

**Mr Peter Russo MP**

*Queensland State Member for Sunnybank*

*Chair of the Finance and Administration Committee*

*Queensland Parliament*

**President of the Australasian Council of Public Accounts Committees 2017**

Australasian Council of Public Accounts Committees (ACPAC) Conference

April 2017

## **Session 2: Parliamentary Public Accounts Oversight – Holding PACs to Account**

I was appointed as Chair of the Finance and Administration Committee in February 2016, a little under a year into the life of this parliamentary term and my life as a member of the Queensland Parliament. In this session, I wanted to discuss how as members of public accounts committees we are held to account. What can we do as members to ensure that the committees upon which we sit are doing what they are supposed to do and how we can build our skills to do better.

But first, I should outline how things work here.

### ***Jurisdiction***

As most of you would be aware, the Queensland committee system differs from many other jurisdictions; it is based on the New Zealand system.

In 2011, following a committee system review undertaken by a select committee, the Parliament of Queensland (Reform and Modernisation) Amendment Act 2011 was passed which led to sweeping changes to Queensland's committee system.

The changes, based on the New Zealand model, introduced a system of portfolio committees which mirrors the various portfolio areas of government.

There are currently seven portfolio committees, established under the Standing Orders, which cover all areas of government activity, examine Appropriation Bills, other legislation and public accounts and public works.

The major change relevant to this forum is that Queensland does not have a dedicated public accounts or public works committee.

The Finance and Administration Committee has responsibility for the portfolio areas of three Ministers:

- the Premier and Minister for the Arts,
- the Treasurer and Minister for Trade and Investment, and
- the Minister for Industrial Relations, Minister for Racing and Minister for Multicultural Affairs.

Recent amendments to the Constitution of Queensland mean that all bills are to be referred to a parliamentary committee for a minimum of 6 weeks unless declared urgent by the House.

And believe me, 6 weeks to hold a full inquiry on a bill, including seeking submissions and holding hearings, is a luxury!

In this term, since March 2015, the Committee has considered around 20 bills on a wide range of topics and provided 10 reports on its scrutiny of subordinate legislation.

The Committee must hold hearings as part of the annual Estimates process and consider the budget estimates for each portfolio in its jurisdiction.

Additionally each portfolio committee has responsibility for public accounts and public works within its portfolio area. Some committees also have oversight responsibilities for certain statutory entities, including the Auditor-General, Ombudsman, Information Commissioner etc.

Until recently, the Finance and Administration Committee had oversight responsibility for four entities:

- the Auditor-General
- the Integrity Commissioner
- the Queensland Family and Child Commission and
- the Family Responsibilities Commission.

(Recent Ministerial changes mean the last commission was transferred to the Infrastructure, Planning and Natural Resources Committee).

The Queensland Family and Child Commission are included in the Committee's responsibility by virtue of its responsibility to report to the Premier – the subject matter sits outside the portfolio areas of the Committee and so the Committee shares its scrutiny of this body with the Health Committee to inform its work on matters relating to the Commission.

Queensland Committees have recently been granted the power to generate own motion inquiries on matters within their jurisdiction, previously these inquiries were limited to public accounts and public works.

The capacity of committees to undertake public accounts and public works inquiries can often be subject to its workload which has deadlines – namely bill inquiries and referrals from the House. This Finance and Administration Committee is yet to undertake one public accounts or public works inquiry in this parliamentary term.

So, now we all understand how this system works, back to the task at hand.

As Chair, I play the tug-of-war with my various roles – this touches on matters to be discussed in another session, so I will keep this point brief.

As Chair I owe loyalty to the Committee, to the Parliament and to Queenslanders to effectively scrutinise the executive and hold the government to account. As a member of a political party, I owe loyalty to the party to progress its ideals. And as the Member for Sunnybank, as my fellow MPs will understand, committee work is but one aspect of this privileged role we are given. There is also the duty I owe to my constituents and my electorate office work.

It is important to understand and know what is happening in your electorate.

Although our electorates share similarities, they are each unique, and learning to know my electorate has been a great privilege.

My electorate includes areas suffering from poverty, sitting aside industrial and commercial areas. I have 15 schools with various needs, including students from refugee backgrounds various as well as some of the most marginalised people in our society.

Homelessness, unemployment, traffic congestion, neighbourhood disputes and public housing developments are just some of the competing demands that constitutes come to me for assistance with. Helping to navigate those problems for my constituents is, while challenging, very rewarding.

Part, also of my role, is to seek to properly serve the competing interests of the very diverse parts of my community. That can be particularly challenging, especially in the current climate in Australia which, in some parts, is fuelled by the re-emergence of prejudice and ignorance. This is a challenge we all face, and to which we must rise strongly.

So how, as a relatively new member of parliament and a new member and Chair of a committee, can I ensure that the Committee discharges its responsibilities appropriately, effectively and efficiently? Firstly, like all members of parliament, we bring the experiences and skills we have developed in our lives before the parliament.

Prior to entering politics, I was a criminal defence lawyer, mainly working for underprivileged members of our community. I was in the Courts daily, doing battle, for my clients. I am not quite sure that my previous life as a defence lawyer has prepared me for my role as chair of the finance committee!

The law was by no means my first job. I started work as a storeman and packer, before moving on to a labourer, and then a public servant. I value my experience in each of these roles, because each of them bring me some level of knowledge and understanding of what it is to do that type of work, and to the challenges my constituents can face in making out a daily existence. However, given the breadth of material considered by committees there is no conceivable way that we can be experts in everything we review and report on. We need some help along the way.

The Queensland Parliament provides an induction program for new members. The induction covers a range of matters necessary to get us up to speed on the roles of members, committees and on the workings of the House. The Clerk has already discussed this so I won't dwell on this matter, other than to say that while the induction is enormously appreciated, it was 'information overload' for me as a fledgling politician.

We rely on the staff assisting the Committee. In Queensland each committee has a standard secretariat consisting of one committee secretary, one assistant committee secretary and one committee support officer. The secretariat review all materials and provide briefings for the Committee to consider with recommendations and options.

The role of the secretariat is to administer the work of the committee, and to provide procedural and other advice on the work of the committee, including topics into which the Committee may inquire.

But how far should I, as Chair, direct the secretariat on what potential inquiries should be put to the Committee and how far should the secretariat direct the committee in what it ought to inquire into? There is also a portfolio committee members' manual which contains information and guidance on the roles of and procedural information relating to portfolio committees.

Finally, we seek input from the community and from relevant experts on whatever is before the committee at that time. The committee regularly calls for submissions to inform its inquiries and will seek witness evidence from witnesses with expertise in specific fields, e.g. the Auditor-General or the departments for briefings on particular bills or policies.

Essentially, I take in as much information and evidence in as many forms as I can to understand as much as I can about the committee's work. I read lots. Reports, submissions, briefings, summaries, transcripts of hearings we've held. You name it we consider it. This all equates to time. It takes time to build up an expertise on the role of a committee member.

There isn't much of a grace period before the Committee is in the throes of a heated debate on a bill or on a particular inquiry.

And so we turn to the internal committee debate. Here in Queensland the membership of a portfolio committee reflects broadly the composition of the House. Currently, Queensland has a minority government. Each portfolio committee has six members, three government members and three non-government members. Each member has one vote. There is no Chair's casting vote.

Where the votes are tied, the motion is resolved in the negative.

In an ideal world, there will be compromise to ensure that a report containing the best evidence-based recommendations on how to proceed is put forward by the Committee. This works for some matters and often that bipartisanship flows onto the debate in the House and legislative or other actions of the House. I refer to recent example of the Farm Business Debt Mediation bill which the Finance and Administration Committee recently considered, making 20 recommendations, all accepted in part or in full by the Minister.

But this isn't always the case. Sometimes, the ideological differences of the membership can mean that a bipartisan resolution is not politically palatable. This results in a stalemate.

For some contentious matters, if there is no agreement in the committee, there may not be a resolution of the committee to adopt a report. That means that all of the information provided by the witnesses and submitters will not be considered by the House.

To manage this situation, committees regularly adopt a report that contains submitter and witness views. There will likely be no comments or recommendations of the Committee in these reports.

Instead there will likely be two statements of reservation each setting out the respective views and recommendations of the government and non-government members of the committee.

While this is not ideal, it does allow for the evidence received by the Committee to be included in the report and to be considered by the members of the House in the relevant debates.

I refer to the Industrial Relations Bill recently considered by the Finance and Administration Committee.

I will finish off my presentation with more questions than answers.

- Is the Queensland Committee system healthy?
- Does the portfolio committee system work in all respects particularly given the dearth of public accounts and public works inquiries?
- Does our legislation need refining?
- How can we focus committees' attention on the important public accounts and public works scrutiny undertaken in other jurisdictions?
- Do we, as committee members, have sufficient time and information to make the best decisions? Do any committee members in any jurisdiction have sufficient time to devote to providing their committee work the time and attention needed?
- Is it sufficient that we make the best decisions that we can in the time we have and with the resources and the knowledge that we have?