



Speech by

Hon. PETER BEATTIE

MEMBER FOR BRISBANE CENTRAL

Hansard 25 May 1999

STATUTORY INSTRUMENTS AND ANOTHER ACT AMENDMENT BILL

Hon. P. D. BEATTIE (Brisbane Central— ALP) (Premier) (4.51 p.m.), in reply: I thank all members for their contributions to this debate. In particular, I thank Opposition members for their support. I will make some general remarks and then outline two amendments that I intend to move. Firstly, I shall deal with the comments made by the member for Surfers Paradise.

The Leader of the Opposition was concerned about the effect of proposed sections 56A(4) and (5). These sections require a Minister to report to the House details of a review of legislation that justifies an exemption. Subsection (5) makes it clear that a failure to report does not make the exemption invalid. The House will retain its power to disallow the relevant regulation. Honourable members might be interested to note that the proposed regulations will cover any matters to be exempted. This will include subordinate legislation of many Ministers. It is simply illogical for one Minister's failure to report to bring down the review work of other Ministers.

The Leader of the Opposition had his usual cheap shot at these matters. Unfortunately, those sentiments seem to dominate his contributions these days. I say that with a sense of remorse and sorrow rather than criticism. More than anything else, the honourable member could lift his game. He could lift his standard. If he did so, he would feel better as a person. If he was more positive, he would feel better about these things.

Mr Fouras: I think he's happy when he's miserable.

Mr BEATTIE: I am a good person. I try to improve the quality of life of others. I am trying to give the honourable member some unsolicited advice. I know that unsolicited advice is not given the sort of respect that it should be given. However, I am trying to improve the member's general welfare, his demeanour, his appearance and, indeed, his wellbeing. That is why I have made this contribution—to help the Leader of the Opposition and member for Surfers Paradise. As I said, it is simply illogical for one Minister's failure to report to bring down the review work of other Ministers. That is the reason for this. There is no need for cheap shots about protecting people or otherwise.

I thank the honourable member for Whitsunday for his contribution. The honourable member has moved an amendment which, for the reasons already stated, is not accepted and does not, for the reasons stated so fluently by the member for Sandgate and, indeed, the member for Ashgrove, amount to a problem. Nevertheless, I thank honourable members opposite for their support of the Bill's intention.

In Alert Digest No. 5 of 1999, the Scrutiny of Legislation Committee reported that it considered that clause 9 of the Bill was a Henry VIII clause, that is, a clause which allows a provision of an Act to be altered by subordinate legislation rather than by another Act. The committee was concerned that, by allowing a regulation to be made declaring an instrument to be uniform, the objective definition of "uniform subordinate legislation" contained in clause 9 could be displaced. The committee considered that the clause would breach the fundamental legislative principle requiring Bills to respect the role of Parliament. This amendment will make it clear that a regulation may only declare an instrument to be uniform if there are reasonable grounds for believing that this is the case.

The regulation-making power does not authorise an amendment to the statutory definition of "uniform subordinate legislation", and it does not change its effect. The clause will not authorise the

declaration that an instrument which is clearly not uniform is uniform. The clause merely allows an instrument to be added to the list of uniform subordinate legislation in circumstances where there may be a degree of uncertainty as to whether or not it meets the objective criteria. For example, all States may deal with the subject matter of a particular regulation in a similar way, but variations across the jurisdictions may lead to differences of opinion about whether the regulation is substantially uniform. It is clearly in the public interest that there be certainty in the extension of subordinate legislation under the Statutory Instruments Act. This clause will reduce the risk of legal argument in relation to the validity of the extension of a regulation on the basis that it is uniform. The people of Queensland should be able to rely on the fact that after subordinate legislation has passed through this Parliament, it is validly made.

Accordingly, I foreshadow two amendments at the Committee stage: one in relation to clause 4 and the other in relation to clause 9. Again, I thank honourable members for their significant contributions to this debate.
