

Constitution of Queensland and Other Legislation Amendment Bill 2016

Explanatory Notes

Short title

The short title of the Bill is the Constitution of Queensland and Other Legislation Amendment Bill 2016.

Policy objectives and the reasons for them

The objectives of the Bill are to:

- statutorily recognise the ‘core matters’ of the parliamentary committee system in the *Constitution of Queensland 2001* (the Constitution); and
- provide that the Parliament’s portfolio committees are able to initiate inquiries within their area of responsibility on their own motion.

The Bill implements certain of the recommendations made by the Committee of the Legislative Assembly (CLA) in Report No. 17 titled *Review of the Parliamentary Committee System*, which was tabled in the Parliament on 25 February 2016.

Achievement of policy objectives

To achieve these objectives, the Bill will amend the Constitution to provide statutory recognition of the ‘core matters’ of the Parliament’s committee system in the Constitution. Including these matters in the Constitution will, as the CLA indicated in Report No. 17, not only emphasise their importance, but “place a psychological political impediment on altering them without just cause”.

The Bill amends the Constitution to provide that:

- the Legislative Assembly must at the commencement of every session establish at least six portfolio committees which collectively cover all areas of government activity;
- every Bill introduced into the Assembly must be referred to a committee for a minimum review period of six weeks, but that the Assembly can declare a Bill urgent by ordinary majority under the Standing Rules and Orders of the Legislative Assembly; and
- the annual Appropriation Bills must be subject to the budget estimates process.

To further strengthen the parliamentary committee system, the Bill amends the *Parliament of Queensland Act 2001* to give the portfolio committees a general power to initiate inquiries on their own motion on matters within their respective portfolio areas.

Alternative ways of achieving policy objectives

There is no alternative method of achieving the policy objectives as each objective requires the amendment of existing legislation.

Estimated cost for government implementation

There are no additional administrative costs in implementing the Bill.

Consistency with fundamental legislative principles

The Bill has been drafted with due regard to the Fundamental Legislative Principles as outlined in the *Legislative Standards Act 1992*.

The Bill is considered consistent with fundamental legislative principles in that it strengthens the parliamentary committee system by statutorily recognising the ‘core matters’ of it in the Constitution.

Consultation

Consultation has been undertaken with the Clerk of the Parliament.

Community stakeholder consultation on the Bill has not been undertaken but it is noted that the CLA called for submissions from the community for their inquiry. The CLA received 17 submissions and held a public hearing on 9 February 2016. The inquiry highlighted the importance of the Parliament’s committee system as an accountability mechanism. The public submissions informed the CLA’s report and recommendations which in turn informed the preparation of the Bill.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland, as the only state with a unicameral parliament, and is not complementary to legislation of the Commonwealth or another state.

Notes on provisions

Part 1 Preliminary

Clause 1 Short title

Clause 1 states that the Act may be cited as the *Constitution of Queensland and Other Legislation Amendment Act 2016*.

Part 2 Amendment of Constitution of Queensland 2001

Clause 2 Act amended

Clause 2 provides that the Bill amends the *Constitution of Queensland 2001* (the Constitution).

Clause 3 Insertion of new Chapter 2, Part 5

Clause 3 provides for the insertion of a new Part 5 into Chapter 2, to recognise the basic principles and structure of the parliamentary committee system in the Constitution.

New section 26A (Establishment of portfolio committees) provides that, at the commencement of every session, the Legislative Assembly must establish a minimum of six portfolio committees, as defined in the *Parliament of Queensland Act 2001*, which are to be allocated areas of responsibility that collectively cover all areas of government activity.

New section 26B (Requirement for legislation to be considered by committees) provides that the Legislative Assembly must ensure that each Bill is referred to a portfolio committee or another committee for examination by the committee and provides the timeframe for referral must be at least 6 weeks. However, the section clarifies that it does not prevent the Legislative Assembly by ordinary majority from declaring a Bill urgent under the Standing Rules and Orders of the Legislative Assembly. Under these circumstances, a Bill may be referred to a committee for a review period of less than six weeks, may be discharged from a committee or may not be referred to a committee before the Bill is passed by the Assembly.

New section 26C (Special provision for annual appropriation Bills) provides that the Legislative Assembly must ensure each Bill for an annual appropriation Act is referred to the portfolio committees for examination at a public hearing. New section 26C also requires that the referred Bill must be accompanied by associated documentation as outlined in the new section. At the date of enactment, the information sought in the associated documentation is contained in the Service Delivery Statements, but may be changed from time to time to reflect Government policy.

Part 3 Amendment of Parliament of Queensland Act 2001

Clause 4 (Act amended)

Clause 4 provides that the Bill amends the *Parliament of Queensland Act 2001*.

Clause 5 (Amendment of section 11 (Standing rules and orders may be made))

Clause 5 removes a note at section 11(2) of the *Parliament of Queensland Act 2001* which states that 'section 88 provides for the establishment of portfolio committees under the Standing Rules and Orders'. As the Bill proposes to statutorily recognise the establishment of portfolio committees in the Constitution, this note is no longer necessary.

Clause 6 Amendment of section 78 (Main object of ch 5 and its achievement)

Clause 6 omits from section 78(2)(b) of the *Parliament of Queensland Act 2001* that an object of this chapter of the Act is to provide for the establishment of portfolio committees with areas of responsibility that collectively cover all areas of government activity. This reflects that this will now be provided for in the Constitution (clause 3 - new section 26A of the Constitution).

Clause 6 also inserts a new object that the Chapter provides for the membership and operation of portfolio committees.

Clause 7 Amendment of section 88 (Establishment)

Clause 7 inserts a new subsection at 88(1) of the *Parliament of Queensland Act 2001*, to outline that the Assembly must establish portfolio committees in accordance with the Constitution. Sections 88(2) to 88(5) also remain in the *Parliament of Queensland Act 2001* to outline more detail about how the portfolio committees are established.

Clause 8 Amendment of section 92 (Role generally)

Clause 8 inserts a new subsection in the Act to provide that a portfolio committee can initiate on its own motion, an inquiry into any matter in relation to its portfolio area.

Clause 9 Insertion of new Chapter 10, Part 8

Clause 9 inserts a new Part into Chapter 10 of the Act (Part 8 Constitution of Queensland and Other Legislation Amendment Act 2016) which provides for the continuation of existing portfolio committees established immediately before the commencement of the Act.