



Speech by

Mr R. QUINN

MEMBER FOR ROBINA

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PROPERTY AGENTS AND MOTOR DEALERS AMENDMENT BILL

Mr QUINN (Robina—Lib) (3.34 p.m.): The Property Agents and Motor Dealers Amendment Bill 2002 is about one thing, and that one thing is retrospective legislation. When looking at retrospective legislation, we should make a couple of judgments about it. Retrospective legislation is normally only used in a couple of scenarios when certain conditions apply. One of those conditions is that all parties agree—that is, all parties affected by the legislation agree that the legislation should apply retrospectively and they would then be aware of any penalties that may apply as a result of the law changing. There is another case—and it is used only rarely; I have seen it happen in this House once or twice in 13 years—where, in the most extraordinary of circumstances, a piece of legislation is enacted retrospectively without the agreement of the parties involved. That has happened in only the most extraordinary of circumstances. This legislation fails both those tests. This is simply a piece of legislation to save the government some money and it goes against the grain of every—

Mr Lawlor: Taxpayers.

Mr QUINN: I take that point; it will save the taxpayers some money. I think it goes against the grain of every democratic institution that I have ever seen in terms of applying penalties to citizens retrospectively. Citizens must have the confidence that their lawful activities today will not at some time in the future be declared unlawful and therefore attract certain penalties. We have seen this in the past where retrospective legislation, certainly in the taxation field, has been applied retrospectively and people were affected financially. If it was the intention of the government when it introduced changes to the legislation that certain conditions apply, I accept that. However, legally it has been found that those people who have lodged their claim have a lawful entitlement to lodge their claim and we ought not wipe out their entitlement retrospectively without their permission.

All the other excuses that have been used about whether or not we ought to pay compensation for investment decisions and the role of two-tiered marketeers is all part of a parade of excuses as to why this legislation should pass through the House today. None of it is convincing or compelling. It is simply a convenient excuse by the government to change the legislation. If it wants to change the legislation, it should impose the changes at the time that the legislation passes through the House. Allow those people who have lodged their claims legally to have their claims heard and be adjudged. Do not wipe them out. Change the legislation today and make it illegal for any others who wish to lodge claims in the future and no-one can complain about the actions of this House. But to pass this legislation through the House and affect the legal and lawfully lodged claims of 500 people under their lawful entitlement is just appalling. The parade of excuses does not justify the action that this House is about to take today when the Labor Party supports and therefore passes the bill.

We have heard arguments about the amount of money this will mean to the government. As I said, we ought not get into these arguments because they are peripheral to the principle involved, and the principle is whether or not there should be retrospective legislation in this set of circumstances. But if we want to get into the arguments, there were hundreds of millions of dollars in this fund. Successive governments have taken it out and it is my understanding that the money needed to satisfy these claims would come from consolidated revenue. That is no-one's fault; that is simply a process of government. Government made that decision.

If these claims are lodged legally, government then should find the funds to pay the claims. They are legal and lawful claims. That is the reason I oppose this legislation—not because of the tirade of excuses we have heard from the other side that are meant to justify what is going to happen here today but on the principle. If the government can do it this time, what is to stop it coming back here time and time again whenever there are a range of claims on whatever government funds to change the legislation to save itself some dollars? That is what this is about. It is about supporting the principle. Lawyers understand that principle. Even Labor lawyers understand that principle, don't they, member for Southport? Once the government deviates from that principle for weak excuses such as we have here today, then it can ram legislation through this House any time it likes to save the people of Queensland, the Treasury and the government some dollars. That is what this is about.

The people of Queensland through their contributions funded this fund for certain things, and these claimants have legally applied to the fund. It is an embarrassment to this House that we are now going to retrospectively wipe out their claims. People who vote for this today ought to be embarrassed about it because they do not have any idea of the process of law or what a lawful claim is. They should be embarrassed even to put this legislation before the House and even think about supporting it on the flimsiest of excuses paraded here today. Legal people know it. The Labor lawyers know it. A lawyer of any decent standing would not have a bar of it. I do not see too many Labor lawyers getting up and defending this legislation.

Mr Springborg: The member for Southport did. The member for Hervey Bay did.

Mr QUINN: I understand that they were very weak contributions—and understandably so, because they do not have a legal leg to stand on and they know it. That is the reason we will oppose this legislation. It is a matter of principle.