FINANCE AND ADMINISTRATION COMMITTEE

Members present:

Mr MJ Crandon MP (Chair)
Mrs EA Cunningham MP
Dr B Flegg MP
Mr R Gulley MP
Mrs FK Ostapovitch MP
Mr CW Pitt MP
Mr MA Stewart MP

Staff present:

Ms D Jeffrey (Research Director)
Dr M Lilith (Principal Research Officer)
Ms L Whelan (Executive Assistant)

PUBLIC HEARING—INQUIRY INTO THE TREASURY AND TRADE AND OTHER LEGISLATION AMENDMENT BILL

TRANSCRIPT OF PROCEEDINGS

MONDAY, 15 JULY 2013

Brisbane

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Committee met at 2.20 pm

BUTLER, Mr Shaun, Senior Legal Officer, Queensland Treasury and Trade

JOHNSON, Ms Theresa, Parliamentary Counsel, Office of Queensland Parliamentary Counsel

MILLER, Mr Glenn, Manager, Fiscal Strategy, Queensland Treasury and Trade

SCOTT, Mr Jonathan, Principal Policy Advisor, Motor Accident Insurance Commission, Queensland Treasury and Trade

SIDHU, Ms Inderjeet, Senior Assistant Parliamentary Counsel, Office of Queensland Parliamentary Counsel

SINGLETON, Mr Neil, Insurance Commissioner, Motor Accident Insurance Commission, Queensland Treasury and Trade

SKINNER, Mr Antony, Director and Government Statistician, Queensland Treasury and Trade

WALMSLEY, Mr Daniel, Treasury Analyst, Microeconomics and Structural Reform, Queensland Treasury and Trade

CHAIR: Good afternoon, ladies and gentlemen. I declare this public departmental briefing of the Finance and Administration Committee's inquiry into the Treasury and Trade and Other Legislation Amendment Bill 2013 open. I am Michael Crandon, the chair of the committee and member for Coomera. The other members of the committee are: Mr Curtis Pitt MP, deputy chair and member for Mulgrave; Mrs Liz Cunningham MP, member for Gladstone; Dr Bruce Flegg MP, member for Moggill; Mr Reg Gulley MP, member for Murrumba; Mrs Freya Ostapovitch MP, member for Stretton; and Mr Mark Stewart MP, member for Sunnybank.

The purpose of this hearing is to receive information from the department about the bill which was referred to the committee on 5 June 2013. This briefing is a formal proceeding of the parliament and is subject to the Legislative Assembly's standing rules and orders. The committee will not require evidence to be given under oath, but I remind you that intentionally misleading the committee is a serious offence.

Thank you for your attendance here today. The committee appreciates your assistance. You have previously been provided with a copy of the instructions for witnesses so we will take those as read. Hansard will record the proceedings and you will be provided with the transcript. I remind all those in attendance at the hearing today that these proceedings are similar to parliament to the extent that the public cannot participate in the proceedings. In this regard, I remind members of the public that under the standing orders the public may be admitted to or excluded from the hearing at the discretion of the committee.

I remind committee members that officers are here to provide factual or technical information. They are not here to give opinions about the merits or otherwise of the policy behind the bill or alternative approaches. Any questions about the government or opposition policy that the bill seeks to implement should be directed to the responsible minister or shadow minister or left to debate on the floor of the House.

Could I also request that mobile phones be turned off or switched to silent. I remind people that no calls are to be taken inside the hearing room. Would anyone like to make an opening statement?

Mr Butler: As the coordinator of the bill I would like to make a general introduction on the bill from a Treasury perspective. Theresa Johnson, the Parliamentary Counsel, will make some comments in relation to the Premier and Cabinet amendments in the bill.

As the name implies this is a miscellaneous bill. It seeks to deal with various issues such as red tape reduction, repealing unused acts, repealing unused provisions and making minor and technical amendments to some of the Treasury acts. The acts being repealed are: the Anzac Square Development Project Act 1982; the Energy Assets (Restructuring and Disposal) Act 2006; the Commonwealth Savings Bank of Australia Agreement Act 1966—

CHAIR: There is no real need for you to go through the list.

Mr Butler: In short, all of those acts have, from Treasury's perspective, either achieved their purpose or are no longer required. That is effectively why they are being repealed. From the amendment side of things, as I said before, we have some technical and minor amendments generally. Some of the technical amendments relate to the Motor Accident Insurance Act and the Statistical Returns Act. We are pursuing some minor amendments to the Financial Accountability Act.

I would also like to note that in addition to the Treasury acts we are making minor amendments to another 25 acts that are not administered by Treasury. The various relevant departments have approved the amendments. In short, this is effectively to recognise a change in name of a professional organisation. That is effectively a general introduction to the bill from a Treasury perspective.

CHAIR: Thank you.

Ms Johnson: This is a somewhat unusual situation for the Queensland Parliamentary Counsel in that we are here, in effect, as instructors on this bill rather than in a drafting capacity. In terms of an overview, the bill is proposing legislative amendments which support the introduction of authorised electronic copies of Queensland legislation, provide for the electronic notification of subordinate legislation on the legislation website, make a number of other technical and consequential amendments and also implement some outstanding matters arising from recommendations made by the former Scrutiny of Legislation Committee. I might address those first.

The former Scrutiny of Legislation Committee undertook a review of part 7 of the Statutory Instruments Act in relation to the automatic expiry of subordinate legislation and gave its final report in August 2010. Recommendation No. 1 of that report proposed that section 55 of the Statutory Instruments Act be amended to require the Office of Queensland Parliamentary Counsel to provide one year's notice to administering departments and agencies of expiring subordinate legislation. The legislation currently requires only six months notification. The recommendation of the committee was that it be extended to 12 months. That is in effect what is being done in this bill.

The other matter relating to the former Scrutiny of Legislation Committee comes from a report done by that committee after it had reviewed part 8 of the Statutory Instruments Act. The committee's report No. 46 recommended that part 8 of the Statutory Instruments Act which contains requirements about the content, notification and availability of forms made under legislation and section 49 of the Acts Interpretation Act which also deals with forms be co-located. In part that recommendation was to acknowledge that forms are essentially administrative instruments rather than legislative instruments. This bill now includes an amendment to bring together those two pieces of legislation. Although the former Scrutiny of Legislation Committee recommended that that be done by way of a separate new act, the government response, which was tabled on 27 February 2011, advised that it considered a new act would contain too small a number of provisions to be a stand-alone item of legislation. What has been done here is that the provisions have been taken and co-located out of the Statutory Instruments Act, in recognition of the fact that they are administrative instruments, within the Acts Interpretation Act.

The other matter that this bill deals with is the authorisation of electronic legislation. Since the launch of the Queensland Parliamentary Counsel's Queensland legislation website in 1996 copies of Queensland legislation have been available electronically and they are accessed very widely. Between 200,000 and 450,000 visits are made to that website each month. Meanwhile, demand for hardcopy, printed legislation has fallen dramatically. To meet the changing needs of users of Queensland legislation, electronic reprints published on the website are now being authorised by the Parliamentary Counsel. That has been done since 25 February this year. What that authorisation does is allow the legislation in electronic form to be relied on as an accurate copy of the legislation at any particular point in time. I will not go into the various ways in which we have

dealt with that, but in effect we have ensured that all the legislative provisions and all the provisions empowering the Parliamentary Counsel to authorise the legislation to be on the website and to be an authorised form have been modernised and reviewed.

The next thing that is happening in terms of changes to the way in which Queensland legislation is used is that we are proposing to move to electronic notification of subordinate legislation. At present subordinate legislation is notified in the *Queensland Government Gazette*. Rather than people needing to go to two places people will need only go to the Queensland government legislation website and it will be published on that website. That will trigger the commencement of the legislation. Of course the legislation could commence later than its notification on that website but that notification is the earliest it can commence.

Finally, there are a number of technical and other amendments being made. We have moved the commonly used terms currently in section 36 of the Acts Interpretation Act to a schedule—sorry, I should say that we are proposing to move those to a schedule—in keeping with the way in which other legislation is set out where you find, in effect, a dictionary at the back of each item of legislation.

There are also two commonly used provisions that have been inserted in the Acts Interpretation Act. One is the definition of a term called 'appropriately qualified', which is often found separately across the Queensland statute book, and the other provision is the one that deals with the situation where an act amends an item of subordinate legislation. We are now dealing with the consequences of that in a general way rather than it needing to be done in every item of legislation.

I might also mention that there are amendments being made to various acts to remove references to printed parliamentary material and outdated references to the *Votes and Proceedings* of the Legislative Assembly. That was done at the request of the Clerk of the Parliament.

CHAIR: We have a number of questions, and we will stick fairly closely to the questions that we have here because they will be relevant. You may have already answered some of them but just remind us of that and we will move on. We only need it once in *Hansard*. Member for Mulgrave, would you like to start proceedings?

Mr PITT: Welcome and thank you all for your patience outside as well. There are a number of acts to be repealed, as we have heard from Mr Butler, in this bill. Notwithstanding what the explanatory notes say, and that is that the acts have achieved their purpose and are no longer required and that repealing the acts is about reducing red tape—and I am not sure if this question should only be directed to Mr Butler in the first instance and then perhaps anyone else who wishes to answer can answer after that—can you explain for each act in greater detail why the act is no longer required and how it has achieved its purposes and is no longer required? Can you explain the process that identified that these acts were appropriate to be repealed? Has Queensland Treasury and Trade ensured that there will be no consequential impacts of removing or repealing these acts? We are just looking for a bit more detail.

Mr Butler: Firstly, we have some subject matter experts here as well, so I welcome their comments in trying to answer this question. In terms of consequences, there are no adverse consequences that may arise from repealing the acts. We went through a consultation process with various parties that were impacted or were considered to be impacted upon by these various acts. So that is part of the process in trying to identify whether there are any potential adverse issues. The responses that Treasury received were positive. So to that extent we have tried to ensure that those who have an interest are aware that the bill is being pursued and that they do not have any objection that the repeal of the act or the repeal of the provision will affect their interests.

Mr PITT: In terms of the consultation process, is that able to be made available to the committee? Is that something that can be provided to the committee?

Mr Butler: I think the information in terms of who we have consulted is, in part, identified in the explanatory notes. But if you want further information, I am sure we could raise that with the minister if we need to, or alternatively just give you the list of the areas or entities that we have consulted with.

In terms of the particular acts, the Anzac Square Development Project Act was, as I understand, the act that governed the redevelopment of that particular area of land. It is, as I understand, underpinned by a commercial agreement and that is, I think, still operational. Those parties involved in that agreement, as I understand it, were consulted. The agreement was reviewed

and, to the extent that the redevelopment has occurred, the act is no longer required. To the extent that there is an agreement that is still operational, the repeal of the act does not change that fact. So I think that is the answer to the other part of your question.

In terms of the Commonwealth and State Statistical Agreement Act, I think I might defer to my colleagues on that one.

Mr Skinner: This particular act was the culmination of a fairly lengthy process following Federation to amalgamate the somewhat disparate statistical officer of all jurisdictions at the time to form what is now referred to as the National Statistical Service. We consulted with the ABS on this last year. They saw no issue with the repeal of the act which was verified in their submission. Not every state and territory has an act such as this.

In terms of any consequences of repealing the act, there is still very strong engagement between the Queensland government and the Bureau of Statistics through two main fora. Under the Commonwealth legislation, each Premier nominates a representative to sit on the Australian Statistics Advisory Council—I am currently the Premier's nominee—and also the State Statistical Forum, which generally is represented by state and territory government representatives. So in terms of the National Statistical Service and Queensland's interest in official statistics, there are no real consequences of repealing this piece.

Mr PITT: Can I just add to that. In terms of OESR and their role in regional parts of Queensland, particularly when you look at drilling down to a regional level for statistics, perhaps it is not of this bill but I have heard discussions that there has been a withdrawal of OESR officers from regions which may have a detrimental impact on the availability of some statistical data sets as well as possibly the time limits of some of the information. Is that related to this process or is that a separate decision?

Mr Skinner: No. That is completely separate to this. If you look at the Commonwealth and State Statistical Agreement Act, it talks about the pounds, shilling and pence that the Commonwealth will reimburse the state for the George Street terraces. So it is really just an outdated piece of legislation. There is certainly—and it is probably getting outside the scope of consideration of the amendment bill—no purposeful decision to reduce provision of regional statistics which we are continuing to do.

Mr Butler: I return to the Commonwealth Savings Bank of Australia Agreement Act 1966. This was an act that was identified by an area of Treasury as no longer being required. I do not have a detailed knowledge of the reasoning for that, but generally I am aware that at a point—it might have been four or five years ago—this act was highlighted at that time as intending to be repealed for the reason that it was no longer necessary. My understanding was that the Commonwealth Savings Bank advised that they had the view that it was still necessary until 2006. That time has now passed and for that reason that act has been pursued in this bill as being highlighted for repeal. If that information is not accurate, I will contact—

Mr PITT: We should have said from the outset that, if there are any follow-up questions that the committee has, we will certainly get in contact with you and write to you regarding that. So feel free to give us the best overview you can.

Mr Butler: The Energy Assets (Restructuring and Disposal) Act, again, is another act that was highlighted by an area within Treasury that is pursuing the red-tape reduction initiatives. Again, I am not fully across that act, but my understanding is that the provisions of that act have again effectively achieved their purpose. I cannot go into the detail.

Mrs CUNNINGHAM: You said it is to do with red-tape reduction. It is nothing to do with the pricing of electricity or the current debate in the community and in parliament about the cost of electricity?

Mr Butler: Not to my knowledge, no. The four acts below that on the first page of the explanatory notes talk about various stock acts, loan acts and loan redemption acts. Most of those acts, not all of them, are old acts under which the state was effectively authorised to raise funds. With the Government Inscribed Stock Act, effectively the state was authorised to issue a form of security and in return for that was given moneys. These forms of fundraising mechanisms that the state effectively had have not been used for some time. The Queensland Treasury Corporation Act is principally the predominant fundraising mechanism these days.

We looked at all of those acts. We tried to identify whether there were any outstanding commitments under those acts. The view was that there was not any outstanding commitments and, again, for that reason Treasury's view is that they are no longer required. I will just refer to

another act, the State Financial Institutions and Metway Merger Facilitation Act. This act is not being repealed in total, but there are parts of the act that are being repealed. So, again, it is red-tape reduction in the sense that there are parts of the act which we say have achieved their purpose in the sense that those financial institutions were restructured. There were provisions in the act which facilitated the restructure and so to that extent those provisions have achieved their purpose. That act effectively has two operable parts—the head office provision and the ongoing guarantee by the state of certain financial commitments by those entities at a particular point in time. The guarantee and the head office provision continue, so they are being preserved—there is nothing being done to those—and other parts of the act which support those particular parts continue to be preserved as well.

Mr PITT: With regard to the red-tape reduction you mentioned, what sort of red-tape burden was there with regard to these acts? I am not clear about that. I would have thought if they are not being used then how can it be claimed to be red-tape reduction?

Mr Butler: It is red-tape reduction in the sense that because it is no longer necessary why have it—

Mr PITT: But that is what I mean. Red tape is not generally considered to be just unused acts; it is more about an end user of the act reducing red tape. I am looking for the definitions, that is all.

Mr Butler: I might be using the concept of red-tape reduction a bit too broadly. I am saying that the act is being repealed because it is no longer required.

Mr PITT: So it is a superfluous thing but it may not actually be a material change to an end user of the act because it is not being used?

Mr Butler: That is right.

Mrs CUNNINGHAM: There are some parts of the explanatory notes where the issue is not even mentioned, and I will go back to the energy one late. Clause 3 amends the act so that the first, second and third quarter Consolidated Fund statements are not required to be published in the *Government Gazette,* and I think one of the examples given was that it would be put on the department's website. Do you foresee any lack of continuity of the information in terms of historical records if it is not in one central place consistently? The *Government Gazette* was the consolidated record, if you like, of government. If it is not going to be obligatory now, can you see a lack of continuity in historical data?

Mr Butler: Not a lack of continuity. People may be initially confused by the fact that they are comfortable in going to the Gazette to see this information on a quarterly basis, but going forward they will not see it.

Mrs CUNNINGHAM: How will they know?

Mr Butler: They will need to ask themselves the question of where it is. They will ask themselves that question, but the fact is that material is going to continue to be publicly available.

Mrs CUNNINGHAM: If they ask themselves that question and do not get an answer, how will they know to look on the department website?

Mr Butler: You would go to the department responsible for the administration of the act. I would expect the treasury department would highlight the fact that this has been changed.

Mrs CUNNINGHAM: Okay.

CHAIR: Would there be something at the end of the *Government Gazette* saying, 'Don't look here anymore. Go elsewhere'?

Mr Butler: I do not know.

CHAIR: Has anybody got any thoughts or ideas on that?

Ms Johnson: It is not really a legislative matter, but I would think that the Queensland government portal and the one-stop shop may be something that would mean that people would access that website and then be diverted to the relevant Treasury website for those financial statements.

Mrs CUNNINGHAM: There are some learned people here; we are all assuming from the comments that that is going to happen. Will there be somebody checking to make sure that it does?

Mr Butler: When you say 'that it does', what do you mean by that?

Mrs CUNNINGHAM: That there is some way of navigating the users of the current Gazette; that there is some way of them being assisted to navigate back to where they can get that information?

Mr Butler: I am not sure of the answer to that question, but I can inquire with the relevant section of Treasury. I am sure there is going to be some notification.

Mrs CUNNINGHAM: Sure.

CHAIR: Okay. We will take that as a question on notice and you can come back to us to clarify that.

Mrs CUNNINGHAM: Clause 4 allows the Treasurer to delegate nomination powers to an officer of QTT. The explanatory notes state that the machinery-of-government changes in 2012 resulted in a lot of requests to the Treasurer from external chief financial officers and heads of audits. What sort of level of inquiry was it—how many requests were there—and what was the justification or why was it considered appropriate that an officer of QTT is delegated the authority rather than the Treasurer continuing on in that role?

Mr Miller: I do not have the exact number of requests, but I will give you as an example a department like the former DEEDI that was split up into a number of departments. That is certainly one instance where a single person had performed those roles before for one department and there was a request following the redistribution of departments that they would perform that role for multiple departments, and that happened on a number of occasions. In terms of an officer of Treasury, the general intention is that the Under Treasurer would be the person rather than a non-specific officer. I think based on the value of the Treasurer's time—

Mrs CUNNINGHAM: Does the bill say that it is the Under Treasurer, or does it say it is a non-specific officer?

Mr Miller: The bill does not say, but the delegation is a separate instrument. Changing the bill will allow that power to be delegated and then at a later stage the Treasurer will sign a delegation that will determine exactly who has that delegation. So our expectation is that it would be the Under Treasurer, but until the Treasurer formally signs that approval we cannot specify it.

Mrs CUNNINGHAM: Without wanting to appear obtuse—and I apologise if I do—will there be a register of all of these delegations?

Mr Miller: Certainly. We will keep records of who is performing those functions, and we do maintain a register of delegations, yes.

Mrs CUNNINGHAM: Okay, to ensure not only who has got them but also to keep track of expirations, because we have had instances before where delegations have expired and the officer has, in good faith, continued to exercise that delegation and it was ultra vires.

Mr Miller: Yes.

Mrs CUNNINGHAM: Thank you.

Mr GULLEY: How readily available is that register of delegations and who has access to it?

Mr Miller: It would be different under each act. We internally maintain a register in relation to the Financial Accountability Act, but we do not have that publicly available.

Mr GULLEY: So the person who is relying on that delegation and that authority just assumes, maybe blind, as to whether or not that delegation is current or not.

Mr Miller: Certainly with the change of government we briefed the incoming Treasurer that these are the delegations currently in place and checked that he was satisfied with maintaining those delegations. So I expect we would do that any time there is a new minister involved.

Mr Butler: When you say the person relying on the delegation, that person will be a person within the department so they would have access to it. Is that correct?

Mr Miller: Yes.

CHAIR: Just on the subject of quantifying the number of requests, can you get us those figures?

Mr Miller: Yes.

CHAIR: Thank you. Was this a role that was quite onerous on the Treasurer before? Is that the reason for the delegation?

Mr Miller: Yes. The reason for the delegation is that previously we did not consider it would be onerous, but with the recent changes in the machinery of government and potentially if there are further changes going forward in terms of how these roles are performed then there is an expectation that the workload associated with approving those would increase significantly.

CHAIR: Thank you.

Dr FLEGG: Clauses 7 and 8 replace the term 'agricultural implement' with the term 'agricultural machinery', and I understand that is for consistency with the TORUM regulation. Is the effect of that amendment that agricultural implements when they are used on the road will be excluded? If that is the case, what is the impact of that?

Mr Scott: Currently the term 'agricultural implement' is not defined within the Motor Accident Insurance Act, so when interpreting that you would just use the ordinary dictionary definition. As you alluded to, section 5(3) of the act is used to exclude accidents caused by certain vehicles when they are not on a road. The operation of that section is intended to exclude motorised vehicles. It was determined that the term 'agricultural implement' is perhaps one that could include things that are not machinery necessarily, so the general dictionary definition of an 'agricultural implement' could include anything from a rake or something like that. The intention of it was to apply to vehicles or machinery. The transport operations road use management vehicle regulation has a definition within that act which relates to things like harvesters, tractors and that type of thing, so this will essentially point to that definition. If a harvester or something like that is used in a field and if someone is injured it will not be covered by the CTP scheme, but if they are driving that harvester across a road from one field to another, for example, and cause an accident which results in a CTP claim then the claimant will be able to claim under the scheme.

Dr FLEGG: Clause 9 amends the act to explicitly provide that a function of the commission is to conduct research and collect statistics about the CTP scheme. Does the commission currently do this? What is the benefit of this being included in the act?

Mr Singleton: I am the Insurance Commissioner. The proposal is to clarify with certainty that the commission does have the capacity to undertake research, particularly in relation to talking to claimants. Currently, there is no formal approval for the commission to undertake this task and, while some research is undertaken, there is no certainty that, if questioned or challenged, the commission could complete that research. Without such research being undertaken, the commission has no visibility of the experience that claimants have of the scheme; we have no visibility of how funds are being expended from the scheme. So the opportunity to clarify that the commission can undertake such research is viewed as necessary and worthwhile.

Dr FLEGG: Clause 10 explicitly provides for the recovery of a CTP insurance premium where an electronic payment for registration or renewal of registration is initially processed but subsequently reversed by a financial institution. I guess that means your cheque bounced. Could you please explain why it is needed and are there any other alternatives to this approach, such as holding on to registration stickers until cleared funds are available?

Mr Singleton: The proposed approach aligns to Transport and Main Roads' approach when the payment for a vehicle registration is made. The payment is made in the one transaction. If a credit card payment is declined because there are insufficient funds or a cheque bounces, Transport and Main Roads then action the failure to make the payment. This aligns that the treatment of the CTP premium is in the same accordance as the vehicle registration renewal.

Dr FLEGG: Clause 11 amends the act to clarify and ensure that the Nominal Defendant provides gratuitous insurance cover for a motorised wheelchair. The explanatory notes state that the intention of the CTP insurance scheme is confused by section 33(3) of the act. Could you explain what the problem or confusion is and how this amendment corrects the problem?

Mr Singleton: The gratuitous insurance for motorised scooters was seen as beneficial in that people who operate these scooters can effectively be on the road and rather than requiring them to register them and pay a CTP premium they are covered gratuitously by the Nominal Defendant. Section 33(3) of the legislation excludes any claim against the Nominal Defendant where the accident arises outside of Queensland. So for an unregistered vehicle or an unidentified vehicle, people are not covered by the Nominal Defendant outside of Queensland. So if somebody took their motorised scooter interstate on a holiday or for interstate travel, they potentially fall between this gap of the act intends to cover them but the legislation prevents the Nominal Defendant from providing that coverage. So the proposed amendment seeks to rectify that inconsistency and confirm that the Nominal Defendant will and can cover people interstate while they take a motorised scooter beyond the Queensland borders.

Dr FLEGG: What are the claims experience like with motorised scooters? The numbers are going through the roof. Are we getting claims from them now?

Mr Singleton: We searched the Nominal Defendant database. Since 2006 there have been 13 claims. While they are not of themselves of a large magnitude, some of the claims can be up to $100,000 individually.

Dr FLEGG: Where the scooter has run over an old pedestrian, or something, is it?

Mr Singleton: I have not got the facts, but, yes, it would be where someone has bumped into somebody.

CHAIR: Okay. Thank you. Member for Murrumba, could you take over from page 7, please?

Mr GULLEY: Continuing on with the same piece of legislation and referring to clause 12, this is an insertion of a new section 37B in the act covering witness information requests made by insurers. At this point I will disclose that I remember a former Suncorp employee in the banking stream. Submissions from both the Australian Lawyers Alliance and Suncorp have made comment regarding propped section 37B. Suncorp is seeking an amendment of the section to provide for a more timely way of obtaining the information. The ALA is seeking an expansion of the section to include the provision of this information to claimants for their legal representatives. This is the first of three questions. Could you please comment on both of these proposals?

Mr Singleton: The Suncorp proposal, probably from an insurer perspective, is the best possible outcome—that they can access witness information when they wish to. So regardless of the circumstance of an accident, the information would be available through CITEC automatically. The ALA requests that similar capability be available to them—that they can also access CITEC and identify the name and address of a witness in a statement as well.

The proposed amendment from MAIC's perspective strikes a balance of landing in between those two proposals. In consultation with the Information Commissioner and with Queensland police, in striking a balance, the witness details were only provided when they were reasonable to require such that if the accident's circumstance is quite clear and a liability determination can be made without the witness's name and address details being provided, then there is no need for those details to be provided. Hence the Suncorp proposal would say, 'Regardless of whether liability is immediately evident, we still want the detail.'

Mr Butler: Could I just also add in there that Treasury has provided a written response to the committee on that particular issue as well, which is reflective of Neil's comments.

CHAIR: Good.

Mr GULLEY: The second of the three questions is could you please explain the circumstance and how often the witness information is required by CTP insurers and the police reports are not replied upon? You have already touched on that, have you not?

Mr Singleton: I have. We do not have the statistical information of precisely how frequent it is.

Mr GULLEY: The thirdly, has the department considered other mechanisms to assist with the timely dissemination of this information to CTP insurers?

Mr Singleton: The department spoke to CITEC. They are unable to implement system changes that would make levels of access possible. It would be a case of one level of disclosure to all parties accessing CITEC. So the practical solution is to allow emergency service officers to make a judgement as to whether to disclose the private details or not rather than mandate that everybody can access every piece of information regardless of the level of need.

Mr GULLEY: Thank you. Continuing on with clause 12, but moving on to FLP issues, clause 12 has identified an issue with respect to FLPs. The explanatory notes recognise that this clause may raise potential FLP issues as it may affect a witness's right to privacy. Could you please advise the committee what steps were taken by the Nominal Defendant and other CTP insurers to ensure that personal information that they obtained about witnesses will be protected and used only for the purpose of resolving the CTP insurance claim?

Mr Singleton: MAIC is proposing to undertake reviews as part of the normal activity of reviewing claims management to ensure that information is only collected when reasonably necessary and is stored securely, as occurs currently for all claim information. We have not determined the frequency of those reviews as yet, but we will monitor it to see if the reviews will be appropriate to the level of usage.

Mr GULLEY: Are there clauses that prohibit the insurance companies from using witness statements of either parties of their database?

Mr Singleton: There is a general provision in terms of their licence and the general legislative provisions that exist in terms of the confidentiality of information that they store.

Mr GULLEY: Yes.

Mr Butler: Could I also just add a supplement as well to that? When that information is passed on to those entities, there are also obligations for them to ensure that they utilise that information for the purpose that it is given and the Information Privacy Act and other privacy laws would apply to them in those scenarios.

Mr GULLEY: Thank you.

CHAIR: Did you cover the part about emergency services being required to make witnesses to motor vehicle accidents aware that their details may be provided to the Nominal Defendant or another CTP insurer? Did any of you cover that? I am not sure.

Mr GULLEY: I have not got there yet, but now that you have asked the question.

CHAIR: I am sorry. I was about to come over to the member for Gladstone who had a supplementary and I just wanted to make sure that we had that question answered first. Have you got an answer there?

Mr Scott: Yes. We have met with Queensland police and discussed the way in which witness details are taken at vehicle accidents. They were of the view that, generally, witnesses are aware when they give those details that they might be used for follow-up from either the police or potentially from insurers. There is obviously an exception to the information privacy principles that you may disclose the personal details of an individual where they are expecting that detail to be provided where it is authorised by an act and also where they are advised that that disclosure will occur. Police were reluctant to rely on placing an obligation on every officer every time they take witness details to provide them with that disclosure. So they favoured the legislative avenue to authorise that disclosure.

CHAIR: Right. Thank you? A supplementary?

Mrs CUNNINGHAM: I just have a question and it may not even arise in this circumstance. It is a very general statement. In legislation where a person is required to give evidence or information, there is usually an opportunity not to give the information if it is self-incriminating. It may not be a circumstance that arises with CTP claims, but I believe that there are always circumstances that are novel in that way. Is the opportunity there for a person to refuse to give the information on the basis of self-incrimination?

Mr Butler: I will answer that one. I do not think that the amendments in this bill seek to deal with that issue. I think it is unrelated to the bill.

Mrs CUNNINGHAM: But it would be an FLP issue?

Mr Butler: It is, but the bill does not—

Mrs CUNNINGHAM: Address that.

Mr Butler: Address that, yes.

Mrs CUNNINGHAM: Good. Thank you.

Mr Singleton: Sorry, apologies for the risk of coming over the top of my colleague, but the proposed amendment does not oblige a witness to provide further information to an insurer. I think the issue of self-incrimination is certainly off to the side, but if you provide the detail to the police but then later choose not to be contacted by the insurer, they can refuse that contact.

Mrs CUNNINGHAM: Thanks.

CHAIR: Member for Stretton, page 8.

Mrs OSTAPOVITCH: Okay. This is in regard to amendments to the Queensland Competition Authority Act 1997, clauses 14 to 22. I have a question regarding clause 16. It replaces the example included in the act. The committee notes that the proposed example is the same document that is included in the existing legislation. Could someone please explain the rationale for the change?

Mr Walmsley: Hello. I can answer that question. Clause 16 replaces the reference to the competitive neutrality guidelines. These amendments and clause 17 deal with the same issue. In the act at the moment it specifically identifies the guidelines by the year it was published and it is very specific. These amendments seek to generalise the reference to reflect the fact that these guidelines can be amended from time to time and updated. So they refer to that same document but just allow the reference to be more general.

Mrs OSTAPOVITCH: So has any alternative method been considered for including this information rather than inclusion in the act for both clauses 16 and 17?

Mr Walmsley: With those references, they are just examples to draw attention to the fact that the decision maker can take those guidelines into account.

Mrs OSTAPOVITCH: Okay. Clause 21 inserts a new map of the Central Queensland coal network rail infrastructure. What changes are there from the existing map in the legislation?

Mr Walmsley: This is a very simple change. It identifies the coal port of Abbot Point.

Mrs OSTAPOVITCH: Sorry?

Mr Walmsley: It identifies the coal port of Abbot Point. There is a typo in the current map. It has a 'tt' in reality it should have a single 't'. So it is a very minor change.

Mrs CUNNINGHAM: So that is the only change that is occurring?

Mr Walmsley: For that map, yes.

Mrs OSTAPOVITCH: A typo, basically.

Mr Walmsley: A typo.

CHAIR: We move on to the amendments to the Queensland Treasury Corporation Act 1998. Member for Stretton?

Mrs OSTAPOVITCH: The explanatory notes identify that the amendments reflect the intention that the state no longer imposes a preference dividend on the QTC's liability management activities and allows QTC to recover dividends from its borrowers. Can you please explain the rationale behind the proposed amendment?

Mr Miller: The original intent of the performance dividend was to share the benefit that is available to the state as a large borrower against all the parties that it on-lends to. At the time, that was a number of departments, as well as statutory bodies and local governments. Originally, the performance dividend was applied in that way. There was a sharing of the benefit of the lower interest cost between the state and the ultimate borrowers that QTC on-lent to. Over time, the scope of the performance dividend narrowed substantially, so there were changes to arrangements where departments were no longer borrowing individually but through a whole-of-government borrowing arrangement. There were also exemptions provided to local governments and other bodies. It got to the stage where the scope of the performance dividend was so narrow that it was considered that it was administratively more burdensome to impose it than it was to actually collect it on the few remaining entities. There was a decision taken in 2009 to no longer apply it. We are now reflecting that in the legislation, that that provision is no longer required.

Mr GULLEY: Can I ask a supplementary question? Therefore, we were not compliant with the legislation at any period?

Mr Miller: The legislation did not require that the performance dividends be applied. There was scope there for the minister to not apply.

Mr GULLEY: Discretion, yes.

Mrs OSTAPOVITCH: The committee also notes that a consequence of repealing part 3 of the Queensland Treasury Corporation Act 1988 is that the Statutory Bodies Financial Arrangements Act 1982 needed to be amended. What process did the QTT undertake to ensure that all consequential amendments have been captured?

Mr Butler: I suppose that can be answered by describing the process of developing a bill. Parliamentary Counsel does do various checks in developing bills. Theresa might be able to better explain that. Effectively, there are checks. This was picked up through that process, this particular consequential amendment. I suppose the other answer is that Treasury also goes through the process of checking relevant bills as well.

Mrs OSTAPOVITCH: That is tied in with the performance dividend, like you said before.

CHAIR: I think Ms Johnson wanted to make a comment.

Ms Johnson: Often matters come up during the course of drafting which mean that we realise that something else needs to be changed and perhaps has needed to be changed for some time. This may also come up when we are doing our reprinting process. We keep running lists of little things that we find in legislation that perhaps need to be updated. I think this would have fallen into the consequential category, rather than the updating category.

Mr STEWART: I have some questions, probably for Antony, in relation to the Statistical Returns Act. The explanatory notes state that—

Amending the SR Act to clarify that the Government Statistician may collect information from the State (including government departments) and that the State (including government departments) are to provide that information to the Government Statistician. While not explicitly stated, section 4(4) of the SR Act operates to require the State (including a department) to complete an approved form and to provide that form to the Government Statistician. The amendment is required to ensure that there is no uncertainty in this regard.

How will that be achieved exactly?

Mr Butler: I might answer that one because it has a bit of a legal twist to it, I suppose. Effectively, it is through the definition. 'State' includes departments.

Mr STEWART: Clause 40 inserts the provision that 'binds all persons, including the State'. Can you please explain why this provision is required?

Mr Butler: The view of Treasury was that that power was always there, but it was not clear. This amendment effectively makes that very clear or we believe it makes it clearer.

Mr STEWART: Following on from that, clause 41 inserts three additional categories within the list of prescribed matters that the Government Statistician may collect and publish statistical information. Why is it considered necessary that these categories be included?

Mr Skinner: Part of the impetus for expanding the list of prescribed matters was a regulation that was put in place in 2001 concerning energy industries. That regulation was coming up for expiration. Our consultation within Treasury determined that there was still a requirement to collect information on that topic. So, rather than continually rolling over a regulation and keeping it on the books, the simplest way was to include that in the list of prescribed matters. To take that opportunity, we reviewed the prescribed matters and determined those three proposed insertions. These were also gaps within the list of matters there.

Mr GULLEY: I have a supplementary question to Shaun Butler. When you say 'binds all departments', are government owned corporations and other entities such as the University of Queensland caught; yes, no?

Mr Butler: I could not answer that question simply. It would be a matter of looking at the particular entity. Fundamentally, it is a question of whether the entity is the state. Those entities are not necessarily the state. More often than not they are not.

Mr GULLEY: So they can be structured in such a way as to accidentally or deliberately fall outside the scope of the statistics?

Mr Skinner: The current definition of 'persons' in section 3 includes incorporated or unincorporated. It is consistent with other pieces of legislation that Theresa that might want to comment on.

Mr GULLEY: So there are no known loopholes? There are no known entities that can—

Mr Skinner: You do not know what you do not know. That tightens it to the best we think we can.

Mr PITT: Talking about the amendments to the Evidence Act 1977, clause 58 inserts a number of additional categories of which judicial notice must be taken. Are you able to explain why these are to be included?

Ms Johnson: If I could address that. These are all provisions aimed at making it as easy as possible for the court to take judicial notice of various matters. These matters were not all previously there but government thinks are important to have listed—things like when an act was assented to and those other details that are listed there. They will facilitate litigation, primarily.

Ms Sidhu: Most of the items in that list appear in other acts, so we have consolidated the whole list of instruments of which judicial notice must be had. You can find provisions in the Acts Interpretation Act, the Statutory Instruments Act and the Legislative Standards Act which we are going through and omitting because they will now be consolidated in this section.

Mr PITT: On clause 58, the explanatory notes identify that the amendment requires judicial officers to accept without proof official copies of Queensland legislation. Can you explain the practicalities of this in more detail?

Ms Johnson: What it means is that if you appear in court and you are able to show either an electronic version or a hard printed copy of Queensland legislation—when I say an 'electronic version', an electronic version from the Queensland legislation website—it will be accepted without the need to go behind that. Those matters will then be taken as proven.

Mr PITT: So a URL could be provided on a piece of paper pointing to the legislation and that is deemed to be acceptable, or does it need to be an electronic data stick?

Ms Johnson: As I understand it, the courts are equipped with—I am not sure whether it is iPads but certainly laptops and they access legislation in that way. Often you will find counsel at the bar table also using Queensland legislation in that same way.

Mr PITT: Clause 59 is about proof regarding the government printer, Parliamentary Counsel and the Legislative Assembly. Can you explain the purpose of this clause and what the changes mean?

Ms Sidhu: The amendments in subsections (1) and (2) are just minor drafting changes to update the language in accordance with our drafting style. The insertion of subsection (3) has been moved from another provision, so we have basically put similar provisions into the one place.

CHAIR: Now for a bonus question from the member for Gladstone.

Mrs CUNNINGHAM: I have a question about the Energy Assets (Restructuring and Disposal) Act 2006. It is in the list of acts for red tape reduction, but I cannot see where in the bill—excuse me if I have missed it—it is addressed. It is not addressed in the explanatory notes and I cannot see where it is in the bill. Most people would have a sensitivity to restructuring and disposal for obvious reasons. I would like an explanation of where it is addressed and how it is addressed and what it achieves, please.

Mr Butler: That is a good question. Can we have time to look at it and point that out to you, or otherwise we will have to take it on notice?

CHAIR: Take it on notice rather than spend time now. We are going to carry on. Is everybody able to stay around? We started late and we are going to finish late. Is that okay with everybody? We will probably do another 15 minutes.

Mr PITT: While we have gone back to the first question we had asked, I am curious with regards to removing these so-called superfluous acts. I take your reasons why some of them are no longer needed. There is no limit to how many acts you can have on the books. There is no limit to the number of acts you can have, so I wonder why that is deemed to be red tape? Sometimes there may be sub-elements of some these which may be of use in the future. I go back to my time as a minister. I can think of one time when there had been a section of an act repealed only to find it would have been very useful later on. I am curious as to the overall need to remove some of them. I take your earlier evidence at face value of course, but I am wondering why that term 'red tape reduction' has again reared its head? It is not exactly a cleaning up of something.

Mr Butler: I think this is more a government question, a question of policy in one sense, because governments often do come in and say, 'We want to clean up the statute book'. To that extent—

Mr PITT: Which I have no issues with, but I have some concerns with this use of the term 'red tape reduction' again. It is in the explanatory notes.

Mr Butler: To the extent of your comment about a provision that was repealed and then later on it was found it might have been useful in a particular circumstance, that may have been the case. But the intention, though, when you go through these processes is to try to identify things that are superfluous, things that are not going to be used in the future. To that extent, that is what this bill is about in part.

Mr PITT: Please do not take my question as a pointed question. I am just curious as to the reference to this. I find the definition a strange one.

Mr Butler: It is a term that is often used by governments.

Mr PITT: I know what red tape reduction generally means, but I am just saying in this instance that I find its application unusual. To me statutes are not red tape.

Ms Johnson: Perhaps I could just say, given the Parliamentary Counsel has an obligation in terms of the quality of the Queensland statute book and having the statute book at the highest standard, I think that there is a link between having a quality statute book and removing from that statute book pieces of legislation or parts of legislation that are truly superfluous.

Mr PITT: I agree with that comment.

CHAIR: As far as the question that the member for Gladstone asked a short while ago and the other questions on notice, could we limit you to responding within seven days as we have a report to draft. If you could get back to us this week, that would be wonderful. If not, could we have them by Monday afternoon of next week at the latest.

There are a couple of quite specific questions that we need to get answered now that will be helpful to us. The first relates to the amendments to the Legislative Standards Act 1992. Clause 69 inserts a new section 10A into the act which provides for authorisation relating to Queensland legislation and bills. Can you please explain the purpose of this new section?

Ms Johnson: The purpose of this is in fact to allow for authorisation of the electronic versions that will then be put on the Queensland legislation website. Before this amendment was proposed there was a provision in the Evidence Act which provided some evidentiary value to items of legislation that appeared on the Queensland legislation website. However it was thought best to make it absolutely clear that they had full evidentiary value. That is the purpose behind proposed section 10A.

CHAIR: The explanatory notes identify that a reprint, a copy of Queensland legislation or a bill authorised under this provision must carry a note in an appropriate place indicating that it has been authorised by the Parliamentary Counsel and, in the absence of evidence to the contrary, is presumed on its production to have been authorised by the Parliamentary Counsel. Can you please advise the committee where this appropriate place will usually be?

Ms Johnson: The appropriate place is ordinarily at the very end of an item of legislation. If I refer to this particular bill, you will see on the last page beneath the final amendment it states 'Copyright to the State of Queensland—Authorised by the Parliamentary Counsel'. The same would appear on an electronic version.

CHAIR: I now refer to clause 101. The Statutory Instruments Act 1992 at section 50 allows for a disallowance motion to be moved within 14 sitting days after the legislation is tabled in the Legislative Assembly. Clause 101 will require that the subordinate legislation be tabled within 14 days of its notification under new section 47. Could you please identify what the practical impact of this amendment will be?

Ms Johnson: The practical impact is that we will move from having notification in the *Queensland Government Gazette* to having notification on the Queensland legislation website. That was a matter that I addressed earlier.

CHAIR: Will it be quicker?

Ms Johnson: Absolutely.

CHAIR: Why was the increase from six months to 12 months considered necessary?

Ms Johnson: That was a recommendation of the previous Scrutiny of Legislation Committee. It was thought necessary because six months might allow too short a time within which an agency would review whether any item of subordinate legislation should be remade. However, in practise, and this was the evidence given to the former committee, the Office of Queensland Parliamentary Counsel has always provided departments as an internal administrative matter with 12 months notice. We are now implementing in a statutory way what was previously done administratively.

CHAIR: Could you explain the practical implications of clause 103?

Ms Sidhu: Subsection 1 is just a minor amendment—just changing an editor's note to a note. Subsection 2 inserts a new power to prescribe in a regulation a list of subordinate legislation that does not expire under the automatic expiry provisions because it needs a resolution of the Legislative Assembly before the legislation may be repealed. There has been some confusion over the years about what items of subordinate legislation fall into that list. We are proposing that in the future we might prescribe a list merely for information purposes so that people can see the items of subordinate legislation that are exempt from expiry on that ground.

CHAIR: Are there any further comments from anyone?

Mr Butler: In response to the member for Gladstone's query about where in the bill the Energy Assets (Restructuring and Disposal) Act is it proposed to be repealed, if you look at clause 42 you will see that that clause proposes various acts to be repealed, including that act. It is the fourth bullet point.

Mrs CUNNINGHAM: That is the mechanics of it, thanks.

CHAIR: Are you satisfied with that?

Mrs CUNNINGHAM: No, but I will have to do my own homework then. That is the mechanics of the repeal. I guess what I was seeking was the implications of that repeal in terms of restructuring and disposal. The mechanism for that restructuring and disposal will be withdrawn and the head of power that that legislation provided will no longer exist.

Mr Butler: I cannot give you a detailed answer on it, I am afraid. We will have to come back to you. My general response is that the relevant section of Treasury advises that this act has effectively achieved its purpose and can be repealed. To the extent that there may be things that the act produces and continues, if they need to continue they will.

Mrs CUNNINGHAM: It will not because it has been repealed.

Mr Butler: It depends. I will have to have a look at it.

CHAIR: If you could. Can you come back to us with that by five o'clock on Monday, 22 July. The time allocated for this public departmental briefing has expired. If members require any further information we will contact you. Thank you for your attendance today. The committee appreciates your assistance. I declare this briefing closed. It is the wish of the committee that the evidence given here before it be authorised for publication pursuant to section 52A of the Parliament of Queensland Act 2001.

Committee adjourned at 3.38 pm