



Speech by

Hon. Jarrod Bleijie

MEMBER FOR KAWANA

Hansard Thursday, 15 November 2012

GUARDIANSHIP AND ADMINISTRATION AND OTHER LEGISLATION AMENDMENT BILL

Second Reading



Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (11.18 am): I move—
That the bill be now read a second time.

I thank the Legal Affairs and Community Safety Committee for its consideration of the Guardianship and Administration and Other Legislation Amendment Bill 2012. I note that the committee tabled its report on 6 November 2012. The committee made one recommendation—that is, that the bill be passed. The government is happy to oblige. I thank the committee and the chairman, the member for Condamine, for its great consideration of this government bill. I thank them for their time. I know that the government is keeping that committee very busy with lots of legislation within this portfolio.

I acknowledge those who have made submissions on the bill to the committee and I will now address some of the issues raised in those submissions. The committee received eight submissions which all addressed only specific parts of the bill. Seven of the eight submissions indicated support for those amendments that they addressed. Submissions received from the Adult Guardian, the Public Trustee, the Queensland Law Society, the Endeavour Foundation and National Seniors Australia all expressed support for the amendments to the Guardianship and Administration Act 2000 that will give the Public Advocate two additional powers to enable it to carry out its systemic advocacy functions more effectively.

However, National Seniors Australia sought confirmation that the confidentiality of client information be maintained and used only for the purposes set out in the act. National Seniors Australia also submitted that it was important that these amendments be evaluated to ensure they are effectively delivering better outcomes for clients. The Guardianship and Administration Act 2000 at section 249A currently prohibits the use of confidential information gained under the act, except in accordance with the act. Further, the bill includes amendments that make it unlawful for the Public Advocate to publish information that will lead to the identification of a person, without a reasonable excuse. These provisions will ensure the confidentiality of personal information is maintained.

In relation to the issue regarding evaluation of the effectiveness of the proposed amendments to deliver better outcomes to vulnerable clients, it is expected that these amendments will deliver an immediate practical benefit to the Public Advocate who will be able to access information not previously available. Also, if the Public Advocate has concerns about the effectiveness of the amendments, the Public Advocate will be able to raise these concerns directly with me, as the Attorney-General, or raise the concerns in the annual report or a report under the proposed new section 209A of the Guardianship and Administration Act 2000.

The Public Trustee of Queensland stated he has no objection to the amendments to the Trustee Companies Act 1968. The Electrical Contractors Association supported the amendments to the Electrical

Safety Act 2002. However, I note that the submission by the Electrical Trades Union to the committee did not support the amendments to the Electrical Safety Act 2002 because the Electrical Trades Union views the proposed changes as a retrospective step driven by the need to cut costs.

The change from a 'commissioner' to a 'chairperson' does not alter the functions of the Electrical Safety Board, which is an 'independent body' that gives advice and makes recommendations to the minister about policies, strategies and legislative arrangements for electrical safety. With regard to the statutory role of commissioner, this role was created in 2002 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 three statutory standing committees.

Over the past decade the commissioner has overseen enhancement of the electrical safety legislation and, subsequently, the workload of the commissioner position has decreased over time. For example, the role was initially undertaken on a full-time basis, then discharged on a three-day per week basis since 2007, with a further reduction in workload over recent months in the prelude to the conclusion of the past commissioner's term in early November 2012.

The functions of the chairperson will essentially be the same as those of the commissioner, including managing the activities of the Electrical Licensing Committee and advisory committees as these are board committees. While the use of the term 'commissioner' may have been appropriate in 2002, the government considers that with the reduction in the role's workload, the term 'chairperson' better reflects the functions of the position.

Additionally, in relation to the functions of the safety education and equipment committees, many of their functions have been increasingly addressed as part of the community engagement and equipment safety functions within the Electrical Safety Office. Moreover, a range of electrical safety matters including safety education and safety of electrical equipment are also addressed as part of the department's representation on the Electrical Regulatory Authorities Council. Therefore, while the proposed changes do deliver savings, they do not compromise safety outcomes. Additionally, they also reflect a proven model based on that of the Workplace Health and Safety Board, which balances the needs of all stakeholders including business, government and the community.

In their submission, the ETU also expressed their discontent that these changes were introduced into parliament without prior industry consultation. Consultation external to government was not undertaken in relation to these proposed changes as these amendments are not expected to result in any reduction in electrical safety outcomes and are in line with the government's focus of reducing red tape and cutting back on expenditure. As I mentioned at the time I introduced the bill into the Legislative Assembly, the bill delivers cost-savings measures and improves the efficiency in the operations and practices in certain areas of government.

The Public Advocate will be given additional powers to carry out its functions more effectively. These powers include a right to access information in certain circumstances and to prepare a report on systemic issues which is to be tabled by the responsible minister. These new powers will lead to an improvement in the way government and non-government services are being delivered to vulnerable Queenslanders.

The amendments to the Electoral Act 1992 will finally, and once and for all, remove administrative funding for political parties and Independent members and is estimated to save the people of Queensland \$18.2 million over the next four years. The Electrical Safety Act 2002 amendments, as I discussed earlier, achieve substantial ongoing savings to government while maintaining safety outcomes.

The amendments to the Queensland Civil and Administrative Tribunal Act 2009 will improve the operation of the tribunal and were strongly supported by president of the tribunal in his submission to the committee. The amendments to the Trustee Companies Act 1968 are required to enable the 2011 Commonwealth government amendments to the Corporations Act 2001 (Cth) to be effective and to facilitate the voluntary transfers of trustee company business and compulsory transfers of trustee company business to the Public Trustee of Queensland, with the Public Trustee's consent.

The bill also amends the Penalties and Sentences Act 1992 to ensure the offence under section 33 of the Bail Act 1980 is not subject to the offender levy. This exclusion is consistent with government policy concerning offences to which the offender levy should apply. Overall, this bill represents the government's commitment to get Queensland back on track. On that note, I commend the bill to the House.