

...

~~But when we are talking about those parts of a property where the benefits are shared more or less equally, we cannot apply the same formula.~~

~~Now Labor is introducing this as part of one of the formulas developers may use when setting contribution schedules included in relativity principles established under this bill. The Queensland Law Society and other respected bodies have grave concerns about the inclusion of market value of the lots as an attributing factor to be considered when allocating lot entitlements. The minister went on to say—~~

~~At the end of the day, this bill is about two things: It is about our economy and it is about our people. That is why the central tenet of this bill is to make things simpler and fairer for all Queenslanders... the bill before the House today, has meant that the legislation before members is the best tool for fixing the little cracks in Queensland's community titles industry.~~

~~The honourable member for Callide is not one who is known to often praise Labor policies. He must have been feeling in a generous mood, because he said—~~

~~I think the minister can be commended for the fact that the legislation that comes before the House today is the result of a compromise in terms of what was, at the start of this process, a divergent range of opinions. That compromise has been able to satisfy unit owners as well as residential managers and the rest of the stakeholders. As far as I am aware, no group within that stakeholder community opposes this legislation.~~

~~The honourable member for Mackay—now a minister—spoke in glowing terms about this bill. He said—~~

~~This bill is a model of how government, business and the wider community can work together to develop workable, practical and beneficial legislation that delivers positive outcomes for all Queenslanders.~~

...

The involvement of industry stakeholders in developing this bill has been exemplary and instrumental to its success.

~~Sadly, this involvement was not continued in the consultation process leading to this bill. You could not silence the member for Mackay. He was so full of praise. He went on to say—~~

~~This bill does not favour one group over another. This bill delivers a fair outcome for every Queenslanders it affects.~~

~~I wonder what the honourable member has to say about this bill, as it undoes the fair and balanced stakeholder approved model of 2003. By its very nature, this bill establishes a two tiered system of bodies corporate, differing for schemes established prior to the commencement of the bill and those established after the commencement of the bill. The explanatory notes to the bill state—~~

~~This proposal does present a possible breach of fundamental legislative principles in that lot owners in schemes established prior to the commencement of the Bill will have a different set of rights to lot owners in schemes established after the commencement of the Bill.~~

~~The government's response to this matter is—~~

~~The distinction between the community titles schemes established pre and post commencement of the Bill is considered necessary.~~

~~By whom? How was this deduction made that it was necessary? This statement does not offer any explanation, either measured or otherwise. Those schemes developed after this bill will be governed by an entirely new set of principles and arrangements. Legal opinions state that buyers may be discouraged from purchasing lots in older buildings where bodies corporate have entrenched arrangements that are deemed unfair. The minister needs to satisfy the argument. Where are the statistics and figures to say that that will not be the case?~~

~~The former minister could not provide a list of those who supplied submissions and has now managed to avoid all responsibility for providing a breakdown of the findings. Additionally, there are no accurate figures of people who are tied up in the middle of applications for adjustments. As I said earlier, in 2003 not one member of parliament opposed the bill. Let us see what the Labor members will do now. Will they go back on their word? Will they say that they told untruths in 2003? No, they lack the intestinal fortitude to do that, especially as their own minister could not bring himself to acknowledge the 2003 legislation in his second reading speech.~~


~~It is important to look at what was said in the debate on that bill, as it is the provisions therein that the minister and the Bligh government now want to repeal. The minister may think that Labor's own legislation in 2003 was wrong, even though he cannot admit it. But what he has presented before us today is abominable and the LNP cannot support it. I shall be moving a number of amendments and I foreshadow that now.~~

~~Debate, on motion of Mrs Stuckey, adjourned.~~

PARLIAMENT OF QUEENSLAND (REFORM AND MODERNISATION)

AMENDMENT BILL

First Reading

 **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (7.57 pm): I present a bill for an act to amend the Auditor-General Act 2009, Criminal Organisation Act 2009, Electoral Act 1992, Information Privacy Act 2009, Integrity Act 2009, Legislative Standards Act 1992, Ombudsman Act 2001, Parliament of Queensland Act 2001 and Right to Information Act 2009 for particular purposes. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.


Motion agreed to.

Bill read a first time.

Tabled paper: Parliament of Queensland (Reform and Modernisation) Amendment Bill.

Tabled paper: Parliament of Queensland (Reform and Modernisation) Amendment Bill, explanatory notes.

Second Reading

 **Hon. AM BLIGH** (South Brisbane—ALP) (Premier and Minister for Reconstruction) (7.57 pm): I move—

That the bill be now read a second time.

I am pleased to introduce the Parliament of Queensland (Reform and Modernisation) Amendment Bill 2011. This bill seeks to reform the Queensland parliamentary committee system to strengthen and support the role of the Legislative Assembly in scrutinising legislation and executive government. This bill enacts the first stage of the government's response to the work undertaken by the Committee System Review Committee in 2010 in their landmark and bipartisan review of our committee system and parliamentary processes.

In 2009, the government released the discussion paper *Integrity and accountability in Queensland*. It was clear from the feedback that Queenslanders wanted greater oversight of the government and examination of legislation by the parliament.

Queensland is unique among Australian states in that our legislation only has to pass one house of parliament to become law. In response, the parliament established a committee to report on how the parliamentary oversight of legislation could be enhanced and how the existing parliamentary committee system could be strengthened to enhance accountability. The Committee System Review Committee, chaired by the member for Sunnybank with the member for Southern Downs as deputy chair, included representatives from both major parties and the Independents. Its members understood parliament and parliamentary procedures in detail. They were very well experienced members of the House. The committee spent most of 2010 considering options and public submissions on ways to improve parliamentary oversight and accountability.

Its report of December 2010 made 55 recommendations. When the government was considering the recommendations, it had the key points from the terms of reference at the forefront of its deliberations: accountability, oversight and effective examination of legislation. Parliament debated the review committee's report over two days in March 2011 and, as a result, the parliament established a Committee of the Legislative Assembly to provide a roadmap to implement the government's response to the report. This bill takes account of the views of many of the members who contributed to the debate, together with the wishes of the Committee of the Legislative Assembly, including the members of the opposition and the view of the cabinet. It will improve the way the parliament operates and will better adapt our committee system to the community's expectations in the 21st century.

Specifically, the bill makes a number of changes. First, it will establish portfolio committees made up of an equal number of members from each side of the parliament. These committees will cover all ministerial portfolios and government departments. Their main activities will include, for their respective portfolios: conducting the budget estimates inquiries; examining legislation, both government and private members' bills; and examining public accounts and public works matters associated with the portfolio. Portfolio committees will have the ability to call public servants as witnesses and ask questions of them directly in accordance with the provisions of the standing orders. Alternatively, public servants may be invited to assist committees to understand the legislation which government brings before the parliament. Members of the public will be able to make submissions on legislation and raise concerns they have regarding legislation directly with the committee.

The portfolio committees will be provided with more time during sitting weeks to discuss matters and more time in parliament to have their reports debated. The new committee system will reinforce the current high level scrutiny of the rights of individuals and the principles of natural justice. Accordingly, the bill retains the functions of the Scrutiny of Legislation Committee to examine legislation for

consistency with the Legislative Standards Act 1992. These powers are being provided to portfolio committees to enable them to examine both the legislative obligations and the policy intent of the legislation simultaneously.

The Public Accounts and Public Works Committee will no longer exist, but all of its functions are being given to the portfolio committees. That is, the portfolio committees will be able to review reports by the Auditor-General and examine major capital works within their portfolio areas, amongst other things. The portfolio committees will also serve as the estimates committees to examine in detail the budgets of the departments within their portfolio and ask questions of ministers and senior public servants at their public hearing. These comprehensive powers and responsibilities will ensure that the budget, accounts, capital works and legislation for portfolio areas will be examined in the one forum in a coordinated and comprehensive manner.

The number, title and portfolio areas to be allocated to these portfolio committees will be established by the parliament in standing orders. These matters are to be the subject of further consideration by the Committee of the Legislative Assembly with a view to having draft standing orders before the parliament for consideration in May 2011. The bill also seeks to establish a separate ethics committee to consider any matters referred to it with respect to complaints about the ethical conduct of particular members or alleged breaches of privilege by members of parliament or other persons.

While the Committee of the Legislative Assembly was established by resolution of the parliament on 10 March 2011, this bill will establish that committee as a statutory committee. The Committee of the Legislative Assembly will assume the responsibilities of the Standing Orders Committee and the bill provides that the Speaker will be a member of the committee when it is dealing with matters relating to the standing orders. The bill also makes provision for a member of the committee to nominate an alternate.

The bill provides that the areas of responsibility of the Committee of the Legislative Assembly will be: the ethical conduct of members, including arrangements for the Register of Members' Interests—however, the ethics committee will deal with any complaints of breaches of these provisions; publishing and reviewing the code of ethical conduct for members; parliamentary powers, rights and immunities; standing rules and orders about the conduct of business by, and the practices and procedures of, the Assembly and its committees; and any other matters for which the committee is given responsibility under standing orders.

With respect to the Parliamentary Crime and Misconduct Committee, this committee is being retained with the current complement of seven members. However, it is the government's intention to appoint a non-government member as chair of this committee. The new parliamentary committee system will ensure the highest standards of parliamentary scrutiny of the executive, of the operation of the parliament and of the conduct of members.

Beyond the parliamentary committee system, the bill also inserts the newly titled position of Manager of Opposition Business as an office holder to which an additional salary can be paid, and makes provision for committee chairs to receive an increase to the additional salaries they currently receive. This will give due recognition to the additional responsibilities of these positions and is in line with the bipartisan recommendation of the Committee System Review Committee. The amount of the additional salaries will be determined by the Governor in Council and will be made public through the *Queensland Government Gazette* and the *Members' Entitlements Handbook*. The bill also includes amendments to implement government responses to other parliamentary committee reports.

The government's response to Report No. 109 of the Integrity, Ethics and Parliamentary Privileges Committee supported a recommendation to combine a register of written waivers by members to rewards of holding a public appointment, required to be maintained by the Speaker, with the Register of Members' Interests, maintained by the Clerk of the Parliament. The bill amends the Parliament of Queensland Act 2001 to implement this commitment.

Further, the bill implements the government's response to the Scrutiny of Legislation Committee's Report No. 42 to amend the Legislative Standards Act 1992 to require that all subordinate legislation be accompanied by an explanatory note. While this requirement has already been implemented by the government administratively, the legislative amendments are now proposed to enshrine them in law. I commend the bill to the House.

Debate, on motion of Mr Horan, adjourned.

~~**BODY CORPORATE AND COMMUNITY MANAGEMENT AND OTHER
LEGISLATION AMENDMENT BILL**~~

~~**Second Reading**~~
