

Parliament of Queensland Amendment Bill 2009

Explanatory Notes

Title of the Bill:

Parliament of Queensland Amendment Bill 2009.

Objective of the legislation:

The *Parliament of Queensland Amendment Bill 2009* (the Bill) amends the *Parliament of Queensland Act 2001*:

- to provide for the Law, Justice and Safety Committee in place of the Legal, Constitutional and Administrative Review Committee (LCARC). It is proposed that this committee will retain the existing functions of LCARC, with the addition of a new area of responsibility which covers an area of law, justice or safety that is referred to it by the Legislative Assembly; and
- by combining the Public Accounts Committee and the Public Works Committee and their functions to form the Public Accounts and Public Works Committee.

Reasons for the objective and how it will be achieved:

The Bill forms part of a restructure of the parliamentary committee system.

The proposed structure is designed to create a committee system more focused on developing best practice policy and legislative solutions to issues facing Queenslanders, while maintaining the necessary oversight role parliamentary committees provide. It will align more closely with the current departmental arrangements and the priorities of the Government.

The Bill will result in the Parliament having six statutory committees.

The Bill will amend the *Parliament of Queensland Act 2001* to create a Law, Justice and Safety Committee in place of LCARC and amalgamate

the Public Accounts Committee and the Public Works Committee and their functions to form the Public Accounts and Public Works Committee.

The functions of the Members' Ethics and Parliamentary Privileges Committee, the Scrutiny of Legislation Committee, the Standing Orders Committee and the Parliamentary Crime and Misconduct Committee will remain unchanged under the Bill.

The Law, Justice and Safety Committee will be a statutory committee as it will take on the legislated functions of LCARC. However, it is proposed that additional 'policy' functions of a parliamentary committee will be conferred on the committee by resolution, as with the other parliamentary committees. The policy functions will cover an area regarding law, justice and safety that is referred to the committee by the Legislative Assembly.

To complement the statutory committees, it is proposed to establish three parliamentary committees to consider policy issues relevant to the portfolio areas of Economic Development, Environment and Resources and Social Development.

A resolution of the Parliament will be required to add parliamentary committee functions to the Law, Justice and Safety Committee (in addition to the functions currently held by LCARC) and establish and confer functions and powers to three parliamentary committees: namely the Economic Development Committee, the Environment and Resources Committee and the Social Development Committee.

Alternative method of achieving the policy objectives:

There is no alternative method of achieving the policy objectives as changing the statutory committees requires amendment of existing legislation.

Estimated cost for Government implementation:

Future administrative costs to the Government will be minimal and will be met from within existing budget allocations.

Consistency with Fundamental Legislative Principles:

The Bill is consistent with the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

Notes On Clauses

Part 1 Introduction

Clause 1 sets out the short title of the Bill.

Part 2 Amendment of Parliament of Queensland Act 2001

Clause 2 states that this Act amends the *Parliament of Queensland Act 2001* (the Act).

Clause 3 removes a reference to the “Public Accounts Committee” in section 9 of the Act and replaces it with “Public Accounts and Public Works Committee”.

Clause 4 corrects the numbering referred to in the definition of “public works” included in section 79 (Definitions for chapter 5).

Clause 5 omits section 80 and replaces it with a new section which includes references to the “Law, Justice and Safety Committee” and the “Public Accounts and Public Works Committee”.

Clause 6 changes the heading of chapter 5, part 4, division 1 from “Legal, Constitutional and Administrative Review Committee” to “Law, Justice and Safety Committee”.

Clause 7 changes the heading of section 85 of the Act from “Areas of responsibility of Legal, Constitutional and Administrative Review Committee” to “Areas of responsibility of Law, Justice and Safety Committee”. This clause also includes a new provision in subsection 85(2) of the Act which provides for an additional area of responsibility for the Law, Justice and Safety Committee, being “an area regarding law, justice and safety that is referred to the committee by the Assembly”.

Clause 8 omits chapter 5, part 4, division 3 of the Act, which relates to the functions of the Public Accounts Committee.

Clause 9 changes the heading of chapter 5, part 4, division 4 from “Public Works Committee” to “Public Accounts and Public Works Committee”.

Clause 10 changes the heading of section 96 of the Act from “Areas of responsibility of Public Works Committee” to “Areas of responsibility of Public Accounts and Public Works Committee”. The clause omits subsection 96(1) of the Act and replaces it with a new subsection which combines the areas of responsibility of the Public Accounts Committee and the Public Works Committee, as contained in current sections 94 and 96(1) of the Act.

Clause 11 recreates section 95 (Reference of issues to auditor-general) as new section 96 and changes a reference from the “Public Accounts Committee” to the “Public Accounts and Public Works Committee”.

Clause 12 is sourced from section 98 of the Act and changes a reference from the “Public Works Committee” to the “Public Accounts and Public Works Committee”.

Clause 13 amends references to the “Public Works Committee” in current sections 99 to 102 to read “Public Accounts and Public Works Committee”.

Clause 14 corrects the numbering of chapter 5, part 4, divisions 5 (Scrutiny of Legislation Committee) and 6 (Standing Orders Committee).

Clause 15 inserts a transitional provision into the Act to ensure that references to the Legal, Constitutional and Administrative Review Committee, the Public Works Committee or the Public Accounts Committee in other Acts or documents are taken as references to the Law, Justice and Safety Committee or the Public Accounts and Public Works Committee, as appropriate.

Part 3 Amendment of Other Acts

Clause 16 inserts a new schedule to the Act which provides for minor consequential amendments to be made to the *Electoral Act 1992*, *Financial Administration and Audit Act 1977*, *Freedom of Information Act 1992*, *Government Owned Corporations Act 1993*, *Ombudsman Act 2001* and *Whistleblowers Protection Act 1994* to reflect the new titles of the statutory committees.

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