



## LEADER OF THE OPPOSITION

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Dear Julia

### Select Committee on Opening Parliament to the People

Please accept the attached submission on behalf of the Opposition in response to the Green Paper on Parliamentary Reform.

I am a member of the *Select Committee on Opening Parliament to the People* established by the Legislative Assembly on 19 October 2016. This submission reflects my views and that of the Deputy Leader of the Opposition, Lia Finocchiaro MLA.

We would be pleased to discuss our submission with the Committee at an appropriate time.

Yours sincerely

Gary Higgins  
Leader of the Opposition

28 November 2016

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## Submission to the Select Committee on Opening Parliament to the People

### Terms of Reference

The Green Paper sets out the following Terms of Reference:

1. A Select Committee on the subject of Opening Parliament to the People be appointed comprising the Members for Fong Lim, Stuart, Sanderson, Karama, Daly, Nelson and Araluen.
2. The Committee is to inquire into options for parliamentary reform, **particularly increased participation in the legislative process and policy debates and improving the effectiveness of Question Time**, having regard to, among other things, the Parliamentary Reform - Opening Parliament to the People (Labor Policy Discussion Paper) and Restoring Integrity to Government – Trust and Integrity Reform Discussion Papers published by the then Opposition ahead of the Northern Territory Election and the Discussion Paper on Assembly Committee Reform tabled by the Speaker on 25 August 2015 and other proposals which the 12th Assembly Standing Orders Committee deferred for consideration of the 13th Assembly.
3. The Committee is to report to the Assembly by 31 March 2017.

The observations, feedback and recommendations in this submission are related to the named objectives in the Green Paper specifically:

1. Increasing participation in the legislative process and policy debates: and
2. Improving the effectiveness of Question Time.

Effectiveness can be a subjective term, and when using this language it would be helpful if more specific performance measures were included in the Terms of Reference. This would facilitate a more objective assessment of the success of the endeavour.

### New Scrutiny Committees

The proposal is that the Assembly establish two scrutiny committees:

- Children, Families and Central Agencies Committee
- Development, Tourism, Environment and Culture Committee

The new scrutiny committees would replace the former Subordinate Legislation and

Publications, Public Accounts, and Legal and Constitutional Affairs committees as the new committees will perform those committees' functions.

There will be no change to the existing Standing Orders, Privileges or House Committees.

The Opposition has no objection in principle to the formation of two scrutiny committees. The aims of the committees are worthy, anything that increases the quality of the legislation, in regard to its robustness and design are welcome.

The Opposition supports the following functions of the Committees through the proposed Terms of Reference:

1. ***Any matter referred by the Assembly or a Minister*** which will allow the Assembly or a Minister to refer any issues of concern or difficult policy issues for an inquiry.

It would be useful to have a definition of difficult to provide some guidance to the Committees.

2. ***The provisions of Bills and subordinate legislation which*** will allow the committees to seek public comment and departmental advice on referred Bills and report to the Assembly on its deliberations, including recommending any amendments.
3. ***The impact of Bills and subordinate legislation on rights, liberties, and the institution of Parliament*** which gives each committee the formal 'rights and liberties' scrutiny function performed by the previous Subordinate Legislation and Publications Committee and expands that power to include consideration of Bills, using the fundamental legislative principles set out in section 4 of Queensland's *Legislative Standards Act 1992*.

The Opposition supports the Committees being able to seek legal advice when required.

4. ***Public Accounts and Auditor-General's reports*** which will allow the committees to perform the functions of a Public Accounts Committee for agencies within their subject areas. Both committees will meet with the Auditor-General to discuss their reports and follow-up with the relevant Agencies.
5. ***Performance, operation and Annual Reports of agencies***—examining the performance and operation of agencies would be an expansion of the committees' Public Accounts role. It is also proposed that an annual week of hearings on Annual Reports be introduced.

6. ***The annual Appropriation Bill and Estimates*** whereby Estimates hearings will be conducted in a similar manner as previously, except that the Agency responsible for each Budget output would be examined by the committee to which it is allocated.

This function will work together with the function of reviewing Annual Reports, with a week's hearings on Estimates around June and a week's hearing on Annual Reports in November.

### **Passage of Bills**

The timeframe for each Bill would be subject to the will of the Assembly. A typical passage of a Bill would span three sets of meetings of the Assembly, with introduction into the Assembly and referral to a committee in the first meeting, the committee's consideration of submissions and hearings at the second and the Assembly's consideration of the committee's report and passage of the Bill at the third.

There are provisions for urgent passage of Bills including a case to be made to the Assembly for urgent consideration.

A proposed procedural change is that the former "second reading speech" where the Minister outlines the purpose of the Bill, will become the "explanatory speech" given when the Bill is introduced. The speech that the Minister gives when moving the second reading will be responding to the committee's report.

These provisions are supported by the Opposition.

### **Allocating Committee time**

The Green Paper proposes that five hours be dedicated to Committee meetings on each Wednesday i.e. from 0830 to 1330 including a reduction of Assembly time by two hours i.e. 10.00 to 12 noon.

Whilst the Opposition supports the proposal of the two Committees **it does not support** the five hour timeframe on Wednesdays as proposed.

As an observation Ministers are no longer required to answer two consecutive questions in Question Time and in practice to date, do not contribute to Opposition motions on Wednesdays. The suggestion that this new proposal 'frees up' Ministers' time combined with the above, results in Ministers only being actively involved for two thirds of the allocated time of the Assembly.

The proposal will result in compensatory saving of time of the Assembly given there will a reduced requirement for Bills to be referred to the 'Committee of the Whole' prior to the

third reading of the Bill. There may be occasions when there are no Bills for the Committees to consider.

The Opposition proposes that two hours be allocated on each sitting day i.e. Tuesday, Wednesday and Thursday from 1000 to noon and for Committees to convene as required in accordance with the Assembly business awaiting its consideration.

The scope to reduce travel costs is supported.

### **Committee Membership**

It is proposed the new Assembly scrutiny committees each have seven Members. To reflect the current Assembly, the committees would have four Government Members, one Opposition Member and two Independent Members.

The Opposition supports the proposal.

### **Super Scrutiny Wednesday**

It is proposed that each Wednesday Assembly meeting be a day of intense scrutiny through:

- Only allowing Opposition and independent Members to ask questions during Question Time;
- Allocating most of the remainder of the meeting to General Business (Bills and motions not moved by the Government); and
- General Business will follow Question Time until 7pm on Wednesdays, at which time a Minister will move that the Assembly adjourn unless there is urgent Government Business to be dealt with.

It is unnecessary and trite to use the term '*Super Scrutiny Wednesday*'. The term General Business Day is more reflective of the Assembly current and proposed practice and should be retained. The Opposition has and will continue to hold the Government to account on every day, not just on Wednesdays.

The term *Super Scrutiny* is at odds with the Government's decision that Ministers cannot answer two consecutive questions in Question Time on Wednesdays.

## **Consideration of Estimates and Annual Reports**

To enable Ministers to be questioned on their agencies' performance in a more timely manner, it is proposed that the two weeks of Estimates hearings be replaced by one week of Estimates hearings in June and one week of hearings on Annual Reports later in the year.

Both the Estimates and the Annual Reports hearings would be conducted by the two scrutiny committees, with each committee asking questions relating to their allocated agencies.

This proposal is supported by the Opposition.

## **Debating Petitions**

The Green Paper proposes that after a petition with 500 or more signatures is read in the Assembly, any Member may ask that the petition be debated.

If that request is supported by four Members rising in their places, the Member may give notice of a motion regarding the petition which will be set down for the time for Matters of Public Importance with the same time limits in accordance with Standing Order 43.

How petitions are dealt with across Australia and internationally show them as a very effective tool at engaging the public.

The Opposition welcomes the move to have petitions debated as per the rules governing Matters of Public Importance (MPIs).

The House of Representatives Standing Committee on Petitions should serve as a model and guide to the Territory. The Petitions Committee has recently made provision for electronic petitioning of the Parliament.

It is notable in the Green Paper that there is no mention of new technologies or new media. It has been demonstrated by the public with the success of political campaigning organisations like Get Up that there is an attitude and desire to embrace new technologies and new methods of engagement. The Assembly would do well to study the success of non-traditional methods of engagement.

The European Union has a provision that allows for any petitioner to directly petition the European Commission or Parliament. These can then be referred to the Commission or Ombudsman.

Petitions need to have the power and ability to effect change. The petitions process needs to have gravitas and achieve an outcome. This is a clear demonstration of bringing Parliament to the People, to empower the community to have some meaningful say on the development of government policy.

This proposal is supported by the Opposition who recommends that new technologies are considered.

### **Reforming Question Time**

The Assembly has already introduced reforms to prevent 'Dorothy Dix' questions during Question Time on Wednesdays and require subsequent questions to be asked of different Ministers.

The Opposition is of the view that this is in stark contrast with the Government's stated aim of being transparent and accountable.

The committee further proposes to lift the restriction on supplementary questions and to remove the prohibition on repeating a question already asked.

The Opposition welcomes any reduction in restrictions on supplementary questions. This will facilitate pursuing a line of questioning, enabling enhanced accountability.

The principle applied here should also be applied to the proposed *Super Scrutiny Wednesdays* and that is allowing further questioning of the Minister on their answer, or to call attention to the lack of an answer, which should result in more relevant and meaningful responses.

The Green Paper proposes that the time allowed to ask a question be reduced to 30 seconds from the current 60 seconds.

Reducing the time limit for questions from 60 seconds to 30 seconds facilitates more direct and specific questions. When viewed alongside the removal of the restriction on asking a question already asked, is a welcome move.

If it makes Parliament more easily understood, then it is a good move and one the Opposition supports.

### **Acknowledgement of Country and Prayers**

The Green Paper provides an invitation to make comments on whether the Assembly should retain its current prayers, adopt different prayers or a time of reflection and whether and what form of acknowledgement of country should also be included.

The Opposition is of the view that the Assembly is there for the benefit and welfare of all Territorians and in that regard it should make efforts to modernise Parliamentary practice.

## **Conclusion**

In summary, there are a number of welcome and sensible measures that the Opposition supports. However, it does not include measures to assess the success or failure of the proposals and the scope of the benchmarking appears more limited than it should be.

The Green Paper is not as ambitious as it could be, given that it is trying to future proof engagement between the Public and the Parliament.

A further observation of the Green Paper is that it is a document that hopes to plan for the future based on methodologies, technology, practice and process from the past.