

~~important issues like housing for people with disability is abhorrent. In NDIS trial sites across Australia it has become evident that there is a housing crisis for people with disability. The Abbott government is threatening the true intent of the NDIS by failing to assure Australians that chronic housing shortages for people with disability will be addressed. The frustrating part of this is that the money is there. To pay for the NDIS, Queenslanders, like all Australians, have been paying the Medicare levy since July 2014. It has just been used to prop up the Abbott government's bottom line and that is why they do not want to give it up. The National Disability Insurance Agency has said numerous times that there is \$700 million per year available across the country to spend on housing.~~

~~In what is now a trademark of the Newman and Abbott governments, it will not listen to the experts, the sector or the broader community. Until the Premier took the fight to COAG, the Abbott government had no intention of giving Queenslanders our full and fair share of the fund upfront to allow smooth transition for Queenslanders with disability into the NDIS and it remains to be seen if the Abbott government will honour its commitment. The NDIS is the most important social reform since Gough Whitlam—~~

~~(Time expired)~~

~~Mr SPEAKER: I call the member for Aspley. One minute.~~

~~United Voice~~

~~Ms DAVIS: My question is to the Minister for Disability Services, Minister for Seniors and Minister Assisting the Premier on North Queensland. The Integrity Commissioner found there was potential for a perceived conflict of interest to exist when it came to the Minister for Energy being a shareholding minister as well as a member of the ETU. Minister, does the same reasonable person test apply to yourself as minister given your membership of United Voice?~~

~~Government members interjected.~~

~~Mr SPEAKER: Do you want the question rephrased?~~

~~Mrs O'ROURKE: Yes, please.~~

~~Mr SPEAKER: I call the member for Aspley to repeat the question.~~

~~Ms DAVIS: Does the same reasonable person test that applied to the Minister for Energy regarding his membership of the ETU apply to yourself given your membership of United Voice?~~

~~Mr SPEAKER: One moment, please. Honourable members, question time is effectively over. The preamble to that question was rather lengthy. Time has expired.~~

~~MINISTERIAL STATEMENT~~

~~Correction of Answer to Question; Western Queensland, Financial Assistance Grants~~

~~ Ms TRAD (South Brisbane—ALP) (Deputy Premier, Minister for Transport, Minister for Infrastructure, Local Government and Planning and Minister for Trade) (11.28 am): I rise to correct the record. When I said \$100 billion before in my response to the member for Mount Isa, I meant \$100 million. Thank you.~~

~~MAGISTRATES AMENDMENT BILL~~

~~Introduction~~

~~ Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (11.28 am): I present a bill for an act to amend the Magistrates Act 1991 for particular purposes. I table the bill and explanatory notes.~~

~~Tabled paper: Magistrates Amendment Bill 2015~~

~~Tabled paper: Magistrates Amendment Bill 2015, explanatory notes.~~

~~I rise to introduce the Magistrates Amendment Bill 2015. The amendments in the bill are necessary to address administrative oversights that have occurred in the swearing in of persons as magistrates, acting magistrates and acting judicial registrars—the relevant judicial officers—during the period from and including 12 April 2013 to and including 24 April 2015—the relevant period. The relevant judicial officers have taken and subscribed an incorrect oath or affirmation. The government~~

was informed of this administrative oversight late last week and has acted quickly to remedy the situation.

In addition, the government understands at least one of the acting magistrates may not have taken and subscribed an oath or affirmation following their appointment. Section 9(1) of the Magistrates Act provides that a person appointed as a magistrate or acting magistrate must not exercise the functions or powers of a magistrate unless the person has taken and subscribed the oath or affirmation prescribed by the regulation. Section 53F(1) is in similar terms and applies to persons appointed as a judicial registrar or acting judicial registrar of the Magistrates Court.

The Magistrates Regulation 2013 commenced on 12 April 2013. Sections 2 and 3 of the regulation respectively set out the form of oath or affirmation required under sections 9(1) and 53F(1) of the Magistrates Act, the 2013 oath and the 2013 affirmation. However, the government understands the oath or affirmation that was administered to each of the relevant judicial officers during the relevant period was the oath or affirmation prescribed under the repealed Magistrates Regulation 2003. The effect of taking and subscribing the incorrect oath or affirmation, or not taking and subscribing an oath or affirmation at all, is that under section 9(1) and 53F(1) of the Magistrates Act those judicial officers would be prevented from exercising any of their powers and functions as a magistrate, acting magistrate or acting judicial registrar, as the case may be.

Further, the oversight potentially affects the continuing validity of the appointment of the relevant judicial officers. Section 9(3) of the act provides that if a person appointed as a magistrate or acting magistrate does not take the oath or affirmation mentioned in section 9(1) within three months after being appointed, the person ceases to hold office at the end of the three-month period. Section 53F(3) makes a similar provision for persons appointed as judicial registrars or acting judicial registrars.

This bill will remedy the situation by providing that the 2003 oath and the 2003 affirmation that was made and subscribed by the relevant judicial officers during the relevant period will be taken to be as effective as if the relevant judicial officer had taken the 2013 oath or made the 2013 affirmation, that is, the correct oath or affirmation. The bill declares the relevant judicial officers' exercise of powers or functions is or was and always has been as valid as it would be if the relevant judicial officers had taken the 2013 oath or made the 2013 affirmation instead of the 2003 oath or 2003 affirmation. Similarly, the bill includes an amendment to validate the appointment of a magistrate or acting magistrate who has failed to take and subscribe an oath or affirmation and to declare that the magistrate's exercise of powers or functions is or was and always has been as valid as it would be if the oath or affirmation had been taken and subscribed.

However, the bill requires a magistrate or acting magistrate who has failed to take an oath or affirmation as required by the act to do so within three months of commencement of the validating amendment in the bill. If the magistrate or acting magistrate does not or cannot take the required oath or affirmation within three months of the commencement, he or she will cease to hold office. The validating provisions in the bill will operate retrospectively, but this is unavoidable in the circumstances. The government is of the view that the administration of the incorrect form of oath or affirmation or failing to take an oath has no effect on the legal correctness of judgements and orders made by the judicial officers and, without retrospective remedial legislation, there is a serious risk of expensive and inconvenient disruption for parties who have ordered their affairs based on those judgments and orders.

This morning I have briefed the Speaker, the opposition and members of the Katter Australian Party and I thank them for the constructive discussions that we have had. I will endeavour to speak to the member for Cook so that I can ensure I have spoken to all crossbench members in relation to this important bill. I am happy to speak further to any members of the parliament if they have any questions. I commend the bill to the House.

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

Motion agreed to.

Bill read a first time.

Declared Urgent; Allocation of Time Limit Order

Hon. YM D'ATH (Redcliffe—ALP) (Attorney-General and Minister for Justice and Minister for Training and Skills) (11.35 am), by leave, without notice: I move—

That under the provisions of SO 137, the Magistrates Amendment Bill be declared an urgent bill and pass all remaining stages on this sitting day.

Question put—That the motion be agreed to.

Motion agreed to.

Madam DEPUTY SPEAKER (Ms Grace): Order! In accordance with the motion agreed to, the bill is now set down for the second reading to be moved later today.

~~INDUSTRIAL RELATIONS (RESTORING FAIRNESS) AND OTHER LEGISLATION AMENDMENT BILL~~

~~Introduction~~

~~**Hon. CW PITT** (Mulgrave ALP) (Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships) (11.35 am): I present a bill for an act to amend the Industrial Relations Act 1999 and to make amendments to the legislation mentioned in schedule 1 for particular purposes. I table the bill and the explanatory notes. I nominate the Finance and Administration Committee to consider the bill.~~

~~*Tabled paper:* Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015.~~

~~*Tabled paper:* Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015, explanatory notes.~~

~~Three months ago, the people of Queensland kicked out an arrogant and out-of-touch government because it did not listen to or support workers and their families. Contrary to telling government workers that they had nothing to fear from an LNP government, within six months of gaining power the Newman LNP government betrayed its own employees by exercising its massive majority to remove a range of employment conditions that helped ensure an impartial Public Service. It ruthlessly sacked 24,000 employees across the public sector, destroyed the fabric of our Public Service and damaged confidence in the traditions of our Westminster system of government. The LNP stripped away vital safeguards and conditions from Queensland workers, including state and local government workers. It rewound Queensland's IR system and set it back to the dark old days of Joh Bjelke Petersen. Joh would have been proud. Today the Palaszczuk government puts fairness back into Queensland's industrial relations system and starts to repair the damage done by three years of disgraceful LNP government changes to the working conditions of many government workers.~~

~~The Industrial Relations (Restoring Fairness) and Other Legislation Amendment Bill 2015 gives effect to the government's election commitments and priorities for industrial relations reforms. This bill abolishes those aspects of the LNP's industrial relations system that, if allowed to continue, would have irrevocably damaged the state's IR system and undermined the government's commitment to restoring fairness for government workers.~~

~~The bill I am introducing today seeks to amend the Industrial Relations Act 1999 to, one, restore the conditions of employment in awards and agreements covering state government employees that were made unenforceable by the LNP, including job security, contracting out protections, union encouragement, organisational change, policy incorporation, private practice, resource allocation to and restrictions on termination change and redundancy the TCR provisions and giving personal employee information. Two, re-establish the independence of the Queensland Industrial Relations Commission the QIRC by removing the unfair requirement that the QIRC must consider the employer's financial position and fiscal strategy as part of the public interest in wage arbitration matters. The LNP's amendments were an abuse of power because the act already sufficiently contemplates such matters and gives the QIRC latitude to take account of such considerations. These amendments tilted the bargaining and industrial relations arrangements in the government's favour in circumstances where the government is the employer. Three, return the QIRC to a layperson's tribunal where workers and union advocates operate on a level playing field with their employers by removing provisions that were introduced by the LNP that allowed legal representation without the consent of all parties. Four, remove prohibitions in qualifications on content that can be included in a modern award or certified agreement in the future. This means that the previous prohibitions on content identified as non allowable in modern industrial instruments, modern awards and modern certified agreements will be gone. Five, remove the notice requirements for an authorised industrial officer to enter a workplace and exercise rights under the IR Act. The notice requirements are overly bureaucratic and do not support a genuinely cooperative relationship between employers, unions and the workers they represent.~~