

~~Tabled paper: Integrity Bill, explanatory notes.~~

~~Second Reading~~

~~Hon. AM BLYTH (South Brisbane—ALP) (Premier and Minister for the Arts) (12.20 pm): I move—
That the bill be now read a second time.~~

~~In August this year the government released the discussion paper *Integrity and Accountability in Queensland* to seek public input on how Queensland's integrity and accountability framework could be improved and strengthened. The feedback from Queenslanders was clear: Queensland already has a robust integrity system but there is always room for improvement.~~

~~This bill is the first step in our process of strengthening Queensland's integrity and accountability framework. As I have already announced this morning, a comprehensive program of reform will be completed by the end of 2010 which will build on the initiatives in this legislation. This bill implements wide ranging enhancements to the functions and independence of the Integrity Commissioner, in recognition of the importance of this unique role to the effective functioning of our integrity framework.~~

~~The Integrity Commissioner will become an independent officer of the parliament reporting through a parliamentary committee. To facilitate this, the Parliament of Queensland Act 2001 will be amended to rename the current Members' Ethics and Parliamentary Privileges Committee as the Integrity, Ethics and Parliamentary Privileges Committee. This committee will take on the additional function of oversight of the Integrity Commissioner's performance and functions.~~

~~The bill provides the Integrity Commissioner with several important additional functions. Firstly, the Integrity Bill provides that any member of parliament may seek advice from the Integrity Commissioner. I have previously made it clear that I would require all government members of parliament to meet with the Integrity Commissioner annually. The bill facilitates these annual meetings which will be available for all members of parliament. This expansion of the Integrity Commissioner's role is designed to ensure that members of parliament receive regular independent advice on dealing with potential conflicts between their personal interests and their public duties as elected representatives.~~

~~Secondly, the responsibilities of the Integrity Commissioner will be extended to include responsibility for the administration of the Register of Lobbyists. In an Australian first, the bill will create a statutory regime for the regulation of the lobbying industry by putting the current requirements of the Queensland Contact with Lobbyists Code in legislation.~~

~~In addition, we are delivering on my commitment to ban the payment of success fees to third-party lobbyists on the basis of achieving a successful outcome from government. These reforms will provide clear direction and oversight for the lobbying industry, establish a high standard of ethical practice within the industry and ensure the probity and accountability of interactions between government representatives and the lobbying industry.~~

~~This bill will also introduce a new process to monitor and report on compliance with the requirement for directors general to lodge statements of interests with their responsible minister. The Public Service Act 2008 will be amended to require CEOs to provide a copy of their statements of interest to the Integrity Commissioner with confirmation that the statement has been provided to their minister. The Integrity Commissioner will report on the compliance of chief executives with this requirement and will be able to identify any non-complying CEOs.~~

~~Finally, the Integrity Bill will amend the Government Owned Corporations Act 1993 to bring government-owned corporations within the jurisdiction of the Crime and Misconduct Commission in relation to misconduct investigations. This will ensure that the use of public resources by these bodies is subject to the scrutiny of the CMC and that inappropriate behaviour can be appropriately pursued.~~

~~The job of delivering integrity and accountability in government is an ongoing mission. This bill begins a process of reform which will implement significant enhancements to our current system. My government is committed to continuing to drive reform and will continue to work hard to ensure that our integrity and accountability framework reflects the very high standards of integrity, accountability, transparency and honesty that Queenslanders expect of their government, both now and into the future.~~

~~Debate, on motion of Ms Simpson, adjourned.~~

CREDIT (COMMONWEALTH POWERS) BILL

Message from Deputy Governor

~~Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (12.34 pm): I present a message from the Deputy Governor.~~

~~The Deputy Speaker read the following message—~~

MESSAGE

CREDIT (COMMONWEALTH POWERS) BILL 2009

Constitution of Queensland 2001, section 68

I, MARGARET MCMURDO, Deputy Governor, recommend to the Legislative Assembly a Bill intitled—

A Bill for an Act to refer certain matters relating to the provision of credit and certain other financial transactions to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the Commonwealth Constitution, to repeal the Consumer Credit (Queensland) Act 1994 and the regulations under that Act, to repeal the Credit Act 1987 and the regulations under that Act, to provide for transitional and other matters relating to the referral of those matters and the repeal of those Acts and regulations, to continue to provide for a maximum annual percentage rate for credit contracts and to make consequential amendments to the Acts mentioned in the schedule.

(sgd)

DEPUTY GOVERNOR

9 November 2009

Tabled paper: Message, dated 9 November 2009, from the Deputy Governor recommending the Credit (Commonwealth Powers) Bill.

First Reading

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (12.35 pm): I present a bill for an act to refer certain matters relating to the provision of credit and certain other financial transactions to the Parliament of the Commonwealth for the purposes of section 51(xxxvii) of the Commonwealth Constitution, to repeal the Consumer Credit (Queensland) Act 1994 and the regulations under that act, to repeal the Credit Act 1987 and the regulations under that act, to provide for transitional and other matters relating to the referral of those matters and the repeal of those acts and regulations, to continue to provide for a maximum annual percentage rate for credit contracts and to make consequential amendments to the acts mentioned in the schedule. I present the explanatory notes, and 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.

Tabled paper: Credit (Commonwealth Powers) Bill.

Tabled paper: Credit (Commonwealth Powers) Bill, explanatory notes.

Second Reading

Hon. PJ LAWLOR (Southport—ALP) (Minister for Tourism and Fair Trading) (12.36 pm): I move—

That the bill be now read a second time.

The Credit (Commonwealth Powers) Bill 2009, which I shall refer to as the referral bill, provides for the referral of power to the Commonwealth parliament to make laws for the regulation of credit and repeals relevant credit legislation in Queensland. The referral bill will enable the Commonwealth to establish a single national law for the regulation of credit. Consumer credit in Australia is presently regulated by states and territories by way of the uniform Consumer Credit Code.

The Consumer Credit Code applies to most consumer credit including personal loans, continuing credit contracts, housing loans, leases and hire purchase agreements where the credit is for personal, domestic or household use. However, over the years some states and territories have introduced additional credit laws that are not consistent or even present in each jurisdiction—for example, interest rate caps and finance brokers legislation.

Because of these inconsistencies and the acknowledgement that credit does not end at state borders, in 2008 the Council of Australian Governments, COAG, agreed that responsibility for the regulation of credit matters, including finance broking, should be transferred from the states and territories to the Commonwealth. A seamless national regime will assist in ensuring that consumers are better protected in their dealings with credit products and credit providers, including finance brokers.

Upon completion of the transition, the Commonwealth will be the sole regulator and enforcer of the national credit laws. ASIC will be given extra powers to police the scheme. The transition of credit to the Commonwealth will be implemented in two phases.

Phase 1 will be the transfer of responsibility for existing key credit regulation to the Commonwealth. The majority of the national laws will commence on 1 July 2010. However, low-level registration requirements, which require credit providers and finance brokers to provide their contact details to ASIC, will commence earlier, on 1 April 2010.

The existing state and territory legislation, the Consumer Credit Code, will transition to a schedule to the Commonwealth's National Consumer Credit Protection Bill 2009. The transition of the current Consumer Credit Code is an acknowledgement of the good work states and territories have done in the credit area to date.

020 The scope of the present Consumer Credit Code will be extended by the Commonwealth to include regulation of credit provided to purchase, renovate, improve or refinance a residential investment property. Other key elements of phase 1 include a licensing regime for all providers of consumer credit and credit related services, and industry-wide responsible lending conduct requirements on licensees.

The Commonwealth drafted its phase 1 laws in consultation with representatives from industry, consumer groups, and external dispute resolution schemes. Each state and territory has participated in the transition process through the Financial Services and Credit Reform Implementation Task Force, which is chaired by the Commonwealth. The Australian government introduced the National Consumer Credit Protection Bill 2009 into the federal parliament on 25 June 2009. The bill was referred to the Senate Economics Legislation Committee for a public inquiry and was subsequently passed by the Senate in late October 2009.

Phase 2 of the transition consists of the Commonwealth considering additional credit matters such as extending the credit laws to small business and an examination of state approaches to interest rate caps. The Queensland government has strongly urged the Commonwealth to include an interest rate cap in its national regime and will continue to do so. All jurisdictions that currently have an interest rate cap will maintain them while the Commonwealth assesses the operation of the first phase of the national reforms in states both with and without interest rate caps. Queensland remains committed to an interest rate cap, and the bill gives effect to this by continuing Queensland's interest rate cap regime.

To enable the Commonwealth to implement its new national credit laws, the states and territories must first pass legislation referring power for the regulation of credit to the Commonwealth. I turn now to the referral bill being introduced here today. The referral bill is based on section 51(xxxvii) of the Commonwealth Constitution, and is model legislation developed by all states and territories through the Parliamentary Counsel's Committee.

The provisions of the bill accord with the terms of an intergovernmental agreement—namely, the National Credit Law Agreement 2009—to which the Commonwealth, states and territories will be parties. The referral bill provides for a two-tiered approach to the referral of powers to the Commonwealth for credit matters. The initial reference is a text reference, which means that the text of the National Consumer Credit Protection Bill 2009 and the National Consumer Credit Protection (Transitional and Consequential Provisions) Bill 2009, as tabled in the Legislative Assembly of Tasmania, is the lead referring state. I table a copy of those Commonwealth bills, which can also be accessed electronically at the Commonwealth government website at www.comlaw.gov.au.

Tabled paper: National Consumer Credit Protection Bill 2009 (Cwlth).

Tabled paper: National Consumer Credit Protection (Transitional and Consequential Provisions) Bill 2009 (Cwlth).

The second tier is the inclusion of a limited amendment reference to allow the Commonwealth to amend the referred credit matters. Part 3 of the referral bill lists the Queensland legislation that will be repealed upon commencement of the national credit laws. By making this referral of power, Queensland will be helping to deliver a historic national reform to improve the regulation of credit. This will enhance consumer protection and modernise Australia's financial services marketplace.

I would like to acknowledge the considerable efforts of industry, consumer groups, officers of the Commonwealth Treasury, ASIC and state and territory officers in progressing these important reforms to date. I commend the bill to the House.

Debate, on motion of Mr Stevens, adjourned.

~~TRANSPORT AND OTHER LEGISLATION AMENDMENT BILL~~

~~Second Reading~~

~~Resumed from 8 October (see p. 2697), on motion of Ms Nolan~~

~~That the bill be now read a second time.~~

~~Ms SIMPSON (Maroochydore—LNP) (12.43 pm): In rising to speak to the Transport and Other Legislation Amendment Bill 2009, I acknowledge that this is an omnibus bill which will amend a number of provisions across various acts. The acts to be specifically amended include the Maritime Safety Queensland Act 2002, the Transport Infrastructure Act 1994, Transport Operations (Marine Safety) Act 1994, Transport Operations (Passenger Transport) Act 1994 and the regulation under that act, the Transport Operations (Road Use Management) Act, the Transport Planning and Coordination Act 1994, and the Transport Security (Counter Terrorism) Act 2008 for particular purposes, as well as making other consequential and minor amendments in the schedule.~~