




Speech By
Michael Berkman

MEMBER FOR MAIWAR

Record of Proceedings, 30 April 2025

TRUSTS BILL

 **Mr BERKMAN** (Maiwar—Grn) (8.36 pm): I rise to make what will, I expect, be a fairly brief contribution to the debate on the Trusts Bill. We had a very lengthy introductory speech from the Attorney-General which I think covered off on just about anything and everything that might be discussed about this bill. There is very little about this bill that is especially contentious, so there is little in addition to the committee report that I would add. While it is a relatively uncontentious bill, it is incredibly technical. As the Attorney-General mentioned when introducing the bill, it is a very important bill. It is the kind of legislation that is likely to stick around with us for a very long time and it is one of those areas of law that does not tend to matter to you until it does and then it really matters; the detail matters. Let's all be honest, it is pretty dry material, but it is important. I think I am one of, I will accept, far too many lawyers in this place who have had to endure all 11 of the Priestley 11 including equity and trusts. This is an area that clearly is important for anyone with a legal background to be familiar with.

It is noteworthy, though, that the Queensland Law Reform Commission's review of this area, the review of trusts law in Queensland, was completed 12 years ago. It is a piece of legislation that we want to deal with, that we want to get through. I do struggle a little bit with the suggestion and the fact that the committee was required to deal with this as an urgent piece of legislation. After waiting 12 years we then, as a committee, the Justice, Integrity and Community Safety Committee, had to deal with it in only 2½ weeks. As always, I take my hat off to the committee secretariat for all of the work they did in getting the report prepared—and to my fellow committee members. We had 2½ weeks to deal with that. It was introduced on 18 February. We had a grand total of 2½ weeks to report back by 7 March including, mind you, the period during which everyone in South-East Queensland was bracing and battenning the hatches, getting ready for ex-Tropical Cyclone Alfred to come through. Anyway, we got through it. Everyone put their skates on, we got the report done and we reported back on 7 March. Here we are now more than seven weeks later debating the bill that was so urgent we only had 18 days during which to conduct an inquiry.

The truth of it is that the report was considered urgent because there is nothing else going on. The government has no agenda. In fact, it is interesting to look at the *Notice Paper* because, having completed the crime and corruption bill, we are now down to a lonely two bills left on the *Notice Paper* which I think speaks to the complete absence of any urgency or any real agenda in what this government is putting forward. We spent I do not know how many hours the last sitting or the week before that debating a bill that changed a single digit in an act. On the one hand we are dealing with really significant last-minute amendments that are tacked on the back of the crime and corruption reporting powers legislation that we have just completed and on the other hand we are spending all those hours—a complete committee inquiry and all those hours—to change a single digit to extend a trial period for electronic monitoring devices so we can strap GPS monitors to kids' ankles. We need to contrast that with this bill which had to happen in such a big hurry 13 years after the review made the recommendations that we are now legislating.

I will leave it at that because, again, there is not a great deal that is especially contentious about the bill, but we cannot just settle for the idea or be satisfied as a parliament with the idea that—and I have made the same criticism of the former Labor government in the prior seven years that I have been here—parliamentary process goes out the window whenever it is convenient for the government of the day or whenever the timeframes that the government wants to meet are the priority rather than the process. We already have an extraordinary democratic deficit here in Queensland without an upper house where whoever takes the clear majority on the government benches can literally do whatever they like. We are not just talking about the policy and the legislative program; we are talking about the rules of engagement, the rules of how this place operates. I have said it before and I will say it again: anyone who wants to feign respect for this institution needs to at least uphold those most bare minimum of standards that are enshrined in the state Constitution Act and our standing and sessional orders.