




Speech by

Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Thursday, 15 November 2012

GUARDIANSHIP AND ADMINISTRATION AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (12.16 pm), in reply: I start by thanking all members of the House for their contributions this afternoon on this important bill, the Guardianship and Administration and Other Legislation Amendment Bill 2012. The bill fulfils the government's election commitment to strengthen the role and independence of the Public Advocate, giving additional powers to enable the Public Advocate to carry out its functions more effectively. Firstly, the Public Advocate will be given the power to obtain access to information or documents the Public Advocate currently does not have access to such as policies, procedures of a service or agency, statistical information kept by an agency or personal information about an adult with impaired capacity. The amendments include provisions to protect the confidentiality of the accessed information and penalties may be imposed if there is a breach of those provisions. In addition, the bill also allows the Public Advocate to report at any time on systemic issues and requires me to table the report in parliament within five business days of receiving that report. The Public Advocate will therefore be able to publicly raise at any time systemic issues which the Public Advocate has significant concerns about. These amendments will ensure the Public Advocate has the necessary powers to effectively carry out its systems advocacy functions.

The bill also contributes towards the government's pledge to the people of Queensland to implement cost-saving measures and improve efficiency and accountability in the systems and practices in government. In this regard, the bill amends the Electrical Safety Act 2002 to replace the statutory Commissioner for Electrical Safety position with a chairperson of the board and to remove the nominated standing committee status of the Electrical Safety Education Committee and the Electrical Equipment Committee. The statutory commissioner role was created to manage the transition into the new electrical safety environment created under the Electrical Safety Act 2002 and to facilitate the work of the Electrical Safety Board and its committees. Over the past decade the commissioner has overseen enhancement of Queensland's electrical safety legislation and subsequently the workload of the statutory commissioner position has decreased over time.

The proposed amendments will see the duties of the commissioner continue to be undertaken by the new chairperson. Likewise, the move from commissioner to chairperson will not alter the functions of the Electrical Safety Board, and his role expires in November 2012.

Mr Mulherin: The commissioner did a good job.

Mr BLEIJIE: I take the interjection from the Deputy Leader of the Opposition. It is an independent body that gives advice and makes recommendations to the minister about policies, strategies and legislative arrangements for electrical safety.

Similarly, the activities of the Electrical Safety Education Committee and the Electrical Equipment Committee may be continued under the existing advisory provisions. Advisory committees may be established by the minister as and when required, provided flexibility regarding committee composition and

meeting schedules to better meet variable workload requirements. These amendments will result in a contemporary board and committee structure best matched to the needs of the stakeholders and the community while also, and importantly, providing value for government. The proposed changes will achieve substantial ongoing savings to the government while not compromising any safety outcomes.

The bill also amends the Electoral Act 1992 to remove administrative funding for political parties and Independent members, the Penalties and Sentences Act 1992 to exclude an offence under section 33 of the Bail Act 1980 from the imposition of the offender levy, the Queensland Civil and Administrative Tribunal Act 2009 to remove some restrictions on the exercise of the stated tribunal's powers and to enable former judges who are senior or ordinary members to sit as judicial members on a broader range of matters with consequential amendments to the Legal Profession Act 2007 and the Motor Accident Insurance Act 1994, and the Trustee Companies Act 1968 to facilitate voluntary transfers of trustee company business and compulsory transfers of trustee company business to the Public Trustee of Queensland with the consent, of course, of the Public Trustee of Queensland.

I thank the honourable members for their contributions to the debate today. I will deal with a few of the matters dealt with by the Leader of the Opposition. The Leader of the Opposition talked about the Public Advocate and Adult Guardian and raised the issue with respect to the acting arrangements and the short period of time when there was no acting Public Advocate. The situation was that we had a series of acting arrangements and one of the members under that acting arrangement became ill. I thought it prudent that, instead of continuing to go through the acting arrangements, we should immediately employ a full-time Public Advocate and Adult Guardian. So we went about that and had all the relevant advertising, because our election commitment was clear: we were going to restore the Office of the Public Advocate to its rightful place and give it some grunt in its power rather than just being a body that sat there with limited staff and did not have any grunt.

I find it interesting that I would be lectured by the opposition leader for having a short period of time, after coming to government, in which an acting arrangement was not in place. Yet the party that now sits in opposition when it was in government had in place an acting arrangement since 2009, I am advised. Therefore, months and years went by when the previous government had in place acting arrangements for both the Adult Guardian and the Public Advocate. It did not believe in the importance of the role, so it just continued the arrangements. Within six months of this government taking office we now have a permanent Public Advocate in Queensland and we have a permanent Adult Guardian or the first time for months for those two respective roles. I think the people of Queensland can now see that we are serious about those positions. We have permanent roles both in respect to the Adult Guardian and the Public Advocate.

The opposition leader then talked about my diary again, because she has a copy of the diary. She questioned why on a particular date we interviewed four people for the Public Advocate's role. On the one hand the Leader of the Opposition congratulated Jodie Cook for getting the position and becoming the Public Advocate and then on the other hand she questioned why we conducted interviews with four people on a particular day. The Leader of the Opposition asked if I was at the meeting. Of course I was! It was a job interview! I had to appoint the person, so I wanted to meet the person. I do not know how the Labor Party did this, but I know they took no ministerial accountability or responsibility for the appointments they made. They always left it, because if there were any issues they could blame someone else. I interviewed Jodie Cook as well as did a departmental official. In fact, my acting director-general was at the meeting. I interviewed Jodie Cook for the position and a few other people. All nominees for the position were highly qualified, but at the end of the day I formed the view that Jodie Cook was the best person to perform that role. So the opposition leader cannot come in here and congratulate someone on getting a job and then question why the Attorney-General was involved. I like to be involved because I made the appointment. I made the recommendation for the appointment and I think I should have been involved to make sure that we had the best person in Queensland to fill the important role of the Public Advocate.

The opposition leader also talked about how the former Attorney-General decided not to merge the Adult Guardian and the Public Advocate. We spoke a lot about this in the election campaign, because we were always of the view that at all times these bodies should be separate. We should have the Adult Guardian and Public Advocate separate. The opposition comes in here and waxes lyrical about how we both went into the election campaign with this strong view that the two bodies should not be merged. Funny about that, because I have here—and I am going to table it for the benefit of members—the Labor government response to the report, *Brokering balance: a public interest map for Queensland government bodies*—an independent review of Queensland government boards, committees and statutory authorities. Item No. 133 of that report talks about the Office of the Public Advocate and it states—

Pending analysis of a different finding (in favour) of the structural capability of the Public Advocate to perform its essential role in the current guardianship laws review by the Queensland Law Reform Commission due by 31 December 2009, the Public Advocate should be abolished and its functions transferred to the Adult Guardian.

So that is the recommendation. The opposition leader, who is in here now, claims that the Labor Party went to the election with this strong commitment not to merge these bodies. Yet what she did not tell anyone about was this report. So that was the recommendation. What was the then Labor government's

response to that recommendation to merge or abolish the Office of the Public Advocate? This is the government's response. Remember, a former Labor government minister said this—

The government acknowledges that the Review's recommendation is consistent with how the role of the Public Advocate operates in some of the other Australian jurisdictions. The functions will continue, but will be carried out by the Adult Guardian.

They were going to abolish the Office of the Public Advocate. They were going to abolish the very office that the opposition leader stands up here today and says, 'We had a strong commitment to protect the Office of the Public Advocate.' That is wrong and I will tell members why it is wrong, because this document that I am tabling now for the benefit of honourable members said that the Labor Party response to that report was that it supported the recommendation to abolish the Office of the Public Advocate.

Tabled paper: Brokering Balance: A Public Interest Map for Queensland Government Bodies—An Independent Review of Queensland Government Boards, Committees and Statutory Authorities, government response to the report [1614].

It was not until the media got hold of it and ran a campaign in the *Courier-Mail* against the abolition of that office that Paul Lucas then jumped at the opportunity and said, 'We have no intention of doing it.' The opposition leader tries to claim credit today that she was at one with the Liberal National Party going into the election supporting this office when the government response to the report says that it supported abolishing the Office of the Public Advocate and transferring its functions to the Adult Guardian. So the hypocrisy coming from the opposition leader today in trying to tell the people of Queensland that Labor has always supported the independent Public Advocate is wrong. We know it is wrong, because it is in writing in their response when they were in government. What they might say at an election to fool the people of Queensland may be one thing, but the people of Queensland can read it into black and white in the report that I have just tabled.

Interestingly, I see that the Leader of the Opposition is not opposing the deletion of administration funds for political parties. It is interesting because just over a year ago we came into this place and had this great debate about accountability, integrity, public funding of political parties and public funding of administration to political parties and those opposite changed the law at the time. They knew they were going to be voted out of office. The unions got cranky. The donations were not coming in. The unions were not supporting them because of the asset sales. They were not giving the member for Bundamba the money she usually relied on to secure her preselection. So they came into this place, I think it was the day after Gordon Nuttall was here, and debated electoral laws that filled the coffers of the Labor Party because they could not get donations. They have even had to reduce their membership fees to the price of a cheeseburger at McDonald's.

Mr Stevens: Is that with fries?

Mr BLEIJIE: You will not get fries with that, Manager of Government Business. What you will get is the same incompetent economic vandals that this state has seen for the last 14 years. There are seven of them sitting opposite. Three of them can be held directly responsible because they were in cabinet at the time. They were directly responsible for the economic vandalism that this state has seen. I was very surprised when the opposition leader came in here supporting our amendment to get rid of administration funding. There has been much public misinformation that has been put out, particularly from Mr Clive Palmer, about administration and other funding of political parties. Prior to the electoral amendments we saw in this place just over a year ago candidates who ran at election time received on average about \$1.50 per vote as long as they got over four per cent. The Labor Party knew that it was headed for political losses at the election so rather than just keeping the system in place where a candidate gets \$1.50 or whatever it was per vote they changed the whole system to one that we have never before seen in Queensland. The member for South Brisbane is looking at me. She is very interested because I would suggest that this came directly from her office in Peel Street. I can see the member for South Brisbane on the phone to Anna Bligh at the time, 'Hey, look, here is the donations register for the last month. We have dried up, folks.'

Mr Stevens: Was it in the archives?

Mr BLEIJIE: It was not in the archives. 'Donations have dried up. We have to do something. What are we going to do? We will take it from the people of Queensland. Not only will we tax them to death we will take it from the people of Queensland.' Rather than the \$1.50 per vote, they changed the law to really increase it based on expenditure. They capped donations and they capped expenditure to \$50,000 per electorate and approximately \$7 million for a political party. Not only did they cap the donations and cap the expenditure, but they gave themselves some administration funding. How much was this administration funding?

A government member: \$100,000?

Mr BLEIJIE: No, up, up.

A government member: \$500,000?

Mr BLEIJIE: No. \$1 million—\$1 million for six months. That meant that every six months the now member for South Brisbane, but the former deputy state secretary of the Australian Labor Party, would

waltz down to the Electoral Commission office and rub her hands together and say, 'Give us our \$1 million, Mr Commissioner.' And the Commissioner would give them \$1 million. Then she would go back, the now member for South Brisbane, the former state secretary of the Labor Party, to Peel Street with Mr Chisholm and say, 'We can get a new cappuccino machine now.' And guess what? None of it was accountable. They did not care how any political party spent the money.

We are righting this wrong today. This impacts on our government's political party more so than the Labor Party. Would you ever have seen the Labor Party come in here and do what we are doing here today, actually defunding a political party and putting it back into the pockets of Queenslanders? I am not only attacking the Labor government for bringing that law, it also impacts on our party, the Liberal National Party, because it will miss out on its \$2 million funding a year, too. We will restore accountability to electoral reforms in this state. The opposition leader asked me about a green paper. I will be releasing a green paper and I will release it when I said I was going to release it—by the end of this year. That electoral reform paper will question all things including donations, public funding and union donations. I am particularly interested in union donations. Not only did the Labor Party change the legislation to hit the hip pockets of Queenslanders and give the Labor Party \$2 million admin funding a year—and the Liberal National Party and Independents a little bit of admin funding as well—they put what they call third-party definitions in the legislation in terms of donations. But guess who was exempt from certain associated entities? Guess who has an exemption under the Electoral Act? The unions! Surprise, surprise, the unions have an exemption!

Mr Rickuss: 'Big Bill' put that clause in.

Mr BLEIJIE: I take the interjection from the member for Lockyer. I think it is interesting you call out 'Big Bill'. Yesterday at the community cabinet the Prime Minister was at she was referring to Joe Ludwig, her minister, but she introduced him as Bill Ludwig. Isn't it interesting that the Labor Party always have 'Big' Bill Ludwig on their mind? When I release this green paper later this year I will canvass the issue of union donations, I will canvass the issue of third-party endorsement, I will canvass the issue of third-party entitlements. If a business was associated in some way under the Corporations Act with another business, under the electoral laws they were associated and therefore could give only one donation. But a union has an exemption. There can be 13 associated unions in Queensland all bowing to the Australian Labor Party, Queensland division, but they are exempt from these provisions. I know the opposition leader will be very interested when I release my green paper on electoral reform and accountability. I would tell her to go straight to the pages on trade unions in Queensland and then she can wonder where they are going to get their money from in future. Because they will not get it out of the Big Macs that they sell for the membership of the Labor Party. That will not be enough to sustain them.

We will turn the tide in Queensland with electoral reform and accountability. Today we are saying—and I warn all political parties in Queensland, even our own party—we will not be bullied by political apparatchiks in the offices of political organisations about this administration funding. Yes, it may hurt the political parties, but we will not be bullied by anyone—not in the Labor Party, the Greens, the Liberal National Party, Katter's Australian Party or the Sex Party. We will not be bullied by anyone.

Mr Crisafulli interjected.

Mr BLEIJIE: I take the interjection from the honourable Minister for Local Government. We will stand up to the Sex Party and all those parties to make sure that we have a reform agenda in this state that Queenslanders can be proud of. I think Queenslanders will be particularly proud that we are abolishing \$2 million in admin funding being paid to political parties so that they can run their political campaigns out of those offices with no accountability. It will hurt the political parties but it is the right thing to do. We are doing it because it is the right thing to do. We have more guts to do it than the Australian Labor Party will ever have. I guarantee, as night follows day or day follows night, that one of the first reforms the Labor Party will make will be to the Electoral Act to reinstate this slush fund that it has given itself. Through this green paper, we will ensure that all these matters are out there in the public domain.

I apologise to all honourable members who made contributions as I have not got to those contributions yet, but the Leader of the Opposition gave me plenty to respond to and talk about, so I will carry on. She talked about the ETU. Would it surprise members to know that the opposition leader commends the ETU? Members will never find me commending a union in this place, but it is no surprise that the Leader of the Opposition commends the ETU. Not only did she say she commends the ETU but also she said she bows to the ETU. I can see the opposition leader, the member for Inala, on her way to her preselection. The ETU members are out the front and she is bowing to the ETU and to all the unions. I can see her bowing to 'Big' Bill Ludwig who, incidentally, the Prime Minister thought was at the community cabinet last night. She forgot that her own minister's name was Joe Ludwig and not Bill Ludwig, because Bill Ludwig is always on her mind. Bill Ludwig is always on the mind of the Queensland Labor Party. Whatever they want to do, first they have to ring 'Big' Bill to make sure that they can do it. I assume he now has more time to talk to them, because there are only seven of them to make phone calls.

Mr Dickson: He's not on the racing board anymore.

Mr BLEIJIE: That is right; he is not on the racing board anymore, so I suspect he has a little time.

Mr Johnson: He will be up to no good somewhere.

Mr BLEIJIE: I take that interjection. I suspect that of the seven opposite, the one who will be on the phone to 'Big' Bill all the time would be the member for South Brisbane.

Ms Palaszczuk: Tell us about Clive Palmer.

Honourable members interjected.

Mr DEPUTY SPEAKER: Order! There are many interjections in the House.

Mr BLEIJIE: I take the interjection from the opposition leader. She is more of a friend to Clive Palmer than this party ever will be and more than any member will be. She sees Santo Santoro more than any of the members on this side of the chamber. I was at the function that she attended with Santo Santoro.

A government member: What about the hat? Was he holding the hat?

Mr BLEIJIE: No, he was not holding the hat. Incidentally, I think the other function that she was at with Santo Santoro was sponsored by his company and she held the raffle hat. She was Santo Santoro's raffle opposition leader.

Government members interjected.

Mr BLEIJIE: No, I would not be that disrespectful, because I would be accused of being a misogynist and all sorts of things. I will not go down that path. I thank the opposition leader for her contribution, which is always enlightening. Really, I think her contributions always give great insights into how the Labor Party affiliates with the unions in Queensland. They do not get it. They do not get that Queensland has gone past those days of getting the unions to approve everything. The Labor Party has to work out that they should be listening to Queenslanders, not to the bullish tactics of union heavyweights and, for that matter, political party heavyweights.

Ms Palaszczuk: What about Clive Palmer? How's Clive Palmer working—

Mr BLEIJIE: I can assure the House that members will hear more compliments about Clive Palmer from the opposition leader than they will of me. My remaining time is limited, although we have 33 clauses to consider so if I have run out of time I might talk to the clauses, because then I really can finish this contribution and thank all honourable members.

I pay particular tribute to the member for Condamine, the chair of the committee. We are keeping his committee quite busy. I thank all honourable members of the Legal Affairs Committee for all the work that they do. It has always been a busy committee, but it has been particularly busy in the past seven months. They are doing a tremendous job in delivering reports and looking at all the investigative matters. The opposition leader talked about consultation. This bill went to a committee and a committee investigated it. I think eight submissions were put in. I do not think anyone complained about the time. The chairman has explained the committee process. They made a recommendation that the bill be passed. A lot of these matters are really noncontentious in terms of the role of the Public Advocate. We will have a permanent Public Advocate, which for years the Labor Party could not deliver for Queensland. It could never deliver a permanent Public Advocate; it was going to abolish the Office of the Public Advocate.

Ms Palaszczuk interjected.

Mr BLEIJIE: You can talk to the business leader all you want, but I am talking to you—through the chair, of course. I am talking to the Leader of the Opposition through the chair. The opposition leader missed my little comment about why I attended a meeting in my office. First, it was my office and I was entitled to be there. Secondly, it was an interview.

A government member interjected.

Mr BLEIJIE: Secondly, it was a meeting; that is correct. Thirdly, she has my diary so she can see it. There is nothing to hide. Fourthly, it was a job interview and I was appointing. I was making the appointment. If I want to make the appointment, I want to know the person I am appointing. I want to know that the person I am putting forward to lead this change in the role of the Public Advocate is the best person for the job. With all respect to public servants, I am not going to hand that to public servants and say, 'You come up with the best person for the job.' I want to be personally involved because the vulnerable people of Queensland do not and should not expect anything less. They want the best person in the role of the Public Advocate.

Ms Palaszczuk interjected.

Mr BLEIJIE: The Leader of the House may move an extension of time if the Leader of the Opposition is not careful. The role of the Public Advocate is very important. I support Jodie Cook absolutely. I will make sure that her office is fully equipped to handle these most important matters for vulnerable Queenslanders. We talk about accountability. When Jodie Cook gives me a report, I must table

it within five business days, not hide it in cabinet like the opposition leader did with the LPITAF money. We will be an open and accountable government. I will table the documents, not hide them as the Leader of the Opposition did.

(Time expired)