



Speech by


## Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Tuesday, 11 September 2012

---

### GUARDIANSHIP AND ADMINISTRATION AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.37 pm): I present a bill for an act to amend the Guardianship and Administration Act 2000, the Electoral Act 1992, the Electrical Safety Act 2002, the Legal Profession Act 2007, the Motor Accident Insurance Act 1994, the Penalties and Sentences Act 1992, the Queensland Civil and Administrative Tribunal Act 2009, the Trustee Companies Act 1968 and the Work Health and Safety Act 2011 for particular purposes, and to make minor and consequential amendments of the acts mentioned in the schedule. I table the bill and the explanatory notes.

*Tabled paper:* Guardianship and Administration and Other Legislation Amendment Bill 2012 [\[956\]](#).

*Tabled paper:* Guardianship and Administration and Other Legislation Amendment Bill 2012, explanatory notes [\[957\]](#).

I am pleased to introduce the Guardianship and Administration and Other Legislation Amendment Bill 2012. The bill amends the Guardianship and Administration Act 2000, the Electoral Act 1992, the Electrical Safety Act 2002, the Penalties and Sentences Act 1992, the Queensland Civil and Administrative Tribunal Act 2009, the Trustee Companies Act 1968 as well as making consequential amendments to the Legal Profession Act 2007, the Motor Accident Insurance Act 1994 and the Work Health and Safety Act 2011.

The amendments in this bill contribute towards this government's pledge to the people of Queensland to implement cost savings measures and improve efficiency and accountability in the systems and practices in government. The amendments to the Guardianship and Administration Act 2000—the guardianship act—will deliver on the government's election commitment regarding the independence of the Public Advocate. Strengthening the independence of the Public Advocate will lead to an improvement in the way government and non-government services are being delivered to vulnerable Queenslanders.

The Public Advocate's key role is to make recommendations to government about improving systems, policy and programs to better meet the needs of adults with impaired capacity and to ensure their voices are heard. The Public Advocate's role and independence will be strengthened by providing the Public Advocate with two additional powers so that the Public Advocate is able to more effectively perform the systems advocacy functions. Amendments included in the bill will allow the Public Advocate to access information or documents that the Public Advocate currently does not have access to so that the Public Advocate may be better informed when undertaking the systems advocacy function. The Public Advocate will be given a right to access information or documents from persons, such as policies or procedures of a service or agency; statistical information kept by an agency; or personal information about an adult with impaired capacity. The bill includes provisions that protect the confidentiality of any personal information obtained by the Public Advocate under this new power. Also, if a person does not comply with the Public Advocate's request for information, the person may be liable to a maximum penalty of \$10,000. In addition, the bill also allows the Public Advocate to report at any time on systems issues and requires the Attorney-General, as the responsible minister, to table the report in parliament. This will ensure the Public Advocate can publicly raise at any time systemic issues which they have significant concerns about.

People with impaired decision-making ability are among the most vulnerable members of our community and having a strong guardianship system with effective safeguard for adults who have impaired decision-making capacity is important. The bill improves on the current protections in the act by giving the Public Advocate the necessary powers to effectively carry out its systems advocacy functions. I am pleased that in Queensland we now have a full-time permanent Public Advocate in Jodie Cook, along with a permanent Adult Guardian in the appointment of Kevin Martin. It has been a long time since we have had permanency in these roles rather than acting arrangements. I am pleased that in the first five months of an LNP government we have appointed a full-time permanent Adult Guardian and a full-time permanent Public Advocate. We are getting on with the job of getting Queensland back on track.

The amendments to the Electoral Act 1992 remove administrative funding for political parties and independent members which was introduced by the previous government in the Electoral Reform and Accountability Amendment Act 2011. As members on this side know, although the bill at the time had the word 'accountability' in it, there was no such accountability in that legislation. This change is estimated to save the government and all Queenslanders \$3 million per annum. In order to ensure Queensland has a contemporary electoral system meeting the needs of the 21st century I will be releasing a green paper canvassing options for change. I will be encouraging Queenslanders to respond to the suggestions contained in the paper to ensure that our electoral laws serve the interests of a dynamic, democratic society.

The bill also makes two amendments to the Electrical Safety Act 2002. Firstly, it will replace the Commissioner for Electrical Safety position with a chairperson role which is based on the model contained in the Work Health and Safety Act 2011. Secondly, the bill removes the nominated standing committee status of the Electrical Safety Education Committee and the Electrical Equipment Committee. The statutory role of Commissioner for Electrical Safety was created in 2002 to manage the transition into new electrical safety arrangements created under the Electrical Safety Act. The role also facilitated the work of the Electrical Safety Board and committees and acted in an advisory capacity to the minister. In the decade since the commencement of the Electrical Safety Act, the role and functions of the board and committees has been well integrated and the commissioner has overseen any necessary finetuning of the legislation resulting in a diminishing workload for the statutory commissioner position. The proposed amendment will see the duties of the commissioner continue to be undertaken by the new chairperson role on an as required basis. For example, management of board and committee activities would be undertaken on a per meeting basis. Similarly, the activities of the Electrical Safety Education Committee and the Electrical Equipment Committee may be continued under existing advisory committee provisions. Advisory committees may be established by the minister as and when required, providing flexibility regarding committee composition and meeting schedules to better meet variable workload requirements. These amendments will achieve substantial ongoing savings to government while not compromising safety outcomes.

Further, the bill amends the Penalties and Sentences Act 1992 to clarify the operation of earlier amendments to the act. Section 179C of the Penalties and Sentences Act 1992 provides for the imposition of the offender levy. The offender levy is not intended to apply where the only offence committed involves a breach of bail. Section 179C(6) provides that the section does not apply to an offence under the Bail Act 1980 section 29. Consistent with this policy, the bill amends section 179C of the Penalties and Sentences Act 1992 to exclude an offence for a breach of bail under section 33 of the Bail Act 1980 from the offender levy.

Other amendments in the bill, previously included in the lapsed Law Reform Bill 2011, will improve the operation of the Queensland Civil and Administrative Tribunal by allowing former judges who are senior or ordinary members to sit as judicial members on a broader range of matters and removing some restrictions on the exercise of stated powers. Finally, the bill includes amendments to the Trustee Companies Act 1968 in relation to the transfer of trustee company business to another trustee company and to the Public Trustee. These amendments contained in this bill further demonstrate the government's commitment to getting Queensland back on track. On that note I commend the bill to the House.

### First Reading



**Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.45 pm): I move—

That the bill be now read a first time.