or alive after the landslide? and I also have a small piece from *Hansard* of 1 August in which Peter Wellington takes issues with the committee system.

So without further ado, firstly, I would like to thank you for inviting me to participate in your seminar. I apologise for not being able to attend in person as I am already committed to attend the Sunshine Coast genealogy AGM. In considering your topic, my comments are made in the context of comparing the current system with how the previous government dealt with the consideration of bills and the fact that Queensland has only one House of parliament. My views are also influenced by my membership of the Legal Affairs and Community Safety Committee and how the government has dealt with this committee.

I believe the new committee system provides a better opportunity for the consideration of proposed changes to Queensland laws than the way previous governments operated. The real test for consideration in my mind is if the government allows the new committees reasonable time to consult with relevant stakeholders and the community before the committee is required to report back to parliament. I believe on occasions this government has set unreasonably short time frames for committees to report back to parliament before debate commences on relevant bills. To me, it appears that the government has on these occasions set short report back time frames because it was in the government's political interests to do so.

This government, like the previous government, has used its numbers in parliament to declare politically sensitive bills urgent so that the bills do not go to committees for consideration and instead are rushed through parliament for the sole purpose of minimising community debate. I understand that our standing orders set out that committees have six months in which to consider the proposed changes contained in the bill before reporting back to parliament unless the parliament sets a shorter time frame. I believe there are many occasions when shorter time frames are reasonable and appropriate and I believe that if the government wants to genuinely consult with Queenslanders and be a government for all, it should allow even the contentious bills a reasonable amount of time for consideration and comment by not just the relevant parliamentary committees but also stakeholders and interested Queenslanders.

As an Independent member of parliament, I believe the new committee system certainly provides me with greater opportunities to be involved in reviewing proposed changes to Queensland laws. These opportunities include considering submissions from stakeholder groups and the community and making recommendations to the relevant ministers on how the proposed law could be better refined or rejected

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because of submissions raised. I see the main problem with the current committee system is the reluctance of the government to allow the committees reasonable time in which to consult with stakeholders and the greater community on some of the more politically sensitive matters that the government wants to push through parliament.

There is no doubt that this government clearly has a mandate for change and I hope I can play a part in keeping this government accountable. Peter Wellington.

On 1 August 2012, as recorded in *Hansard*, Mr Wellington spoke in the debate on the Penalties and Sentences and Other Legislation Amendment Bill 2012—

I note that my dissenting report is included in the committee's report for members to consider. The Attorney-General's opening sentence in his introductory speech states—

The Penalties and Sentences and Other Legislation Amendment Bill 2012 delivers on two of the government's key pre-election commitments.

That may be the case, but the concern for me is that the devil is always in the detail. I think the facts speak for themselves. The bill was introduced into parliament on 11 July. It was given a reporting date in *Hansard* the next day, 12 July, and the government set submissions to be received from interested groups within five days, by 17 July, which led to the bill now being debated in the chamber. I think that short time frame is a sham. It is a disgrace when this government has such a massive majority. This government can introduce legislation whenever it chooses without any fear of objection or interference and yet it chose to set such a ridiculously short time frame to push this bill through so there was not the capacity for Queenslanders and interested parties to scrutinise the detail.

We know what the Premier said and we know the pre-election commitments. That is on the record. What has not been on the record until the bill was introduced was the detail. In the previous parliament we saw significant change to the way the committee system operated. The then opposition spoke in glowing terms about how this was a new way forward, how the new committee system would allow Queenslanders, interested groups and members of parliament from government, the crossbenches and the opposition to really be involved and to be apprised of information after a genuine investigation of the proposed bill.

I will quote from the comments of the member for Callide, Mr Seene, then an opposition member and now Deputy Premier, at the time the debate was occurring—

What is included in this legislation was a fundamental change in the way in which legislation is introduced into this House, a fundamental change in the way in which legislation is considered in this place, a fundamental change in the role of members of parliament who serve in this parliament and a fundamental change in the way in which the general public are given opportunities to respond to legislation before it becomes law.

These are the Deputy Premier's own words. He then went on to state—

It has long been the criticism of people, sometimes within this chamber, in commenting on the Queensland parliament that there is no proper system of review. Given that this is one of the few parliaments that does not have an upper house, that criticism can often be seen as having some justification. One of the points that I think is important to make about the changes to the legislative process that this bill seeks to put in place is the review processes that it will bring to the consideration of legislation.

The Deputy Premier went on to say that it was all about ensuring that the legislative process was changed so that there was a capacity for genuine consideration of the fine detail. Can I say that what we have seen with the way the Attorney-General has introduced this bill and pushed it through is a total sham. I think it is an appalling example of how this government is abusing the mandate Queenslanders gave it such a short time ago.

I will move to the issue of consultation. We can ask whether the government genuinely wants to have consultation or whether it just wants to go through the motions. Does it just want to say that it has had consultation and then move on? I note the detailed report that the committee produced is on the record and I hope members have a chance to read it. The Queensland Law Society made a submission. Yes, the committee contacted interested groups and asked them whether they could make a submission. What did the Queensland Law Society say? They stated—

While we acknowledge that the setting of reporting dates is not within the control of the Committee, we wish to note the Society's deep concern over the exceptionally short reporting timeframes. This Bill was introduced on 11 July 2012, reported in *Hansard* on 12 July 2012, with submissions due by 17 July 2012. Therefore, only four business days were provided for responses to this omnibus Bill which proposes amendments to several pieces of legislation. This is concerning especially because the Explanatory Notes to the Bill state that there has been no public consultation on the amendments in the Bill. In addition, we have received reports that other legal practitioners would have been minded to make submissions, had the consultation timeframe been longer.

This is the Queensland Law Society. Does this government genuinely want people who are busy in their own right to make comments...

He then goes on to talk about the Council for Civil Liberties and the same sorts of issues arise there. I guess you will be able to read this yourself. Finally, he says—

Members, do you really think the government is going to give the court some more resources to process this?

He raises questions around this whole issue of consultation, asking whether the government just wants to go through the motions. That is Mr Wellington's views on the current committee system.

Ms MALONE: Thank you very much, both to Mary and to Mr Peter Wellington. Our next speaker will be Mr Greg Hoffman PSM. Greg has had a very, very long—about 30-year—association with the Local Government Association of Queensland, initially as its CEO until the mid '90s when he became Commissioner for Local Government and from the late '90s when he returned until the present as Director, Policy Representation and Advocacy, now a general manager at Advocacy for the Local Government Association of Queensland. Over the years I am sure that Greg has dealt with the myriad of issues that councils must progress with state governments and has seen a few governments and their modes of operation.

Greg was awarded a Public Service medal in 1994 in the Australia Day honours list for outstanding service to local government and in 2002 he received a Centenary of Federation medal. He is currently a member of the Queensland Water Management Committee and I am sure a number of other committees.

Before his very long association with the Local Government Association of Queensland, Greg was town clerk—what would now be called a CEO—of the Darwin City Council in the period of rebuilding post-Cyclone Tracy. The title of Greg's presentation today is, 'Insert expletive: not another parliamentary hearing committee'. Please make Greg welcome.

MR HOFFMAN: Thank you, Nonie. Good afternoon to David, Mary and everybody. I will come to the title a little later as you might, in what I have to say, glean where I am coming from that in that regard. Firstly, a little bit about the Local Government Association of Queensland. It is a peak body representing local governments in this state. It has been in business since 1896. It is the oldest longest continuing representative body in this state. Membership is voluntary, but all 73 local governments in Queensland are members of the association and that is a situation we acknowledge with great pride and appreciation.

Our business is in three parts. We assist and support them with information and advice on a daily basis. There are literally hundreds of phone calls, emails and other communication every day, every week of the year. We help them build capacity through training and development and a whole range of business support services. Thirdly, we are their advocate. We represent the system of local government to other levels of government and to stakeholders who engage with the system of local government and with councils. There are 42,000 people who work in the local government system in Queensland. There are some 1,100 councillors. Our role is to support them in any way and every way we possibly can. My role as the general manager of Advocacy is to lead our representational and our intergovernmental tasks on their behalf.

Are we a lobby group? Yes, but we like to think we are a little bit more than a lobby group. Local government is part of the system of government of this country: local government, state government, federal government, and I put it in the correct order. Local government is a partner in government and, in fact, the new state government acknowledges that and has recently signed an agreement with us called the Partners in Government Agreement, recognising that, in fact, we share the same constituents—the electors of Queensland, the residents of this state—that governments are here to serve. We are in a different position than the other business and sectoral interest lobbies or representative groups.

How do we describe or categorise our business? We are in the business of relationships, in the business of policy and in the business of politics. It is in that order that I and my colleagues approach our work on behalf of councils and our engagement on their behalf. Our approach to the issue of relationships is expressed in this way: today's good relationship is tomorrow's positive outcome. Our approach to policy is that this is how we tell our story, how we document what we are after and what we stand for, and we spend a lot of time in that space. Politics also plays a significant gain. If your relationships are good, if your policy is good, then your interaction at the political level, and in terms of the political outcomes, which is, in fact, really a statement of what is achievable, is enhanced fully. If those three elements are not well connected, then the process by and large ends up with bad relationships, bad policy and a very uncomfortable political situation.

Why are the committees relevant to us? Advocacy requires the widest possible representation or story telling. We do that in our engagement with the Executive, through ministers and through the bureaucracy on a day-to-day basis. We obviously tell our story through the media. If we want to influence final decision processes of government in the parliament, in the legislature, we need to have our position put on the record, we would like to see it reviewed and, if need be, we would like to see it change the changed.

What is our interaction, then, with the committees? Over the past 12 months we have made 10 submissions and appeared 10 times before four of the parliamentary committees. Why is that level of activity the case? The business of local government is broad across all issues of relevance to the community. It is not just roads, rates, rubbish, as it is oft described, but it covers every aspect. Local government represents its community, it serves and meets the needs of its community, but it takes its community's message to other levels of government. Across the spectrum of finance and governance and social policy, environment, planning, health, infrastructure in all forms, economic and regional development, local government has an interest on behalf of its community to see those things well served. Our role equally, therefore, is broad on their behalf in carrying their message to where it needs to be taken.

From our perspective, does the committee process work? Sometimes yes and sometimes no. It really depends on the interface between the politics and the policy. Does the government want to listen, is its political position locked in or is it open to policy review? My comment about 'sometimes yes and sometimes no' is where it is very obvious that political positions are set, they are fixed, they have been enunciated, the issue is potentially contentious, there is little likelihood that the parliamentary committee process will do anything other than provide organisations like ourselves and others the opportunity to have their concerns put on the record. The short time frames, commented on before by Mary, are very relevant to this. It raises questions, then, as to what are the government's intentions: is it really serious or is it just going through the motions?

Another factor is the capacity of the committee. Sitting as I do on one side of the table making our case to the committee, you can see in the people there quite differing levels of interest, of energy, of commitment to, in fact, the subject matter of the day. I say that is not reserved to any single party. It is an issue for all of them. I acknowledge the work of David Gibson and Jo-Anne Miller in their roles as chair and deputy chair, in the previous government, of the local government committee, which we dealt with regularly

on issues. The committee demonstrated a genuine interest and willingness in listening to the story telling and, in fact, sought to not only have us attend here in this place, but also arrangements through the Speaker enabled the committee to come to us at one of our conferences and meet with a wider audience of our local government representatives. That was an unusual approach to the business of committees, in some respects. I know you, in fact, went to Longreach and other places to enable people to come to you and I commend that process because if, again, the story telling is to be made and heard it needs to be open and accessible.

Is the committee process dead now with the majority that the government has? I think not. It is not inherently the case in the disproportionate numbers on the committee, although I do acknowledge the extremely difficult position that the Opposition has. The unenviable position of members of the Opposition to be across the agenda, all agendas, and to participate in the process certainly compromises their ability to engage in the most effective manner.

The title of my presentation today is perhaps reflected in those numbers that I mentioned before of the number of times we have appeared before committees in the past 12 months, providing 10 submissions. Our business is not only representing our constituents and our membership at a state level, but also at a federal level, so we do this to a federal parliamentary committee and we also do it to the Productivity Commission and a whole range of other agencies or bodies established by government. On any one week of the work year, we can be appearing before a committee somewhere in this country. When an invitation comes, and the system is well geared to now enable invitations to come and be received—you do not have to wait until there is something advertised or you are sitting in parliament and know what is in the House—the parliamentary system and the committee system has identified if you have put your hand up and said you are interested and those people will be engaged in an effective way. I commend that process because, even though there is a number of us who work at the Local Government Association and we keep on eye on things, with so much happening on a daily and weekly basis I think it is incumbent on the parliamentary process to ensure that its processes come to the people and it is not necessary for the people solely to come to the parliamentary process. Yes, there will probably be a hearing or two next week, somewhere, and we will happily participate in that. Thank you, everyone.

Ms MALONE: Thank you very much, Greg. We have now heard from all of the players and it is time for questions for those players.

(Question and answer session)

Mr MALONE: We are now up to the observers' half of the program. Our first speaker in this section of the program will be Mr Daniel Hurst. Daniel is the state political reporter for the *Brisbane Times*, which is Fairfax Media's online-only news service in Queensland. He has worked for the *Brisbane Times* since early 2009, co-incidentally starting work two hours before Anna Bligh called the 2009 election. Before the *Brisbane Times*, Daniel worked for the *Redland Times* and *Bayside Bulletin*, covering much smaller committee meetings reporting on Redland City Council news. He has had very little notice to prepare this so we are very grateful to him for pulling a presentation together. Daniel will talk about how a strong committee system can enhance the quality of public debate.

Mr HURST: I thought I would focus on how the work of committees comes across to the public via the media because a lot of the focus today has been on how it provides that accountability mechanism and scrutiny of legislation, but I thought I would take a look at how it comes across to the public through the media and the media's focus, or lack of at times, on committees.

There have been quite a few commentators in recent times who have complained about what they call a decline in the quality of public debate. They say there are simplistic talking points and glib lines overtaking serious policy discussion. The former federal Treasury secretary, Ken Henry, last month said the nation had a serious problem: 'It's almost impossible in Australia perhaps because of the way politics works, perhaps because of the way the media works, perhaps because of the way they work together, it's very difficult to have a debate about concepts. Rather it's easier to have a debate about politics and about the issues that feature in the 24-hour news cycle.'

There is no shortage of commentators who would back up that sentiment, and I cannot help thinking sometimes that a complaint about the quality of public debate sometimes reflects frustration that that person's views are not popular at that time, but I think it is hard to dispute the claim that politics generally comes across in simplistic talking points and simplistic arguments that are really drilled down to get that short sound bite on the news.

What is the relevance of all this? Well I believe that a strong committee system can help enhance the quality of public debate. I thought I would start by giving you a bit of sense about a normal parliamentary day about how the media covers it and the rhythms and flows because people do not necessarily know the way that the flows happen. Obviously at parliament we have print, radio, online and TV journalists and each have their own media which they are playing towards and obviously there are different ways of doing things, but at the start of a parliamentary sitting day there might be a big story in the newspapers that morning or others have had some sort of exclusive that occupies the first few hours of media coverage. Then parliament starts for the day. There is about half an hour of ministerial statements where the government makes announcements and that also helps set the agenda for the day so if there is a big announcement the media will spend some time looking at that and following up angles for the rest of the day. Then, as David Gibson mentioned, there is the hour-long question time which is quite theatrical. It

is the major focus for the media and that helps determine what becomes news later in the day. While there is legislative debate in the chamber later in the day, a lot of the afternoon and lunchtime is spent on media conferences with the key players thrashing out those things that are already in the agenda from that morning session. So the morning is where the action is.

The committee work has generally slipped under the radar in this sort of environment. Of course there are exceptions. I can think of one being the alcohol related violence inquiry a few years ago. There was a lot of community interest in that and that did get a lot of media attention and also the budget estimates hearings do get a lot of media attention and I will have more to say about that later. But the new committee system, which began last year, which sets aside Wednesday mornings for committee work has helped to ensure there is a greater willingness of media to cover this sort of nitty-gritty policy debate—not entirely but there is a greater emphasis on this because parliament starts later in the day, two o'clock on a Wednesday. The morning is where the action is so we have lots of journalists who will now look at the agenda of committee meetings and something might pique their interest. So the Commissioner for Children and Young People might be talking about the blue card system and journos might go along for half an hour or an hour and get an interesting story from that. I do believe that new Wednesday morning committee system does help give that opportunity for the media, and therefore the public, to get a greater sense of what committees are working on.

There have been legitimate concerns raised, and it is mainly a perception thing, about the recent changes to committees where 75 per cent of the members on each committee are from the government, but it does not necessarily mean that committees will not yield fruitful discussions around policy debates and worthwhile contributions from interest groups and observers. Committee reports and submissions presented in response to proposed legislation can provoke interesting media stories exploring various viewpoints before the matter proceeds to a formal parliamentary debate. Obviously when it gets to that parliamentary debate, that is where the politics is more pronounced, it is where the positions are more entrenched and there is more argy-bargy, whereas in committees there is more chance of there being some sort of reasoned discussion. At this point I would also make an admission: they are easy stories when you are talking about submissions to committees and committee reports.

All it takes is for the journalist to have a scan of the submissions that are there. The work has basically been done for them. The committees may have spoken to people or received submissions from people that journos have not even thought of talking to but have nonetheless put forward some interesting views, so there is an opportunity when submissions are posted and when reports are explaining some of the intricacies of the legislation to get a fairly simple story. I am not being naive about this. The media will still focus on things that are interesting. It is not as if the media will suddenly report on the really specific nitty-gritty of policy debates unless there is something of interest there or there is something that is likely to spark community discussion but there is that scope for a bit more focus. If that is the consequence of the Wednesday morning committee sessions, then I think that is a positive and that can help improve the quality of public discussion.

The catch is that governments are often reluctant to shift too far from their original position even if serious concerns are raised to a parliamentary committee, and I will give you an example. Last month there was legislation presented to parliament for two strikes for sex offenders against children. Basically the legislation introduced a mandatory 20-year jail term for someone caught twice with a serious offence of that nature. There was a range of groups that raised concerns including the Chief Justice of the Supreme Court, the Commission for Children and Young People, support services and legal associations. You might expect that legal associations would raise concerns about mandatory sentencing. They often do. It is a policy debate and the government has decided to go down that path so I am not necessarily expressing a view on that, but amongst the submissions in lobbed one from the Queensland Police Service. The Queensland police warned of unintended consequences, saying that because the same penalty would be mandatory for both murder and repeat child sex offenders 'an offender may consider killing the child victim to evade punishment'. The Deputy Police Commissioner, Ross Barnett, also said there would be fewer guilty pleas, trials and appeals could be drawn out, child victims may face longer and more gruelling court processes and extensive cross-examination, and may be under more pressure to recant allegations. The senior police officer also argued 'there may be a reduction in reporting of child sex offences, particularly where a witness makes a complaint with the aim of seeking a stop to the offending conduct rather than have the offender face mandatory punishment.' Now these are serious claims and I am not qualified to say whether they are right or backed up by evidence or not, but I do not think anyone can argue that Queensland police stands on the side of offenders. But the Legal Affairs and Community Safety Committee recommended the bill be passed with the government simply asked to monitor what happens in the future.

The committee chairman, Ray Hopper, noted the quality of submissions but said—and it was a big 'but'—that it was an LNP election promise to toughen sentences for repeat child sex offenders and 'we will not break our election promises'. We all know the consequences of breaking election promises so perhaps that is why, but it does illustrate a point that once positions are crystallised governments are reluctant to take a step back from what they have previously expressed. I guess there are arguments that you should keep your promises, and I will not argue against that, but it illustrates that if you are putting things to committees and there is a serious discussion of implications that these are laws that affect people so the whole point of committees is to analyse what is going to happen and what the implications could be and hopefully make better legislation in the end.

Governments also have shown a tendency to give a committee a short time frame, or even not refer legislation for scrutiny. The bipartisan review of the committee system in 2010 suggested a reporting deadline of up to six months to get submissions and to consider the issues, although it did acknowledge that this could be varied—that six months was not always going to be appropriate. Both sides of politics are guilty of giving extremely short time frames. In the case of Labor last year, Andrew Fraser was particularly keen to rush through civil union laws a few months before the election. This bill was referred to the relevant committee on 26 October last year, public submissions closed the following week, 4 November. The report was due by 21 November. So that is a less than a month from go to whoa on an issue that suddenly lobbed on to the agenda. The LNP's two strikes law, which we spoke about before, was referred to the committee on 20 June. The committee was ordered to finish its report by 6 July—just over two weeks.

The bipartisan committee review in 2010 also said that all bills, except those deemed urgent, should be referred to portfolio committees for inquiry and report—

There shall be a presumption that the Legislature will refer legislation to a committee, and any exceptions must be transparent, narrowly-defined, and extraordinary in nature.

However, soon after the election, Premier Campbell Newman said that the government would not refer all bills to committees, especially if the legislation was based on an election promise—

Don't be surprised if we don't just take it straight through and put it through quickly.

He added—

We went to the big committee.

By 'big committee', he means the election. So there is this interplay between promises that are made before the election and examining legislation. I do not think we will start to get a sense of how these new committees are working under this current government until we have moved on from that initial phase of them meeting election promises and then move on to things that come up in the course of governing that then go to committees and then whether the government is prepared to shift in response to the work the committees do.

I want to finish up by having a quick chat about the budget estimates hearings, because this is an area that the media has focused on every year. It is not something that has slipped under the radar; it is of interest to us in the gallery. It is partly because there is that potential for unexpected slips to occur, or information to be extracted or scrutiny to be applied to the government in a more effective way than standard question times. Question time, as I think someone mentioned earlier, is quite theatrical. A lot of tactics go into it. The opposition of whatever political persuasion will ask questions that are loaded and have a particular point that, if that quote gets on the news, the question will be able to stand as the opposition's point to make a rhetorical point. Governments will take the general topic, not necessarily answer the question, and will rant against the opposition. This is not a particularly strong way of scrutinising government, but it is an important part of our system. With estimates committee hearings, on the other hand, there is that chance for a bit of backwards and forwards. There is that opportunity for follow-up questions. David Gibson mentioned before the Gordon Nuttall incident, where he was later found to have misled the committee. That is an example of where there is that strong examination of what ministers have done and accounting for their actions. That is an area that media will continue to focus on.

I want to finish by saying that my point is that if you have a really strong committee system that has respect for the community and that people believe will have an influence, as in there is not no point in putting forward submissions, then the media will take greater interest and that will enhance the quality of public debate. Thank you.

Ms MALONE: Thank you very much, Daniel. Our next speaker will be the Hon. Dr Ken Coghill. Ken is a former Speaker of the Victorian parliament, an associate professor and director of parliamentary studies at Monash University, the deputy chair of the Victorian chapter of the Australasian Study of Parliament Group and a founding member of the Accountability Roundtable, which I am sure he will explain to you when he is speaking. Ken has come up from Victoria today to speak to us and his topic is 'Queensland's Parliamentary Committees: Dead, on Life Support, or Lively'. Please welcome Ken.

Dr COGHILL: Nonie and the Queensland chapter, thank you very much for the invitation to be part of today's discussion. It is really interesting to me from a number of perspectives, not the least is that there are significant differences between the parliaments in Australia. Sometimes we tend to think that our own home jurisdiction is the model that applies elsewhere, but certainly there are many differences in the way in which Queensland operates, not only in the fact that it is unicameral but many other ways, including the nature of the committee system that we are discussing today.

The significance of committee systems has been brought home to me recently by a book that I have been reading called *Why Nations Fail*. It is a very well documented analysis of what have been the factors that have caused various societies to either fail to thrive or even collapse in some cases. Clearly, that is the context in which we should be thinking about a committee system—what is its contribution to better government, to ensuring that the government of a state like Queensland contributes to the wellbeing of Queensland, or, for that matter, in the worst case scenario, actually derogates from the success of the state.

In thinking about speaking today, it occurred to me that there are some parallels between what happened in Victoria after the election of the Kennett government in 1992 and what has happened here. Certainly, Kennett's margin was not as overwhelming, but it was a very strong margin. Certainly, the Brisbane

parliament was bicameral, but he had the numbers in both houses. So it may as well have been a unicameral parliament. The Kennett government was in strong control and one would have to say, to put it mildly, Premier Kennett was no less dominant than the current Premier here in Queensland. I would like to relate some of my own experiences before going on to make some general comments.

I was a member of a particular committee, the Scrutiny of Acts and Regulations Committee, which reminds us of the question that was asked a moment ago. The way in which it operated provided a really useful illustration of the ways in which committees can succeed or otherwise. That committee had very extensive powers to investigate and report on both bills and regulations and in respect of whether there was any infringement of human rights and so far as regulations are concerned, whether or not they were within power—in other words, whether the provisions of the regulations were consistent with the powers that had been created in the primary acts of legislation. Those powers clearly gave the committee considerable potential to embarrass ministers and to embarrass the government. It was an important committee and the way in which it operated, I think, was instructive. It did have a coalition majority of the members of the committee. A Liberal member, Victor Perton, whose name some of you may be familiar with it, was the chair of it. But what was very significant is that he was—and is—a person of integrity and he was a skilled chairperson. The way in which he handled the job demonstrated that he really understood how to operate a committee to get the best results from it. He would not have been regarded within the Liberal Party as a supporter of Jeff Kennett, the Premier, but he neither deferred to nor overtly challenged the Premier. Again, that was a particular personal skill which he used. He was also able to discuss things informally outside committee processes in a way which facilitated the work of the committee and the fulfilment of its objectives.

Another important aspect of the committee was that we had an excellent research person who did most of the background work for us on regulations and bills that we were looking at. She happened to be Tanya Costello. The Costello name will be familiar to you. She certainly had impeccable Liberal credentials, both by birth—her father was a leader in New South Wales—and by her marriage to Peter but she acted with complete integrity and great skill. Again, I think that was an important aspect of the way in which that particular committee operated.

From very early in the life of that parliament, there were quite a number of government bills that were criticised for their infringements on human rights. Just to give you one example—this is back in the days when there were statutory marketing authorities for grains like barley—the barley inspectors had been given powers in this legislation that were greater than the powers of police to go into people's homes to look for grains of barley that somehow had not been captured by the barley marketing authority. Regulations were also criticised for infringements more on human rights than on breaches of power. Just to give you one example, we had some national parks regulations about what people can do in national parks. The restrictions were that tight that none of us could have thrown a ball in a national park without inviting prosecution for throwing a missile. So there were a number of interesting things that we had to look at.

In the first few months—the first six months or so—there were many bills and many regulations that received adverse comment by the committee, but the really interesting thing is that, increasingly, ministers learned and the government learned that this committee was to be treated with respect and the issues that it was raising were legitimate issues that should have been addressed in the drafting of the legislation or the drafting of the regulations in each case. So there are a number of lessons there which I think we can draw on. I will not go into them in detail but, clearly, there were both normative factors and structural factors in the way in which that committee operated.

It was not without its weaknesses, I would have to say. The time lines at times were very short—again, for fairly similar reasons to what has been described here in Queensland. There were limited opportunities for public submissions and public hearings. From what I am hearing, they may have been, in fact, more limited than what prevails here in Queensland. There were no meetings outside of Parliament House. They were all held at Parliament House—no decentralised meetings anywhere for any purpose.

In turn now to the types of functions that in Queensland are exercised by the Committee of the Legislative Assembly. Those in Victoria, then and now, are exercised by committees chaired by the Speaker and filled by backbench MPs rather than by members of the executive. That was a particular advantage whilst I was Speaker, because one of the suggestions that I made, and which was negotiated successfully with the government, was to have a separate appropriation bill for the parliament, which is very important symbolically and enabled us to demonstrate that there was greater separation between the executive and the parliament than had prevailed before. That type of provision also exists in the United Kingdom now. They use a different mechanism, but in both cases it distances the parliament from the diktat of the executive, which, I think, symbolically is enormously important.

What can we learn from examples like this? I think the first thing to remember is that we are talking about a system in which you have systems embedded within systems. We have an Australian political system. Within that we have the sovereign parliament of Queensland and within the sovereign parliament of Queensland you have committees that are subordinate to the Legislative Assembly. Those systems approaches are very useful in thinking about how committees can operate and how they can be more beneficial to the state, in this case, as a whole. What we know about systems is that they operate much more successfully where there is a high but not total degree of interaction between the elements of the system. So if you have a system in which there is very little opportunity for interaction—for example, almost

no opportunity for public submissions and public comment—then the outcomes are expected to be less successful than where there is a reasonable amount of opportunity. Obviously, you do not have to allow a total free-for-all—an unlimited time—you have to make decisions. It is, of course, a democratic system that we are talking about and a democratic system is one which, in the definition that I use, is intended to achieve responsive rule—in other words, rule, decision making and administration that responds to the wishes of the people in the community.

We know from research that there are important factors that influence that. Firstly, the research confirms that people are more satisfied with their lives generally and with the way in which the state is operating where they have opportunities to participate in decisions affecting their lives.

In a related type of research finding, people are more likely to accept decisions where they have had the opportunity to influence those decisions even if the decisions are adverse to them or not the decisions they would have preferred. Where they have had the opportunity and either taken it themselves or their peers, their fellow members of the society, have taken that opportunity, they are much more likely to accept the decision.

As I was saying before, it is important that the parliament be functioning free of control by the executive. There needs to be a significant separation of powers. In a Westminster system it is not going to be a total separation because, after all, the executive is drawn from the legislature, but it is important that there is opportunity for the executive to be held to account, and that is clearly the role of the departmental committees which we have here in Queensland.

Again, I come back to the point that the structure is an important factor but you also have to have regard to the normative factors, the way in which people involved in the institution conduct themselves, the way in which they conduct their relations with other people, with other institutions and with the citizens.

Due to time I will proceed very quickly with the sorts of factors which I suggest need to be taken into account in assessing how committees are going. Obviously there is the separation of powers, but the committees need the opportunity to initiate their own inquiries. The opportunity to submit dissenting reports has already been referred to by David. The way in which chairing operates should be nonpartisan. Obviously they are party members who exercise these positions, but the way in which they actually conduct themselves is the important thing. Ideally, they should be seeking consensus except in those cases where there are clear political differences between the members of the committee, in which case consensus cannot be achieved.

How, then, are we going to assess whether the Queensland parliamentary system is dead or alive after the landslide? I think the Inter-Parliamentary Union provides some clues in a series of questions it has for self-assessment by parliaments of the way in which parliaments are operating. The first one is: how far is parliament autonomous in practice from the executive? In other words, through its control over its own budget, its agenda, its timetable, its personnel et cetera? How effective are specialist committees in carrying out their oversight function? How effective are the committee procedures for scrutinising and amending draft legislation? How systematic and transparent are the procedures for consultation with relevant groups and interest groups in the course of legislation? How open and accessible are the proceedings of parliament and its committees to the media and the public? And how user friendly is the procedure for individuals and groups to make submissions to a parliamentary committee or a commission of inquiry?

We have already heard a fair bit about the Queensland parliament and to me it is clear that the Queensland committee system is not dead; it is much more than on life support, but it is a matter of how lively it is in practice. My suggestion is that the Queensland parliament in respect of the departmental committees is pretty lively and is setting a standard that could well be observed by some other parliaments in Australia. However, there do remain some concerns about the Committee of the Legislative Assembly. Ultimately, though, it is a matter for the judgement of the Queensland people as to whether they are satisfied with the liveliness of the departmental committees rather than the judgement of someone from down south.

Mr MALONE: Thank you, Ken. We have heard the picture of the interface between the media and the public and now parliaments and their systems of accountability more globally. We will now look into committees as units on their own. Our next speaker is Mr David Monk. He came to our attention via an ANU paper which is available online called 'In the eye of the beholder: a framework for testing the effectiveness of parliamentary committees'. That paper was subsequently re-worked and published in the *British Journal of Legislative Studies*. David has also published another paper in the *Journal of Legislative Studies* titled 'Committee inquiries in the Australian parliament and their influence on government: government acceptance of recommendations as a measure of parliamentary performance'. He is a PhD student in political science at ANU with research interests in legislatures and independent technical agencies such as judiciary and central banks. David's day job is in the committee office in the House of Representatives. The title of David's presentation is 'Queensland committees: state of crisis or business as usual?'

Mr MONK: Thank you very much, Nonie, for having me here today and thank you everyone for attending. It is a great pleasure to be here. My background is more in the quantitative side, and with the changes here after the election and the changes in the balance of the House and some of the changes in the committee system it sets up a really interesting research question in terms of whether committees now
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are performing much differently compared with 2011, both in terms of what they are doing and what they are putting out but also in relation to how the government is responding or reacting to their work. So that is more or less the topic of my talk today.

I would like to preface this by noting that how the government responds to a committee recommendation is not the be-all and end-all of a committee report. We know that committee reports do all sorts of other things. They inform debate. So to just look at recommendations is quite narrow in a way, but I think it is a good start in terms of figuring out where committees are up to here in Queensland.

What I have done is I have looked at 20 bills from the last parliament in August, September and the start of October and I have looked at the first 20 bills that came into the House in Queensland this year. I have looked at them in terms of what has happened to them in terms of whether they went to a committee or not, what the committees did with them and how the government has ultimately responded to them. One thing I would note in doing this research is that I am quite impressed by the assiduousness by which the governments in Queensland both before and after the election have been responding to committee reports on bill inquiries. Having looked at what goes on in other jurisdictions, in a sense it is really leading edge in terms of what is going on in Queensland.

Of the 20 bills, both sets that I looked at, I found that last year of the set under the Labor government 19 of them went to a committee. One did not go to a committee because I think there was bipartisan support and it was fixing up some drafting issues. This year from the internet I managed to count that 17 of the 20 bills went to committees. So there is only a small number that have not gone to committees here in Queensland and that is referencing the debate about election commitments.

An easy way for a government majority on a committee to not worry too much about a government bill that they do not want to affect or amend in any way is simply to waive it through, and that is a bit of a test whether committee majorities are interested in analysing bills or not. I found that under the current government 23 per cent of the bill inquiries were waived through. The bill was just waived through by the majority, but last year under Labor 35 per cent were waived through. People have complained that maybe some bills are not going to committees, but on the other hand if a bill goes to a committee that perhaps the government is not that interested in looking at then government majority is probably just going to waive it through.

Then we find the situation that Greg Hoffman was talking about earlier where you turn up to a committee inquiry and it is clear that the government position is already set on an issue, so there is that sense of, 'Is there any point in me being here?' What happened last year was more bills were going to committees but the government majorities were just waiving them through.

The size of reports has shrunk a bit. Last year I came up with an average number of pages of 24 for a majority report and this year the average length of a majority report is 17 pages so they are a little bit shorter. That is reflected in the average number of majority recommendations, because last year we had about four majority recommendations in a report and it has shrunk back down to three this year. So it is a small reduction but we also know that time frames for reporting are much shorter so that would probably be a product of that. The average number of days for a committee report last year was 74 and it has come back down to 23.

The importance of a recommendation is also relevant. One of the things I have noticed in the Queensland parliament, what happens here is there are lots of clarification recommendations. I do not really see that much in Canberra. There are lots of recommendations saying we want the minister to clarify how he is going to do this, we want the minister to mention how he is going to solve this. There are lots of those recommendations here. You might think that might be an easy way of making committees look good or making the government look good, but I have found that the average recommendation both last year and this year are about the same. They tend to be process recommendations saying something like, 'Why don't you have a review and get back to us,' or 'Why don't you do the same thing but in a different way?' Or 'why don't you collect some information about something?' And that is the same now as it was last year so the recommendations are not really becoming more important or less important. On this measure we can see that committees are performing much the same as they did last year. That is the same in terms of what recommendations governments are likely to accept. It is still the same type of recommendation that governments are accepting on average.

The final point of comparison I have is the proportion of recommendations accepted. Last year 51 per cent of recommendations were accepted by the government and this year the figure has dropped a bit to 34 per cent. Overall I would conclude that bill inquiries are working in a fairly similar way this year as they were last year. The overall difference is we are generally looking at quicker, shorter reports which has been well documented but still the government seems to have a reasonable appetite for the recommendations, although they are not quite as high as they were last year. This references some of Professor Sampford's comments earlier that you can get a lot done if you work quickly. I think that is the case here as well because the committee reports are occurring in about a third of the time but they almost have the same number of recommendations.

While there has been a debate about how the current government is looking at the committee system here now, if you look at the numbers, the change between this year and last year is not that great. But plenty of people have told me the main thing in politics is perceptions and if people are looking at committees now and saying, 'They are not doing what they were last year and there is a problem,' then there is a problem that needs fixing. This also references Dr Coghill's comments that people want to feel

involved in the processes and want to feel involved in outcomes even though it does not turn out how they want. So maybe that is the reason why there is the press about committees even though committees are working much the same as they did in the last parliament. People do not feel the same way about it and maybe that is the real difference between what is happening now and what happened last year.

I guess in a sense I would conclude that committees are working a lot like how they did last year but perhaps people are not feeling as positive about it in terms of how the process is working. I just want to reiterate in comparison with a lot of what is going on in other Australian jurisdictions at the moment, the scrutiny of bills in the Queensland parliament seems to me to be in terms of comparison very comprehensive. I think you really have something going for yourselves.

Ms MALONE: Thank you, David. It is very nice to have that quantitative look at things as well as a comparison with other jurisdictions. The next speaker came at extremely short notice. So we are very grateful to him for being here today. Professor Roger Scott is very unsuccessfully retired. He remains active at the University of Queensland in the Centre for the Government of Queensland and the School of History, Philosophy, Religion and Classics. Very close to Roger's supposed retirement he established a project through the Centre for the Government of Queensland called Queensland Speaks, an oral history project recording the views of parliamentarians and senior bureaucrats in Queensland for the historical record and that continues to keep Roger very busy. Roger has had associations in the past with the University of Queensland, the University of Tasmania, Oxford University, he has been a vice-chancellor of the University of Canberra and he is a former Rhodes scholar. He has an abiding interest in Westminster parliamentary democracy and is a very longstanding supporter of the ASPG in Queensland. Roger will speak to us now on challenges to the Westminster model of parliamentary democracy. Please welcome Roger.

Prof. SCOTT: I was watching a replay of the footy on Thursday when I was invited to address this group. So what I have done is to think about the Westminster model and think about what the committee system experience in Queensland can tell us more generally about how the Westminster model is travelling. I have been very interested in British politics—I regularly visit Britain—and the parliamentary committee system there is in great health. Mr Murdoch in particular is aware of how healthy the committee system. I thought I would reflect upon, if you like, a metaphor to look at the body politic in the form of an anecdote—not an antidote, as it is frequently referred to, but an anecdote. Joe Citizen is going home on 24 March, having been to the polling booth. He has a major car accident. He is in trouble. He is completely out of it. He wakes up, sees the doctor and says, 'Doctor, doctor, I can't feel my legs,' and the doctor says, 'Don't you worry about that, son. I've chopped off your arms.' To some extent the arms are what parliament is about. That is what information is about. The legs perhaps might be the implementation of decisions. So in terms of the Westminster model a very important part of the anatomy of the Westminster model is the parliament and in particular the committees within the parliament, because the crucial measurement that one needs to have is flow of information and access to information—public access to information—and an effective committee system is providing public access to information, partly from those devotees who read *Hansard* but more likely they are reading Damien or hard-copy press. Information is the lifeblood of the parliamentary system that we refer to as the Westminster model.

I had an identification of what is the Westminster model. What do we mean by it? What is important to it? How do we get integrity into the Westminster system? There were some predictable elements in the model: the independent judiciary with the right of citizens to judicial review, a strong sense of administrative law, a system of appeals on merit, FOI legislation and an Information Commissioner, human rights protection, whistleblower protection and an Integrity Commissioner. On many of these Queensland gets a big tick, but particularly at the top of that list that I used more generally for my 50 years of teaching about the Westminster model is an active parliamentary system of committees. The committee system is crucial to relating information of relevance to the public in relation to particular details that affect them personally. Whether it is the local government authority, whether it is the gay and lesbian liberation movement, whether it is people who are concerned about what goes into the school curriculum, they have an opportunity through the parliamentary system to hear what is going on and to have access to information.

One of the crucial elements in that provision of information is the Public Service. If you look at this little thing that we have on the table in front of us, it states 'the committee examination of a bill simplified', 'committee', 'requests for an analysis of information'. Who do they request it from? Then after the information gathering, 'Public Service', 'timely provision of information and comment'. It seems to me that we do not often talk about that component of the parliamentary process—where it is getting its information from, what it is doing with that information and what comment it is receiving on that information. We have heard descriptions of the flow of information in relation to mandatory sentencing and the way in which that goes forward but, clearly, in the parliamentary system of committees there is an important substructure of public servants, whether they are public servants working inside parliament or whether they are public servants providing information to ministers and to others who are responding to requests for information.

At the moment, that is in short supply. One of the crucial problems is the timing by which information has to be provided and processed and, secondly, is the understanding of the basis upon which those requests have been made, because the current crop of public servants are having to learn very rapidly that there is a whole new ball game out there and that what was satisfactory last year, or before the last election, may not be satisfactory anymore. In some cases it may be that the minister can get up and actually give the same answer to a request for information, solid that the information provided by the Public

Service is still reliable—perfectly legitimate judgement. I think she got harshly dealt with by the media. But I think the other point to make is that there has to be a flow of information from the government and from the committees in ways that can be understood by the general public, by Joe Citizen who was in the car smash.

In particular, increasingly is the role of the leader. The leader shapes the political culture in relation to information. We have had some leaders who have been masterful at dealing out information. One thinks of Peter Beattie as the first person to perhaps come to mind. If you are as old as I am, you will remember Joh, who was always feeding the chooks, that is, addressing the press gallery. That seems to me to be a very important component of the way in which the committee system can interact and have an impact.

At the moment, there is a significant committee system in Westminster, in the Senate in particular, and in other Australian states where you have experienced chairpersons of committees and a well established bureaucratic support system. I do not think that either of those are true here. I mean, palpably we do not have lots of experienced people because half the population of parliament are inexperienced, but it does seem to me that that should be a model that we are looking to generate—the notion of access to information, recognition of public attitudes to what is going on in parliament and learning from what is going on in parliament.

I welcomed, as I am sure Jim Fouras did, the reinvigoration of the power of the Speaker, but I worry that the Speaker herself may not be committed to responding to the need for free information—some of the restrictions placed on the media, restrictions placed on people turning up to watch what is going on in parliament, the fact that photographs are taken, presumably to allow the cops who sit up there now to know that they are guilty on suspicion, they might cause a disturbance and, therefore, cannot sit in the front row of the visitors' gallery. So I think there is an important need to be seen to value information rather than to restrict access to it.

I would like to refer to a comment made by a woman called Meredith Edwards, who was a senior public servant in the federal system. She points to the importance of implementation in decision making. This is a direct quote and you will see that it does have some relevance to these committees—

Implementation is the most neglected stage in the policy cycle. It's too easy for the politicians to make the big decisions and then move on to the next lot of big decisions and not look back on what is happening in implementation. The timing of the cycle can be very tight and difficult for public servants who often are required to implement policies that they didn't have much to do with, or may even not like very much in the context of a change of government. But there is clearly a key role for committees and the information provided to committees to allow for the free flow of information, particularly about the problem of implementation.

I would like to conclude by thinking about what the particularities of the Queensland system might mean for the future of the committee system. Queensland is peculiar. We have known that for a long time and there has been a certain pride in Queensland being peculiar. But it is particularly peculiar at the moment in terms of the way its parliament is set up. It is more like Soviet Russia or Kazakhstan, where I once went as an adviser, with a huge number of one party and some token opposition to prove that they really were democratic. But we have that for good reason. Queensland has spoken. We have a very unwieldy majority in many senses. I would suspect that the committee system is going to flourish, because there are so many people on those committees who do not have anything else to do. We have had a situation now, with the expansion of the number of committee members, that no backbencher will live in poverty. They all have a job. So you have a situation where the committees are going to be the focus for any discord about what is happening. The committees will be for the folks who feel left out, thrown out, or are unwilling to participate because they have some objections to what is being done. That situation is going to mean that committees will become important focuses for dissent within the party or within the coalition and the potential for splits, which historically has been quite well established in non-Labor Parties going back to the time of Bjelke-Petersen and Lew Edwards and a chemist. So you have an important focus on committees in a political sense in the way that they are no longer something that are marginal to the nature of government. We have situations where ministers are saying, 'Don't brief me in writing, because somebody might hear about it.' We are having a Premier who does not make himself available in the way that Joh used to for regular discussions with the wider community through the media. So that is one change I think that we are likely to see. We are seeing it, I think already to some extent, in the way in which committees are being railroaded or bypassed, perhaps for that reason.

Let me end by responding to a comment on the Westminster model and the upper house. We now have QCs back—Queen's Counsels. We have an honours system being renovated in New Zealand. Tony Blair wanted to change the House of Lords and Cameron wanted to change the House of Lords. The problem for him was that he could not get the electoral system right. Do you get elected members and justify their existence? I would suggest that one way forward, if I were giving advice to the Premier, would be to go for direct appointment of life peers to a Queensland House of Lords. It bypasses altogether the problem of elections. There is a precedent in Britain for selling peerages—for rewarding one's friends—and that was true back to Lloyd George and clearly is true, I think, of the Cameron government. There is a certain ring, it seems to me, to the title of 'Lord Palmer of Coolum'.

Ms MALONE: Thank you very much, Roger. We now have heard from all of the observers. We will devote just a few minutes to questions directed to the observers and then we will bring the other speakers from the first part back and open the floor for both comment and question. So now questions for the panel of observerers.

(Question and answer session)