




Speech By  
**Hon. Tim Nicholls**

**MEMBER FOR CLAYFIELD**

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## **TREASURY AND TRADE AND OTHER LEGISLATION AMENDMENT BILL**

### **Introduction**

 **Hon. TJ NICHOLLS** (Clayfield—LNP) (Treasurer and Minister for Trade) (3.30 pm): I present a bill for an act to amend the Acts Interpretation Act 1954, the Evidence Act 1977, the Financial Accountability Act 2009, the Legislative Standards Act 1992, the Motor Accident Insurance Act 1994, the Parliament of Queensland Act 2001, the Queensland Competition Authority Act 1997, the Queensland Treasury Corporation Act 1988, the Reprints Act 1992, the State Financial Institutions and Metway Merger Facilitation Act 1996, the Statistical Returns Act 1896 and the Statutory Instruments Act 1992 for particular purposes, to repeal the Anzac Square Development Project Act 1982, the Commonwealth and State Statistical Agreement Act 1958, the Commonwealth Savings Bank of Australia Agreement Act 1966, the Energy Assets (Restructuring and Disposal) Act 2006, the Government Inscribed Stock Act 1920, the Government Loan Act 1986, the Government Loans Redemption and Conversion Act 1923 and the Government Stock Act 1912, and to make minor and consequential amendments of the acts stated in schedules 1 to 4 for particular purposes. I table the bill and the explanatory notes. I nominate the Finance and Administration Committee to consider the bill.

*Tabled paper.* Treasury and Trade and Other Legislation Amendment Bill 2013 [\[2827\]](#).

*Tabled paper.* Treasury and Trade and Other Legislation Amendment Bill 2013, explanatory notes [\[2828\]](#).

The bill I present amends a series of acts that are consequential upon announcements the government has already made and are largely technical in nature and repeal other legislation that is no longer required. Details in relation to the changes and the reasons for those changes are contained in a speech which has been presented to your office, Madam Speaker. I seek leave to have the remainder of the speech incorporated in *Hansard*.

Leave granted.

This Bill will repeal legislation within the Treasury and Trade portfolio that is no longer required as well as facilitating a number of amendments to other legislation.

The Treasury and Trade legislation that will be repealed is the:

- Anzac Square Development Project Act 1982;
- Energy Assets (Restructuring and Disposal) Act 2006;
- Commonwealth Savings Bank of Australia Agreement Act 1966;
- Commonwealth and State Statistical Agreement Act 1958;
- Government Stock Act 1923;
- Government Loans Redemption And Conversion Act 1923;
- Government Inscribed Stock Act 1920;
- Government Loan Act 1986; and
- Division 3 of the Queensland Treasury Corporation Act 1988.

In short, those Acts or provisions have achieved their purpose and are no longer required. Similarly, the Bill will also repeal those provisions of the State Financial Institutions and Metway Merger Facilitation Act 1996 that have fulfilled their purpose and are no longer required. The provisions dealing with head office requirements and the guarantee of pre-merger obligations continue to operate and will be retained. Madam Speaker, this Bill also makes necessary technical amendments to the:

- Motor Accident Insurance Act 1994;
- Financial Accountability Act 2009;
- Queensland Competition Authority Act 1997; and
- Statistical Returns Act 1896.

At the Premier's request, the Bill also includes the following amendments:

- amendment of the Evidence Act 1977, Legislative Standards Act 1992, Parliament of Queensland Act 2001 and Reprints Act 1992 to streamline and modernise those provisions governing the authorisation of electronic reprints of legislation, the effect of authorised reprints and evidence of a range of legislative and parliamentary matters;
- amendment of the Statutory Instruments Act 1992 to provide for subordinate legislation to become effective on its publication on the Queensland legislation website;
- several technical amendments to the Acts Interpretation Act 1954 to insert new definitions and relocate all definitions to a schedule; and
- amendments to the Acts Interpretation Act 1954 and Statutory Instruments Act 1992 to give effect to recommendations of the former Scrutiny of Legislation Committee.

I wish to discuss the need to amend each of these Acts in turn.

The State Financial Institutions and Metway Merger Facilitation Act 1996 was originally enacted to enable the merger of Metway Bank with the Queensland Government owned Suncorp Building Society, Suncorp Finance Limited, Suncorp Insurance and Finance and the Queensland Industry Development Corporation. The merger was aimed at enhancing the availability of banking, finance and insurance services in Queensland by creating a financial institution that could use recognized brands to offer a wide range of banking, finance and insurance products in an increasingly competitive market. Many of the provisions of this Act have now achieved their purpose and are no longer required.

I will now turn to the amendments proposed to the Motor Accident Insurance Act 1994.

Firstly, the Bill contains two amendments to better align the Motor Accident Insurance Act 1994 with transport legislation. The first amends the term 'agricultural implement', which is currently undefined, to 'agricultural machine' by reference to the Transport Operations (Road Use Management) Regulation 2010. The second will align section 23 of the Motor Accident Insurance Act 1994 with transport legislation to authorise the recovery of CTP premiums where an electronic payment is initially made but later reversed by a financial institution.

The Bill also contains amendments to rectify a drafting error relating to section 38 as well as a technical amendment to section 10 to specify explicitly that a function of the Motor Accident Insurance Commission is to conduct research, and collect statistics about the statutory insurance scheme.

I also propose to amend section 33(3) of the Act to ensure that the Nominal Defendant will provide gratuitous third party insurance cover for Queensland registered motorised wheelchairs anywhere in Australia. Currently, Queensland registered motorised wheelchairs are only gratuitously insured by the Nominal Defendant for accidents that occur within Queensland. This limitation is inconsistent with the statutory policy of insurance which specifies that a CTP insurance policy must insure against liability for personal injury caused by, through or in connection with the insured vehicle anywhere in Australia. The Bill will amend section 33 to clarify that gratuitous CTP insurance cover provided by the Nominal Defendant will cover the insured vehicle anywhere in Australia. There are challenges involved in balancing the desire to protect the privacy of individuals and the need for CTP insurers and the Nominal Defendant to be able to access information required to undertake the necessary investigation to appropriately assess CTP claims. While there are provisions in the Motor Accident Insurance Act 1994 and Regulation that purport to authorize information being provided by the Queensland Police Service and other government emergency service agencies to a CTP insurer or the Nominal Defendant for the purposes of assessing a CTP claim, there is inconsistency in the level of information that is being provided to insurers and the Nominal Defendant who are investigating CTP claims.

This inconsistency in the information that is being supplied is attributed to uncertainty that has arisen within the Queensland Police Service and other government emergency service agencies over the application of the Information Privacy Act 2009 to the personal information contained in motor vehicle accident reports and the contact details of witnesses to an accident. One of the key objectives of the Motor Accident Insurance Act 1994 is the encouragement of the swift resolution of CTP insurance claims. In recognition of this, I propose to amend the Motor Accident Insurance Act 1994 to explicitly authorize the Queensland Police Service and other Government bodies, such as the Queensland Ambulance Service and the Queensland Fire and Rescue Service, to release information to CTP insurers and the Nominal Defendant to help them identify or contact a person who witnessed a motor vehicle accident where the insurer or the Nominal Defendant reasonably believes that the information is necessary to decide the accuracy of matters relating to the CTP claim and help resolve the CTP claim.

I turn now to the proposed amendments to the Financial Accountability Act 2009. I propose to remove the requirement that first, second and third quarter consolidated fund statements be published in the Government Gazette by amending section 22(5) of this Act. Despite this change, the Government will still retain the highest levels of probity and transparency by making these statements publically available such as on the department's website.

I also propose to amend section 48 of the Financial Accountability Act 2009 to allow me to delegate to an officer or employee of my Department, my power to nominate a public sector employee to fill the position of Chief Finance Officer or Head of Internal Audit of a Government Department as set out in sections 77 and 78 of the Financial Accountability Act 2009.

It is proposed to amend section 61 of the Act to incorporate the concept of “value for money” into the functions of accountable officers and statutory bodies. This amendment reflects the recommendations of both the “Report of the 2010 Strategic Review of the Queensland Audit Office” and Commission of Audit Interim Report.

The Bill will also amend the Queensland Competition Authority Act 1997 to reflect that the Ministerial responsibility for the Act is to lie with a single Minister, rather than two Ministers as has historically been the case. This will streamline Ministerial decision making processes under the Act and is consistent with the practice in other jurisdictions with similar laws. The Bill also corrects a number of minor cross-referencing and typographical errors in the Act.

I have also proposed two amendments to the Statistical Returns Act 1896 to, firstly, expand the areas that the Government Statistician may collect and publish statistics about to include the areas of “energy, environment and construction”, and, secondly, to clarify that the Government Statistician may collect information from the State, including State Government Departments and, when requested, that the State, including State Government Departments, is to provide the information to the Government Statistician.

Further, the Bill includes amendments to various Acts to reflect the change of name of the professional organisation, the National Institute of Accountants to the Institute of Public Accountants.

Madam Speaker, the amendments as contained in the Bill will contribute towards improving efficiencies and removing redundant legislative provisions, correcting typographical errors and omissions as well as clarifying and streamlining provisions administered by the Treasury and Trade portfolio. This Bill also makes a number of technical amendments to the Motor Accident Insurance Act 1994, including an amendment to ensure that the Queensland Police Service and the State’s other emergency service agencies are authorized to give information for identifying or contacting a person who has witnessed a motor vehicle accident to a CTP insurer or the Nominal Defendant, if the insurer or the Nominal Defendant reasonably believes the information is necessary to decide the accuracy of matters relating to a CTP claim and will help resolve that claim.

Combined, the amendments in this Bill will save the State money by clarifying existing provisions, reducing unnecessary red tape and repealing obsolete legislative provisions.

Allow me to also speak briefly about the amendments included in the Bill at the request of the Premier.

Queensland legislation is available on the Queensland legislation website ([www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)), and is widely accessed by the courts, lawyers, business, government agencies and the community. Electronic reprints of legislation published on the website are now authorised by the Parliamentary Counsel, allowing them to be relied on under the Evidence Act 1977 and Reprints Act 1992 to the same extent as authorised paper reprints as accurate copies of Acts or subordinate legislation at a particular point in time. To support this use of the Queensland legislation website, the Bill amends the Reprints Act 1992 to provide for the Parliamentary Counsel to prepare reprints of all Queensland legislation, including legislation that has not been amended.

The Bill removes unnecessary duplication between the Evidence Act 1977 and other Acts by co-locating all legislative matters of which judicial notice must be had in the Evidence Act 1977. By bringing all relevant provisions together, this amendment will make clearer which matters must be accepted as a matter of fact by a judge or other person acting judicially without having to be proven in evidence. The Bill also streamlines and modernises the Evidence Act 1977 by:

- updating a range of provisions prescribing the means by which evidence of various Parliamentary and legislative matters may be given;
- modernising the presumption that particular copies of legislation correctly show the law at a stated date; and
- co-locating in the Evidence Act 1977 the provisions about how evidence may be given of instruments issued by the Governor, a Minister or a public entity.

These amendments are complemented by the insertion into the Legislative Standards Act 1992 of a new head of power for the Parliamentary Counsel to authorise copies of all Queensland legislation, including reprints, and Bills. This is necessary to enable all forms of legislative material authorised by the Parliamentary Counsel to be given the same evidentiary value under the Evidence Act 1977 as amended.

On their publication on the Queensland legislation website, official copies of Queensland legislation will assume their full evidentiary value under the Evidence Act 1977 as amended.

The Bill further amends the Legislative Standards Act 1992 to better reflect the changing preferences of users of Queensland legislation by allowing greater flexibility in the form in which legislation is required to be made available.

The Bill similarly allows greater flexibility under the Parliament of Queensland Act 2001 by amending the provision dealing with the evidentiary value of reports of Parliamentary debates to require that those debates simply be published in written form. While reports of Parliamentary debates must currently be in printed form to be taken as an accurate record, this amendment will leave it to Parliament to determine the precise form in which they are to be published.

The operation of the Parliament of Queensland Act 2001 is further modernised by correcting outdated references in that Act to the official record of Parliamentary proceedings.

Users of legislation no longer have to rely on the Queensland Government Gazette for accurate, current information about the making of subordinate legislation. Instead, they can now access subordinate legislation and information about when subordinate legislation was made or amended through the Queensland legislation website.

However, under the Statutory Instruments Act 1992 as it currently stands, subordinate legislation only takes effect on being notified in the Queensland Government Gazette. To allow users to rely on the information on the Queensland legislation website without also having to undertake the additional step of accessing the Queensland Government Gazette, the Bill amends the Statutory Instruments Act 1992 to provide for legislation to become effective when it is published on the website.

The Bill makes a range of consequential amendments to these Acts as a result of the amendments relating to reprints and electronic notification of subordinate legislation. It also amends the Acts Interpretation Act 1954 to consequentially amend or replace a number of definitions as a result of these substantive amendments. It also inserts a new definition of ‘appropriately

qualified' in relation to a function or a power or in relation to appointment to an office, a term which is in use across the Statute Book. For ease of reference, the Bill relocates all existing and new definitions in the Acts Interpretation Act 1954 to a new schedule.

Finally, the Bill makes a number of amendments to implement outstanding matters arising from recommendations of the former Scrutiny of Legislation Committee.

In its Report No. 46, the former Committee recommended that those provisions of the Statutory Instruments Act 1992 and Acts Interpretation Act 1954 which deal with forms made under an Act be located together in the same piece of legislation. This was in part an acknowledgement that forms are essentially administrative instruments, while the Statutory Instruments Act 1992 deals with statutory instruments. The Bill accordingly co-locates the relevant provisions from both Acts in a new part of the Acts Interpretation Act 1954.

The former Scrutiny of Legislation Committee also undertook a review of the provisions of the Statutory Instruments Act 1992 dealing with the automatic expiry of subordinate legislation. In its Report No. 42, the former Committee recommended that the Statutory Instruments Act 1992 be amended to require the Parliamentary Counsel to give one year's notice to administering departments and agencies of the impending expiry of subordinate legislation, rather than the current six months. The Bill implements this recommendation.

Madam Speaker, I commend the Bill to the House.

### **First Reading**

**Hon. TJ NICHOLLS** (Clayfield—LNP) (Treasurer and Minister for Trade) (3.32 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to the Finance and Administration Committee**

**Mr DEPUTY SPEAKER** (Dr Robinson): Order! In accordance with standing order 131, the bill is now referred to the Finance and Administration Committee.