

## SCRUTINY OF LEGISLATION CONFERENCE

### *Statement*

**HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary)** [9.52 pm]: Thank you, Mr President. I simply want to briefly report to the house my attendance, along with other delegates from this Parliament, at the Scrutiny of Legislation Conference held in Brisbane a couple of weeks ago, between 26 and 28 July. I attended, along with Hon Adele Farina, in her capacity as Chairman of the Standing Committee on Uniform Legislation and Statutes Review; Hon Liz Behjat, as a member of that committee; Hon Nigel Hallett, also a member of that committee; Ms Janine Freeman, the member for Nollamara, as a member of the Joint Standing Committee on Delegated Legislation; and Mr Joe Francis, member for Jandakot, as chairman of that joint standing committee. The conference is held biennially, and I will shortly get to where the next conference will be held.

There was the opportunity to meet delegates from all other Australian jurisdictions and from the Parliament of New Zealand. The conference was a wide-ranging one. The theme was that of “nowism”; in essence, the challenges faced by Parliaments in scrutinising legislation at a time when people expect instantaneous results—people expect things to be done urgently and when there are considerable pressures on Parliaments to consider the legislation put before them.

The opening ceremony was held in what was known as the Red Room, which is a rather quaint way of describing what was originally the Legislative Council chamber in the Queensland Parliament before it rather rashly abolished its Council back in 1922. That is a story in itself. Nevertheless, the building is a delightful example of, I think, 1860s and 1870s architecture, and quite extraordinary in the story it can tell of the amount of time, effort and attention paid to making what was an environmentally sustainable building in those days.

The opening address was from Her Excellency Penelope Wensley, AO, the Governor of Queensland, and one of the opening papers was delivered by Hon Paul de Jersey, AC, the Chief Justice of Queensland. Following that, most of the proceedings were held in what is known as the parliamentary annexe building, which has some unique features of its own. Quite apart from the range of facilities involved it also has accommodation for members of Parliament from rural regions to allow them to stay within the precincts of Parliament and to permit them ready access to Parliament during parliamentary sitting times.

As I mentioned, a range of papers were delivered. I will not go through all of them but they are available on the Parliament of Queensland website and copies of papers were presented to delegates in the form of a thumb drive with electronic copies of those papers. I am sure delegates who attended the conference would be happy to provide copies of them for members of this house should they be interested in them. A keynote address was delivered by Sir Gerard Brennan, a former Chief Justice of the High Court, on scrutiny’s role in the rule of law. That highlighted and emphasised the importance of the job we do, particularly in chambers of review, and the role played by committees scrutinising legislation in the Parliaments.

**Hon Ken Travers:** Did you give a run-down of all the bills your committee has dealt with since you have been the chair?

**Hon MICHAEL MISCHIN:** We have done a very, very good job with the bills we have had.

**Hon Ken Travers:** Did you give a full run-down of all the bills you have dealt with?

**Hon MICHAEL MISCHIN:** A paper was delivered also by an officer of the Queensland Parliament, who has the task of being an Indigenous liaison officer and providing education to Aboriginal and Torres Strait Islander communities on the role of Parliament and ways of getting Indigenous people involved in the parliamentary process and engaging with it. There may be some merit in a similar role being assigned to an officer of this Parliament. Otherwise the papers presented ranged from subordinate legislation to the culmination with a rather light-hearted debate on the last afternoon involving discussion about the relative merits of explanatory memoranda for legislation, with parties debating yes and no cases. Even though light-hearted, it revealed quite a number of interesting perspectives on the value of explanatory memoranda. I should mention two papers delivered by our parliamentary delegates. One was by Hon Adele Farina on the issues that Parliaments and committees face in scrutinising skeletal legislation, and the problems that confront Parliaments when legislation relies a great deal on either regulations or other subordinate legislation. The other paper was delivered by Ms Janine Freeman, the member for Nollamara, on the problems of legislation that incorporates its substance or important features by reference to, for example, standards that are not readily available to members of the public and the like, and the difficulties of being able to understand the law with reference to a particular document when such incorporation by reference takes place. I consider that this Parliament and this house should be proud of the contributions made by those two members. The papers were very well received. Towards the end of the conference a motion was moved to the effect that there be consultation between the respective jurisdictions on

how to deal with the problems confronting Parliaments and committees on the subject of skeletal legislation. I am sure that more will be said about that in due course. The conference dinner was held at the Gallery of Modern Art where delegates had the opportunity to see not only an international surrealist exhibition—I am sure that Hon Ken Travers would feel at home there!—but also an exhibition of Torres Strait Island art and artefacts.

At the conclusion of the conference, I had the opportunity to acknowledge with thanks the hospitality of the Parliament of Queensland and also the members and staff of that Parliament for their welcome and the assistance and hospitality that they extended to our delegates over that time. I should add that our delegates consisted of not only members of Parliament but also advisory officers from several of the committees of this and the other house. I also had the opportunity to accept on behalf of the Parliament of Western Australia the nomination that we host the next conference in two years. Although Queensland set a very high standard for the facilities and the hospitality that it had extended to delegates and also the quality of the conference itself and the organisation and theme of the conference, I am sure that Western Australia can meet those standards, if not surpass them. In all, it was a terrific opportunity to meet and exchange not only fellowship but also information and learning from colleagues in other jurisdictions, and understanding that the problems they face are very similar to the problems we face from time to time. Having heard those other delegates, I appreciate that the Parliament of Western Australia has nothing to be ashamed of in the quality of the scrutiny that it gives the legislation that comes before it and, in fact, the superiority of —

**Hon Ken Travers:** Your committee has had two bills; one of the National Party that the Liberal Party wanted to bury, and the other one of the Liberal Party that the National Party wanted to bury. That's all you've dealt with!

**Hon Donna Faragher:** Are you having a crack at the committee?

**Hon Ken Travers:** I'm having a crack at your government not using his committee, yes!

**The PRESIDENT:** Order! I think we will proceed without interjections.

[Member's time expired.]

**Hon MICHAEL MISCHIN:** If I might just finish, Mr President.

**The PRESIDENT:** No, you cannot, I am sorry; your time has expired.