Downer EDI yesterday admitted that it would struggle to meet a deadline set only one month ago to deliver the first Waratah train by late next month, which would have made it available for service in May or June.

Releasing its half-yearly results, Downer said that while Changchun Railway Vehicles had done a good job constructing the shell of the carriages, it was having major issues with the train’s internal fit-out, such as its seats and vestibules.

Many of the carriages that have arrived in Australia have damaged interiors, said Ross Spicer, the rail executive appointed in December to oversee production.

The first 15 of 78 train sets will now be fitted out at the company’s Cardiff factory in the Hunter using more ‘skilled artisan staff’, Mr Spicer said.

Downer will then redesign the interiors to make them easier to assemble in China. But over the life of the project the company will require an extra 770,000 hours of labour in Australia than it had previously planned for.


I call on the Premier and the Treasurer not to displace Maryborough workers and business with short-sighted decisions to send Queensland work overseas. We have the absolute track record of building quality trains and I think to do anything else other than to award it to a Queensland company and keep jobs local would be a very short-sighted decision.

Mr DEPUTY SPEAKER (Mr Hoolihan): The time for private members’ statements has expired.

COMMITTEE SYSTEM REVIEW COMMITTEE

Report, Motion to Take Note

Hon. JC SPENCE (Sunnybank—ALP) (12.05 pm): I move—

That the report of the Committee System Review Committee, titled Review of the Queensland parliamentary committee system, tabled on 15 December 2010, be noted.

I have had the good fortune to effect many legislative and policy changes as a minister in many different portfolios over a 12-year period and hopefully they have been of benefit to the people of Queensland. I regard the work of the committee I chaired and its outcomes as one of the most valuable contributions I have made to this parliament.

At the outset, let me thank my fellow committee members. The opposition members—the member for Southern Downs, the member for Calide and the member for Toowoomba South—collectively have 51 years of experience in this parliament. The member for Nanango has been here for 10½ years. My colleague the member for Rockhampton and I were first elected over 21 years ago and the member for Pine Rivers, the member for Yeerongpilly and the member for Waterford each brought newer perspectives to our deliberations. Four of us had been ministers and served in this parliament both in government and in opposition. Between us we represented over 130 years of parliamentary experience.

We produced this report in record time—10 months, in fact—which is the time frame we gave ourselves. Members came to committee meetings as individuals. There was no sign that people had caucused along party political lines or in any other sense. I do not think I would offend any members’ sensibilities in saying that it was a regular occurrence that members frequently disagreed with their colleagues from their own party. I have to say that this has been my experience on other parliamentary committees on which I have served.

Our committee gained valuable insight from visiting the New Zealand parliament. The committee system they have fashioned for their unicameral parliament is regarded by many as amongst best practice. The member for Southern Downs and I learnt a tremendous amount from talking to members of various Canadian parliaments and their officials. Their unicameral provincial parliaments have committee structures that are much more powerful than our own. I was also very fortunate in a private capacity to visit the new Scottish parliament and the Irish parliament and talk about these matters.

It is easy to become comfortable and assume that other Westminster parliaments operate in the same way as ours and it is a learning experience to examine the differences in their operation and priorities. I think it is fair to say that the member for Southern Downs and I were quite taken with the practice in some Canadian parliaments to save all the parliamentary votes and have them in one block period every morning. We resisted the temptation to include that in our recommendation, but it is differences such as these which make us take one step back and question our own practices and the possibilities for change.

At the end of the day you are never comparing apples to apples when you are comparing different parliaments, and we were never going to copy other jurisdictions’ models and adopt them as our own. The recommendations in this report have been crafted to fit our own unique parliamentary circumstances, our geography, our history and our priorities. They could only have been framed by members of parliament because we know what is workable and achievable.
The fact that we have delivered a unanimous report is significant on many levels. We all became excited by the prospect that it was time for change and that, indeed, there was sufficient maturity and goodwill around the table to negotiate compromises. Probably there have not been many other times in our state's history when unanimity for such parliamentary reform could have been reached. Our blueprint for reform represents the most significant change in the way that the Queensland parliament operates since the upper house was abolished 90 years ago. It will represent the most significant reform of any state parliament in Australia.

Because the senior members of our committee have been occupied as ministers, shadow ministers or opposition leaders for the past decade or so, we all realised that we had not taken a sufficient interest in the way that the parliament was being run or, indeed, how effectively the committee system was operating. Some of us, and I was one, were committee chairs in the early 1980s when we hired our own research staff, controlled our own budgets and set our own agendas. In those days we made recommendations that the government of the day did not like but nevertheless accepted. I well remember being on the public works committee and recommending that we knock down the wall of the Townsville prison. It was the first time that we recommended replacing that fixed structure with barbed wire. The minister of the day and, indeed, the prison officers thought that the world was going to end and that the prisoners were going to escape as a result. That recommendation did not make the government happy, but it proceeded with it. I can give members lots of other examples of the powers of the committees in those days.

Those were also the days when the media and academia were interested in our work. I think it is fair to say that, although our present committees have been producing many valuable reports, much of their influence, independence and status has been eroded. There are many reasons why this has occurred, but in my speaking entitlement today I do not have the time to examine them in detail. However, we do believe that giving committees of the parliament decision-making control over the budget, policies and other matters concerning their operations will make us all pay more attention to their work.

We also believe that the creation of parliamentary secretary positions with superior entitlements to committee chairs has led to some of the most ambitious, enthusiastic and capable backbenchers to chase those positions, when once those same individuals sought to put their energies into the position of committee chair. We must again elevate this position. In New Zealand, many former ministers who are now in opposition are using their expertise to chair committees. It has been a worthwhile career path for them to use their skill and exercise accountability over the government of the day.

When we saw the dedicated committee facilities, with public and press galleries and broadcasting facilities, in every parliament that we visited, we asked ourselves why, after 20 years of a modern committee system in the Queensland parliament, we do not have even one dedicated committee room? We realised that we have all taken our eye off the ball when it comes to this important part of parliament's work. Other parliaments have gone paperless. Other parliaments broadcast all committee proceedings. Other parliaments have dedicated rooms for the exclusive use of each committee. The fact that we do not have video-conferencing facilities is a sad indictment on our present state of affairs. On parliamentary sitting days my own committee often had trouble finding a satisfactory meeting room.

I do not know what the opposition's present position is on the creation of an upper house, but I believe that the blueprint we are offering is superior to an upper house in every aspect. Our system will mean that every piece of legislation is explained in detail to a committee. Every piece of legislation will have the possibility of having public input and that input will be publicly broadcast. For the first time, every Queenslander can have a say in the laws that we make in this state. The committee will have to listen to those views before that legislation is debated and voted on in the parliament. This is unprecedented for an Australian parliament.

In addition, the committees will be able to examine petitions, initiate their own inquiries and take up matters on behalf of ordinary Queenslanders. I think in our honest moments we would all acknowledge that—and, let us face it, we are all directly elected—the most important role we perform is as our community's ombudsman and our role as legislator comes a poor second. Consequently, we all speak and vote on legislation without a good understanding of its detail. That is why, in future, it is important that members of parliament, through this committee system, examine the detail of the legislation. I am concerned that the parliament's role as a check and balance on the executive is not as strong as it could be, because we have not been paying attention to the detail. The system we propose will mean members of parliament will scrutinise and understand legislation, and restore the balance to their role as legislators and representatives of the people.

It is human nature to resist change, but change is an irreversible feature of our modern world. I am aware that in this report we have put forward far-reaching and bold reforms that will give anxiety to some public servants who will, for the first time, have to appear before committees; to some ministers, who may not want every detail of their work examined; to some members of parliament, who will be challenged by the workload that we will put in front of them in the future; and, indeed, to some officers of this parliament who will not want to see change.
There has been some commentary on our report and I feel that a lot of that commentary has been misguided. Late last year, a Courier-Mail columnist described the changes that we are proposing as ‘a canny plan that would result in the most opposition friendly parliament we have ever known.’ This is hardly consistent with the claims of a former Speaker, Jim Fouras, who has said that the changes will place parliament under even greater executive control. In Tuesday’s Courier-Mail, Mr Fouras also incorrectly stated that nowhere in the world is there a standing orders committee that does not include the Speaker. One only has to look at the House of Representatives where the Standing Committee on Procedure, the equivalent of Queensland’s Standing Orders Committee, does not have the Speaker as a member. After last year’s cliffhanger election, Julia Gillard’s government proposed changes to the standing orders after negotiations with Independents and other members of parliament. Those changes were accepted by the House of Representatives without reference to the procedures committee.

There is no reason why the Queensland parliament should resist evolution when other parliaments around the world are moving to make the most of society’s changes in the 21st century. As I have indicated, the nine members of our committee had to make compromises to reach unanimity on many matters and I think we are all mature enough to consider other points of view. Since the report was tabled, I have spent considerable time talking to the Premier and my colleagues, the Speaker, the Clerk of the Parliament, the Integrity Commissioner, journalists and academics about our proposals. I am prepared to accept advice that having the Committee of the Legislative Assembly, the proposed committee, undertake all the functions of the ethics and privileges committee would not represent best practice and that the consideration of members’ breaches should be retained by a back bench committee formed specifically for this purpose. I know that the government will indicate this direction in its response to our report. I also note that in the past 50 reports on ethics and privileges complaints, only one has not been unanimous. Therefore, I accept retaining an IEPPC in some form to hear breaches of privilege matters.

I also accept that it would be preferable for the Committee of the Legislative Assembly to take responsibility for the management, construction and maintenance of the parliamentary buildings and electorate offices, rather than the Department of Public Works. I remind members that for over a century members of parliament had committees such as a parliamentary buildings committee, a library committee, a refreshments committee and a printing committee, which undertook those kinds of responsibilities. Clearly, it is preferable to have a group of parliamentarians continue that function.

Other recommendations that have caused consternation in some quarters include our proposal to have an opposition member chair the Parliamentary Crime and Misconduct Committee. I am pleased that the government is intending to support that recommendation. There are a number of precedents in other Westminster parliaments for having opposition members chair committees. When I was in the UK I spoke to members of parliament who were genuinely surprised that we did not have that tradition in Australia.

We are asking the government to also consider putting laypeople on the Parliamentary Crime and Misconduct Committee. I note that the House of Commons in the United Kingdom is working to appoint lay members to its Standards and Privileges Committee. The committee chair, Kevin Barron, stated—

... I am confident that lay members will bring to the Committee an external perspective that it currently lacks, as well as providing it with greater credibility outside Parliament.

The report which led to the recommendation of appointing lay members to two parliamentary committees, which is called the Twelfth Report from the Committee on Standards in Public Life, viewed lay membership as a way to widen the committees’ horizons, increase their experience base and strengthen their legitimacy with the public. Indeed, they were the sentiments behind my committee’s recommendations.

The proposal by the review committee was that the Committee of the Legislative Assembly comprise the Premier, Deputy Premier, Leader of the Opposition, Deputy Leader of the Opposition, Leader of the House and Leader of Opposition Business. We expect that the Premier, Deputy Premier and, indeed, the two leaders of the opposition may wish to appoint permanent alternates, but we believe that they have the right to attend the meetings if there are discussions in which they want to participate. The review committee, which included the independent member for Nanango, did not recommend that there be an independent member on that committee, nor did it recommend that the Speaker be a member.

Checks and balances in a Westminster system are designed to avoid undue concentration of authority in a single set of hands. The proposed Committee of the Legislative Assembly shares responsibility for the oversight of the parliamentary buildings and the setting of policies for managing the parliament. We do believe that in the future those decisions should be made by a committee of our peers.
Queensland is probably one of the few places in the world that has adherence to fundamental legislative principles embodied in legislation. These FLPs are important principles, but they are not complex. They are simply a short, non-exhaustive list of rights and liberties which should not be breached in laws. These include things such as ensuring legislation does not reverse the onus of proof without adequate justification, does not confer immunity from prosecution without adequate justification and does not impose obligations retrospectively. These are principles with which every legislator should be familiar.

Firstly, there is a number of layers already acting as safeguards on FLPs. There is an independent examination from the Office of the Queensland Parliamentary Counsel, acting in an independent capacity, which is required to advise ministers and cabinet on a bill’s consistency with fundamental legislative principles. Secondly, there is the executive, where the Attorney-General advises on all FLP matters on proposed legislation brought before cabinet. Thirdly, we have parliamentary scrutiny. Explanatory notes for bills and significant subordinate legislation are required to be assessed as to their consistency with fundamental legislative principles and, if inconsistent, to state the reasons for it.

The changes that we are proposing will strengthen the level of parliamentary scrutiny of bills. Portfolio committees will be required to undertake the role currently performed by the Scrutiny of Legislation Committee. I would expect that the portfolio committees will produce Legislation Alerts for their examination of legislation. These committees will be assisted by the staff who currently assist the scrutiny committee and the panel of legal experts.

By having portfolio committees examine any potential breaches of FLPs, those committees can examine in detail the government’s justification for any potential breaches of FLPs. Portfolio committees will also be able to follow up on matters raised in the Legislation Alerts and justification for any potential breaches of FLPs by allowing them to question the minister or departmental officials directly.

One of the strong recommendations in our report is that in future committee reports which are not about legislation should receive some attention and debate in this parliament. I am pleased that we have followed through with that strong recommendation today. I note that there is a rather long list of people who would like to contribute to this debate. I am pleased that all members of parliament are showing such interest in this report and our recommendations. I look forward to hearing the views of my colleagues over the hours ahead.

Mr SPRINGBORG (Southern Downs—LNP) (Deputy Leader of the Opposition) (12.24 pm): This is the most significant change to the Legislative Assembly since the upper house was abolished in 1922 and I believe it is the most positive change. It is a change that is going to benefit all Queenslanders. Indeed, I think it will make the executive more accountable to this parliament and it will make members more focused on the role of legislator. It will also allow them to be more understanding of their briefs.

I start by thanking the chair of the committee, the member for Sunnybank, who did a very good job. Her enthusiasm for the task at hand was without question. Her passion and commitment to bringing about this reform deserves to be acknowledged. I say the same with regard to the other members of the committee—opposition, government and independent—who approached this particular process in an extremely bipartisan way. They took off their partisan hats, looked at the reference given to them by the Premier and set about making significant reforms and recommendations for this parliament for the long term.

Indeed, the people of Queensland will be the big winners because they will get more from this process. They will have the opportunity to participate in the scrutiny of legislation, to give their views and to provide their expertise. The committee examination process will provide them with a practical overview of the way legislation may affect them and it will allow members of parliament to judge this better. This will result in better legislation coming through this parliament.

I do not think we necessarily always get good legislation through this parliament. Sometimes legislation is rushed through this parliament. Sometimes, as we have all witnessed, legislation is introduced into this parliament and by the time we debate it a raft of amendments almost as significant as the original bill has been placed on the table. That occurs because the work was not done in the first instance. These reforms will result in increased responsibility for the executive to get it right in the first place. We will see ministers hastening cautiously. Bills, particularly contentious bills or those that relate to major policy matters, will go out for consultation and will be deliberated on by committee members who will have more expertise. They will look at this and feel their worth as members of parliament engaging their communities. This will result in amendments—changes to those bills—which will address many of their concerns. Sometimes governments have been embarrassed to bring back bills to this place for amendment because they did not get it right in the first place.

That is not to say that some sort of bipartisan utopia will be automatically created through this process. There will still be a place for the normal argy-barley of politics. Everyone understands that we live in an extremely partisan world. Despite the fact that 80 per cent of the legislation and the decisions of this place have unanimous support in this House, in the future there will be issues of contention which will be pursued through that process—and so there should be.